

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

Nadhrah A Kadir

Dissertation submitted to the faculty of the Virginia Polytechnic Institute and State University in
partial fulfillment of the requirements for the degree of

Doctor of Philosophy

In

Public Administration/Public Affairs

Joseph Rees, Co-Chair

Karen Hult, Co-Chair

Brian Cook

Anne Khademian

August 19 2015

Blacksburg, Virginia

Keywords: Administrative rules, green tape, stakeholder red tape, public participation,
transportation planning organization

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Nadhrah A Kadir

ABSTRACT

This dissertation 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 (as "green tape") or more negatively (as "red tape"), and how those perceptions have changed since 2007, 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 reforms, most notably by hiring a public involvement administrator. Acting as a transformative leader, this administrator began to adopt outreach programs, which stakeholders considered successful. By unpacking the notion of stakeholder red tape, guided by the attributes of stakeholder red tape and green tape, this study found that stakeholders perceived the rules more positively than they did in 2007.

ACKNOWLEDGMENTS

“Whoever has not thanked people, has not thanked God” (Prophet Muhammad SAW).

I would like to express my sincerest gratitude to my advisor, co-chairs, and committee members: Dr. Joe Rees, I thank you for your kind support, guidance, patience, and encouragement. I especially appreciate your assistance during the summer of 2014 and you taking the time out of your busy schedule to visit the HRTPO with me. Dr. Karen Hult, you have been a double blessing. Thank you very much for your endless encouragement, guidance, generous feedback, promptness, and excellent editing. Dr. Anne Khademian and Dr. Brian Cook, thank you very much for your kind support and inspiration. Words cannot express my appreciation for your intellectual support, inspiration, and assistance throughout this process. I am honored to have you all serve on my committee.

I am deeply thankful and appreciative for my good friends for their intellectual support as well as assistance in navigating the life inside and outside graduate school: Aaron Smith-Walters, Meredith Hundley, Donna Sedgwick, and Noel Gniady Banford. Thank you for always being there for me. I also would like to acknowledge the endless support and friendship from my colleagues: Kwangseon Hwang, Michal Linder-Zarankin, Minthieng Le, Emily Brock, Bart Yavarosky, SeungUk Hur, Seref Onder, Kate Preston Keeney, Rachel Gabriele, Fatima Sparger Sharif, Maria Stack, and James Harder. I am very fortunate to know you all.

My sincerest appreciation also goes to Laura French at the Center for Public Administration and Policy; the writing coaches at the Virginia Tech Writing Center; Mark McCaskill at the Roanoke Valley-Alleghany Regional Commission; and staff members at the Hampton Roads Transportation Planning Organization, Federal Highway Administration, and Virginia Department of Transportation. Thank you for your help, support, and dedication.

I also would like to thank my wonderful and amazing neighbors and friends at SLV: the Littlefields, Smiths, Kranowskis, Mignones, Imburs, Jacksons, Imanis, Lazars, Parrishes, Jacobsens, Dickersons, Moores, Howard-Skutt, Wenzel-Priest, Rahim-Memon, Poley-Stacy, Sarajane, Donna D, Jeannie, Jane, Donna B, Michael, Don, Megan, Lisa, Carol R, Bari, Carol D, Seth, Stephanie, Paula, and Linda for the joyful moments over meals, talent shows, Happy Hours, and the outdoor adventures. To my little SLV sunshine: Lila, Tyler, River, Solette, Carter, and Naila, thank you for the love, laughter, and smiles that brighten up my days.

To my mentor who has inspired this journey, Dr. Lim Hong Hai, thank you for your continued inspirations. I also thank the University Science of Malaysia and Ministry of Education, without their support this valuable opportunity would not have been possible.

My immense gratitude goes to my parents: A Kadir Ahmed and Zaharah Abdullah; my aunts: Rokiah and Rosnah; and my siblings: Nadiah, Nadhilah, Najwa, and Aiman— thank you for having faith in me, for your continued love, support, prayers, encouragement, and patience. I love all of you deeply. To my late grandparents: I love and miss you both. I think about you often.

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LIST OF ABBREVIATIONS

ADA	: American with Disabilities Act
ACIR	: The U.S Advisory Commission on Intergovernmental Relations
CTAC	: Citizens Transportation Advisory Committee
CTB	: Commonwealth Transportation Board
DOT	: Department of Transportation
EJ	: Environmental Justice
FHWA	: Federal Highways Administration
FTA	: Federal Transit Administration
FY	: Fiscal Year
HRMPO	: Hampton Roads Metropolitan Planning Organization
HRPDC	: Hampton Roads Planning District Commission
HRTPO	: Hampton Roads Transportation Planning Organization
ISTEA	: Intermodal Surface Transportation Act
LEP	: Limited English Proficiency
LRTP	: Long-Range Transportation Plan
MAP-21	: Moving Ahead for Progress-21
MPA	: Metropolitan Planning Area
MPO	: Metropolitan Planning Organization
NEPA	: National Environmental Policy Act
PPP	: Public Participation Plan
SAFETEA-LU	: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
TEA-21	: Transportation Equity Act for the 21 st Century
TIP	: Transportation Improvement Program

TMA : Transportation Management Area
TPB : Transportation Planning Board
SDOT : State Department of Transportation
USDOT : United States Department of Transportation
VDOT : Virginia Department of Transportation

CHAPTER 1

INTRODUCTION

A magazine photo of a heated crowd at a contentious public hearing in San Francisco caught my attention. A citizen who attended the meeting lamented that people were angry not only because of the controversial issues discussed, but also because of a three minute rule for asking questions and making comments. Leighninger (2013, 3) has commented that “outdated public participation laws are corroding American democracy.” I wondered whether this is a common sentiment or perhaps just another anti-bureaucratic comment. Normatively, public participation is designed to foster relationships between public agencies and citizens in order for both to have a meaningful engagement. I set out to explore how people who are involved with public participation perceive the rules governing the process.

Public participation in transportation planning serves as the setting for this study, and perceptions of administrative rules,¹ 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).

This introductory chapter has four aims. First, I describe the problem the study examines. Then, I outline my research questions. Next, I articulate the research purpose and discuss its significance, and review the dissertation’s organization.

¹ 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.

Problem Statement

The Hampton Roads Transportation Planning Organization is one of Virginia's largest Metropolitan Planning Organizations (MPOs) and ranks among the top 30 in the entire country (PBS&J 2009). In addition, the HRTPO is classified as a Transportation Management Area (TMA) (an urbanized area with a population of over 200,000 as defined by the U.S Census) and 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.

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 the lack of public notices and technical advisory meeting minutes posted on the MPO website. By 2007, however, the HRTPO had not taken any action (HRMPO Meeting Minutes 2007), and in 2007, the HRTPO received a conditional certification. The FHWA/FTA found 11 problems that required corrective actions, including seven related to public participation processes (detailed in Chapter 2). 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 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”² 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).

Research Questions

The changes in views of public participation and its rules in particular provide the backdrop to this study, although no clear causal argument can be made about what influenced the changes. The purpose of this study is to more fully understand the nature of the shifting perceptions, attitudes, and experiences of HRTPO stakeholders, and their implications for public participation. The research questions this study investigated are: how have the perceptions changed since 2007? How do stakeholders perceive the administrative rules that govern public

² The term “best practices” is debatable, and it may mean different things as Chapter 5 will discuss.

participation processes in the HRTPO, more positively (as “green tape”) or more negatively (as “red tape”)?

Purpose and Significance of the Study

This is a study of attitudes toward public bureaucracy. Broadly, its goal 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 functions 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 are able to produce 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).

Figure 1 shows the process of public participation in general. Although many studies have examined the effectiveness³ of mechanisms of public participation (second box) in relation to “meaningful/ authentic/ successful” public participation, the focus of this study is the administrative rules for public participation (first box). 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)

³ 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.

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, public participation mechanisms 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. While it is undeniable that administrative rules are part of the process of public participation, it is important to understand stakeholders' perceptions of the administrative rules.

This study explores the perceptions of multiple stakeholders toward the administrative rules that govern public participation processes in the HRTPO. It examines the nature of those perceptions through the lenses of green tape and red tape. Several attributes of the rules may have contributed to positive and negative perceptions of them. Understanding such perceptions matters as perceptions are often accurate reflections of reality (Moon and Bretschneider 2002). 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).

There is a lack of theoretical discussion and empirical evidence about stakeholders' perceptions of administrative rules, especially in qualitative work. This study aims to shed further light by focusing on the administrative rules that govern public participation processes in transportation planning. It enriches the understanding of perceptions of administrative rules by adding evidence to the literature on green tape and red tape. This study does not attempt to

quantitatively measure green tape or red tape; rather, it gauges stakeholders' perceptions of administrative rules by examining perceived attributes of green tape and red tape in the administrative rules governing public participation. These perceptions "are conditioned by respondent perspective, position, and stakes" (Bozeman and Feeney 2011, 95).

In addition, given the circumstances in the 2007 certification review and the strengths reported in the 2012 certification review, this study extends the literature on factors contributing to a "successful" and "unsuccessful" (challenges) of public participation specifically in an MPO.

This study has implications for the practice of public administration, especially in light of Leighninger's (2014) call to update public participation laws. 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?).

Beyond implications for the practice of public administration, this study is relevant to practitioners of public administration. 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 addition, practitioners can learn lessons from how those perceptions changed from negative (unsuccessful) to positive (successful) public participation.



Figure 1: Public Participation Process

Organization of the Dissertation

This dissertation proceeds in several chapters. Chapter 2 provides background on the nature and function of 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. Importantly, in this chapter, I describe the circumstances surrounding the 2007 certification review.

Chapter 3 explores the relevant literature. I first discuss scholarship on public participation and public participation in transportation planning, and perceptions of administrative rules of public participation in general. The chapter also reviews scholarship on bureaucracy and administrative rules; then, I turn to bureaucratic pathologies specifically on red tape and stakeholder red tape. Then, I briefly discuss green tape. The discussion on attributes of stakeholder red tape and green tape shed light on how stakeholders may perceive administrative rules.

Chapter 4 examines the research design. I justify why I selected the HRTPO as an exploratory single case study. I also describe the sample of stakeholders and how the data were collected through archival documents and in-depth, semi-structured interviews. In addition, I describe the procedures for data analysis and discuss the limitations of the study.

Chapter 5 presents accounts of how the perceptions of administrative rules have changed since 2007. This chapter allows me to further understand the perceptions, attitudes, and experiences of stakeholders before the 2007 certification review. The accounts cover how stakeholders' perceptions have changed from 2007 through the 2012 certification review with various efforts, improvements, and accomplishments in HRTPO's public participation practices. Finally, to further understand these changes, I tap perceptions of what "public participation" and "successful public participation" meant to those interviewed.

Discussion of the findings continues in Chapter 6, where I present stakeholders' perceptions of administrative rules governing public participation through the lenses of green tape and stakeholder red tape. First, I unpack the definition of stakeholder red tape using several indicators. Then, I detail the findings using attributes of both green tape and stakeholder red tape. This analysis unpacks the existing attributes and identifies several other attributes that stakeholders associated with positive and negative perceptions of administrative rules.

Finally, in Chapter 7, I offer my concluding thoughts by examining the study's key findings and contributions as well as by making recommendations for future research.

CHAPTER 2

BACKGROUND AND CONTEXT

This chapter provides an overview of the research setting and context of this study. In the first part I highlight the history, nature, and function of metropolitan planning organizations (MPOs). Then, I detail the administrative rules governing public participation in MPOs. The review of administrative rules is the basis for my examination of stakeholders' perceptions of these rules. The administrative rules governing public participation processes in MPOs are derived from federal regulations and statutes and state laws and policies. These rules are classified into two categories: mandated and non-mandated. Next, I describe the Hampton Roads Transportation Planning Organization (HRTPO) in particular. Finally, I discuss the context of this study: public participation in the HRTPO.

Metropolitan Planning Organizations

Congress created the requirement for MPOs in 1962 through the Federal Aid Highway Act. Three important pieces of federal legislation assigned the responsibilities of an MPO: Title 23 (Transportation), Title 49 (Public Transit), and the National Environmental Protection Act (NEPA). 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 to a large extent empowered 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).

MPOs vary in size, number, and shape. Their roles also differ, largely shaped by factors such as “their relationship to the state department of transportation (SDOT), the 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). Initially, the majority of MPOs were regional councils, but beginning in the 1980s several MPOs were formed as single entities or housed within city or county organizations. According to Lewis and Sprague (1997, 34), there are four types of MPOs: a council of governments (COG), comprised of several representatives of local governments such as mayors, city council members, or county supervisors; a freestanding entity solely committed to transportation planning in which members are appointed by local or state elected officials; a unit within a county government; and an MPO staffed by the state government. The last two types of MPO are normally found in smaller urban areas. In 2014, there were 425 MPOs in the United States, with 14 in Virginia (see Table 1). 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).

ISTEA established more comprehensive tasks for MPOs. It also granted more authority and additional funding for the bodies and required state transportation officials to consult with MPOs when making decisions (HRTPO 2014). Most writers commented that ISTEA was “innovative”: for the first time a piece of federal transportation legislation emphasized public participation (Lewis and Sprague 1997). ISTEA, coupled with the Transportation Equity Act for the 21st Century (TEA-21) in 1998, have provided more stringent requirements for MPOs: the transportation plans developed by MPOs need to be fiscally constrained⁴ as well as take into consideration opinions from all interested parties (Taylor 2007). TEA-21 also strongly encourages MPOs to involve all affected parties in the planning process.

ISTEA also requires MPOs to be certified by the FHWA or run the risk of having federal funds withheld (Lewis and Sprague 1997; Mc Dowell 1999). MPOs are required to be certified at least every four years. In Transportation Management Areas (TMAs), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA) jointly review and evaluate the transportation planning processes of MPOs to determine if they meet statutory requirements. In addition, the review is to ensure the quality of MPO processes and to determine any required assistance to enhance the effectiveness of the processes. The topics of review include “study area organization structure, metropolitan planning area boundaries, agreements and contracts, Unified Planning Work Program (UPWP) Development, financial planning, public

⁴ “The amount of funding programmed cannot exceed the amount of funding reasonably expected to be available” (HRTPO TIP 2015, Section I-I).

involvement/ outreach, consultation and coordination, transportation safety planning, congestion management process (CMP), and visualization technique” (TPCB undated).

NO.	MPO	State	Major City	Area (Sq. Miles)	2010 Census Population	Designation Year
1	Bristol MPO	VA, TN	Bristol	266	93,307	1982
2	Central Virginia MPO	VA	Lynchburg	353	153,316	1979
3	Charlottesville-Albemarle MPO	VA	Charlottesville	195	113,074	1982
4	Danville MPO	VA	Martinsville	198	65,689	1983
5	Fredericksburg Area MPO (FAMPO)	VA	Fredericksburg	698	275,639	1992
6	Hampton Roads Transportation Planning Organization (HRTPO)	VA	Chesapeake	2,082	1,618,505	1991
7	Harrisonburg-Rockingham MPO (HRMPO)	VA	Staunton	106	74,365	2003
8	Kingsport MPO	VA, TN	Kingsport	281	125,260	1977
9	New River Valley MPO	VA	Christiansburg	113	79,260	2003

10	National Capital Region Transportation Planning Board (TPB)	DC, MD, VA	Washington	3,111	4,991,324	1965
11	Richmond Area MPO	VA	Richmond	1,482	934,060	1974
12	Roanoke Valley Area MPO	VA	Roanoke	229	27,507	1974
13	Tri Cities Area MPO	VA	Petersburg	313	149,029	1974
14	Winchester-Frederick County MPO (WinFred MPO)	VA	Winchester	103	78,440	2003

Table 1: Virginia MPOs (www.planning.dot.gov/mpo.asp, November 2014).

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 undated). 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 undated, 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 walkways and bicycle transportation facilities, representatives of the disabled...” (SAFETEA-LU 1995, 119 Stat. 1554).

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. They listed several success factors for MPOs fostering “quality” public participation (Goetz et al., 2002, 101):

- i. Aggressively form partnerships with citizen groups;
- ii. Encourage stakeholder groups concerned about transportation issues (e.g., chambers of commerce and land-use organizations) to become involved in advocating their transportation priorities;
- iii. Provide informational briefings and dialogues with transportation committees of their state legislature, state transportation commissions, local transit providers, municipal leagues, and county organizations for purposes of informing them of, and building consensus on, needs and priorities;
- iv. Publicize the work they do in addressing transportation and air-quality problems; and
- v. Respond promptly to inquiries and complaints.

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 in which agency actions affect many stakeholders (FHWA/FTA undated). Not surprisingly, numerous federal regulations mandate that states conduct planning processes in order to be eligible to receive federal transportation funds (see Table 2). 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 as in decision making” (O’Connor et al. undated, 5). As Gazillo et al. (2013, 3) emphasize, “for transportation projects, developing and implementing public involvement plans is the law.”

Federal Laws	<ol style="list-style-type: none"> 1. Administrative Procedure Act (1946) 2. Federal Aid-Highway Act (1950) 3. Federal Aid-Highway Act (1962) (Specific for planning requirements) 4. Title VI of the Civil Rights Act (1964) 5. Department of Transportation Act (1966) 6. National Environmental Policy Act (1969) 7. Intermodal Surface Transportation Act (ISTEA) (1991) 8. Executive Order on Environmental Justice (1994) 9. Executive Order on Limited English Proficiency (2000) (LEP) 10. Transportation Equity Act for 21st Century (TEA-21) 11. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (2005) 12. Moving Ahead for Progress-21 (MAP-21) (2008)
Federal Highway Administration (FHWA) and Federal Transportation Administration (FTA) Policies	<ol style="list-style-type: none"> 1. Interim Policy on Public Involvement 2. FHWA's Public Involvement Techniques for Transportation Decision-making (1996) 3. FHWA's Community Impact Assessment and Context Sensitive Solutions (1998) 4. FHWA's How to Engage Low-Literacy and Limited-English Proficiency Populations in Transportation Decision-making 5. Enhancing Public Participation in Regional Public Transportation Planning (FTA 2009)
Virginia Departments of Transportation (VDOT) and Railway and Public Transportation (DRPT) Policies	<ol style="list-style-type: none"> 1. Public Participation in Virginia’s Transportation Planning and Programming Process

Metropolitan Planning Organizations (MPOs)	<ol style="list-style-type: none"> 1. Public Participation Plan (PPP) 2. Title VI & Environmental Justice
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Table 2: Laws and Policies Governing Public Participation in Transportation Planning (Sources: the FHWA, VDOT, and HRTPO websites, accessed October 2014).

Legal 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.

As mentioned earlier, prior to the Intermodal Surface Transportation Efficiency Act (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) further emphasized 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 urges that public participation be included “early and often” (McDowell 1999, 17) and “early, proactive and sustained” (Childress 2008, 7). This was a major shift from NEPA’s 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 (see Table 3).

Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)	1995
Transportation Equity Act for the 21st Century (TEA-21)	1998
Moving Ahead for Progress in the 21st Century Act (MAP-21)	2012
Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act (GROW AMERICA Act)	2014

Table 3: Federal Statutes on Transportation Planning, 1995-2014 (Source: FHWA website, 2014).

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 4 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 - Have reasonable access to the information - Held at a convenience place and time - Employ the visualization techniques (SAFETEA-LU)
Maintenance of a website	<ul style="list-style-type: none"> - Make public information available (technical info, meeting notice, meeting minutes)
Demonstration of explicit consideration and response to public input received (ISTEA 1990)	<ul style="list-style-type: none"> - Provide copies of the approved plan to the FHWA and FTA - Post plan on the website

Public comments	<ul style="list-style-type: none"> - Give public comment periods 45 days - Provide summary, analysis and report of comments received. - Provide an additional opportunity for public comment, if the final metropolitan transportation plan 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)	<ul style="list-style-type: none"> - Establish outreach programs
Consultation	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - Include plan for non-discrimination among participating citizens
American Disabilities Act (ADA)	<ul style="list-style-type: none"> - Comply with the requirements of ADA

Table 4: Mandated Administrative Rules for Public Participation (Source: FHWA and HRTPO websites, 2014).

Non-Mandated Rules and Regulations for Public Participation in MPOs

The non-mandated 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), status of

the MPO (its size and age), and attitudes of administrators toward public participation 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.

Next, I turn the discussion to the research setting and context of this study: the HRTPO and public participation in the HRTPO.

Hampton Roads Transportation Planning Organization (HRTPO)

Hampton Roads is named after Mr. Earl of Southampton, a leader in the London Company that financed English colonization in Virginia between 1607 and 1624. “Roads” refers to “a place where a ship can ride at anchor, relatively safe from displacement by strong currents or storms” (www.virginiaplaces.org 2014). Indeed, water has defined the region’s characteristics and activities including its economy, culture, quality of life, and mode of transportation. The waterways in the region create a mix of transportation modes, with various bridges, tunnels and ferries that provide connections between places. The Hampton Roads Bridge Tunnel connects Norfolk and Hampton, the Monitor Merrimac Memorial Bridge Tunnel links Suffolk and Newport News, and Midtown and Downtown Tunnels connect Norfolk and Portsmouth (HRTPO 2014). The Hampton Roads Transportation System includes roadways, public transportation, freight rail, light rail, port activity, air travel, transportation alternatives, and transit-oriented development. In 2014, the responsible authority, the Virginia Department of Transportation (VDOT), began investigating the prospect of building High Speed and Intercity Passenger Rail (HRTPO 2014).

Another defining characteristic of Hampton Roads is that it is home to Naval Station Norfolk, the largest naval facility in the world, with 256,000 active duty and civilian personnel (HRTPO 2014a). Also in Hampton Roads are four state-operated port facilities, several private port facilities, 83 federal facilities, two international airports, three Amtrak stations, freight rail lines, and shipyards (HRTPO 2014b, I-2). The region is a major tourist destination, home to the Williamsburg historic area and Virginia Beach. Hampton Roads is also the location of several higher education institutions and research centers such as the College of William and Mary, Hampton University, and Old Dominion University. In 2015, the estimated population within the Hampton Roads Metropolitan Planning Area was nearly 1.7 million (www.hrtpo.org). The Hampton Roads Metropolitan Planning Area is located in southeastern Virginia adjacent to the Atlantic Ocean and the Chesapeake Bay and is divided by the James River and the Hampton Roads harbor (HRTPO 2014b). The region is among the 35 largest Metropolitan Statistical Areas in the United States (HRTPO 2014a).

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). 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. Virginia has four TMAs: the National Capital Region's Transportation Planning Board, the HRTPO, the Richmond TMA and the most recent one, the Roanoke Valley Area TMA. As a TMA, the HRTPO consists of "local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials" (Federal Register 2007, 7271). The status also allows the HRTPO to enjoy certain benefits and incur additional requirements beyond those of smaller urbanized areas (23 USC 134 a).

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 composition of the HRTPO staff and the HRTPO board advisory committees in 2014 appears in Table 5. The HRTPO includes various stakeholders from local, state, and federal governments and both government and for profit transit agencies (see Table 6 for voting and non-voting board members).



Figure 2: HRTPO Jurisdictional Boundaries (Source: HRTPO website, December 15, 2014)

HRTPO STAFF	HRTPO BOARD ADVISORY COMMITTEES
Interim Executive Director (1)	Transportation Technical Advisory Committee (TTAC)
Engineers (5)	Citizen Transportation Advisory Committee (CTAC)
Planners (5)	Freight Transportation Advisory Committee (FTAC)
Public Involvement/ Title VI Principal Administrator (1)	Transportation Advisory Committee (TAC)
Administrative Staff (14)	Legislative Ad-Hoc Committee
	Passenger Rail Task Force

Table 5: HRTPO Staff and HRTPO Board Advisory Committee (HRTPO website, December 12, 2014).

VOTING BOARD MEMBERS	NON-VOTING BOARD MEMBERS
Chesapeake (Elected official)	Chesapeake (Chief administrative officer)
Hampton (Elected official)	Hampton (Chief administrative officer)
Newport News (Elected official)	Newport News (Chief administrative officer)
Norfolk (Elected official)	Norfolk (Chief administrative officer)
Poquoson (Elected official)	Poquoson (Chief administrative officer)
Portsmouth (Elected official)	Portsmouth (Chief administrative officer)
Suffolk (Elected official)	Suffolk (Chief administrative officer)
Virginia Beach (Elected official)	Virginia Beach (Chief administrative officer)
Williamsburg (Elected official)	Williamsburg (Chief administrative officer)
Gloucester (Elected official)	Gloucester (Chief administrative officer)
Isle of Wight (Elected official)	Isle of Wight (Chief administrative officer)
James City (Elected official)	James City (Chief administrative officer)
York (Elected official)	York (Chief administrative officer)

VOTING BOARD MEMBERS	NON-VOTING BOARD MEMBERS
Virginia Senate (Elected official)	Federal Highway Administration (FHWA)
Virginia House of Delegates (Elected official)	Federal Transit Administration (FTA)
Hampton Roads Transit	Virginia Department of Aviation
Williamsburg Area Transit Authority	HRTPO CTAC
Virginia Department of Transportation	HRTPO FTAC
Virginia Port Authority	Liaisons from region's military installations

Table 6: Voting and Non-voting Boards Members (HRTPO, 2014)

Public Participation in the HRTPO

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 diverse racially, culturally, and economically, 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. Among mechanisms designed to engage and inform the public are the “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. Federal regulations require the PPP at a minimum to explicitly (DOT 2012a, 23):

i. Provide adequate public notice of public participation activities and time for public review and comment at key decision points (include commenting on proposed plan and TIP);

ii. Provide timely notice and reasonable access to information about transportation issues and processes;

iii. Employ visualization techniques to describe metropolitan plans and TIPs;

iv. Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the Internet;

v. Hold any public meetings at convenient and accessible locations and times;

vi. Demonstrate explicit consideration and response to public input received during development of the metropolitan plan and TIP;

vii. Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who face challenges accessing employment and other services;

viii. Provide additional opportunity for public comments if the final plan or TIP differs significantly from the one that was originally made available for review;

ix. Coordinate with the statewide transportation planning public involvement process;
and

x. Periodically review the effectiveness of the procedures and strategies contained in the PPP to ensure a full and open participation process.

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. For instance, the application of Title VI and EJ in one of the HRTPO's plan, LRTP, "helped direct the tone of the survey outreach, assured better dissemination of survey and ensure greater response, and enhanced outreach to seniors, diverse communities, limited English proficiency, and low income populations" (Miller 2014, 9).

This newer commitment is striking since the HRTPO faced seven corrective actions related to public participation processes in 2007. Moreover, the perceptions of public participation and specifically the administrative rules that governed the processes were largely negative (Personal communication, July 2014). As early as 2001, the federal team noted several weaknesses pertaining to public participation and made strong recommendations to the HRTPO (at the time, the HRMPO). The problems related to methods of receiving public comment, lack of public notices of meetings and posting meeting minutes, and closed technical advisory committee meetings. In addition to these technical problems of public participation, the HRMPO faced broader issues related to public participation such as lack of resources (money and staff in charge of public participation), unclear organizational structure between HRMPO and Hampton Roads Planning District Commission (HRPDC), pessimistic views of public participation by the top management, and disagreement with the FHWA (Chapter 5 details these problems).

During the 2007 certification review, the federal team commented that not much had changed: meetings were still held behind closed doors; there was a lack of public notices for technical advisory committee meetings and a lack of meeting minutes available online; and no time was allocated for public comments (MPO Minutes 2007). Significantly, the federal team pointed out that “with the exception of the Hampton Roads MPO, all other MPOs in Virginia advertise their advisory committee meetings and welcome public comment at the MPO Policy Board Meeting” (FHWA/FTA 2008, 20).

The recommended corrective actions involved open meetings and notification requirements for public meetings; greater effectiveness, openness and completeness of the transportation planning and programming process (including advisory committees); the public participation plan; procedures for applying environmental justice and outreach activities in low-

income and minority communities to solicit input; the Title VI Plan; a comprehensive Title VI review; and 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). Other recommendations included:

- i. The MPO Policy Board provide a citizen comment period prior to MPO public meetings.
- ii. The MPO Policy Board provide a written description of the various advisory committees of the MPO outlining their purpose and voting membership for public consumption.
- iii. The MPO utilize some of its federal planning funds to contract with a firm specializing in public outreach to minority communities to assist the MPO in developing outreach strategies as part of its participation planning process.
- iv. The MPO develop an educational document aimed at informing citizens what the MPO is and does and how citizen participation in the regional decision making process is demonstrated in plan/program development.

The HRTPO took into consideration all of the recommendations and I discuss the efforts, improvements and accomplishments of its public participation in Chapter 5.

Summary

This chapter provided background on metropolitan planning organizations (MPOs) and the administrative rules of public participation in MPOs. It also described the focal case, the Hampton Roads Transportation Planning Organization (HRTPO) and the context of the study, public participation in the HRTPO. Importantly, this chapter described the significant problems the HRTPO faced prior to and during the 2007 certification review. It also briefly reviewed the

cornerstone document of public participation in the HRTPO (the PPP) and the FHWA's recommendations following the 2007 certification review. In the following chapter, I discuss relevant scholarships that frame the questions of the study: public participation in transportation planning and the perceptions of administrative rules through the lenses of stakeholder red tape and green tape.

CHAPTER 3

PUBLIC PARTICIPATION AND ADMINISTRATIVE RULES

This is a study of bureaucracy, and one of the key elements of bureaucracy is administrative rules. Equally important, public participation is becoming key responsibility for those who work in public organizations. This study explored the dynamic interactions of stakeholders with administrative rules governing public participation in a public organization. In particular, it examined multiple stakeholders' perceptions of administrative rules governing public participation in the HRTPO through the lenses of green tape and stakeholder red tape, and how those perceptions have changed since 2007.

To provide a better grounding for the study, this chapter reviews two major bodies of literature: public participation and administrative rules in public organizations. The first section begins with a brief overview of public participation in the United States and in transportation planning. This section also reviews the factors contributing to “successful” and challenges of public participation. Since this study explored how the perceptions changed from negative to positive, it explored the challenges and success stories of the processes and contributes to this part of literature. More importantly, the public participation literature on transportation agencies that does exist does not provide a comprehensive view of current public involvement practices at MPOs especially on the factors contributing to “successful” and “unsuccessful” public participation. 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. This section concludes by reviewing the general perceptions of administrative rules in public participation. Little research has been done on the

perceptions of administrative rules governing public participation, especially in the transportation planning. This study sought to fill the gap.

The second section looks at scholarship on bureaucracy and administrative rules. Next, I discuss bureaucratic pathologies, including red tape. I distinguish two prevalent definitions of red tape: organizational red tape and stakeholder red tape. After reviewing the concept of green tape, I detail the attributes that contributed to rules being perceived as stakeholder red tape and green tape: the extent of stakeholders' understanding of the rules' purposes, formalization, control, compliance, consistent rule application, and valid means-ends relationship. Although the literature acknowledges the importance of stakeholder red tape, very few studies have focused on stakeholder red tape and less is known about the attributes contributed to both stakeholder red tape and green tape. Moreover, this concern remains unexplored qualitatively. This study fills these gaps by specifically examining multiple stakeholders' perceptions of administrative rules governing public participation.

Public Participation

Buckwalter (2012, 12) points out that mandated public participation should be viewed as “not as forcing the public to participate, but rather forcing the state to provide a venue and means for the public to participate.” Mandated public participation in the U.S is not a new practice, especially where local governments are concerned (Amsler 2013). The federal requirement for public participation can be traced back to the Administrative Procedure Act of 1946 that requires federal agencies to inform the public of their procedures and rules (Childress 2008). Many federal regulations that mandate public participation are not exclusively for transportation planning, but include other policy areas such as housing, education, and the environment.

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.

“Successful” Public Participation

The literature also considers the outcomes of public participation. Among other things, scholarship discusses the effectiveness of public participation mechanisms in producing more

“meaningful” and “successful” participation in engaging the public. By and large, there is no general consensus on how one defines a “successful” public participation process. This is largely due to different approaches to and conceptualizations of participation. As Kulozu argues, there is little consensus on whether “it is as a means to an end, or an end in itself,” shaping how one might assess public participation outcomes (2014, 48). Successful participation may require several conditions such as the willingness of citizens to take part in the process, accurate information about issues being disseminated in a timely manner, and a process that provides ways for clarification and consensus (HRCCE 2013). In addition, Kweit and Kweit (1981, 104) suggest three determinants of successful public participation: “Characteristics of the structure of participation (i.e., mechanisms, organizations); ... participation targets (resource base, structure, member attitude); ...environment (stability, forms of government, and community size).”

Similarly, Pandey and Yang (2011, 882) in their research examined four variables that may contribute to participation outcomes: participation tools (the use of multiple types of mechanisms), characteristics of participants (e.g., citizen competence and representativeness), characteristics of target organizations (e.g., bureaucratic structure and red tape), and environment (e.g., elected official support). They found four significant public management factors that contributed to successful public participation: elected official support, lower levels of red tape (too many rules e.g., rigidity and inflexibility may impede the process), hierarchical authority (multiple management levels and centralization may hinder participation), and transformational leadership (transformational leaders are able to motivate followers’ behavior by changing their attitudes and assumptions about participation) (Pandey and Yang 2011). In addition, strong and better leadership may enhance participation outcomes (King et al. 1998).

Common terms that are associated with successful participation are “effectiveness, efficiency, and equity” (Kulozu 2014, 50). The elements of effective public participation include the need to be inclusive; to provide incentives for participation especially for vulnerable stakeholders; and to incorporate the input gathered from public participation processes (Khademian et al. 2007). In addition, Kaiser et al. (1995) argue that effective public participation can be attained if those who participate in the process are aware of their interests and have enough power to help ensure that outcomes are representative and equal.

Another common theme related to successful participation is the extent to which public participation is “authentic” (Figuredo 2005, King et al. 1998, Roberts 1997). “Authentic” participation is defined as “deep and continuous involvement” (King et al. 1998), which focuses on “organizational processes, structures, and implementation” (Figuredo 2005, 21) and involves the public at large in deliberation throughout (Roberts 1997). Figuredo (2005) outlines four determinants of the authenticity of public participation: the extent of representativeness of the public, the use of public input in decision making, the extent of interaction, and the quality of input received.

Challenges of Public Participation

Although the goals of public participation tend to be positive, the process itself does not necessarily result in success. In fact, Rosener (1978) argues that even though the number of participation mandates has increased substantially, less is known about what constitutes “successful” and “unsuccessful” public participation. More broadly, the main challenges of public participation are lack of public awareness of the importance of participation, lack of financial resources, time and mobility constraints, language barriers, and cynicism toward

government (Giering 2011). In addition, at times, public participation in well-functioning democracies can bring confusion and frustration rather than clarity and consensus (Wang and Van Wart 2007).

King et al. (1998, 322) describe three major challenges to successful participation:

- i. The nature of life in contemporary society such as “transportation, time constraints, family structure, number of family members in the labor force, child care, and economic disadvantages.”
- ii. Administrative processes such as one way communication (public agency to citizens)
- iii. Techniques of participation such as public hearings with accessibility concerns, citizen advisory committee with biases compositions, and surveys that tend to document one point in time opinion and having less interaction with the public.

Overcoming such challenges requires the cooperation from both public agency and citizens.

King et al. (1998) suggest the following: citizens need to be empowered and educated. They need to know that their participation mattered and diverse representation will have an impact on decisions. Public administrators in charge of public participation need to equip themselves with the right participation knowledge and skills. Next are the changes in administrative structures and processes which can be difficult to do, but essential for positive participation outcomes. For changes to happen, leadership and resources are crucial in order to create an environment that would be able to facilitate “authentic” participation. Next, I review public participation in transportation planning.

Public Participation in Transportation Planning

Transportation planning involves several important and complicated processes (see

Figure 3) such as:

- 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 future 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.



Figure 3: Transportation Planning Process (FHWA/FTA 2007, 2).

Regardless of the complexity and technical nature of transportation issues, public participation is crucial since citizens often have a lot of 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 are better developed, improved relationship between 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, p), 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.

Goetz et al. (2002, 99) in their study of successful MPO processes listed several characteristics: “effective leadership, MPO staff competence and credibility, aggressive public involvement programs, regional ethos, streamlined and efficient process, cooperative relationship with the State DOT, land use, and accountability.” Aggressive public participation included

robust partnership with citizens, encouraging stakeholders to be involved in and advocating for their issues, continuous and consistent information disseminations with stakeholders, and timely responses to inquiries and complaints (Goetz et al. 2002). Based on a survey of 26 state DOTs and MPOs, Morris and Fragala (2010, 11) found that respondents defined “successful” public participation as “getting informed consent from the public; providing equitable access to decision making and offering opportunities to provide input; getting a better decision than planned; reaching a representative set of the population; and acquiring meaningful input that results in a plan that reflects the priorities of the community.”

Despite the fact that public participation in transportation planning is significant, its overall relationship to performance tends to be disappointing (Khisty 1996). For planners, the problems are a lack of knowledge, skills, and positive attitude to building support for public participation among planners, a lack of necessary expertise to deal with political partisan issues, and the view that public participation is a waste of agency time and a distraction from their busy schedules (Khisty 1996). Kramer et al. (2006, vii) contend that the challenges of public participation in transportation planning include a lack of public understanding about projects, “managing competing interests and difficult personalities, and inadequate intergovernmental coordination in public involvement” as well as limited staff and financial resources.

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 Syzliowicz 2002, 37).

Similar with 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; Syzliowicz 2002). Yet there is a lack of attention to the rules governing the processes. This study aims to fill this gap.

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 failed to foster interaction between administrators and citizens, which in turn limited 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 review the administrative rules that govern public participation to see 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 to 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). Figuredo (2005) argues that without specific requirements, it is hard to achieve high levels of participation. Not surprisingly, many state departments of transportations (SDOTs) failed to meet the broad requirement of federal laws (Hoover 1994).

Thus far, the review of scholarship revealed how public participation focuses on the nature, functions, and mechanisms of participation. The literature also tends to discuss outcomes of public participation such as evaluation of the effectiveness of public participation mechanisms in engaging the public. What is missing in the literature is the legal framework of public participation: an emphasis on the administrative rules governing the process (Nabathci and Amsler 2013). Although some criticisms of public participation tend to be directed at “outdated laws of public participation” (Leighninger 2013, 2014), less is known about how the people who are involved in the process perceive the laws. This study explores these perceptions by focusing on administrative rules in public participation in transportation planning. The next section turns to possible theoretical lenses for more fully understanding perceptions of administrative rules.

Administrative Rules in Public Organizations

Bureaucracy and Administrative Rules

Max Weber is regarded as the founder of the concept of bureaucracy. He envisioned bureaucracy as an ideal type. The notion of an ideal type is never fully realized in the real world. Blau and Meyer (1987) contend that the ideal type was meant as a guide in empirical research. According to Weber's ideal type, bureaucratic organizations should be designed with several attributes including specialization, hierarchy, rules, training, and impersonality (Meier and Krause, 2003; Blau and Meyer 1987; Merton 1957).

One of the essential elements of bureaucracy is administrative rules. Weber (1952, 19) describes rules in bureaucracy as "regulating the conduct of an office." In general, March et al. (2000, 5) and Brewer and Walker (2010, 418) define rules as "explicit or implicit norms, regulations, and expectations that regulate the behavior of individuals and interactions among them." According to the U.S Administrative Procedure Act (1946), a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency..." a definition that seems apt for this study which deals mainly with federal statutes and regulations.

Seven of the nine characteristics of bureaucracy that Weber listed are explicitly related to rules (March et al., 2000). Weber wrote that rules and procedures encourage rationalization in which they are able to provide more systematic ways of achieving goals in an organization (Roth and Sonnert 2011). In a similar vein, Merton emphasizes that rules help an organization to achieve its goals as well as serve as control mechanisms (March and Simon 1993). Bureaucracy is also known as a platform where rules can proliferate (March et al. 2000).

Administrative rules exist for various reasons. Among other things, they help organize activities, increase efficiency, socialize employees, delegate authority, and serve as hallmarks of legitimacy (DeHart-Davis 2013). In addition, Gouldner (1950) describes six broad functions of rules: explication, screening, remote control, punishment-legitimation, leeway, and apathy preservation. Indeed, rules clarify authority lines and boundaries, and connections with other units, as well as define decision-making structures (March et al 2000). Administrative rules also act as “the flywheel of organization and administration” (Waldo 1946, 353) and bind public employees to their organizations (DeHart-Davis 2009). Regardless, as Moynihan and Herd (2010) point out, rules are prone to becoming barriers in some instances, and this can negatively affect some groups. Likewise, rules contribute to the effectiveness or ineffectiveness of achieving organizational goals (Borry 2013). For instance, rules that are perceived as red tape might lead to rule bending (Borry 2013).

Bureaucratic Pathologies

The term bureaucracy often conjures a negative image. Dimock (1952, 398), in discussing the social pathologies of bureaucracy describes bureaucracy as being complex because of its “size, organization, specialization, rules and regulations, character of executive direction, improper staff activity, central staff controls, group introversion, lack of sales motive, security, seniority, and age and tradition.” Bureaucratic pathologies include “over-organization,” such as excessive paperwork and routine (red tape) and “under-organization,” such as corruption, nepotism and favoritism (Merton 1952, 396).

Another view classified bureaucratic pathologies as “red tape, conflict, duplication, imperialism, and waste” (Wilson et al. 2014, 309). Although there are many instances where

conflict occurred in organization, common conflict happened when organizations worked at “cross-purposes” which can limit productivity. Duplication happened when more than two organizations or departments were doing the same things which can actually be avoided if there were proper planning and communication. Imperialism occurred when organizational goals were too vague and difficult to attain. Critically, bureaucratic imperialism can lead to “information distortion, corruption, and abuse of citizens (Meier 1994, 21) Waste refers to any organizational activities that required unnecessary resources. Red tape is defined as “complex bureaucratic rules and procedures that must be followed to get something done” (Wilson et al. 2014, 309).

Thompson (1977, 152) discusses bureaucratic pathologies (termed as “bureaupathology”) as sources of frustration with organizational routinization, attachment to excessive rules and procedures, and disproportionate control. Resistance to change is also a form of bureaucratic pathology because it stifles innovation (Thomson 1977). Thomson (1977) describes rules, regulations, and procedures as means for controlling trivial matters that may lead to “bureaupathology.” Perhaps red tape is the most common bureaucratic pathology that comes to people’s mind. Often, the term red tape invokes “the worst of bureaucracy” and “bad bureaucracy” (Bozeman and Feeney 2011, 5).

Red Tape

Bozeman (2000) maintains that the idea of red tape as a bureaucratic pathology originated with Merton’s (1940, 563) classic study of the bureaucratic personality:

Formalism, even ritualism, ensues with an unchallenged insistence upon punctilious adherence to formalized procedures. This may be exaggerated to the point where primary concern with conformity to the rules interferes with the achievement of the purposes of the organization, in which case we have the familiar phenomenon of the technicism or red tape of the official.

Perception of rules matters, and one of the aims of this study is to explore stakeholders' perceptions of rules⁵ as involving either red tape or green tape. Perception can influence bureaucratic behavior and how stakeholders respond to rules (Borri 2013). If rules are perceived in a negative light, this potentially signifies red tape. On the other hand, positive perceptions of rules can be characterized as credible requirements or as green tape (DeHart-Davis 2008): these are "good rules that people follow" (DeHart-Davis et al. 2013, 3). Scott (2001, 115) adds that good, effective rules and regulations need to have "clear demand, effective surveillance, and significant sanctions."

The perception of a rule, be it positive or negative, can be examined as a "socially constructed reality" (Kaufmann and Feeney 2012, 1196). For instance, Kaufmann and Feeney (2012) contend that red tape is a perception that depends on an individual's experiences with and in an organization and its social context. Likewise, Brynard (1995, 39) argues that "the meaning of red tape manifests therefore in individual perceptions rather than in the identification of objective criteria for the phenomenon." A rule that is perceived as negative may result in several behavioral consequences such as "rule bending" or complete disregard by members of the organization (Borri 2013). More importantly, negative perceptions of rules (i.e., perceived red tape) can negatively impact an organization, leading to alienation of managers and workers and decreased levels of services (DeHart-Davis and Pandey 2005; Scott and Pandey 2000). Roth and Sonnert (2011) observe that negative perceptions of rules breed anti-bureaucratic attitudes in which people with such perceptions have no appreciation of rules, seeing them solely as red tape.

⁵ This study focused on *perceptions* of rules as red tape or green tape. This should be distinguished from actual red tape or green tape.

Bozeman and Crow (1991, 33) point out that, “perceptual measures are often as important as objective indicators.” More noteworthy, Moon and Bretschneider (2002, 283) contend:

While perceptual measures do not directly represent actual organizational factors, we assume that the perceptions of respondents are systematically linked to organizational realities... We argue that perceptions of organizational members actually matter in organizations and directly affect individual and organizational behavior. For instance, the perceptions of red tape is often more important than actual objective measures of red tape in organizations.

Baldwin (1990), in examining the perceptions of public and private sector managers regarding formal and informal red tape, argues that several factors influence perceptions of red tape, including managers’ personalities, productivity levels (e.g., highly productive managers might perceive very little red tape), and stereotypical views of red tape (e.g., common understanding of red tape such as too many forms, long lines, and delays).

Equally important, Ponomariov and Boardman (2011, 585) suggest that “career experiences and job characteristics” may influence how one perceives whether rules are positive or negative in a given organizational context. For instance, administrators with technical backgrounds (e.g., an executive director with an engineering background) may have less favorable perceptions of the rules. This is because he or she “would feel that physical, legal, or fiscal constraints allowed little latitude in rule-making, and that public participation would simply encourage discussion of administrative alternatives which are impractical or impossible” (Ethrige 1980, 101). Along similar lines, Ponomariov and Boardman (2011) argue that individuals whose jobs deal with technical matters (e.g., engineering or planning) tend to view rules and procedures as red tape because the rules are peripheral to their jobs’ priorities

compared to non-technical administrators that might view rules and procedures more positively as they deal with them more often.

Because of the nature of scientific and technical training and occupations— typically focused on developing or harnessing a specific skill set for the conduct of discrete projects in a specialty area— technical personnel may be more inclined by the nature of their backgrounds and training and the norms and expectations of their immediate occupational workgroups than professionals and managers to “put the project first” and to perceive and prioritize tasks and task dimensions more narrowly. As a result, technical personnel may perceive organizational rules and procedures as entailing a greater compliance burden relative to employees whose tasks and deliverables are more closely integrated with the general goals of an agency (Ponomariov and Boardman 2011, 591).

As evidenced in Feeney and Bozeman (2009) and Walker and Brewer (2008), perceptions of red tape may depend on respondents’ backgrounds and positions within an organization. In general, organizations (e.g., MPOs) that respond to controlling and monitoring agencies (e.g., the FHWA) tend to have more procedural standardization as responses to the scrutiny (Baldwin 1990). Different stakeholders will be affected differently by rules (Brewer et al. 2012), and public managers at different hierarchical ranks may have different perceptions of red tape. Front line officials tend to perceive more red tape than upper level officials (Brewer and Walker 2008).

The term red tape itself seems to raise different interpretations. For instance, Brynard (1995, 38) points out that the meaning of red tape is “still vague and subject to many different interpretations... the term is used less often and it is almost never defined. When it is referred to, the vagueness of such references gives rise to various interpretations.” Strikingly, there seems to be a disconnect between practitioners and scholars about the meaning of red tape (Borry 2013). For instance, in Borry’s (2013, 18) survey, public employees linked red tape with “politics, delay, and waste,” while scholars’ definitions generally refer to “rules being ineffective” at

achieving the rules' intended objectives. More broadly, Rosenfeld (1984, 603) refers to red tape as "guidelines, procedures, forms, and government intervention that are perceived as excessive, unwieldy, or pointless in relationship to decision-making or implementation of decisions."

The general perception of red tape is that it represents the worst of bureaucracy (Scott and Pandey 2000; Bozeman and Feeney 2011). Moreover, the term may have varying meanings in different contexts and research settings. In fact, Pandey and Moynihan (2006, 130) maintain that red tape "is an area of public management in which theoretical developments and practical concerns are pulling in different directions." Indeed, review of the red tape literature shows a variety of concepts and measures, but one common theme is the perception of burdensome rules and procedures (Bozeman and Feeney 2011).

At least among scholars of public administration, it is a common notion that red tape tends to be grounded in rules, regulations and procedures (Bozeman and Feeney 2011). Yet this notion is rather unfamiliar to laypeople. As mentioned before, the most prevalent understanding of the term involves "delay, indecisiveness, overly strict routine, and paper work leading to ineffectiveness, rigid application of rules, and procedures and forms that are seen cumbersome and excessively complex" (Brynard 1995, 39). Due to its ubiquitous nature, Bozeman (2000, 2012) and Bozeman and Feeney (2011) developed three distinct dimensions of red tape: organizational red tape, stakeholder red tape, and multidimensional red tape.

The oft-quoted definition of what is known as organizational red tape is: "rules, regulations, and procedures that remain in force and entail a compliance burden for the organization, but make no contribution to achieving the rules' functional objective"⁶ (Bozeman

⁶ According to Bozeman and Feeney (2011, 44), functional objective is defined "in terms of an authoritative, official statement of purpose." Each formal rule normally has its own statement of purpose.

and Feeney 2011, 44). In relation to this definition, Bozeman discusses a rules-based theory of red tape. He argues that red tape does not necessarily depend on the number of rules. Many rules do not necessarily make organizations more effective at achieving their goals and vice versa; when rules become dysfunctional, then they are considered to be red tape (Bozeman 2000; Brewer and Walker 2003). Similarly, Moynihan and Pandey (2007) stress that only formal rules that frustrate employees in accomplishing their goals are considered red tape.

Red tape can occur in several ways: “rule-inception” and “rule evolved” red tape (Bozeman and Feeney 2011, 52-61). Rule inception red tape happens when an organization creates rules based on its self-interest and the rules do not meet their objectives. Rule evolved red tape takes place when rules become dysfunctional over time. This can happen from, for example, changes in the implementation of the rules, changes in rules’ objectives, rule strain (too many rules but too few resources to implement them), and new rules conflicting with existing rules (Borri 2013). As governments grow, rules, regulations, and procedures also tend to increase:

The extent of government activities is associated with a diversity of activities, procedures for decision making and implementation of decision in addition to forms that have to be filled in to keep records of all the activities. The result of the guidelines, procedures, and forms is red tape (Brynard 1995, 40).

The definition of organizational red tape is restrictive in its requirements. For instance, it focuses solely on organization and if a rule serves the organizational objective and rule’s objective, the rule is not considered as red tape. On the contrary, stakeholder red tape is less restrictive as it focuses on stakeholder values which could vary from one stakeholder to the other (Bozeman 2012).

Stakeholder Red Tape

Here, I follow the notion of red tape as grounded in rules and examine stakeholder red tape, looking at multiple stakeholders' perceptions of rules. Stakeholder red tape is defined as "organizational rules, regulation and procedures that remain in force and entail a compliance burden for the organization but make no contribution to objectives valued by a focal stakeholder" (Bozeman and Feeney 2011, 44). Stakeholder red tape is more subject-dependent than organizational red tape in the sense that different stakeholders may be affected in different ways by rules and regulations (Bozeman 2012). It provides a more useful theoretical concept than organizational red tape because it takes into consideration other stakeholders rather than focusing on management/ organization alone (Bozeman and Feeney 2011, 44).

The subject-dependent view originated from Gouldner (1954, 410) who describes "red tape as a social problem" that can be considered from an individual's frame of reference. Accordingly, stakeholder red tape largely depends on individual perspectives; as Brewer and Walker (2005) put it, "what you see depends on where you sit." Red tape can be viewed as advantageous for some and disadvantageous for others: "one person's red tape maybe another's treasured safeguard" (Kaufman 1977, 4 and Waldo 1959, 369). In essence, what some consider burdensome and unnecessary rules may to others provide protection, accountability, fairness, and equity (Kaufman 1977; Scott and Pandey 2000).

It is worth emphasizing that Leiserson and Marx (1959, 54) echo Kaufman's view of the "benefits" of rules as red tape:

Public administration uses red tape because it is expected to proceed according to objective rules rather than the subjective intuition of government officials. Who would have it otherwise? Red tape is perhaps the best insurance the public has that all citizens receive equal treatment at the hands of government.

In contrast, Bozeman (2000, 84) disagrees that rules as red tape aid accountability. Rules that protect citizens from official abuse are not red tape, but they will become red tape if they do not serve the intended purpose of protecting citizens at an acceptable cost (Bozeman 2000).

Not many research projects have attempted to investigate stakeholder red tape given the complexity associated with measuring multiple perceptions of rules. Nonetheless, Bozeman and DeHart-Davis (1999) interviewed multiple stakeholders who designed and implemented Clean Air Act Title V programs. Brewer and Walker (2010) also examined stakeholder red tape. Their respondents were internal stakeholders (public employees) in English local government across different services. While both studies investigated the perceptions of various stakeholders, they did not ask about particular rules. Feeney and Bozeman (2009) examined multiple stakeholders in different interacting organizations by looking at almost similar administrative rules about contracting.

The red tape literature is rich, with diverse work ranging from conceptualization, measurement, and causes of red tape. Red tape is often associated with the worst of bureaucracy such as meaningless paperwork, long queues, and unnecessary procedures (Bozeman and Feeney 2011). Scholarship that examines red tape based on rules defines red tape as “rules, regulations and procedures that require compliance but do not meet an organization’s functional objective for the rule” (Bozeman 2000, 5). This definition takes an organizational perspective. There is lack of theoretical discussion of rules perceived as red tape from different stakeholders’ perspectives based on one particular rule. This study sought to fill this gap.

Green Tape

Although many are no doubt familiar with red tape, green tape is a newer concept introduced by DeHart-Davis in 1999. Although perceptions of red tape can negatively impact organizations, 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. I discuss these attributes in detail later in the section.

Little research has been done to further investigate green tape. What research that does exist looks at how some of its attributes relate to other variables such as rule abidance (DeHart-Davis et al. 2013) and job satisfaction (DeHart-Davis et al. 2014), and at factors contributing to the existence of green tape (Borry 2013). This study expanded the empirical base of work related to green tape.

Attributes of Stakeholder Red Tape and Green Tape

To further understand perceptions of positive and negative rules, I examine the attributes of stakeholder red tape and green tape. Compared to red tape, green tape has been defined with more clear-cut attributes. However, the green tape literature is not as robust as that in red tape. Little is known about attributes of green tape, and only a few studies have systematically examined attributes of green tape. In addition, most red tape and green tape research relies on quantitative (survey) data, which tend to limit understanding of the attributes that contribute to perceptions of administrative rules. This study employed qualitative methods and further explored attributes of stakeholder red tape and green tape by focusing on specific administrative rules governing public participation in transportation planning.

A recent red tape study acknowledges that to distinguish rules from red tape is problematic given that there is no definite judgment in the theory of rules and red tape (Bozeman and Anderson 2014). Nonetheless, Bozeman and Anderson (2014) suggest using convergent indicators to help judge when rules become red tape. They note that a convergent red tape indicator is suitable for analyzing stakeholder red tape. Convergent validity is a concept that acknowledges that at times there is “no single measure [that] captures a phenomenon of interest in social sciences” (Bozeman and Anderson 2014, 15). Based on the literature, both stakeholder red tape and green tape shared four important attributes: the extent of stakeholders’ understanding of rules; formalization (i.e., written rules); control; and compliance. Both green tape and red tape have different values on the same attributes. For instance, stakeholders’ better understanding of rules’ purposes may indicate positive perception of rules (green tape) and the lack of understanding of rules’ purposes may indicate negative perception of rules (red tape). Green tape has two additional attributes: valid means-ends relationship and consistent

application. Below, I discuss these attributes that contribute to understanding of positive and negative perceptions of rules.

Extent of Stakeholders' Understanding of Rules' Purposes

Stakeholders are those with interests in the matters of an organization. Freeman (cited in Bryson 2004, 22) defines stakeholders as “any group or individual who can affect or is affected by the achievement of the organization’s objectives.” Stakeholders can be internal and external. They play important roles as they can affect organizational performance. According to Bryson (2004, 26), attention to stakeholders is necessary to ensure that “the requirements for procedural justice, procedural rationality and legitimacy have been met.”

With regard to the perceptions of administrative rules, stakeholders are central in discussion of both green tape and red tape. In fact, as mentioned earlier, Bozeman (2000) specifically used the term “stakeholder red tape” to refer to stakeholders’ negative perceptions of administrative rules. This also suggests that rules may be interpreted differently by various stakeholders. Bozeman (2000) argues that stakeholders need to understand rules’ purposes in order to avoid negative perceptions of the rules (red tape). He also contends that public managers should continually communicate the purpose of rules. For instance, in a setting like public participation in transportation planning, it is especially important that public managers communicate a rule’s purpose not only to the staff, but also to other stakeholders such as members of the public. More broadly, greater goal clarity in policies, procedures, and rules in organizations tends to reduce negative perceptions of the rules among employees; goal ambiguity is associated with red tape (Chun and Rainey 2006). Likewise, if the evident purpose of a rule diverges from its original objectives, employees are more likely to perceive rules negatively

(Moynihan et al. 2012). The same goes with multiple goals in public organizations as they could lead to excessive emphasis on procedural regulations (Thompson 1977; Chun and Rainey 2006).

A diverse and large number of stakeholders can also lead to red tape given the stakeholders' varied interests (Bozeman 2000— cited in Walker and Brewer 2008, 1118, Brewer et al. 2012). It is also significant to note Borry's suggestion about possible indicators to gauge stakeholders' perceptions of rules, which might vary from “not burdensome to burdensome, necessary to unnecessary and effective to ineffective” (Borry 2013, 49). In other words, when rule implementation and compliance require more resources (are burdensome), and do not achieve rules' intended objective (are ineffective), the rules will be more likely to be perceived as red tape (Kaufmann and Feeney 2013). It is appropriate to issue several caveats here; notions such as “unnecessary” is “relative” in its meaning (Thompson 1977, 171) and the term “ineffective” can be contentious.

From a green tape perspective, DeHart-Davis (2009) points out that stakeholders need to understand the purposes of rules in order to encourage stakeholder cooperation in rule implementation. Similarly, Borry (2013) notes that stakeholders' understanding of the purposes of rules can help ensure compliance and acceptance. On the flip side, lack of understanding of a rule's purpose may lead to negative consequences such as speculation (DeHart-Davis 2009), ignorance, and lack of cooperation, which ultimately would lead rules to be seen as red tape.

Formalization

In public organizations, the existence of administrative rules signifies the characteristics of bureaucracy usually associated with formalization. Pugh, Hickson, and Hinings (1969, 75) define formalization as “the extent to which rules, procedures, instructions and communications

are written.” Yet, formalization does not always refer only to written rules. For instance, Hall (1962, 33) defines formalization as “a system of rules covering the rights and duties of positional incumbents; a system of procedures for dealing with work situations.” DeHart-Davis et al. (2014) also distinguish between rule formalization and organization formalization. A different degree of rule formalization distinguishes between written rules and unwritten rules. For instance, a high level of rule formalization suggests written rules and a low level of rule formalization indicates mostly unwritten rules. Organizational formalization does not distinguish written rules and unwritten rules but rather the degree of written rules. For instance, a high level of organizational formalization refers to many written rules, and a low level of organizational formalization refers to few written rules. Pugh et al. (1963, 304) describe the degree of formalization as part of organizational structure, including “whether a procedure was written (and if so, on what); whether it was filed (and if so, how); and what the source of formalization was (a legal requirement, or, at the other extreme, an individual’s unsolicited idea).”

Scholars have linked the study of red tape and formalization. Bozeman and Scott distinguish the two by referring to formalization as a “physiological component of bureaucracy and red tape as a bureaucratic pathology” (Borriy 2013, 14). Formalization then is the number of written rules, which need not imply the existence of red tape (Bozeman and Feeney 2011). When public managers think of formalization as burdensome and as not helping an agency to achieve its objectives, they consider it as red tape (Pandey and Scott 2002). Moreover, Kaufmann and Feeney (2012, 1195) report that “red tape perceptions are related to perceptions of formalization.” Yet, Borriy (2013, 68) found in her study that “the higher the formalization, the lower the perception of red tape,” which is more in line with the green tape concept. This finding indicates that many employees value written rules.

In green tape, written rules are theorized to encourage compliance in the sense that they have an element of legitimacy, compared to unwritten rules that tend to be arbitrary (DeHart-Davis 2009; DeHart-Davis et al., 2013). In other words, written rules serve as legitimacy mechanisms, and unwritten rules may lead to confusion and different interpretations (Borry 2013). In addition, sociologist Arthur L. Stinchcombe (2001) notes that in order for rules to work, they need to be “communicable.” Rules are helpful for organizations if they are well written in a language that is understandable (Dobbin 2004, 1244). Written rules also provide authorization and legitimacy especially for regulators or enforcers by giving them authority for sanctions. In a similar vein, March et al. (2000, 21) emphasize that “written rules convey the image of orderliness, authority, structure and appropriate policies and practice... These functions cannot be performed well by informal rules.” An unwritten rule may provide more room for interpretation, and hence, a greater chance to deviate from compliance requirements (DeHart-Davis et al., 2014).

Control

Control is another important attribute in both the red tape and green tape literatures. Positive rules provide more balanced control: “neither excessively nor inadequately controlling” (DeHart-Davis 2009, 5). Green tape scholarship suggests rules provide control on a continuum; higher levels of control tend to be constraints, while lower levels leave room for discretion (DeHart-Davis et al., 2014). Hence, “optimal” control provides less constraint and enough discretion to achieve rule objectives (DeHart-Davis 2009).

Over-control appears when a rule imposes “control beyond that needed to achieve rule’s objective” such as being “nitpicking, picky, silly and inflexible” (DeHart-Davis 2009, 369) and

“when rules requirements exceed the ability of persons to comply...” (Bozeman and Anderson 2014, 6). Kelman (1990, 89) also strongly criticizes reliance on a high density of rules in organizations since it creates an “obsession with control.” It can be inappropriate for an organization to rely too heavily on rules as they may stifle innovation (Thompson 1977; Kelman 1990).

Another type of control is external control by oversight bodies. High levels of external control over organizations also tend to increase instances of red tape (Bozeman 1993, 2000). Bozeman (2000) found that perceptions of red tape among employees increased when rules were imposed by external stakeholders and organizations. Such externally imposed rules tend to be misinterpreted and misunderstood (Brewer et al. 2012). Indeed, as Walker and Brewer (2008) suggest, burdensome rules (red tape) could be reduced if less external control were imposed on public organizations. Of course, external bodies might well have different perceptions, and they are more likely to perceive the external control process more positively (Walker and Brewer 2008).

Compliance

In green tape, compliance with administrative rules is encouraged by “optimal” control of the rules. DeHart-Davis (2009) explains that due to the minimal constraints imposed by optimally controlling rules, organizations are able to elicit cooperation and trust from stakeholders to comply with the rules. On the contrary, negative perception of rules (red tape) resulted from over-compliance. Bozeman and Anderson (2014) also found that over-compliance that generated red tape occurs in organizations that had been involved in a crisis or disaster. Over-compliance occurs due to vague rules as well as fear of sanctions (Bozeman and Anderson

2014). Bozeman and DeHart-Davis (2001, 473) suggest several factors that will influence over-compliance such as an “organization’s level of interpersonal contact with state and federal regulators and whether the company subcontracted its compliance-related activities.” The scholars also note that frequent communication with regulators may be due to serious problems, internal incapacity, or both. They assert that “the regulators’ mission is not maximum compliance; it is effective compliance.” Conversely, Brewer et al. (2012) argue that perceptions of red tape can be reduced if there is a frequent two-way communication between an agency and an external organization.

Indeed, communication can influence one’s perceptions of issues, persons, and organizations (Rho, 2009). Communication acts as a managerial tool in organizations to help disseminate information, rules, policies, and procedures (Rho 2009). Rigid rules and procedures can limit formal and informal channels of communication (Pandey and Garnett 2006). One way to overcome this problem is when transformational leaders use communication to change employee perceptions of red tape (Moynihan et al. 2012).

Consistent Rule Application

Green tape scholarship discusses consistent application of rules to every stakeholder involved as one of the criteria that will generate positive perceptions of rules (DeHart-Davis 2009). One of the important elements of consistent rule application is procedural fairness, which encourages stakeholders to abide by the rules, as well as reduces negative work attitudes and behaviors (DeHart-Davis 2009a). From a green tape standpoint, it also means that if rules are perceived as being fair, they may be complied without the need for rewards and punishments. (DeHart-Davis 2009 b).

Valid Means-Ends Relationships

Another attribute of green tape is that “rule requirements logically connect with rule ends” (DeHart-Davis 2009 a, 4). Valid means-ends relationships tend to be associated with perceived rationality and legitimacy of the rules, which eventually will enhance stakeholders’ cooperation. Stakeholders perceive rules positively if they can relate the requirement of the rule with its goals or ends. The rule is then perceived as more useful and able to achieve its intended purpose (DeHart-Davis 2009 b).

Summary

This chapter discussed two important bodies of scholarship that frame the context and theoretical background of this study: public participation and administrative rules. The first sections discussed public participation in general and public participation in transportation planning. Scholarship on public participation including that on transportation planning tends to focus on mechanisms and outcomes of participation; less attention is paid to the rules governing the process. This study focused on the administrative rules governing public participation in transportation planning. In addition, this study added to the literature on factors contributing to “successful” and challenges of public participation in an MPO.

Perceptions of administrative rules governing public participation are examined through the lenses of stakeholder red tape and green tape. Red tape research tends to focus on organizational red tape. Little is known about stakeholder red tape as well as green tape. To fill these gaps, this study relied on the attributes of stakeholder red tape and green tape. Very little is known about the attributes of positive and negative perceptions of rules, especially of specific administrative rules from multiple stakeholders perceptions. This study sought to fill the gap and

asked: how do stakeholders perceive administrative rules governing public participation in the HRTPO? In addition, given the rare circumstances of the 2007 certification review of the HRTPO, this study also explored how the perceptions have changed since 2007. Moreover, previous research on red tape and green tape relied on a quantitative survey data. This study employed a qualitative method. Chapter 4 presents the research design of this study.

CHAPTER 4

RESEARCH DESIGN

In the previous chapter, I reviewed the scholarship that frames the context (administrative rules of public participation) and theoretical grounding (perceptions of administrative rules) of the study. This chapter details how I examined stakeholders' perceptions of the administrative rules governing public participation in the HRTPO, and how those perceptions have changed since 2007. The chapter discusses the exploratory case study and describes the stakeholders, how they were sampled, and the processes of data collection and data analysis. This chapter concludes with the study's limitations.

Exploratory Single Case Study

Since my research focuses on perceptions, a qualitative approach is an appropriate choice. Denzin and Lincoln (1994, 2) note that qualitative research “is multi-method in focus, involving an interpretive, naturalistic approach to its subject matter...attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.” For this study, a qualitative approach illuminates what stakeholders perceive about the administrative rules that govern public participation, and it provides them the opportunity to articulate their perceptions, attitudes, experiences, and understanding of public participation and the administrative rules prior to and after the 2007 certification review. This is in line with Creswell (1994) who argues that a qualitative approach illuminates meanings and perceptions as well as processes.

A case study is a suitable design for in-depth investigation and comprehensive understanding of a particular issue, group, organization, or individual. Exploratory research is appropriate especially when there is a lack of information related to the research issue (Kulozu

2012). An exploratory case study aims to explore an issue or event about which there is little understanding (David et al. 2004; Marshall and Rossman 1995). This study is an exploratory case study for several reasons. First, it helps extend understanding of complex social phenomena. The circumstances faced by the HRTPO, and more specifically, the stakeholders' perceptions of and attitudes toward the rules and regulations that governed public participation before and after 2007 provide a way to further understand those complex bureaucratic phenomena.

Second, an exploratory case study allows the researcher to probe pertinent information relevant to complex social phenomena as well as to identify related themes and patterns (Ogawa and Malen 1991; Marshall and Rossman 1995). This case study permitted me to fill the gaps in the literature on green tape and stakeholder red tape by exploring and looking for evidence of attributes that stakeholders associate with administrative rules that govern public participation; it also permitted identification of emerging themes and patterns in responses. It is more appropriate to describe the study as "attitudinal" rather than "objective." This is in line with Luton's suggestion (2007, 531) that "judgements and evaluations are part of organizational reality, but they are better described as attitudinal than as objective."

After obtaining IRB approval, in the spring and early summer of 2014, I conducted preliminary interviews with stakeholders of three MPOs (for the New River Valley, the Roanoke Valley Area and Hampton Roads) to further understand the context in which MPOs operate and to help clarify research questions. I conducted interviews with six individuals to gauge the direction of the dissertation and interview guide. Finally, I decided that the HRTPO provided the best case for exploring perceptions of the rules governing public participation in transportation planning in Virginia due to circumstances in the 2007 certification review and the subsequent changes in public participation.

Research Sample: The Stakeholders

I selected stakeholders across three roles associated with the HRTPO: partner, staff, and public participant (see Table 7). 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 included citizen representatives who sit on the board of the Citizen Transportation Advisory Committee (CTAC).

The rationale behind the selection of these types of individuals is because this study focuses on multiple stakeholders' perceptions on administrative rules, a perspective that is often neglected in the literature. In order to look for variations in stakeholder perceptions, attitudes, and experiences, stakeholders with different positions needed to be sought out. At the federal level, only two federal agencies oversee the processes of public participation: the FHWA and the FTA⁷. The FHWA consider its role as being a "partner" with the HRTPO. At the state level, I chose the Virginia Department of Transportation (VDOT) located in Hampton Roads and in Richmond as a partner to the HRTPO. At the HRTPO, I chose two former executive directors who led the HRTPO before 2007 and after 2007. The staff includes the public involvement/ Title VI administrator as the key person who is responsible in implementing the rules as well as the previous person in charge of public participation. Engineers and planners are those specifically involved in much of the development of the Transportation Improvement Program (TIP) and the Long Range Transportation Plan (LRTP), each of which requires public participation. The choice

⁷ I contacted the representative of the FTA three times via email but the official never replied. Phone calls also were never returned.

of some of the staff members and the former executive directors reflected their direct involvement with the 2007 certification review. All stakeholders were identified from the HRTPO website. I contacted them with the assistance of the public involvement administrator.

Public participants are represented by the members of the CTAC, which was established in 2010 to be the voice of citizens in the Hampton Roads area. Interested citizens⁸ apply to be members, and the HRTPO appoints CTAC members based on those applications. The 30 members are residents of Hampton Roads. According to the CTAC by-laws, the initial terms were staggered,⁹ and no member may serve more than two successive terms (HRTPO 2013). The CTAC serves as an advisory committee¹⁰ to the HRTPO. It meets three to four times throughout the year, and the meetings are open to the public. The public is also given an opportunity to share opinions and concerns at the beginning of CTAC meetings (HRTPO PPP 2012).

I selected the research setting (the HRTPO), interview respondents, and events in order to gather information that potentially would not be available otherwise (Maxwell 2005). Indeed, as Patton (1990) argues, researchers who seek “information-rich cases” that illuminate the research questions typically use purposeful sampling. I used a combination of purposeful and snowball sampling to select the stakeholders. Purposeful sampling was used for the partners and some of the staff.

⁸ No specific criteria for membership are outlined but applicants need to explain why they are interested in serving on the CTAC, how they will contribute, their qualifications, and their volunteer experience as well as other community involvement.

⁹ “One-third of the members shall be appointed for one-year terms; one-third of the members shall be appointed for two-year terms; and one-third shall be appointed for three-year terms. In the event that an appointed member does not complete his or her term, then the TPO Nominating Committee shall recommend a replacement for appointment by the TPO Board to serve the unexpired portion of the term” (HRTPO 2013, 2).

¹⁰ The mission of the CTAC is “to provide the HRTPO with a citizen’s viewpoint on regional transportation issues, strategies, funding, priorities, and the decision-making process of the HRTPO. The CTAC will serve as a strong advocate on behalf of citizens by listening to their viewpoints and helping to have their voices heard by the HRTPO leadership and decision makers. The CTAC Chair, as a nonvoting member of the HRTPO Board, will have the responsibility of communicating the work of the CTAC back to the HRTPO Board” (HRTPO 2013, 1).

Although I had a list of stakeholders at the start of my research, I also employed the snowball sampling technique to add more participants (Marshall and Rossman 2011). Specifically, after I interviewed staff members, I asked if they would recommend other potential stakeholders. For the public participants, with the assistance of the public involvement officer, I sent out emails inviting all 25 members of the Citizen Transportation Advisory Committee (CTAC) listed on the HRTPO website.

PARTNER (FHWA & VDOT)	STAFF (HRTPO)	PUBLIC PARTICIPANTS (CTAC)
P1	S2	C1
P2	S3	C2
P3	S4	C3
P4	S5	C4
	S6	
	S7	
	S8	
	S9	

Table 7: Stakeholders

Data Collection

This study relies on two sources of data, interviews and archival documents. I used a form of triangulation (multiple sources of data) 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). Each method of data collection is described below.

Interviews

Interviews were my primary qualitative research instrument. I used semi-structured and in-depth interviews with stakeholders that are involved in public participation processes at the HRTPO. The interview process is appropriate for eliciting the perceptions, attitudes, and experiences of stakeholders. Interviewing is also useful because it can provide important insights and tap into stakeholders' perceptions and attitudes through open-ended questions. According to David et al. (2004), using open-ended questions in an in-depth interview can provide researchers with significant amounts of information from the participants' perspectives. In-depth interview offers insights and details into how participants interpret events, beliefs, and phenomena. The technique is useful in understanding stakeholders' perceptions, opinions, and reflections about their experiences with administrative rules. The semi-structured format and open-ended questions also allow the participants to respond flexibly and in detail without too much interference from the researcher. This is in line with Marshall and Rossman (2011, 144): "the participants' perspectives are respected and unfold as the participant views it (the emic perspective), not as the researcher views it (the etic perspective)."

In total, I conducted 16 interviews 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). I contacted all 25 members, but only four agreed

to participate. Two declined and the rest did not respond to my emails. I discuss the implications of a small sample below. The members who agreed to be interviewed are 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.

After I sent out a recruitment email to potential interviewees, I waited 10 days before sending another reminder. For those who agreed to participate, I arranged the time for interviews and sent them a verbal informed consent form and a document consisting of examples of the administrative rules that govern public participation processes in the HRTPO to familiarize the stakeholders with the focus of the interview questions. Two of the stakeholders requested that I send them sample questions for the interview. The interviews were conducted via telephone due to scheduling conflicts and time constraints, and the distance did not allow me to travel frequently to Hampton Roads. Most interviews lasted between 45 minutes and one hour.

The interviews were conducted according to a research protocol approved by the Virginia Tech Institutional Review Board (IRB). I began the interview by introducing myself and thanking the participants for their willingness to be interviewed. I provided an overview of the study, described the IRB approval for the study, and emphasized their anonymity and confidentiality. I also stressed that I was interested in learning about their perceptions of and experiences with administrative rules that govern public participation in transportation planning, as well as the 2007 certification review; hence, there were no right or wrong answers.

I used an interview guide (see Appendix 1) that was divided into three sections. First, I asked background questions: their job title and the nature of their job. Second, the introduction

questions focused on public participation processes in the HRTPO. These introductory questions were significant as they allowed participants to feel at ease, direct their attention to the phenomena under study, and frame their thoughts on the subsequent questions (Lee 1999). For instance, such questions included “Tell me about the history of the public participation process?” and “What are the biggest challenges (and accomplishments) of public participation?” I then probed when necessary by asking “Can you please give specific examples?”

The second part of my introductory questions was directed toward any changing perceptions since 2007. Broadly, the questions focused on stakeholders’ experience with administrative rules that govern public participation processes, such as the meaning of public participation and the positive and negative aspects of the rules. For instance, I asked: “What do the rules and regulations of public participation mean to you?” and “What are the most successful (and least successful) parts of the rules and regulations?” More specifically, the questions included: “Can you talk about the certification review in 2007?” and “What are the efforts done by the HRTPO after 2007?”

Third, the administrative rules section asked questions related to perceptions of the positive and negative attributes of administrative rules for public participation. In order to tap positive and negative perceptions of the rules, interview questions addressed attributes of green tape and red tape as starting points for my inquiry. For instance, I asked: “What are the purposes of the rules?” and “what do you think of the HRTPO’s PPP as a written document?” Since the interviews were characterized by open-ended exploratory questions, this allowed me to gather diverse perspectives by encouraging the respondents to offer their own perceptions and experiences. This study did not use the term “red tape” as De-Hart Davis et al. (2013) showed that use of the term can influence how respondents react.

All but one of the interviews was audio-recorded. By recording the interviews, I could ensure that all responses were recorded accurately (Rubin and Rubin 1995) and I could better focus on the conversations. I took minimal notes during the interviews. The notes mainly served as reflections for me and included the tone of the responses and reactions to my questions. While interviewing by telephone has its own disadvantages, I believe that the participants were more open because they did not see the audio recording device, which could be intimidating to some people, and this made the conversation more natural and smoother. I ended every interview by thanking participants for their time and asking if I could do follow-up interviews for clarification; all participants agreed to follow-up interviews.

Archival Documents

I used “extant texts” as supplementary sources of data (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, memoranda and other written materials such as newspaper clippings that provide relevant information. I located these documents online by using key words such as “HRTPO certification review 2007,” “HRTPO certification review 2012,” “HRTPO corrective actions,” “HRTPO public participation,” “HRTPO Public Participation Plan” and “rules public participation/ public involvement MPO/FHWA/VDOT.” I also obtained some of the documents by special request to the HRTPO.

These data served as a backdrop for my study and informed my research questions as well as my interview guide. For instance, review of the administrative rules (the federal and state statutory and regulatory foundations for MPOs), federal certification reviews of the HRTPO,

reports and records of meetings was the first step in developing the interview guide. They provided me with a better understanding of the context, research setting, process, and circumstances surrounding the certification review in 2007.

Data Analysis

Data analysis was conducted simultaneously with data collection. Data analysis is a process that involves “immersion (i.e., knowing the data); analysis (i.e., organizing chunks); and interpretation (i.e., meaning making)” (Rossman and Rallis 2012, 263).

Interviews

I hired a transcriber who was a native English speaker to transcribe the interviews. After I received the transcripts, I double-checked with the audio recorded interviews for verification and accuracy. This approach is important as Marshall and Rossman (2011, 164) caution, “we do not speak in paragraphs, nor do we signal punctuation as we speak.” The first step that I undertook was to read the interview transcripts and listen to the recorded audio multiple times to familiarize myself with the data, and to note the tone and any hesitations in the interviews (Rossman and Rallis 2012).

The interview transcripts were then entered in NVivo Version 10.0, and for the next step I placed them into several main categories. To tap the perceptions of stakeholders with regard to the administrative rules, I developed the categories that were guided by the attributes of green tape and stakeholder red tape (see Appendix G). To illuminate how those perceptions changed since 2007, I drew the categories from several key constructs built from available data from the archival documents. For instance, the stakeholders expressed their perceptions directly by describing how they felt about the administrative rules (i.e., direct responses to questions related

to attributes of green tape and stakeholder red tape) and indirectly by commenting on their experiences during and after the certification review in 2007).

I began the initial data analysis by coding responses under each category. The initial (or “open”) coding helps one in “breaking down qualitative data into discrete parts, closely examining them, and comparing them for similarities and differences” (Strauss and Corbin 1998, cited in Saldana 2009, 81). I then created structural codes (Saldana 2009) based on the questions related to the 2007 and 2012 certification review, value of public participation, “successful” public participation, and attributes of green tape and stakeholder red tape. Next, I reviewed, sorted, and organized similar codes to categories and subcategories.

The next step involved identifying themes, which perhaps was the most challenging step. As Rossman and Rallis (2012, 279) put it, “generating themes is an art.” Thematic analysis involves searching for patterns in the data (Shank 2006). It is also a “form of capturing the phenomenon one tries to understand” (van Maanen 1990, cited in Rossman and Rallis 2012, 279). I reviewed codes and identified similar themes across the categories. Ultimately, this activity led to interpreting the data and to comparing the findings with literature (Creswell 2009). This stage of analysis involved organizing the data so that I could “formulate themes, refine concepts, and link them together to create a clear description or explanation” (Rubin and Rubin 1995, 251), which I then interpreted based on the literature to answer my research questions. In line with the suggestion of Rossman and Rallis (2012, 284), to make sense of the findings and to facilitate the interpretations, I asked myself: “What is going on here? What is the essence of the phenomenon? How is the phenomenon related to broader concepts or theory? What is the story this data tells?” I discuss these findings in the next chapter.

Archival Documents

Bowen (2009, 32) describes analyzing documents as involving “skimming (superficial examination), reading (thorough examination), and interpretation.” I concur with Marshall and Rossman (2011, 160) that “the analysis of documents is potentially quite rich in portraying the values and beliefs of participants in the setting.” For the purpose of this study, I follow Marshall and Rossman’s (2011, 161) approach of content analysis, which they describe as “a method for describing and interpreting the written productions of a society or social group.” I identified meaningful and relevant text to help contextualize the interview data.

Specifically, I developed better understanding and discovered experiences and important insights from both the 2007 and 2012 certification review reports as well as from meeting minutes. The reports detailed what went wrong in 2007, and documented the improvements since 2008 in the 2012 certification reviews. In addition, some of the documents contained public comments, which gave further insights. Minutes of meetings described the situations, perceptions, and opinions of stakeholders during the certification reviews. These documents provide “a means of tracking change and development” (Bowen 2009, 30). This is pertinent as I was able to gather a better picture of how the HRTPO fared over time. This kind of data also gave me supporting evidence for the interview data. For instance, some public comments that appeared in these reports supported evidence from the interviews and vice versa. This is in line with McNabb’s (2010, 114) suggestion that archival data can be valuable for “cross-checking interview and narrative data.”

The documents related to administrative rules governing public participation such as the PPP are significant in highlighting several key attributes of green tape and red tape, such as the purposes of rules, formalization, control, compliance, and consistent application of rules. I

employed the codes from the interview data to the documents. For instance, when stakeholders perceived the 2012 PPP as “engaging,” “well written,” and “explicit,” compared to the previous PPP, I looked for supporting evidence in the 2012 PPP. Indeed, upon closer inspection, there were striking differences in the content of the 2003 and the 2012 PPP.

At the same time, I was extremely cautious about “biased selectivity” (Yin 1994, 80); no matter how official these documents were, they should not be entirely treated as firm or unbiased evidence (Bowen 2009); hence, I carefully selected the documents by assessing their purposes, target audiences, and authors. To maintain balance and comprehensiveness, it was important that these documents were written by both internal and external stakeholders. See Table 8 for examples of the documents selected and the data analyzed.

Documents selected	Data analyzed
HRTPO: Transportation Planning Certification Review Summary Report (USDOT 2007)	Corrective actions and recommendations, public comments.
HRTPO: Transportation Planning Certification Review Summary Report (USDOT 2012)	Efforts and area of improvements, public comments.
MPO Minutes (HRMPO December 19, 2007)	Reactions from the HRMPO staff. Planned actions.
Citizens Guide to Transportation Planning (HRTPO 2014)	Types of available information to citizens.
HRMPO Public Involvement Procedure (PIP) (HRMPO 2003)	Data on purpose of PIP, PIP activities, Environmental Justice, measures of effectiveness, documentation and implementation.
Public Participation Plan (HRTPO 2012)	Data on HRTPO’s goals and vision for public participation, process of public participation, Title VI & EJ, programs.

Final Report Best Practices Study of MPO: Prepared for HRMPO (PBS&J 2009)	Data on key findings and actions.
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Table 8: Examples of Documents and Data Analyzed

Limitations

Most research is bound by some limitations, and this study is no exception. Dusick (2011) points out that a limitation is a situation where the researcher has little control. First, this study examines a single case that focuses on one MPO. Multiple and comparative case studies would generate more data and different perspectives. For instance, stakeholders in MPOs with different characteristics (size, TMA/non-TMA, types, certification) might have different perceptions of the rules. This also led to the issue of generalizability, which is common in case study research. Different types of MPOs might have different kinds of participation experiences; hence, the findings of this study cannot be fully generalizable. Nevertheless, the research design should provide an opportunity for similar research.

Second, since this study relies heavily on the credibility of interview responses, there is a potential lack of understanding of the administrative rules of public participation on the part of stakeholders; in an effort to minimize the risk, a document outlining those rules was provided beforehand.

Third, this study also relies on the perceptions of stakeholders; they are bound to “framing” in which certain variables may directly or indirectly affect their perceptions of certain conditions (Bozeman and Kingsley 1998). In addition, there is also a threat of participants’ biases. Along similar lines, since this study is mainly based on self-reported data, there is a

potential of internal validity measurement. As mentioned before, to avoid the problem, this study employed a triangulation method, i.e., supplementing data from archival documents.

According to Marshall and Rossman (2011), sample size in qualitative studies depends on various factors. As mentioned previously, I purposely chose the stakeholders based on their roles and involvement in public participation process. The number was small, as those stakeholders were involved during the 2007 certification review except for the public involvement administrator and CTAC members. Although I could potentially gain better insights if more CTAC members had participated, I have a good mix of members that did participate in terms of their background, experience, and familiarity with the study's subject matter.

Summary

This chapter detailed the research design and described the stakeholders and document samples. I also described the approach to data analysis. Finally, I discussed the study's limitations. In the next two chapters, I present the findings from in-depth, semi-structured interviews conducted with stakeholders in various roles with the HRTPO. In addition, I triangulate the interview data with evidence from archival documents.

CHAPTER 5

SUCCESS STORY: CHANGING PERCEPTIONS FROM NEGATIVE TO POSITIVE

The report of my findings begins with an account of how stakeholders' perceptions of public participation and administrative rules governing public participation in the HRTPO changed prior to and after 2007. The HRTPO staff evidently had negative perceptions of public participation and the rules governing the processes prior to 2007. The conditional certification in 2007 triggered a significant reform in public participation processes initiated by new leadership that arrived after the review. The interview evidence, as well as archival documents, lend support to how stakeholders' perceptions of the rules governing public participation changed from negative to positive.

This chapter discusses the changing perceptions prior to the 2007 certification review leading up to the 2012 certification review. I describe the circumstances and negative perceptions prior to the 2007 certification review, and the HRTPO's activities and improvements in public participation and its accomplishments after the 2007 certification review, in which the HRTPO received full certification in the 2012 review as evidence of more positive perceptions. Stakeholders' perceptions and understanding of "public participation" and "successful" public participation also point to how their perceptions have changed.

Certification Review 2007: What Was Wrong?

As mentioned earlier, the HRTPO received conditional certification in 2007, with 11 corrective actions, and seven corrective actions were several problems related to public participation including meetings that held behind closed doors, a lack of public notices for

technical advisory committee meetings and a lack of meeting minutes available online, and no time allocated for public comments (DOT 2007).

In order to appreciate how the perceptions of the administrative rules changed since the 2007 certification review, it is important to first understand the perceptions, attitudes, and experiences of stakeholders prior to and during the 2007 certification review. All but two of the respondents (both members of CTAC) were aware of the 2007 certification review. These stakeholders commented that it is very rare for MPOs to receive conditional certification. Two of the staff, S8 and S9, noted that they were not involved in the process and refused to comment. Partner P2 noted that since conditional certification is so rare, the HRTPO (at the time, the Hampton Roads MPO) must have had many difficulties, including long-term problems for which no actions were taken (December 18, 2014). In particular, the stakeholders discussed several problems surrounding the certification review.

Top Management

Stakeholders discussed the attitudes of top management prior to the 2007 certification review, in which top managers evidently did not take things seriously; after the 2007 certification review, the new top management are more vigilant and proactive (P1, November 21, 2014). Likewise, P2 noted that earlier the leadership was not as interested in making changes and keeping up to date with the federal rules, possibly out of the belief that no changes would occur.

My general sense is that leadership was not interested in making changes and so there may have been new rules...there may have been things that MPO used to do and those things were no longer applied, but the MPO was still doing it that way anyway. So, leadership or culture that they were not interested in or willing to change or did not think there would be any repercussion from changing (P2, December 18, 2014).

The top management reportedly showed little appreciation for the rules that govern public participation (S7, Oct 3, 2014). For instance, there was no effort to set up a CTAC or collect comments from the public (S2, November 21, 2014). By way of illustration, S5 recalled:

I mean, from my perspective, and just anecdotal, I think that the management wanted to control the process and did not want to have that, you know, go through that requirement, or go through that process of informing, involving, and including the agencies – oh sorry, the public. I believe that they had closed-door meetings, which I think was one of the corrective actions that, that was removed very quickly prior to me getting there. I think they had, they opened their doors. They would close their doors and have their meetings, but I believe, this is just my personal opinion, I think it was just the control – they wanted to control the process without having to go through public consent or public, open public process (December 5, 2014).

Along similar lines, a citizen who submitted a public comment claimed that the leadership seemed to control everything (DOT 2007b).

When asked the reason for this lack of interest in public participation, one staffer speculated it was “political”: to protect the interests of the mayor who also did not show much interest in public participation (S5, December 5, 2014). There are also the general perceptions that top managers believed public participation would not change anything, and so there was no need to invest time and money:

It was also—it was—public participation—every generation has its views on what public participation is. I think that it changes, you know it comes, the person before who had been there awhile thinks it worked. So if it worked then why try to fix it, type of thing. And before we didn’t have much money to work on transportation projects anyway. So to involve the public, it’s like “well nothing’s going to change, so why am I involved.” And sometimes your side of the track “well people are not involved anyway, why am I wasting time?” If you look back in time at the feedback loop, they just say “we are not involved, we are not involved” they’re disinterested. It just happened that all of this came about when they did the certification. (S9, December 1, 2014).

The HRMPO leaders also seemed pessimistic about the impact of participation. Most staff members thought that the public had no interest in participating. The perception that public participation did not matter likely stemmed from the fact that very few people attended public hearings and public meetings, and no concerted efforts had been made to really commit to the process (S8 and S9, October 7, 2014; January 5, 2015; P2, December 18, 2014). Moreover, the staff reportedly had the attitude of “if it is not broken, do not fix it” (P3, December 17, 2014). The pessimism evidently led to lack of attention to the federal rules. To the contrary, S2 claimed that the HRMPO staff believed that they were acting appropriately, with aggressive efforts in reaching out to the public, but apparently this was not the case when the HRTPO received seven corrective actions related to public participation (November 21, 2014).

Federal Highway Administration

Others expressed some reservations about how the FHWA conducted the certification review. For instance, the disagreement came from different approaches between the HRMPO and FHWA. S3 pointed out that the FHWA targeted different populations and regions than the HRMPO:

I had a problem with the certification results that came down from the federal government. I felt that they were painting their view—that would be the federal government and the state government—that the way people were doing things in Portland, Oregon and other places, ought to be applied to the Hampton Roads, Virginia experience. Uh, I did not agree with that. An example might be that even though we have a relatively small Spanish speaking population in Hampton Roads, unlike many other metropolitan areas, they wanted to see a lot of more Spanish speaking efforts embodied in public participation programs and things like that. Now my problem with that was we were going to be spending a lot of money, and a lot of staff resources, on a very very small part of the population, when there were other populations, particularly minority populations—black minority, and perhaps Filipino folks which we have in relatively large numbers in Hampton Roads. You know, the Asian community, Asian Filipino ...they didn't seem to be concerned about them. They just seemed concerned about the

Spanish populations, which, like I said, is mostly small, and for the most part transient (December 11, 2014).

Similarly, S6 disagreed with the standards that the FHWA applied, noting inconsistencies of opinions among the federal team. For instance, he compared the HRMPO and other MPOs, which in his view did not have as robust a public participation as the HRMPO did; yet, the others never received conditional certifications. He believed that different federal teams had different criteria when evaluating; some members might pay too much attention to one criterion while others might not (December 8, 2014). Indeed, the criteria or guidelines provide the reviewer with “latitude and flexibility” to suit the needs, circumstances, and issues of MPOs (DOT 2007a, ii). In addition, another staffer, S2, claimed that the FHWA seemed to be “ingrained with the rules” in the sense that the federal team puts too much emphasis on the rules and ignores some of the efforts taken by the HRMPO (November 24, 2014).

Some staffers claimed that the HRTPO received little concrete guidance about public participation from the FHWA (S4, November 13, 2014). S6 noted his frustration:

And we’ll contact those people and talk to them about it and see if maybe we can maybe institute some of that stuff here. And we struggled with that for all those years, and we did reach out to the feds often trying to get examples from them of good, of what they considered to be, ones that they had judged to be good processes and good activities and stuff, and we never got one. Not a single one. In my 25 years I never got a single real example from any FHWA or FTA representative that was judging us on the certification reviews (S6, December 8, 2014).

Lack of Resources

The staff members have similar understanding of the circumstances surrounding the certification review in regard to resources. They mentioned the lack of a robust public

participation process as well as an urgent need for improvement by hiring a public involvement officer and trying different ways to reach out to the public (S5, S6 and S7, December 5, 2014, December 19, 2014, and October 3, 2014). According to S7, “so I think a big part of the reason nothing changed between 2001 and 2007 is that the agency itself wasn’t working towards that. We didn’t have the staff that was looking to do that” (October 3, 2014). Indeed, the fact that the HRMPO did not have a public involvement officer made it difficult for the planner who was responsible for public participation to understand the rules of public participation. Moreover, few funds were allocated for public participation. Indeed, resources pose a continuing challenge for the HRTPO, since successful public participation requires numerous resources of staff, finances, and attention (P3 and P4, December 17 and 22, 2014).

Organization Structure

Another difficulty was the organization’s structure. Prior to 2007, no clear line separated the HRMPO and the Hampton Road Planning District Commission (P3 and P4, December 17 and 18, 2014), which made it difficult to conduct public participation without clearly defined responsibilities. A department in the HRPDC handled transportation issues (S6, December 8, 2014). P3 elaborated:

I think what was going on at that time, the Hampton Roads TPO and the PDC were kind of intermingled to a large degree; at that time, they were looking at restructuring. I think out of the certification review the need to restructure came to show some clear distinction between the Hampton Roads Planning District Commission and the Hampton Roads MPO. Also, at that time I think the name change kind of evolved out of that, going from an MPO to a TPO (P3, December 17, 2014).

According to a citizen who commented about this situation, the HRPDC staff should have served as staff to the MPO, but what happened was the reverse: the MPO was subordinate to the PDC

(DOT 2007c, 30). Due to two different entities, confusion resulted about which would conduct public participation.

Summary

In sum, several problems evidently led to the conditional certification in 2007. A lack of resources is one of the common challenges cited in the public participation literature (Kramer et al. 2004 and O'Connor et al. undated). Perhaps the most striking problem related to administrative rules is the pessimistic and skeptical perceptions and attitudes of the leadership towards public participation. Such pessimism is consistent with Khisty (1996, 171) who points out the tendency among planners to consider public participation a waste of time and a distraction. To some degree the responses also indicate negative perceptions of the federal rules.

As Pandey and Yang (2011) suggest, support from elected official support is critical for positive participation outcomes. The leadership did not receive much support from the mayor which then led to lack of attention to public participation processes. The extent of political support can affect funding; in this case, without much political support, the HRTPO did not have many resources for public participation (Yang and Pandey 2009). Relatedly, such support from elected official can affect internal communication, when the top managers fail to communicate and implement the rules effectively (Yang and Pandey 2009). In Hampton Roads, meetings were held behind closed doors; there was lack of public notices for meetings; and no time was allocated for public comments.

Undoubtedly, unclear organizational structure also contributed to these problems. Indeed, Kweit and Kweit (1980, 653) point out that “hierarchy and clear lines of authority may make it easier for citizens [or agencies] to pinpoint responsibility for various actions or

programs.” However, the literature is silent on the extent of interaction between agency and external bodies. The findings here indicate that how the agency perceived its relationship and communication with the external body (e.g., the FHWA) might determine participation outcomes. Goetz et al. (2002) listed a “cooperative relationship with State DOT” as an important factor contributing to successful MPOs. They point out that both MPOs and state DOTs should engage in a productive, “cooperative and collaborative decisional process” (Goetz et al. 2002, 103).

Certainly, the 2007 certification review was a wake-up call for the HRMPO. As one of the public comments put it, the certification review was akin to “a shot in the arm” (DOT 2012b, 118). C1 observed that because of this certification review, the HRTPO has learned many lessons and improved notably.

Well, I see what they do. And so, they’re improving, and I think the learning curve improved. So many things are new, policy changes what have you. How you report, inference the audit report. It’s not only the meet inside, but how you present. So after they go on, I’m sure next year is going to be really good. And even last year was good, too. Knowing the experience of—they’re just trying to evolve into something, but I think in many ways they’ve improved and learned how they are going to do that (December 18, 2014).

Indeed, the situation started to change with new top management as well as the hiring of a public involvement administrator who initiated better strategies for public participation. The next section examines the changing perceptions following the 2007 certification review.

Aftermath of the 2007 Certification Review: Efforts and Improvements

Perceptions of the administrative rules governing public participation appear to have changed notably after 2007. These changes are evident as well in the various efforts and

improvements that have followed the 2007 certification review. The stakeholders discussed some of these efforts and improvements based on the problems in the 2007 certification review.

Top Management and Public Involvement Administrator

The discussions with stakeholders about the HRTPO's actions on public participation revealed how perceptions have changed since 2007. Most stakeholders considered the HRTPO's efforts after the 2007 certification review reflect the dedication by top management, the staff, and the members of CTAC (C4, December 10, 2014; S2, November 24, 2014). P3 described the staff as very dedicated to outreach programs as part of the public participation process (December 17, 2014).

Top management of the HRTPO appears to be the key in many of the improvements. S2 lamented that the previous leadership had no intention of changing things because they thought they had sufficiently adhered to the rules of public participation (November 24, 2014). P2 observed significant changes by the leadership since the 2007 certification review (January 23, 2015). After the 2007 certification review, the leadership received full support from the mayor.

So, you know, it was just, it was good fortune that we had change of command and Mayor Joe Frank of the City of Newport News, he was willing to back me all the way. So he was my best supporter, even when we were doing things very aggressively when some of the board members might not have wanted to go so quickly, he backed me all the way, and in fact he became very aggressive with it too, so I think it was a good time between he and I in leadership positions to make sure we were going to implement. And of course I had the staff, and then I had the resources to go out and hire the people that could make it happen (S2, November 24, 2014).

One of the public comments from a citizen that appeared in the 2012 certification review report notes:

...the TPO [HRTPO] staff is now cognizant and interested in input from the citizenry. As a personal example, the Executive Director facilitated my being able to observe the TPO sponsored, May 2010 Christopher Newport University focus group interviews and even made time in his busy schedule to meet with me to address some of my concerns...(DOT 2012b, 127).

P1 attributed the success to the executive director in place in 2008 who found a public involvement administrator (November 21, 2014). Indeed, a majority of the staff points out that the decision to hire a person with public participation and Title VI background as the public involvement administrator was the most significant action the HRTPO took. The federal team notes:

After the 2007 Federal Certification Review, the TPO hired a Public Involvement/Community Outreach and Title VI and Environmental Justice Coordinator. The decision by TPO leadership to create this position and remove the collateral duty designation served as a clear indication that the TPO was serious about reforming its public outreach practices and creating a positive public image. As noted earlier, the satisfactory feedback the Federal Team received during the public hearing proved that this decision was a move in the right direction (DOT 2012a, 24).

Handling public participation requires time, thinking, and effort to put together strategies to engage the public. Prior to hiring the public involvement administrator, the HRTPO hired someone from the FHWA to immediately sort out the problems after the 2007 certification review. This helped underscore the importance of having a public involvement administrator for public participation (S8, October 7, 2014). Additionally, the public involvement administrator would have different perspectives on public participation than any other staff (S9, January 5, 2015). S9 also contended that the current public involvement administrator is doing an excellent job in engaging the public and disseminating information; she is not merely “checking-the-box” of the rules; she is not simply meeting the minimum requirements of public participation, but tries her best to “exceed” the requirements. The skills of a public involvement administrator

should have mattered the most because he or she was considered the subject expert (S4, November 13, 2014). S4 pointed out that,

I think that now they have someone in-house who can provide that guidance. ... – to be clear, they hired a subject matter expert. They didn't hire someone who worked in public relations. They didn't hire someone who does marketing. They hired a person whose background is public involvement and Title VI and civil rights and environmental justice. They hired a subject matter expert... who has created a team here who are learning, you know, to, act in this regard as well. So I think that having someone who has a background in public involvement and Title VI instead of – it's just like hiring a transportation planner to do transportation planning. You don't hire an accountant to do transportation planning (November 13, 2014).

The current public involvement administrator has good connections with the news media, easing the dissemination of information and providing better coverage in the news (S6, December 8, 2014). S8 also noted how the public involvement administrator is able to use press releases, which are more effective and cheaper than advertising in the newspapers, to publicize the HRTPO's activities (October 7, 2014). Other staff also credited the public involvement administrator with many successful efforts and with involving the broader public from "all walks of life" (S6, December 19, 2014).

Increased Resources

Increased resources also played an important role. Staff members attributed the HRTPO's improvements to its having more resources such as dedicated staff as well as money (S3, December 11; S2, November 21, 2014). The staff has devoted considerable effort in making public participation as transparent as possible (P3, December 17, 2014). S6 described how the CTAC members thought that the HRTPO was performing well in making everything more transparent (December 19, 2014).

Overall, many things have improved, S4 insisted: “it’s a total 180-degree difference between then and now. It’s totally different now. You know, from our website, everything. Everything. Everything is completely different. Completely. And it’s measurable. So absolutely different” (November 13, 2014). Perhaps the most important change is that people have begun to notice the improvements and appear more interested in participating (S9, January 5, 2015). P4 acknowledges the improvement, but notes that room remains for further strengthening (December 22, 2014).

Organization Structure

Stakeholders did not discuss the organizational structure, but the 2012 Certification Review reported that the federal team was impressed with the delineation of the HRTPO and HRPDC functions by restructuring the organization to achieve performance and efficiency goals (DOT 2012a). Among the delineated functions of HRTPO and HRPDC: “separate Boards/Chairs, separate meetings and agendas, separate UPWPs, separate logos and letterhead, separate websites, and restructured staff” (DOT 2012b, 7).

Summary

In sum, improvements in the HRTPO’s public participation process are evidently due to its public involvement administrator who is dedicated to her job and has better understanding of the rules, enabling her to put together strategies that essentially have changed the HRTPO’s outreach activities. On top of that, the new leadership and staff members have supported these efforts.

In line with the literature, strong and better leadership coupled with support from elected officials may enhance public participation (King et al. 1998, Pandey and Yang 2011, and Kweit

and Kweit 1981). The role of elected officials is significant. As Pandey and Moynihan (2006, 135) point out, “through a variety of formal hierarchical as well as informal mechanisms, elected officials have the opportunity and ability to penetrate deeply into the inner workings of public organizations.”

In addition, the leadership was also able to create an innovative environment for in which the public involvement administrator could serve as a change agent (King et al. 1998). Indeed, the public involvement administrator can be viewed as acting as a “transformational leader” which as a catalyst for change (Pandey and Yang 2011, 883): “their charisma and inspirational motivation help employees see the potential benefits of citizen participation and embrace change resulting from participation.” Morris and Fragala (2010) also note the importance of having a public involvement specialist in an MPO, since his or her professional background can help design public participation strategies that are able to target the appropriate populations and identify strategies as well as estimating the cost of those strategies.

Goetz et al. (2002, 99) also reported that the most successful MPOs tend to have “effective leadership” who possessed capacities in managing collaborative efforts among various stakeholders. Not surprisingly too, the most successful MPOs have competent and credible staff. For instance, the staff of the Dallas- Ft. Worth MPO had technical skills, in planning, and forecasting (Goetz et al. 2002). Similar with the HRTPO staff, most of them are considered as competent and credible in their technical skills and supportive of the public participation processes in the HRTPO after the 2007 certification review.

The 2012 Certification Review: Accomplishments

The next certification review was in 2012, when the HRTPO received full certification that noted much improvement. This certification review indicated major positive changes in the public participation process. Significantly, the report affirmed that the aim of public participation in the HRTPO was to be “inclusive, transparent, consistent, accountable, thoughtful, and dynamic” (DOT 2012 b, 105). In many ways, these notions point to positive perceptions of public participation. The stakeholders identified accomplishments such as having a model for best and noteworthy practices, better PPP, better and more engagement with the public, and better plans.

Best and Noteworthy Practices

Partner P1 considered the accomplishment of public participation in the HRTPO as one of best practices for MPOs because he considered most of the HRTPO’s initiatives in public participation as creating an exemplar for other MPOs in the nation (November 21, 2014). P2, however, distinguished best practices and “noteworthy practice,” with public participation in the HRTPO a noteworthy example rather than a best practice (January 23, 2015). For instance, having a public involvement officer is noteworthy, since this person understands and implements the rules of public participation. According to P2 “I think it is hard to say they are best practices. I think that for various reasons they highlight some aspects that we would like to see in other places” (January 23, 2015). Indeed, as the Hampton Roads MPO Best Practices Report (PBS&J 2009, ES-4) points out,

...the “best practices” for an MPO such as HRMPO will not necessarily be the same as those which are the “typical” or “standard” practices used in other metropolitan areas. Moreover, even if a specific process has been judged to be “best practice” by another MPO itself or by the member of a federal recertification process review team, it might still be applicable only to that particular region of the country...

Public Participation Plan

Most notable was the accomplishment of the PPP. There are stark differences between the 2003 and the 2012 PPP. Although the 2003 PPP fulfilled the minimum requirements, most stakeholders agreed that the current PPP, developed in 2012, is more comprehensive, attractive, and user-friendly. The 2012 certification review report points out that putting together the plan was a collaborative effort among the staff (DOT 2012a). For instance, the 2012 PPP explicitly describes the HRTPO's goals for public participation (HRTPO PPP 2012, 9):

- i. Build credibility and trust between the HRTPO and those whom it exists to serve;
- ii. Facilitate an involvement process that begins early, is convenient and meaningful;
- iii. Develop partnerships with local community leaders, groups and organizations to provide an integrated, environmentally aware, and multi-modal approach to transportation needs and desires;
- iv. Provide timely and easily understood information to citizens, other interested parties, and segments of the community affected by transportation plans, programs, and projects;
- v. Integrate citizen concerns and needs into the developmental process;
- vi. Ensure adequate input is obtained for developing solutions during project planning phases;
- vii. Collaborate with traditionally underserved communities to understand and consider their needs by implementing Environmental Justice procedures recommended by federal transportation agencies;
- viii. Periodically evaluate the effectiveness of the public involvement process to ensure full and open access to all and revision of the process as necessary;
- ix. Exceed federal requirements as they pertain to public involvement; and
- x. Facilitate a transparent, flexible public involvement process.

These reflect mostly the positive views of the administrative rules that govern public participation processes. In contrast, the 2003 PPP contained no explicit or clear goals for public participation.

Plans, Projects, and Programs

S6 commented that since the 2007 certification review, accomplishments can be seen in the various kinds of “products” (e.g., plans, programs, and projects) that the HRTPO generates (December 19, 2014). P3 agreed that one of the plans (e.g., the LRTP) showed some improvement. Indeed, the federal team commended the LRTP as “an ambitious update over its predecessor. Notable to the update was a robust public outreach effort and development of a formal project prioritization tool” (DOT 2012a, 10).

The federal team also praised the TIP: “We commend the TPO efforts and assistance from the VDOT Hampton Roads District office to develop a document that allows citizens of the Hampton Roads region a more informative review of projects. We consider this approach to TIP development to be a best practice” (DOT 2012a, 18).

In addition, the “Citizens Guide to Transportation” is one of the HRTPO’s products that is user friendly and can be easily comprehended by the public. The 2012 certification review report considered this guide to be “well done, simple, informative, and educational” (DOT 2012a, 24).

Better Engagement with the Public

Another major accomplishment of public participation is that the HRTPO had a better engagement with the public. This accomplishment can be seen from the availability of public comments, school outreach programs, surveys, application of technology, and the establishment of CTAC.

i. Public Comments

Staff members S2, S6, and S9, as well as one of the partners, P4, agreed that the HRTPO has had more engagement with the public. It seeks to increase engagement by having comment periods, and comments can be easily submitted electronically as well as during the actual meetings. All meetings are now open to the public. For instance, S9 observed:

For example, we did the long-range transportation plan, the one that's going on right now... And just getting the word out there and having people involved enough to provide us comments and suggestions. I'm not sure, I don't remember the exact number of people that gave us comments, but it was a decent amount. It's nice to see that people actually cared enough to give their suggestions and want to learn more about the station. At the board meetings you see a lot more people show up and make comments, even if it's people that are angry, it's alright with me because they are engaged. And I think that's a big—that's better than not having anyone say anything, that's a big accomplishment (January 5, 2015).

The rules that require an MPO to demonstrate explicit consideration of public input are very important because responses provide better public understanding (S6, December 19, 2014). S6 also mentioned the HRTPO's effort to address the comments it receives individually. This is to ensure that communication is not just one-way and that the HRTPO considers not only its own perspectives, but also those of the public (December 19, 2014). Indeed, as the 2012 certification review reports (DOT 2012b, 127), "public comments are included in the appendices of all final reports and shared with the HRTPO Board; and, staff also respond to public comments and lets the public know how their input was utilized."

According to the 2012 certification review report:

- a. Public Notices: The notification processes of the HRTPO satisfy the individual public participation of the HRTPO planning partners in accordance with administrative rules of public participation (DOT 2012b, 117).

b. Public Comments: Public comment opportunities are slated before board and committee meetings. They are also included in the appendices of all final reports. The staff responds to public comments and lets the public know how their input was incorporated in decision making. The public comments are made available through various sources such as the HRTPO website, local libraries, community centers, locality websites, and social media (DOT 2012b, 118).

ii. School Outreach

School outreach programs have allowed the HRTPO to reach students and parents at the same time (December 8, 2014). These programs are beneficial for long-term plans (S9, December 1, 2014) as they cultivate interest in transportation issues among both adults and younger people. The federal team during the 2012 certification review commended the effort: “during the development of the 2034 Long Range Transportation Plan, TPO staff actively sought out ways to engage kids and parents in helping to shape the region’s vision over the next 20 years. Active involvement in community schools was a technique. Feedback received was shaped into criteria that was later included into the TPO’s project prioritization process” (DOT 2012a, 24).

iii. Surveys

P3 and P4 described how the HRTPO has responded to and incorporated many of the comments it has received from the public into its plans, projects, and programs. The surveys conducted by the HRTPO gained a lot of feedback. P3 considered the surveys as the biggest accomplishment because of the high percentage participation from the public (P3, December 17,

2014). The plans, projects, and programs are better developed when public input is considered (P3, December 17, 2014 and P4, December 22, 2014). For instance, P3 pointed out:

I would think that, you know, the development of the long-range plan [LRTP] and some of the products that come out of the MPO, we do allow the public to comment or make suggestions for projects, you know, but I would say the biggest accomplishment would be some of the surveys that were recently conducted by the HRTPO, where they had a very high participation percentage, with much much higher than what normal survey participation is, so that means that the outreach is working (December 17, 2014).

In addition, stakeholders appreciated the surveys conducted by the HRTPO:

Another thing that they've been doing more and more of is a special little surveys. You know, on specific topics, maybe do a little short survey and glean public information from those surveys. And like I mentioned before, if you put together a good survey that's easy to understand and it's easy to answer and it's not going to take you 20 minutes to fill out or something, a lot of times you get good response to that (S6, December 8, 2014).

C1 also praised the surveys:

And also surveys they take. They take, you know, military side—they have military survey—they reached out to the commander...public relations to the operations officers, that they send an email to everybody saying “hey, this survey is going on, you need to be involved in it.” So that people say “okay, so my opinion counts, let's do it.” And then we get the feedback, so that we know that “okay, so what we meant is heard. So the survey, really, I was appreciative about it. And also, the survey contains, not so many multiple questions, but also narrative specific. You can type anything you want. And I know they created a program to read and depict wording and pick up phrases that they can study up and see what kind of attendance, or group of information and opinions in there. So they're not just reading thousands and thousands at a time—they have a system. So I thought that was great (December 18, 2014).

iv. Technology

The stakeholders also talked about improvements in applying technology in the public participation process, such as using email lists and social media (e.g., Facebook, Twitter) and

uploading meetings on YouTube. P1 also observed that some of the initiatives are only available in the HRTPO (November 21, 2014):

Well, I think the technology has probably been the most critical piece of that. Before, all this information was disseminated by newspapers or what we saw on the TV news, but with smartphones and computers and the internet, so much of this information is readily available. And there are some people who want to know what's going on. So I think the few people who are engaged or want to know about the planning process, the information is out there for them to look and ask questions. So I think technology may be one of the biggest issues.

v. CTAC

Another major accomplishment was the establishment of CTAC, which provides a better structure for involvement of and engagement with the public through representation of the community. Even though the establishment of a CTAC is optional, the federal rules strongly encouraged that MPOs have one. It is especially significant given the nature and complexity of the transportation issues in Hampton Roads.

The CTAC members have various reasons for joining. C1 noted the experience as positive and responds that she wanted to serve and “give back” to the community¹¹ (December 18, 2014). C2 gave the same reason: he wanted to represent the interest of the community, especially those that are affected by transportation infrastructure and the road system (December 16, 2014). In addition, C3 mentioned contributing based on his transportation background (December 21, 2014). C4 is concerned with the transportation issues in the area and advocates for a better transportation infrastructure in her community. She understands the importance of transportation and how it affects the lives of people in the area. She insisted that she knows many people in her community and represent their voices (January 2, 2015). Most of the members note

¹¹ Community refers to the geographic area that the members represent (see Figure 2).

the positive aspect of being a member of the Committee. The federal team commends the group as consisting of “dedicated individuals” (DOT 2012a, 4).

When asked if they had encountered anything negative about the Committee, C3 noted that the group tends to be passive, and meetings contain more listening than discussing (December 21, 2014). Along similar lines, C4 expressed hope that the Committee would become more proactive rather than reactive (January 2, 2015). Similarly, C1 lamented that the process tends to involve receiving rather than giving information (December 18, 2014). C2 indicated that meetings at times tend to be more presentations than lively discussion (personal communication, December 16, 2014). This happened when the issues clearly are related to or affect funding. It is also a challenge to convince the public that their input and feedback matter (C3, December 21, 2014). C2 agreed and argued that the public needs to feel that they are being heard. Another concern is about when the public should participate -- during the decision making process instead of after decisions have been made (December 16, 2014).

The CTAC has also faced other criticism. Like evaluations of public hearings and public meetings, the criticisms tend to be directed at the effectiveness of the Committee in achieving its objectives. Part of the concern is whether those representing the Committee are truly representative or are instead people with vested interests. Indeed, there is a claim that the membership of CTAC is not totally representative of the larger community because some have connections with the leadership of the MPO Board (S2 and C1, November 24, 2014 and December 18, 2014). A public comment from a citizen pointed out that “the organization of CTAC has merit, but from a layman’s [sic] viewpoint appears to heavily represent special interests, rather than the citizenry in general. I attended the original organizational meeting, and of the 20 or so original members, only five appeared to me to not have special interest

connections” (DOT 2012b, 122). Indeed, as one of the members admitted, he was appointed and supported by the mayor in the area (C3, December 21, 2014).

Despite such criticisms, the members of CTAC have clear expectations about their participation on the Committee. C1 emphasized the need for having more information and feedback from the HRTPO, especially on pertinent transportation issues from non-technical perspectives (December 18, 2014). Equally important, C2 suggested that the HRTPO needs to more actively seek and encourage feedback from CTAC members so that there will be livelier discussion. She believed that the HRTPO does not take full advantage of the Committee, but rather uses it as a means of “checking the box” (i.e., establishing CTAC to meet the minimum standard) (December 16, 2014). C3 opined that the Committee brings representatives of the region together to discuss issues and try to find common and consistent voices that benefit their representative community. He hoped that such voices will be able to shape the decision making process (December 21, 2014):

I know there’s been a lot of, specific to transportation; there’s been a lot of public and private conversation about privatizing the infrastructure and road improvements here in the Hampton Roads. And I think they’ve done a really, really good job, and the public is well informed. Most recently, over the weekend actually, last week, there was a lot of discussion about a bridge over in Chesapeake, the expansion there, where the council in Chesapeake and some of the citizens that are involved and benefit from the bridge improvement to reduce the traffic congestions, are concerned that the tolls that the legislators talk about levying on that bridge might impact economic development in Chesapeake, or prevent it, because of the additional costs. I think that that’s what the public bring to the commonwealth transportation board, and others making these decisions, is that they bring real world local experience and ideas and concerns, that then they can consider in their policy (C3, December 21, 2014).

Overall, due to these accomplishments, the HRTPO has gained more public confidence and trust (S6, December 19, 2014). P4 shared this perception, observing that, “And overall the

citizens are much happier with the effort that's happening. It instills faith in the public sector and the agency's working on the effort too—so it kind of, it spreads out” (personal communication, December 22, 2014). This is consistent with the HRTPO's goal to “build credibility and trust between the HRTPO and those whom it exists to serve” (HRTPO 2012, 10). The federal team also pointed out that during its meeting with citizens, many commended the HRTPO's reforms and noticed the increased availability of staff in the communities (DOT 2012a). When the public is involved in public participation, it acts as a watch dog or overseer of the agency (C3, personal communication, December 21, 2014). This role is important because transportation often demands transparency, another goal of the HRTPO.

Summary

In sum, some of the efforts, improvements, and accomplishments of public participation were also reported by the 2012 Certification Review Report such as the 2009 MPO Best Practices Study, public involvement and community outreach officers, the HRTPO advisory committees, the 2012 PPP, increased training, public comment periods at all meetings, surveys and school outreach programs, the application of technology, the establishment of CTAC, the 2011 Public Participation Citizens Guide, Title VI Plan, Limited English Proficiency Plan, and the 2009 Self-Certification Procedural Guide¹² (DOT 2012b, 12-13). In addition, other accomplishments included clearly delineated functions of the HRTPO and the HRPDC, the HRTPO Board membership, and the membership of the Virginia Association of MPOs (VAMPO) (DOT 2012b, 12-13).

¹² The Guide is a desk reference used by staff, reviewing agencies, and the public to help ensure that all transportation planning and programming processes are carried out appropriately.

Consistent with Pandey and Yang (2011), the use of multiple types of mechanisms can bring positive participation outcomes. Successful MPOs tend to involve various mechanisms beyond conventional public hearings (Goetz et al. 2002; O'Connor et al. undated). Stakeholders praised surveys and CTAC as major accomplishments, contrary to King et al. (1998) who considered such mechanisms as “barriers” to “authentic” public participation. In their view, surveys are a “one-shot” technique with less interaction and the citizen advisory committee has potential biases in the composition of panels (King et al. 1998, 324 and Kathlene and Martin, 1991). HRTPO’s accomplishments are also consistent with the findings of Kramer et al. (2006) that better public participation resulted in better projects and plans, improved public understanding, and improved public trust.

The accomplishments of public participation in the HRTPO suggest that it has attempted to foster “authentic public participation by “creat[ing] opportunities to interact with each other, us[ing] electronic resources, seek[ing] diversity in representation and allocat[ing] resources for participation efforts” (King et al. 1998, 324). Moreover, the accomplishments are consistent with characteristics possessed by successful MPOs with aggressive public participation practices (cf. Goetz et al. 2002, 101).

Successful Public Participation

The accomplishments of public participation in the HRTPO are evident in the 2012 certification review. Thus, it is pertinent to tap into stakeholders’ perceptions and understanding of what “successful” public participation means to them. In the literature, the notion of “successful” public participation has been debated extensively. Some other terms that signify the positive aspects of public participation are “meaningful” and “authentic” participation (King et

al. 1998). Even though the respondents in this study did not identify these determinants specifically, their discussion appeared similar such as “inclusive, awareness of their interests, deep and continuous involvement, representative, access to participate” (cf. Kulozu 2014, Khademian et al. 2007, HRCCE 2013, Kaiser et al. 1995). Tapping into stakeholders’ perceptions of “successful” public participation revealed their positive perceptions of the process in general.

Broad Outreach

The majority of stakeholders considered successful public participation as involving broad outreach to public: the HRTPO should be able to reach as many people in the community as possible. Broad outreach also means that everybody in the community knows and understands what an MPO is, what it does, how its plans, programs, and projects affect their lives, and how they can provide input and give feedback (S4, S7 and S8, November 13, October 3 and 7, 2014).

Positive Response or Feedback

Perhaps broad outreach can be gauged by looking at meeting attendance as well as at people’s involvement via social media. Yet, S6 noted that “successful” also means having positive response or feedback, which goes beyond the number of people showing up at meetings. For him, it does not really matter what kind of means are used; whether the process is successful or not depends on the kind of feedback it generates (December 19, 2014). S2 concurred and pointed out that successful public participation involves the HRTPO reaching out to racial and ethnic minorities in the area. He insisted:

...certainly something other than 20 people showing up at a quarterly meeting. Now particularly if it’s the same 20 people. To me, it means you need to have broad outreach...how do we go into minority communities or economically disadvantaged

communities who don't have the access or the wherewithal to access what we do? They aren't even aware, even with good media coverage, they aren't aware that there is a regional transportation planning organization of elected officials, and that they do select projects that may impact your community. And so, she (the public involvement administrator) has helped enormously in developing citizen outreach programs and plans to go to those communities (November 24, 2014).

S4 reiterated that one of the indicators of success is meeting attendance; beyond that "success" means that those attending leave meetings with better understanding of the issues, having provided input, and then shared the information with others. To be successful the engagement that has taken place should be "meaningful, diverse, and [have] impact" (S4, November 13, 2014).

Voices Being Heard

For some stakeholders, "successful" means that public voices are actually heard. Most of the formal rules seek feedback from stakeholders and the public (P4, December 22, 2014). It is important for the public to believe that their voices matter and are heard before any project begins (C3, December 21, 2014). Along similar lines, P2 insisted that comments need to be taken seriously (January 23, 2015). In addition, the public should at least learn something and be involved enough to know that they can contribute and make a difference in the community (C1, December 18, 2014).

"Walk the Talk"

"Walking the talk" is important for successful public participation (S9, January 5, 2015). This happens when the HRTPO indicates what it has heard from the public and takes action (C4, January 2, 2015). Implementation is what matters the most, not just the existence of rules for participating (P3, December 17, 2014). C2 elaborated, contending that "successful" means

fulfilling the needs and desires of the public and not the needs of staff and elected officials (December 16, 2014).

Public Commitment

The stakeholders also highlighted public commitment as an indicator of success. As a CTAC member, C3 emphasized that it is his commitment to bring people's voices to the meetings and to let the people in his community know what happens there (December 21, 2014). In the same way, S3 argued that successful public participation depends on the commitment of the public. The public should be well informed, and they should take the time to read and understand the issues. S3 also pointed out that most people do not read about or understand the issues; hence, discussions sometimes were futile (December 11, 2014). To encourage people to show up at the meetings as informed participants and provide input, the process needs to utilize various techniques to engage the public (P2, January 23, 2015). This is a two-way commitment: both the public and the HRTPO must work to ensure successful public participation (P1, November 21, 2014).

Providing Access and Opportunities

Another indicator of successful public participation is its ability to provide access and opportunities to people. Here, access refers to information being available in languages besides English and having meetings at convenient times and places (S5, December 5, 2014). S5 went further:

So it's trying to provide, trying to make an effort to not only provide information during regular business hours, through websites, through trying to be creative, but also trying to provide information to persons or groups of persons that might not have traditional access to the planning process in this case. The MPOs are the main entity to coordinate the planning process. So it's trying to provide information not only to the decision makers,

but to everybody involved, and also provide, once you provide that information, once you receive that information from both the leaders and the persons, the agency does not necessarily need to do everything that they say, but at least consider the information. And incorporate it in one way or another into the decision making process.

S5 concurred with S8 that successful also refers to the ability of the HRTPO to provide access to various segments of the public including those who already are well-informed as well as those with specific interests, such as pedestrians and bicyclists (December 5, 2014 and December 19, 2014). In addition, P3 stressed the importance of providing opportunities to participate in a timely manner, allowing people to see information and have sufficient time to comment (December 17, 2014).

Realistic

S9 discussed the need for public participation to be “realistic,” referring to the outcomes of the process. People have different needs and wants, but the HRTPO through the public participation process also needs for its plans and programs to be feasible. She added that public expectations of the implementation of any transportation projects need to be reasonable (January 5, 2015), since transportation poses complicated issues and funding often is limited.

Some of the stakeholders stressed the subjective nature of “successful” participation. If the HRTPO makes a strong effort, but receives little participation, it is unfair to conclude that the process was unsuccessful (November 21, 2014). S5 and S6 also indicated that it is difficult to measure success (December 5, 2014 and December 19, 2014).

Value of Public Participation

Along similar line, how stakeholders' value public participation is important as the perceptions of public participation and the rules, in particular, evidently pessimistic prior to the 2007 certification review. The stakeholders identified several meanings of public participation such as getting ideas, informing and educating the public, involving and hearing public voices, problem solving, providing easy access, and creating norms between public and the HRTPO. Despite various perceptions of what public participation means among stakeholders, one finds many similarities. Most perceived public participation positively, contrary to the previous pessimistic perceptions. The stakeholders identified the meaning of public participation consistent in ways with the HRTPO's vision of public participation as stated in its PPP. To some degree, this demonstrates a clear understanding of stakeholders about the meaning of public participation. Based on their responses, most stakeholders advocated having more "meaningful"/ "authentic" public participation in the HRTPO (Figuredo 2005; Kweit and Kweit 1981; Pandey and Yang 2011; Kaiser et al. 1995; King et al. 1998).

Sharing Information and Educating the Public

The majority of the stakeholders associated public participation with sharing information and educating the public. It does not matter how people gather; most important is to get the information to them every time they gather (P4, December 22, 2014). Instead of waiting for people to come to meetings, the HRTPO needs to be proactive by going out to meet people. Meeting the "right" people would intrigue and interest them because of the HRTPO's effort in reaching out to the public. S3 believed that public participation involves making information available to people, especially marginalized people, with the most effective tools (December 11, 2014; cf.S8, Oct 7, 2014). It also means educating people about what the MPO is doing (S9, January 5, 2014). These responses are consistent with the HRTPO's vision to "provide timely

and easily understood information to citizens, other interested parties, and segments of the community affected by transportation plans, programs, and projects” (HRTPO 2012, 10).

Getting Ideas

Public participation can also mean getting ideas from the public, serving as a platform for the HRTPO to get input and feedback from the public (P3 and P1, December 17, 2014 and November 21, 2014). Indeed, the PPP (HRTPO 2012, 10) articulates these sentiments very well: it aims to “integrate citizen concerns and needs into the developmental process” as well as to “ensure adequate public input is obtained for developing solutions during project planning phases.”

One of the visions for public participation in the HRTPO PPP (2012) notes to ensure that members of the public know that their voices are valued and heard and that their feedback, thoughts, and ideas have potential impact on HRTPO decision making. In other words, public participation provides avenue for citizens to have their voices heard. As C2 put it, “It means representing my city, speaking-up, being active, listening to friends and neighbors and businesses here in Newport News, and trying to relay their concerns as well as my own” (December 21, 2014). In addition, the HRTPO receives comments from all over the region, not just limited from CTAC members who technically represent their own areas (S2, November 24, 2014). As the planning process evolves, people are given the opportunity to participate and to make their voices heard (S3, December 11, 2014).

Involving People and Problem Solving

Involving people and problem solving are among the HRTPO’s pledges in its PPP. The PPP notes that “the HRTPO is fully committed to involving and collaborating with Hampton

Roads citizens in a public involvement process that is grounded in mutual problem solving and understanding” (HRTPO 2012, 9). Along similar lines, problem solving is also a part of what the stakeholders associate with public participation. Public participation is a means to solve problems by finding solutions with other people (P4, December 22, 2014). This includes incorporating feedback from the public in plans, programs and activities (S8, October 7, 2014). Despite the fact that not every solution appeals to everyone, public participation provides means to take everyone’s concerns into account and to find appropriate solutions (S9, January 5, 2015).

Involving people means that the agency cares enough to include people’s voices and to make the process more transparent: “That they want to involve the citizens; they want to have the citizens be engaged. Because the group I’m in, obviously, we do not have a vote. We do not shape policy, we do not formulate policy. The only thing we do is act as a conduit between those who do and the citizens of the community” (C3, personal communication, December 21, 2014). P1 and S8 believed that involving citizens goes beyond reaching out to them, but more importantly trying to find ways to get them to participate (personal communication, November 21, 2014 and October 7, 2014). Equally important, public participation seeks to get people to become involved in the process as their participation may have an impact 50 years later (S9, personal communication, January 5, 2015). This is in line with King et al.’s (1998) suggestion that the agency needs to strive beyond just getting input from the public, but also try to engage citizens in discourse.

Easy Access

To some public participation also means easy access to decision making. S2 defined public participation as access providing citizens the opportunity to be involved by attending

meetings and other activities that may affect their lives (personal communication, November 24, 2014). Access also means that convenient ways of participating such as via online.

Means for Betterment

C1 offered a different perspective of public participation. She saw public participation as a means for betterment in the community, not only for individuals: “I think it is a way of life. And also that, stewardship we call it...to make your community better for the next generation to you, to your friends, to everybody” (December 18, 2014).

Summary

The positive perceptions of stakeholders about the value of public participation and “successful” public participation are broadly consistent with the existing literature (cf. Kulozu 2014, Khademian et al. 2007, HRCCE 2013, Kaiser et al. 1995; O’Connor et al. undated). More specifically, Morris and Fragala (2010) find that state DOT and MPO respondents defined “successful” and “effective” public participation as getting information from the public, providing equitable opportunities and access, getting a better feedback and making better decisions, problem solving, and public’s understanding of solutions and decisions. The HRTPO’s stakeholders’ favorable perceptions of “successful” and value of public participation revealed the shifting perceptions from negative to positive and indicated an understanding of public participation and its accompanying rules.

Conclusion

The discussion thus far points to a number of key themes that tap how stakeholders’ perceptions have changed since 2007. In 2007, the perceptions of public participation and the

rules governing the process were negative. The perceptions changed significantly after 2007 when the new leadership sought to reform public participation processes, most notably by hiring a new public involvement administrator. A majority of stakeholders agreed that public participation processes in the HRTPO have improved substantially. Stakeholders also held generally favorable perceptions of the value of public participation and what “successful” public participation meant to them. Such responses suggest positive perceptions of public participation and its rules in particular. To further understand these changing perceptions, the next chapter discusses stakeholders’ perceptions of the administrative rules that govern public participation through the lenses of stakeholder red tape and green tape.

CHAPTER 6

PERCEPTIONS OF ADMINISTRATIVE RULES GOVERNING PUBLIC PARTICIPATION: STAKEHOLDER RED TAPE AND GREEN TAPE

Chapter 5 showed how stakeholders' perceptions changed from negative to positive following the 2007 certification review. The top management during the 2007 certification review had skeptical perceptions of public participation, they lacked guidance on rule implementation, and they did not have a staffer who was a subject matter expert on public participation. The reforms initiated by the new top management with the assistance of a dedicated staff, most notably the public involvement administrator, were associated with more positive perceptions of the rules governing public participation. By and large, the stakeholders considered the HRTPO's responses in public participation to be successful.

In this chapter, I explore stakeholders' perceptions of the administrative rules governing public participation through the lenses of stakeholder red tape and green tape. First, I unpack the definition of stakeholder red tape, revealing several key elements. Next, I scrutinize stakeholders' perceptions guided by the attributes of stakeholder red tape and green tape. Both concepts focus on the extent of stakeholders' understanding of rules' purposes, formalization, control, and compliance. Green tape has the additional attributes of valid means-ends relationships and consistent application of rules.

Unpacking Stakeholder Red Tape

Bozeman defines stakeholder red tape as “a rule that remains in force and entails a compliance burden but serves no objective valued by a given stakeholder group” (2000, p. 83). Bozeman and Anderson (2014, 4) maintain that this definition seems rather “fluid.” Still, it is

possible to judge whether stakeholders perceive rules as red tape. Borry (2013, 2) suggests three indicators of red tape: whether and the extent to which rules are “burdensome, unnecessary, and ineffective.” Stakeholders described “burdensome” as involving lack of guidance and lack of resources to implement the rules; “unnecessary” as being outdated; and “ineffective” as being subjective and difficult to measure. The issue of effectiveness led to another concern: evaluation.

Stakeholders that perceived the rules negatively identify several other indicators in addition to Borry's (2013), such as rules that are “vague” and reflect a “standard of practice” (“checking-the-box”), rules that are implemented to only meet minimum requirements.

Burdensome and Unnecessary

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, S9 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.

They don't have people that have been able to tell us real examples of stuff. All they can do is tell us theoretical stuff, you know. And that's not helpful, that's absolutely not

helpful. So they can come out and do a training course on something, give us some vague examples of some stuff, that's not helpful. We don't know that, you know, 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 (S4, November 13, 2014).

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.

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.

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).

“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).

Summary

Following Bozeman’s (2000) definition of stakeholder red tape, in general stakeholders in the HRTPO did not perceive the rules as red tape. In some instances, especially prior to the 2007 certification review, stakeholders perceived part of the rules as “burdensome,” “ineffective” and “unnecessary.” They identified burdensome with a lack of resources and a lack of guidance from the FHWA; ineffective with few guidelines and tools to measure the effectiveness of participation; and unnecessary as being outdated. As mentioned before,

problems of evaluating public participation are consistent with the literature. More specifically, Morris and Fragala (2010, 11) found that “almost all DOT and MPO respondents said that their agency had not developed quantitative or qualitative measures of effectiveness...”

Relatedly, emerging themes focused on whether the rules were ambiguous and whether the rules as a means for “checking-the-box.” Previous research has not explored the definition and indicators of stakeholder red tape. The findings here add to better understanding the definition of stakeholder red tape by unpacking several of its indicators as well as adding to other potential indicators.

Attributes of Stakeholder Red Tape and Green Tape

Extent of Stakeholders’ Understanding of Rules’ Purposes

As noted before, one attribute of green tape is how well stakeholders understand the purpose of the rules so as to better elicit compliance and cooperation. Stakeholders’ lack of understanding of a rule’s purpose can lead to negative perceptions of the rules (red tape) (Bozeman 2000). Here, the majority of the stakeholders identified the general purpose of having the administrative rules is as guidelines or tools that provide opportunities for the public to participate and make information available to the public.

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:

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).

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).

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 are 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.

On the contrary, S6 thought the requirement for public sessions is outdated and the least effective way to engage people. He did not suggest doing away with meetings, but said that more effective strategies are very much needed (December 8, 2014). S7 agreed that public meetings can be unpredictable: some are well attended and others are not. He maintained that public meetings are still valuable, but they are just one of the tools of public participation. In addition, he suggested an alternative or additional means that would better accommodate some participants, such as providing day care (October 3, 2014). S4 emphasized the need for everyone to realize current daily realities. People cannot always come to meetings, so it is unfair to judge public participation based on the number of people who show up. Hence, the HRTPO has examined other ways for people to participate, such as online surveys and comments or online public hearings (November 13, 2014).

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.

Summary

Stakeholders demonstrated a clear understanding of rules’ purposes. Although stakeholders might not necessarily agree with the requirement of public hearings, by and large, they understood and accepted the need of having public hearings. This perhaps indicated compliance in implementing the rules after 2007 (DeHart-Davis 2009). The role of a public involvement administrator in communicating the rules’ purposes also is able to garner support and cooperation from stakeholders in implementing the rules (Bozeman 2000).

Formalization (Public Participation Plan)

The Public Participation Plan (PPP) is one form of formalization (written rules). For the most part, the stakeholders positively perceived the PPP as a set of written rules. They considered the PPP the heart of public participation. Similar to Borry's (2013) findings, the positive perception of written rules echoes green tape ideas. The stakeholders value written rules and describe them as a “process, framework, and contract” for the purposes of “transparency and accountability.” They also acknowledged the PPP as “well written, engaging, and explicit for easy access and clarification.”

The stakeholders discussed the PPP as a form of formalization in depth. 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).

Most of the stakeholders agreed all relevant rules governing public participation processes were written. Administrative rules were not considered to be rules if they were unwritten; one of the partners, P1, insisted that it is impossible to know what is on someone else's mind (November 21, 2014). S4, while agreeing that all rules were written, she seemed to have a somewhat different perspective, claiming that as someone who is responsible for public participation, her unwritten rules include being more emphatic and approachable. For her, another unwritten rule is that no personal opinion should be involved in applying the formal rules.

So, but for me, I am extremely approachable and I never, very seldom do I put my personal opinions in this issue at all. I come from complete empathy, and when people are angry I just go back to times when I'm angry about a particular issue. I don't let my feelings get hurt, and I'm as available and helpful as I could possibly be. And that's not really something that you can put in writing. You know, I could not write in my PPP that HRPTO staff will be very empathetic and sympathetic and helpful. You know, you're not going to say that. But I definitely make everything as easy, accessible, and helpful as possible (S4, November 13, 2014).

Summary

Overall, stakeholders perceived the PPP positively as written rules (formalization). In line with the green tape, stakeholders associated written rules as legitimacy mechanisms (DeHart-Davis 2009 and DeHart-Davis et al. 2013). Stakeholders also considered the PPP as a “very appealing document” in which Dobbin (2004) emphasized that well written rules can be helpful for organization. Although quite contrary to arguments that written rules provide clarity and orderliness (DeHart-Davis et al. 2014), stakeholders considered written rules are open to interpretations, which in turn can give rise to ambiguity.

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. Red tape persists if rules provide too much control: over-control as well as high levels of external control from oversight bodies (DeHart-Davis, 2009; Bozeman 1993, 2000). While it is difficult to measure exact amounts of control, the perceived degree of control by rules can suggest some ideas.

Over-Control

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.

External Body

Additionally, I asked the stakeholders about the level of control over public participation processes at the HRTPO the FHWA imposed as the external body. The staff members had different perceptions. S2 pointed out that the FHWA does not have much control over the HRTPO. He defined the existing control as leaving much room for interpreting the rules and noted its significance because every MPO is different: “there is no one size that fits all” (S2, November 24, 2014). In contrast, S3 was “skeptical” about the control imposed by the FHWA, but declined to elaborate (December 11, 2014). Another staffer, S4, maintained that she welcomed FHWA control as it shows that the federal agency has an interest in what the HRTPO is doing. She hoped that the control is more of a “parental” rather than a “policing” control. For instance, she pointed out that the HRTPO expects more guidance when it comes to implementing the rules of public participation. For her, the level of control is appropriate and “fine,” and the FHWA is fulfilling its responsibilities given cooperative efforts of both parties. She went further, saying that she preferred to use terms “govern” and “oversight” to “control” (November 13, 2014).

Overall, the staff members perceived they had some control in interpreting the federal rules, through continued guidance from the FHWA.

Summary

Although it is hard to argue whether the control imposed by the rules is optimal, consistent with the green tape literature, stakeholders did not consider the rules as over-control in a sense that the rules are flexible (DeHart-Davis 2009). In fact, because of the rules' flexibility, the HRTPO was able to be innovative in its outreach strategies. This showed that the rules to some extent provide rooms for innovation (cf. Thompson 1977 and Kelman 1990).

Control by external body was welcomed which reduces perceptions of red tape (Bozeman 1993, 2000). Bozeman (2000) argues that perceptions of red tape increased when rules were imposed by external bodies because there is a tendency of misinterpretation (Brewer et al. 2012). In this case, although there were complaints about the lack of guidance from the FHWA, this does not necessarily mean stakeholders perceived the rules as red tape.

Rule Compliance

Rule compliance is central to both green tape and red tape. Compliance to some extent is related to how much control the rules impose. Green tape analysts argue that optimal control of rules, i.e., a balanced level of constraint and discretion, will encourage compliance. According to DeHart-Davis et al. (2014, 4), such optimal control fosters "self-determination, including autonomy, relatedness, and a sense of competence." In contrast, over-compliance with rules reflects red tape. Over-compliance implies that there is a compliance burden for an agency in implementing rules consistent with concerns about perceptions of red tape. Bozeman and Anderson (2014) identify several conditions where an agency will over-comply: if it is involved

in a crisis or disaster, faces vague rules, or fears sanctions by external bodies. They further distinguish between “over-compliance” and “beyond compliance.” Beyond compliance is more positive and indicates “efforts to signal benevolent intentions to consumers, the public, and regulators” (Bozeman and Anderson 2014, 7).

Beyond Compliance: Certification Review and Self-Certification

Certification review and self-certification monitor the HRTPO’s compliance with administrative rules. The process of certification review happens every four or five years. P1 claimed the purpose of the review is to see whether the HRTPO is meeting the responsibilities set out in the administrative rules (November 21, 2014). More importantly, the certification seeks to ensure that the HRTPO complies with the rules and that federal funds are being spent appropriately (P2, December 22, 2014). Broadly, the process reviews the cooperation between the HRTPO and FHWA as well as VDOT. P2 added that throughout the process, the FHWA is aware of the activities leading to the certification review. In addition, the review assists the HRTPO by giving suggestions for further improvements (P2, December 22, 2014).

The staff members agreed that compliance is measured through the certification review. S3 described the process as something that the MPO needs to do to “keep the FHWA happy” and to ensure that the MPO does not lose funds. Thus, it is scarcely surprising that the HRTPO adheres to and implements the administrative rules (November 24, 2014). Additionally, S6 described the process as “checking the MPO” and includes the need for the MPO to send reports of its activities to the FHWA (December 8, 2014). Although these statements seem to suggest obligation and may indicate negative perceptions, they do not necessarily suggest that the

HRTPO over-complies. Indeed, S4 mentioned that the FHWA is helpful and provides suggestions during the certification review (November 13, 2014).

The second type of monitoring the HRTPO compliance with administrative rules for public participation is self-certification. Two staff members, S2 and S5, mentioned this, reporting that self-certification takes place yearly, and they have to issue reports to the FHWA. The main part of this process involves providing the FHWA information about how the HRTPO is going to comply with the rules (November 24, 2014 and December 5, 2014). Self-certification involves a lot of documentation. S2 seemed to be skeptical of the process:

Oh, that's how – every year, in the spring, in order to stay in compliance, you have to issue a certification statement that you've done the rulemaking [sic]. So you self-certify that you have. And you can then cite all the documents that you have to back up your self-certification. Well, go to the Virginia Division Office of the Federal Highway Administration and how many people do they have in transportation planning? Well, they have a few. So can these people read all these documents of all 13 MPOs in the state of Virginia? I don't think so (November 24, 2014).

The findings generally indicate evidence of beyond compliance rather than over-compliance. The improvements after 2007 do not seem to suggest that the HRTPO fears another sanction from the federal team, but rather it is motivated to be better and take the rules seriously and positively. This is evidenced from stakeholders' perceptions that they are meeting the requirements. In fact, their responses reflect what Bozeman and Anderson (2014, 7) characterize as beyond compliance: "conscientious over compliance." For instance, the HRTPO can "go above and beyond" if it aims to be better (P1, November 21, 2014); the HRTPO is a driven agency and compelled to do better (S4, November 13, 2014); the HRTPO tries its best to do what it can even with limited resources (S9, January 5, 2015). In line with green tape arguments, rules

that are perceived positively are able to elicit cooperation and trust from stakeholders to comply (DeHart-Davis, 2009). In P1's view:

I don't want to say they're doing more than is required. I mean, there's nothing wrong with aspiring to achieve greatness. You know, some people aspire to, hey let's just meet the regulations. Some MPOs say hey, let's, I'm actually interested in going above the regulations, actually maybe, let's see, establishing maybe a best practice, so maybe other MPOs around can look at us and say OK, maybe I want to be like Hampton Roads. And so I mean, it's not definitely, I mean, I have no, if an MPO is doing a great job, they're doing a great job meeting the regulations, it's going above and beyond the regulations, doing that simply because they want to do it. They want to be great. They want to be better (November 21, 2014).

Stakeholders gave specific examples of the HRTPO's doing more than required. For instance, P3 viewed the HRTPO's efforts such as the surveys and outreach programs in schools involving students and parents as going beyond compliance (December 17, 2014). S4 insisted that to ensure the rules achieve their intended objectives, they should be implemented in the "spirit of the law," meaning that the HRTPO attempts to implement the rules beyond what is required. She gave the example of Article VI and Environmental Justice:

So unless you have the spirit of environmental justice behind your Title VI and public involvement rules and regulations, you probably won't meet your guidelines. And you will not achieve the purpose for which those laws were written. In other words, if I'm just putting out a, you know, public notice, OK, 30 days. There's a difference between putting out a public notice for 30 days and putting out a notice that reads warmly, you know, and is inviting, and is accessible, and may be written a little bit larger for those people over 70 who can't see as well. You know, if you don't have the spirit behind your law, you probably will most likely not achieve the true goals of public involvement (S4, November 13, 2014).

S6 commented that the public also notices what the HRTPO is doing; in order to gain their trust, it seems to be doing more than what is required (December 19, 2014). S2 added:

And I believe that we've been doing and are doing some very innovative things, even on a national scale. And it was very aggressive. He said, he said, not only did you do it fast, but you went beyond what they thought we would ever have done. Even if we had had another year or 2 or 3 (November 24, 2014).

These comments demonstrated that instead of fearing sanctions, the HRTPO is doing more than required in order to improve its public participation programs. In a related vein, these perceptions are consistent with the HRTPO's aim to "exceed federal requirements as they pertain to public involvement" (HRTPO 2012, 10). It seems safe to argue that "exceed" is used positively, acting beyond compliance.

Relationship with External Agencies

One of the indicators of over-compliance is the kind of relationship established between the HRTPO and other stakeholders, particularly the FHWA and VDOT. Frequent contact and communication between the HRTPO and the external agencies are said to help clarify ambiguous rules, and hence reduce negative perceptions of rules (red tape) (Brewer et al. 2012). The partners from the federal team maintained that they have a working relationship with the HRTPO and are always ready to meet and are open to continuous contact. In fact, the federal team stressed that its members consider themselves as "true partners in the process [of certification review] holding a stewardship role to find out what is/is not working and, when appropriate, to help make improvements" (DOT 2007, ii). P3 claimed that the relationship is working and good (December 17, 2014). The relationship is positive, and they maintain constant dialogue with unofficial meetings and policy board meetings at the HRTPO. The VDOT management team is also in contact with the HRTPO management team, and they meet once a quarter for discussion. The federal team also noted that it was impressed with the "partnership" between the HRTPO and VDOT District office. The "VDOT District Administrator and [the HRTPO] Executive

Director are approachable and have a good working relationship with staff and elected representatives” (DOT 2012a, 5). VDOT maintains a relationship with the FHWA as well, especially when problems with regard to the HRTPO need attention (P4, December 22, 2014).

S4 mentioned that she had ongoing contact with the FHWA, meeting three to four times per month (November 13, 2014). This statement is confirmed by another staffer, who observed that especially after the 2007 certification review, the FHWA has been more involved and understands the importance of working together (S7, October 3, 2014). Indeed, as Bozeman and DeHart-Davis (2001) note, frequent communication occurs when there is a serious problem in an agency. Moreover, the FHWA representatives sit on various committee boards at the HRTPO. Hence, a robust relationship has developed through these meetings, and the FHWA knows what is happening in the HRTPO (S6, December 19, 2014). In addition, as a partner to the HRTPO, the federal team insisted that the certification review is done in “the spirit of cooperation” (DOT 2007, ii). Perhaps, this is in line with Bozeman and DeHart-Davis (2001, 473) suggestion: “the regulators’ mission is not maximum compliance; it is effective compliance.”

Regardless of this positive relationship, the federal feedback and guidance about public participation are generally lacking and to some extent, below the HRTPO’s expectations. In this regard, S4 asserted that the role of FHWA is akin to an “overseer” and “police.”

Ideally what the Federal Highway Administration should do is provide us with great leadership and examples of accepted public involvement techniques and methods that have been shown to be effective. Given that they do mandate that public involvement occur, and our funding is based on it, it would be great if they were more pivotal in helping us to achieve that goal, but they are not. So with that said, the way that I view the Federal Highway Administration now is that they want to ensure that we, you know, meet our guidelines, but they don’t help us to do so (S4, November 13, 2014).

In addition, S3 reported that he did not find the relationship productive. In his view, the FHWA does not appreciate what the MPO is doing, and it appears to see “the mayors, city managers, and boards of supervisors as being advisory to the federal government, when in fact they are among the decision makers” (December 11, 2104).

Summary

Findings indicate “beyond compliance” (Bozeman and Anderson 2014) rather than over-compliance. The evidence does not suggest over-compliance by HRTPO, but rather some staff dissatisfaction. Yet, it is not clear whether this kind of dissatisfaction actually influenced other stakeholders’ perceptions of the rules. Contrary to Bozeman and Anderson (2014) study, findings did not indicate perceptions of red tape even though the HRTPO was once involved in a “crisis” during the 2007 certification review. In addition, consistent with literature, the HRTPO and the FHWA developed better working relationships after 2007 in which both were able to have better two-way communication (Brewer et al. 2012). Although, it was unclear if the communication was able to help clarify information, rules, policies, and procedures (Rho 2009) due to several complaints on a lack of guidance from the FHWA.

Valid Means-Ends Relationship

Other evidence of green tape is that logical rules achieve their intended objectives or outcomes (Borry 2013). More specifically, De-Hart Davis (2009) describes a valid means-ends relationship as the requirement that a rule connects rationally and legitimately with its ends. 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. She stated that:

I think they support meeting the objectives. Because the objective is to make sure that the MPOs are getting comments...they are developing plans in concert with people they serve. This guideline is viewed as a checklist. It provides minimum things that you need to do. To ensure that you're reaching out and getting comments from the public (P2, January 23, 2015).

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. The HRTPO implements all of the rules. For instance,

...they have a public comment period at the meeting. I mean, they have the website, and they have a place where you can go and provide comment. I mean, they have the meeting times available. So I think, you know, just, if those are the goals in the plan, to satisfy the public participation, that's outlined in CFR450, then they have met their goals by just having those things in place (December 17, 2014).

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. As he put it, “Some of our studies, we get great public outreach and great responses to, and other ones it seems like it just falls on deaf ears for whatever reason, whether it’s the way we’re distributing it to the public to try to get their opinion or whether it’s the material...” 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).

Summary

The stakeholders perceived the means-ends relationships positively even though some factors limit the ability of the rules to achieve their intended objectives. Overall, stakeholders were able to relate the rules' requirements with their goals or ends; the rules were perceived as useful and rational (DeHart-Davis 2009b).

Consistent Rule Application

Another attribute of green tape is consistent rule application; rules are applied to every stakeholder (DeHart-Davis 2009). This is to ensure fairness; when rules are perceived as fair, they can generate cooperation and compliance without carrot-and-stick methods. Viewed from this perspective, the HRTPO applies the public participation rules to every segment of the community. This is evidenced from the language and content of the rules. The rules define who the stakeholders and the public are. To ensure that racial and ethnic minorities and disadvantaged groups are included, the rules have specific requirements for including these groups such as Title VI, Environmental Justice, and Limited English Proficiency.

These requirements garnered positive responses from the stakeholders. S4 stressed the importance of Title VI and Environmental Justice and rules going back to civil rights issues (November 13, 2014). Similarly, S9 considered the rules as a good step in involving a broader community including minorities and the disadvantaged (January 5, 2015). In addition, the FHWA has an officer in charge of Title VI and Environmental Justice issues, and the HRTPO "constantly" asks for assistance regarding this matter (P1, November 21, 2014).

Interestingly, in this study the stakeholders discussed the issue of consistency based on the language of the rules, i.e., whether the language is prescriptive or not. Significantly, if the rules are considered prescriptive, they are viewed as being consistent and vice versa. Partners

opined that the rules are prescriptive enough to ensure consistency throughout the country. For instance, P2 pointed out that “when I say it is prescriptive, it has some specific things and those specific things are included to improve the consistencies across the U.S. These are the minimum things to do.” She elaborated:

Public involvement is challenging...because it is easy for local government or DOT and the MPO to want to...to what the project they want to select... we had to be more prescriptive about certain expectations to try to have a level of consistencies across the country. So these rules were needed for that. We had to be prescriptive for some of those things. Things have evolved over time, have a website that added in to ensure that would happen. There was a lot of times when there ...where is that rule, regulation so sometimes you have to be explicit in the regulations to make sure that certain things happen. If it is not in the regulations, people will say we do not have to do that, so I would say especially with PI it is fairly prescriptive, that these are the minimum that you need to do so that you are making an effort to reach the public, and so I think that it is interested parties list a number of things that these people respond to and review...well we have to be prescriptive so that the level of fairness to the public...that may not have been happening in the past (January 23, 2015).

The prescriptive language of the rules is helpful to ensure consistency across time and place. P2 also seemed to associate the prescriptiveness of the rules with the “level of fairness to the public,” which again suggests consistent application.

In contrast, the staff did not share these perceptions. For instance, S2 claimed that the rules are not prescriptive (November 24, 2014). The other staff members also maintained that the language of the rules is too broad, and hence not prescriptive. Eventually, this has led to inconsistencies in implementation of the rules. As he put it, “So the inconsistencies, I believe, the inconsistencies between one MPO and the other might come from the language that is not very prescriptive, and/or might stem also from the resources, the various levels of resources that are placed, that each MPO puts towards this endeavor” (S5, December 5, 2014). It is worth emphasizing that Graves and Casey (2000) in their assessment of public participation processes

at the National Capital Region Transportation Planning Board in 1998 also considered the rules as non-prescriptive: they mainly are as performance standards.

On the other hand, S6 noted that while the rules are consistent, their implementation by MPOs is not. He also believed that the FHWA certification reviews tend to be inconsistent as the reviews depend on the reviewers (December 19, 2014). Indeed, as the federal team emphasized, the certification review has flexible guidelines that provides much latitude to reviewers so that they can tailor reviews to each MPO. Hence, not surprisingly, certification reports vary greatly (DOT 2007).

Summary

Green tape literature describes consistent rule application in terms of fairness. Quite contrary, stakeholders viewed consistent rule application in terms of the language used. For instance, consistent application of rules was described when the language is considered as prescriptive (clear and concise). On the other hand, broad language in rule was not prescriptive as it provides room for interpretation which can lead to inconsistent application.

Conclusions

This chapter discussed how stakeholders perceive administrative rules governing public participation in the HRTPO through the lenses of green tape and stakeholder red tape. I discussed their perceptions based on attributes of green tape and stakeholder red tape. By and large, a majority of stakeholders perceived the rules governing public participation positively despite nuances in their comments. Their positive perceptions to a large extent are consistent with attributes of green tape. More noteworthy, the findings to some degree indicate stakeholders perceive different meanings of the attributes, which is an expansion of the concept of green tape.

Although some stakeholders perceived part of the rules negatively, their perceptions did not necessarily match the attributes of stakeholder red tape, except that they confirmed that red tape is another instance of “what you see depends on where you sit.” As Bozeman and Feeney (2011) argue, the same rule may be perceived negatively by one set of stakeholders, but perceived positively by another. It is hard to argue that some stakeholders perceive the rules as red tape given Bozeman’s definition of “stakeholder red tape.” This is because while some stakeholders considered “the rules are enforced” by the HRTPO and in some circumstances “entailed a compliance burden,” they still considered the rules to some extent serving the larger objectives of public participation.

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.

In the next chapter, I offer concluding thoughts on the key findings, the contribution of this study, and recommendations for future research.

CHAPTER 7

DISCUSSION AND CONCLUSION

The main aim of this study was to explore multiple stakeholders' perceptions of the administrative rules that govern public participation processes in the HRTPO. It sought to further unpack the attributes that stakeholders associate with positive or negative perceptions of the rules, and examine how those perceptions have changed since the 2007 certification review. The existing literature does not provide ample answers to these sorts of inquiries. There is a lack of theoretical discussion of and evidence on the perceptions of multiple stakeholders about one set of administrative rules.

It appears that the HRTPO stakeholders' perceptions of the administrative rules of public participation changed from negative to positive following the 2007 certification review. To understand how these perceptions changed, and how stakeholders perceived the rules governing public participation, I conducted in-depth semi-structured interviews with those involved with public participation in the HRTPO, including those involved in the 2007 review. The interviews provided rich data to explore my research questions. In addition, I triangulated this evidence with relevant documents that supported and clarified stakeholders' perceptions of the rules.

This chapter begins with a summary of the study's key findings. Next, I discuss contributions and recommendations. Finally, I offer my concluding thoughts.

Key Findings

Success Story: Changing Perceptions from Negative to Positive

Stakeholders' perceptions of the administrative rules governing public participation changed from negative to positive after the 2007 certification review. The rare conditional certification that mostly focused on public participation indicated lack of appreciation of the rules of public participation, especially on the part of the top management. The negative perceptions of the rules in the HRTPO evidently stemmed from several circumstances. These include lack of guidance from the FHWA, disagreement about appropriate evaluation criteria, lack of resources (including staffing), confusion over organizational structure, and the MPO leaders' pessimism about public participation.

To some degree, such pessimistic views may reflect goal ambiguity given the complicated nature of evaluating public participation in transportation planning. On top of that, lack of guidance from oversight agencies and the absence of a public participation officer suggest that the burden of administering public participation processes contributed to the failure of the HRTPO to take the rules seriously. This likely further deepened the negative views of public participation and the accompanying rules.

Previous research on red tape finds support for a link between goal ambiguity and perceptions of red tape (Bozeman and Rainey 1998). The situation in the HRTPO in 2007 suggests that the top management and staff members with technical backgrounds may have perceived the rules as red tape: "rule[s] that remain in force and entail a compliance burden, but serve no objective valued by a given stakeholder group" (Bozeman and Feeney 2011, 119). Moreover, the unclear organizational structure led to miscommunication about and confusion over responsibilities. Indeed, as Pandey and Brettschneider (1997, 117) suggest, "...red tape can be viewed, in part, as a result of problems in information processing and communication within an organization."

The turning point for changing perceptions from negative to positive occurred after new leadership arrived and initiated reforms in the HRTPO's public participation processes. Perhaps most important was hiring a subject matter expert in public participation as the public involvement administrator. With support from the new leadership and elected official, coupled with appropriate skills and knowledge, the public involvement officer was able to help bring many improvements to HRTPO's public participation processes. Despite some other criticisms of public participation and of the rules in general, the changes to a large extent gained support from the staff and in many ways shifted their perceptions of public participation and its rules. Now, the staff evidently takes public participation more seriously and appreciates the philosophy and utility of public participation processes and the rules. The public involvement administrator can also be said to have acted as a transformational leader by "transform[ing] the values of [her] followers so that they value the interest of the group or organization above their personal interests" (Van der Voet 2015, 5).

Stakeholders' comments about what public participation meant to them evidently reflected their changed perceptions. By and large, stakeholders perceived public participation processes positively and consistent with public participation literature and the HRTPO's goals of public participation. They valued public participation as a means of "sharing information and educating the public, involving and hearing public voices, and providing easy access to the process" (cf. TRB Committee on Public Involvement undated; Giering 2011; and Buckwalter 2014).

Stakeholders' perceptions of what constitutes "successful" public participation also are in line with the literature. For instance, stakeholders saw successful participation as "broad outreach, access and opportunities to public participation, voices being heard" (cf. Kulozu 2014

and Khademian et al., 2007) and “public commitment to public participation” (cf. HRCCE 2013 and Kaiser et al., 1995).

Perceptions of Administrative Rules: Stakeholder Red Tape and Green Tape

In order to tap perceptions based on Bozeman’s (2011) definition of stakeholder red tape, I used Borry’s (2013, 2) view of red tape as rules that are “burdensome, ineffective, and unnecessary.” As the findings showed:

- i. Stakeholders reported what “burdensome” meant to them. For instance, without guidelines, tools, and resources, the process can be burdensome.
- ii. Stakeholders held various perceptions about whether the rules were “ineffective.” Although one of the public participation rules required an MPO to evaluate its public participation processes, it included no specific guidance or tool for doing so.
- iii. Stakeholders considered the rules as necessary and relevant, but in some instances associated “unnecessary” with “outdated.”
- iv. The other negative perceptions that stakeholders associated with the rules included that they were “not prescriptive” and “vague.” Time and again, the phrase “checking-the-box” appeared in interviews. The staff members who invoked this term used it to suggest that the HRTPO was less aggressive in its public participation efforts before the certification review in 2007.

Most of the stakeholders seemed to be well versed in the purposes of the rules. Despite different understandings and disagreements over details, by and large they had favorable perceptions of most of the rules and their purposes. The only negative perceptions stemmed from the detailed aspects of the rules such as public hearings, which is consistent with the public

participation literature that the rules are outdated and ineffective in engaging the public. Still stakeholders agreed that the conventional public hearings are still valuable in engaging the public.

One of the aspects of formalization is written rules. Similar to Bozeman and DeHart-Davis 1999, Bozeman and Kingsley 1998, Pandey and Scott 2002, and Welch and Pandey 2007, this study found that formalization and red tape are distinct. In line with the green tape argument, 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).

Here, control was discussed as oversight by an external body and the degree of flexibility of the rules. Control by an external body was welcomed, even though the preferred terms were “govern” or “oversight.” In this view, an external agency, the FHWA, usually provided guidance and clarification on rules, which helped reduce negative perceptions. Even so, some of the staff members claimed that the guidance they received from the FHWA was still lacking. In addition, stakeholders described flexibility of the rules positively, setting minimum standards and providing room for innovation. As a result of flexible rules, the HRTPO reformed many of its public participation practices, such as creating the Citizens’ Guide to Transportation, the school outreach program, online surveys, online newsletters, press releases, YouTube meeting videos, and social media.

Rule compliance was discussed in terms of whether the HRTPO engages in activities that “over-comply,” doing more than the minimum required. The findings are more consistent with Bozeman and Anderson’s (2014) “beyond compliance.” Their research also suggests that perceptions of red tape are prevalent as a result of over-compliance in an organization that has been involved in a crisis. In contrast, this study did not find such evidence, even though to some extent the 2007 certification review can be considered a crisis for the HRTPO. The literature also reports that over-compliance depends on relationships established with other stakeholders, particularly external oversight organizations. Such relationships are supposed to clarify rules so as to reduce perceptions of red tape (Brewer et al. 2012). After 2007, when the reforms began, the relationship between the HRTPO and its stakeholders started to change for the better, even though complaints remain about lack of helpful guidance from the FHWA.

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.”

The literature on green tape describes consistent rule application in terms of fairness. Yet, this study found that stakeholders described consistent application of rules in terms of the language used in the rules themselves. For instance, if the language is clear and concise, the rules were considered prescriptive. Consistent application was described as times when rules are prescriptive, which ensures consistency. A rule that contains broadly written language provides room for interpretation and therefore is not prescriptive, which may lead to inconsistency in application. Partners mostly considered the rules as prescriptive, but staffer disagreed.

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 consistent with green tape attributes. Although they perceived some parts of the rules more negatively, those perceptions are not necessarily perceptions of stakeholder red tape.

Stakeholders' perceptions of the rules suggest that the HRTPO attempts to foster "authentic" public participation (cf. Figuredo 2005). Following Figuredo's (2005) determinants of authentic public participation, the establishment of CTAC reflects HRTPO's commitment to have representation from all parts of the area; the HRTPO's efforts to respond to every comment received indicate its effort to use public input in its decision making; and the convenience of having online interaction and social media as alternatives to conventional public hearings imply increased interaction with public. Stakeholders also mentioned that HRTPO's plans, programs, and projects have improved due to the quality of input it received. The emphasis on Title VI and EJ programs suggest that the HRTPO takes into consideration the importance of "equity" (Kulozu 1995) in its public participation processes.

Contributions

This study contributes to the scholarly literature in several ways. First, it expands the empirical base of green tape and red tape research, examining perceptions of the administrative rules that govern public participation in transportation planning in one metropolitan area. Both green tape and red tape research tends to focus on perceptions of various rules rather than on one specific set of rules. Such research also emphasizes perceptions of actors in organizations rather than those of multiple actors outside of a focal agency. In contrast, this study explored multiple

stakeholders' perceptions, and it further disaggregated the attributes of stakeholder red tape and green tape. While red tape and green tape research frequently is quantitative, this study offers a qualitative investigation of negative and positive perceptions of rules.

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.

Significantly, one of the takeaways from this study is that rule perceptions can vary greatly. There are more nuances than the concepts of green tape and stakeholder red tape suggest, perhaps reflecting the qualitative nature of this study. While the green tape perspectives identify five attributes that need to exist for rules to be perceived as positive and effective, this study suggests the two attributes were most important for positive perceptions of rules: understanding the rules' purposes and rules that establish valid means-ends relationships. These attributes seemed to play important roles, especially in ensuring compliance (and beyond

compliance) and cooperation. 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.

Clearly, a public involvement administrator can act as a transformational leader in bringing about changes of perceptions of rules from negative to positive. As Moynihan et al. (2012) observe, perceptions of red tape can be changed through communication and greater goal clarity. They argue that transformational leaders are able to catalyze this shift. In addition, the public involvement administrator's understanding of public participation and the rules in particular provided opportunities for the HRTPO to successfully reform its public participation practices with support from top management and staff. This study also extends the literature on factors contributing to a "successful" and "unsuccessful" public participation, in particular in an MPO.

Recommendations

This study focused on multiple stakeholders' perceptions of one specific set of administrative rules in one metropolitan area. It applied attributes of green tape and stakeholder red tape in understanding stakeholders' perceptions of administrative rules governing public participation. I believe the same approach can be applied in different policy contexts and research settings to further investigate these attributes. In addition, while this study did not

develop any specific measure of stakeholder red tape, it does suggest that certain attributes can have different meanings to stakeholders. Future research might adopt indicators of negative perceptions that this study identified such as “checking-the-box,” “vague,” and “not prescriptive,” and indicators of positive perceptions such as “clarity.” Future research should undertake the ongoing challenge of operationalizing stakeholder red tape (Bozeman and Feeney 2011).

In practice, HRTPO stakeholders, especially staff members and partners, should take note of the broad language of the administrative rules, which gives flexibility in implementing the rules. At the same time, this flexibility raises concerns over interpretations of the rules, which may lead to inconsistencies in implementation and evaluation by the FHWA, as well as the MPO itself. This in turn can be a source of disappointment to staff members. It is understandable why federal statutes have broad language. Although it might be difficult to suggest changes to the statutory language, perhaps it would be useful for the FHWA as a monitoring agency to suggest guidelines that might accommodate different types of MPOs.

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.

Another tricky area in public participation that deserves further attention is evaluation tools. Although federal rules require MPOs to evaluate their public participation processes, no guidelines or suggested tools are recommended. It would be helpful if training were available for MPO staff members, especially public involvement officers. Although as discussed previously, evaluating public participation is challenging, perhaps the FHWA should at least have a set of guidelines on how best to evaluate public participation processes.

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. Importantly, the presence of green tape attributes can facilitate cooperation from stakeholders in achieving organizational objectives.

To some extent, the concepts of green tape and stakeholder red tape remain useful in helping scholars understand perceptions of administrative rules. Both concepts provide a good but limited basis for future research given the definitions of stakeholder red tape and the attributes of green tape. This research reaffirms Bozeman and Anderson's (2014) assertion that stakeholder red tape is a "fluid" concept: "what you see depends on where you sit." The definition is problematic, since it does not give a comprehensive picture of stakeholders'

negative perceptions of administrative rules because little is known about the senses in which stakeholders perceive rules as “burdensome.” It took a long time for red tape research to develop, but as Bozeman and Feeney (2011) contend, the scholarship is still of interest to many.

Green tape offered a better way of understanding positive perceptions of rules because of its systematic attributes. Distinguishing among the attributes was useful since it is easier to think and understand categorically. As mentioned before, this study was able to extend understanding of these attributes by further describing the attributes from different stakeholders’ perspectives. This study found that the same attributes can carry different meanings than what they might suggest. For instance, green tape argues that consistent application of rules refers to rules being applied fairly to all stakeholders involved. The stakeholders in this study discussed consistent application of rules in terms of their language, such as if the rule was prescriptive. Perhaps, this also depended on the kind of administrative rules being discussed. It would be useful for future studies to adapt or look further into some of different meanings of the attributes this study suggested.

Another important concern that previous research on red tape and green tape did not address is the overlapping nature of administrative rules and processes. This is due to the empirical interplay between the two. At least for this study, it is pertinent to note that it is almost impossible to completely distinguish between the administrative rules of public participation and the processes of public participation: the administrative rules are part of the processes and the rules mandate specific processes; following those processes is how one demonstrates that they are following the rules. In this sense, it is also important to acknowledge that participants generally were aware of the scope of administrative rules of public participation. In addition, examining the perceptions through the lenses of green tape and red tape helps address concerns

about eliciting whether they are rules or processes. This is because mentions of the specific attributes help elicit either positive or negative perceptions of rules.

By and large, the main limitation of green tape and stakeholder red tape is that their multi-dimensional nature makes measurement difficult. For green tape, the attributes are useful in understanding positive perceptions of rules though not necessarily helpful in measuring these perceptions. As mentioned before, measuring green tape and red tape continues to be a challenge for scholars of red tape and green tape. More so, stakeholder red tape does not have clear-cut attributes like green tape, which is understandable given its “fluid” nature.

Methodologically speaking, this study found that qualitative techniques are useful in illuminating the attributes especially for green tape. For instance, interviewing can delve into deeper meanings of each attribute to the respondent. Constraining research on stakeholder red tape and green tape to use of quantitative methods probably would not provide much advancement to the scholarship. On a broader level, many factors influence how stakeholders perceive administrative rules. This study found that leadership, subject matter expertise, and resources play major roles in shaping the extent of positive or negative perceptions of the rules. Equally critical, public participation in public organizations remains significant, especially in policy areas such as transportation planning. All stakeholders should equip themselves with the necessary knowledge of the rules governing the process in order to participate more meaningfully.

REFERENCES

- ACIR (U.S. Advisory Commission on Intergovernmental Relations) (1995) MPO Capacity: A Commission Report. U.S. ACIR
- Amsler, B. L. (2013) Local Government: The Legal Framework and Context for Voice in *Making Public Participation Legal*, Compiled by the Working Group on Legal Frameworks for Public Participation.
- Bailey, C.A. (2007) A Guide to Qualitative Field Research, SAGE Publications: CA.
- Baldwin, N.J. (1990) Perceptions of Public versus Private Sector Personnel and Informal Red Tape: Their Impact on Motivation. *American Review of Public Administration*, Vol. 20 (1)
- Barnes, G., & Langworthy, P. (2004). *Increasing the Value of Public Involvement in Transportation Project Planning*. Minnesota Department of Transportation.
- Blau, P.M. and Marshall, W.M. (1987) *Bureaucracy in Modern Society*. New York: Random House.
- Blau, P.M. and Richard, A.S. (1971) *The Structure of Organizations*. New York: Basic Books
- Borry, E.L. (2013a) Ethical Dimensions of Green Tape: Do Ethical Climates Influence Green Tape? Paper Presented at the 11th Public Management Research Conference Madison, Wisconsin: June 20-22, 2013.
- Borry, E.L. (2013b) Red Tape: A New Measurement, Paper Presented at the 11th Public Management Research Conference Madison, Wisconsin: June 20-22, 2013.
- Bozeman, B. (1993) A Theory of Government "Red Tape", *Journal of Public Administration Research and Theory*, Vol. 3 (3): 273-303.
- Bozeman, B. (2000) *Bureaucracy and Red Tape*. New Jersey: Prentice Hall
- Bozeman, B. and Anderson, D.M. (2014) Public Policy and the Origins of Bureaucratic Red Tape: Implications of the Stanford Yacht Scandal, *Administration & Society*, Vol. (N/A): 1-24, published online July 21, 2014.

- Bozeman, B. and Crow, M.M., (1991) Red Tape and Technology Transfer in US Government Laboratories, *Technology Transfer*, Spring.
- Bozeman, B. and DeHart-Davis, L. (1999) Red Tape and Clean Air: Title V Air Pollution Permitting Implementation as a Test Bed for Theory Development, *Journal of Public Administration Research and Theory*. Vol.9 (1).
- Bozeman, B. and Feeney, M.K. (2011) *Rules and Red Tape: A Prism for Public Administration Theory and Research*. New York. M.E Sharpe, Inc.
- Bozeman, B. and Patrick, S. (1996) Bureaucratic Red Tape and Formalization: Untangling Conceptual Knots, *American Review of Public Administration*, Vol. 26 (1): 1-17.
- Bozeman, B. Reed, P.N, and Scott, P. (1992) Red Tape and Task Delays in Public and Private Organizations, *Administration and Society*, Vol. 24 (3): 290-322.
- Bozeman, B., & Kingsley, G. (1998). Risk Culture in Public and Private Organizations. *Public Administration Review*, Vol. 58 (2): 109-118.
- Bozeman, B., & Rainey, H. G. (1998). Organizational Rules and the “Bureaucratic Personality.” *American Journal of Political Science*, Vol. 42 (1): 163-189.
- Brewer, G. A., Walker, R. M., Bozeman, B., Avellaneda, C. N., & Brewer Jr, G. A. (2012). External control and red tape: The mediating effects of client and organizational feedback. *International Public Management Journal*, 15(3): 288-314.
- Brewer, G.A and Walker, R.M. (2009) The Impact of Red Tape on Governmental Performance: An Empirical Analysis, *Journal of Public Administration Research*, Vol.20: 233-257.
- Brewer, G.A and Walker, R.M. (2005) What You See Depends on Where You Sit: Managerial Perceptions of Red Tape in English Local Government. Prepared for delivery at the 8th Public Management Research Conference, School of Policy, Planning, and Development, University of Southern California – Los Angeles, September 29 – October 1, 2005.
- Brewer, G.A. and Richard, M.W. (2010) Red Tape: The Bane of Public Organizations? In *Public Management and Performance: Research Directions*, eds. Walker Richard M, Boyne George A,

Brewer Gene A. Cambridge: Cambridge University Press.

Brodkin, E.Z and Majmundar M. (2010) Administrative Exclusion: Organization and Hidden Costs of Welfare Claiming. *Journal of Public Administration Research and Theory*. Vol. 46.

Brynard, D.J. (1995) Combating Red Tape in the Public Sector. *International Journal of Public Sector Management*. Vol. 8 (4): 38-47.

Bryson, J.M. (2004) What to Do When Stakeholders Matter, *Public Management Review*, Vol. 6 (1): 21-53.

Buchanan, B. II. (1975) Red Tape and the Service Ethic: Some Expected Differences Between Public and Private Managers. *Administration and Society*, Vol. 6 (4): 423-443.

Chun, Y. H., & Rainey, H. G. (2006). Consequences of Goal Ambiguity in Public Organizations in *Public Service Performance* eds. Boyne, Meier, O'Toole Jr and Walker (pp. 92-112). Cambridge University Press: Cambridge, UK.

Creswell, J.W. (2009) *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Los Angeles: SAGE

Dabney, U.N.B. (2013) Public Participation in Transportation Planning: How Does the Level of Engagement and Deliberation Affect Transportation Decisions in Virginia's MPO? Unpublished doctoral dissertation. Richmond, VA: Virginia Commonwealth University.

DeHart-Davis, L. (2008) Green Tape: A Theory of Effective Organizational Rules, *Journal of Public Administration Research and Theory*, Vol. 19: 361-384.

DeHart-Davis, L. (2009) Can Bureaucracy Benefit Organizational Women? An Exploratory Study. *Administration and Society*, Vol.41 (340).

DeHart-Davis, L. (2009) Green Tape and Public Employee Rule Abidance: Why Organizational Rule Attributes Matter. *Public Administration Review*. Vol. 69 (5): 901-910.

DeHart-Davis, L., Chen, J. and Little, T.D. (2013) Written Versus Unwritten Rules: The Role of Rule Formalization in Green Tape. *International Public Management Journal*, Vol. 16 (3): 331-356.

DeHart-Davis, L., Davis, R.S and Mohr, Z. (2013) Green Tape and Job Satisfaction: Do Good Rules Make Employees Happy? Paper Presented at the 11th Public Management Research Conference Madison, Wisconsin: June 20-22, 2013.

Department of Transportation (DOT) (2007a) Hampton Roads Transportation Planning Organization: Transportation Planning Certification Review Summary Report, USDOT.

Department of Transportation (DOT) (2007b) Hampton Roads Transportation Planning Organization: Transportation Planning Certification Review Summary Report; Appendix A-H, USDOT.

Department of Transportation (DOT) (2007c) Hampton Roads Transportation Planning Organization: Transportation Planning Certification Review Summary Report; Appendix I-K, USDOT.

Department of Transportation (DOT) (2012a) Hampton Roads Transportation Planning Organization: Transportation Planning Certification Review Summary Report, USDOT.

Department of Transportation (DOT) (2012b) Hampton Roads Transportation Planning Organization: Transportation Planning Certification Review Appendix, USDOT.

Dilley, M. and Gallagher, T. (undated) Designing an Effective Approach to the Public Alaska's Experience, Transportation Research Record 1685, Paper No. 99-0075.

Dimock, M.E. (1952) Bureaucracy Self-Examined in *Reader In Bureaucracy*, eds. Merton Robert K., Ailsa P. Gray, Barbara Hockey, Hanan C. Selvin, USA: The Free Press of Glencoe.
Dobbin, F. (2004). Review of Arthur L. Stinchcombe, When Formality Works: Authority and Abstraction in Law and Organizations, *American Journal of Sociology*. Vol. 109 (5): pp. 1244-1246.

Ethridge, M.E. (1980) Agency Responses to Citizen Participation Requirements: An Analysis of the Tennessee Experience, *American Review of Public Administration*. Vol. 14 (95): 95-104.

Ethridge, M.E. (1987) Procedures for Citizen Involvement in Environmental Policy: An Assessment of Policy Effects in *Citizen Participation in Public Decision Making* eds. DeSario, J.

and Langton, S. New York: Greenwood Press.

Federal Highway Administration. (2000) *Environmental Justice* (FHWA-EP-00—01). Washington D.C: Government Printing Office.

Federal Highway Administration/ Federal Transportation Administration. (2007) *The Transportation Planning Process; Key Issues*. U.S. Department of Transportation.

Feeney, M.K and Rainey, H.G. (2009) Personnel Flexibility and Red Tape in Public and Nonprofit Organizations: Distinctions Due to Institutional and Political Accountability. *Public Administration Research and Theory*. Vol. 20: 801-826.

Feeney, M.K., Moynihan, D.P. and Walker, R.M. (2010) Rethinking and Expanding the Study of Administrative Rules: Report of the 2010 Red Tape Research Workshop.

Feeney, M.K and Bozeman, B. (2009) Stakeholder Red Tape: Comparing Perceptions of Public Managers and Their Private Consultants, *Public Administration Review*, July/August: 710-726.

Figueredo, J.C. (2005) Public Participation in Transportation: An Empirical Test for Authentic Participation. Unpublished doctoral dissertation. Orlando, FL: University of Central Florida.

Gabrielian, V. (1999) Qualitative Research Methods: An Overview in Handbook of Research Methods in *Public Administration* edited by Gerald J. Miller and Whichker M.L, New York: Marcel Dekker, Inc.

George, A. L., & Bennett, A. (2005). *Case Studies and Theory Development in the Social Sciences*. MIT Press.

Giering, S. (2011) *Public Participation Strategies for Transit; A Synthesis of Transit Practice*, Washington D.C: Transportation Research Board.

Goetz, A. R., Dempsey, P. S., & Larson, C. (2002). Metropolitan Planning Organizations: Findings and Recommendations for Improving Transportation Planning. *Publius: The Journal of Federalism*, 32(1): 87-105.

Goldsmith, M. (2009) Government-Mandated Participation and Its Effect on Citizens. Unpublished Doctoral Dissertation. Utah: University of Utah.

Goodsell, C.T. (2000) Red Tape and a Theory of Bureaucratic Rules, *Public Administration Review*, Vol. 60 (4): 373-375.

Goodsell, C.T. (2004) *The Case for Bureaucracy: A Public Administration Polemic*. Washington, D.C: CQ Press.

Gouldner, A.W. (1952) Red Tape as A Social Problem in *Reader in Bureaucracy*, eds. Merton Robert K., Ailsa P. Gray, Barbara Hockey, Hanan C. Selvin, USA: The Free Press of Glencoe.

Graves S. and Casey S. (2000) Public Involvement in Transportation Planning in the Washington, D.C., Region: Report on an Assessment, Transportation Research Record 1706, Paper No. 00-1073.

Hampton Roads Center for Civic Engagement (HRCCE) (2013) A Practical Guide to Successful Civic Engagement: A Tool for Building Trust Between Citizens and Government.

Hampton Roads Metropolitan Planning Organization (HRMPO) (2007) MPO Minutes, December 19, 2007.

Hampton Roads Transportation Planning Organization (HRTPO) (2014a) Citizens Guide to Transportation Planning.

Hampton Roads Transportation Planning Organization (HRTPO) (2014b) FY 2015-2018 Transportation Improvement Program (TIP).

Hampton Roads Transportation Planning Organization (HRTPO) (2003) Public Participation Plan, HRTPO.

Hampton Roads Transportation Planning Organization (HRTPO) (2012) Public Participation Plan, HRTPO.

Hamroun, Y. (2006) *The Decision-Making Process in Metropolitan Planning Organization*, Unpublished master's thesis. Delaware: University of Delaware.

Hoover, J. (1994) *Post Intermodal Surface Transportation Efficiency Act Public Involvement*, Transportation Research Board Vol. 1463: 48-52.

Kaiser, E. J., Godschalk, D. R., & Chapin Jr, F. S. (1995) *Urban Land Use Planning*. University of Illinois: Urbana, IL.

Kaufman, H. (1977) *Red Tape: Its Origins, Uses and Abuses*, Washington, D.C.: Brookings Institution.

Khisty, C.J. (1996) Education and Training of Transportation Engineers and Planners Vis-à-vis Public Involvement, *Journal of the Transportation Research Board*, Transportation Research Record 1552. pp. 171-176.

Kramer, J., Williams K., Seggerman, K. (2004) *Assessing the Practice of Public Involvement in Florida*, Center for Urban Transportation Research, Tampa, Florida.

Kramer, J., Williams K., Seggerman, K. (2006) *Assessing the Practice of Public Involvement in Florida*, Center for Urban Transportation Research, Tampa, Florida.

Kweit, M.G and Kweit R.W. (1981) *Implementing Citizen Participation in a Bureaucratic Society*. New York: Praeger Publishers.

Ladner, S. (2008) *Sampling Methods in Qualitative and Quantitative Research*, Copernicus Consulting.

Lapuate, V. and Colin, P. (2010) *Political Institution and Administrative Red Tape*. Paper Prepared for the Third Biennial Conference Regulation & Governance, Dublin, June 17-19 2010.

Leighninger, M. (2014) *Want to Increase Trust in Government? Update Our Public Participation Laws*, *Public Administration Review*. Vol. (N/A).

Leighninger, M. (2013) *Three Minutes at the Microphones* in Amsler, B. L. (ed.) *Local Government: The Legal Framework and Context for Voice in Making Public Participation Legal*, Compiled by the Working Group on Legal Frameworks for Public Participation.

Leirson, A. and Fritz, M.M. (1959) *The Study of Public Administration*. In *Elements of Public Administration*, ed. Fritz M.M., New Jersey: Prentice Hall.

Lewis, P. G., & Sprague, M. (1997). *Federal transportation policy and the role of metropolitan planning organizations in California*. Public Policy Institute of California.

- Lindstrom, M. and Nie, M.A. (2000) Public Participation and Agency Planning, *The Public Manager*, Spring 2000.
- March, J.G. and Simon, H.A. (1993) *Organizations*, Cambridge: Blackwell Publishers.
- March, J.G., Schultz, M., and Zhou, X., (2000) *The Dynamics of Rules*, Stanford: Stanford University Press.
- Marshall, C. and Rossman, G.B (2011) *Designing Qualitative Research* (5th Edition), SAGE: Los Angeles.
- Maxwell, J.A. (2005) *Qualitative Research Design*. London: SAGE Publications.
- McDowell, B. D. (1999). *Improving Regional Transportation Decisions: MPOs and Certification*. ME: Brookings Institution.
- McDowell, B.D. (1999) *Improving Regional Transportation Decision: MPOs and Certification*. A Discussion Paper Prepared for The Brookings Institution Center on Urban and Metropolitan Policy.
- McNabb, D.E. (2010) *Case Research in Public Management*. New York: M.E. Sharpe.
- Meier, K.J and Krause G.A (2003) The Scientific Study of Bureaucracy: An Overview in Krause G.A and Meier K.J eds. *Politics, Policy, and Organization: Frontiers in the Scientific Study of Bureaucracy*, Ann Arbor: University of Michigan Press, pp. 1-22.
- Merton R.K (1940) Bureaucratic Structure and Personality, *Social Forces*, Vol. 18 (4): 560-568.
- Miller, K.M (2014) Implementing Title VI and Environmental Justice and LEP at the MPO Level, VAMPO Training Conference, June 27, 2014.
- Milliken J.G. (1991) Office of the Governor, Richmond.
- Moon, M. J., & Bretschneider, S. (2002). Does the Perception of Red Tape Constrain IT Innovativeness in Organizations? Unexpected Results from a Simultaneous Equation Model and Implications. *Journal of Public Administration Research and Theory*, 12(2): 273-292.
- Morris A. and Fragala L. (2010) *Effective Public Involvement Using Limited Resources*, A

Synthesis of Highway Practice, NCHRP Synthesis 407, Transportation Research Board, Washington: D.C.

Moynihan, D.P. & Herd, P. (2010) Red Tape and Democracy: How Rules Affect Citizenship Rights, *American Review of Public Administration*. Vol. 40 (6): 654-670.

Moynihan, D.P. (2003) Normative and Instrumental Perspectives on Public Participation; Citizen Summits in Washington, D.C. *American Review of Public Administration*, Vol. 33 (2): 164-188

Moynihan, D.P., Wright, B.E., and Sanjay, K.P. (2012) Working within Constraints: Can Transformational Leaders Alter the Experience of Red Tape, *International Public Management Journal*, Vol. 15 (3): 315-336.

Nabatchi, T. and Amsler, L.B. (2014) Direct Public Engagement in Local Government. *American Review of Public Administration*, Vol. (N/A):1-26.

O'Connor, R., Schwartz M., Schaad J., Boyd D., (undated) *State of Practice: White Paper on Public Involvement*. Transportation Research Board, Committee on Public Involvement.

O'Leary A.A, Kyte C.A, Arnold E.D, Jr., Perfater M.A (2003) Final Report an Assessment of the Virginia Department Of Transportation's Public Involvement Practices and the Development of a Public Involvement Toolkit: Phase II, Virginia Transportation Research Council (A Cooperative Organization Sponsored Jointly by the Virginia Department of Transportation and the University of Virginia) In Cooperation with the U.S. Department of Transportation Federal Highway Administration, Charlottesville, Virginia.

Pandey, S. K., & Garnett, J. L. (2006). Exploring Public Sector Communication Performance: Testing a Model and Drawing Implications. *Public Administration Review*, 66(1): 37-51.

Pandey, S.A. and Patrick, G.S. (2002) Red Tape: A Review and Assessment of Concepts and Measures. *Journal of Public Administration Research and Theory*. Vol. 12 (4): 553-580.

Pandey, S.K and Moynihan, D (2006), Bureaucratic Red Tape and Organizational Performance: Testing the Moderating Role of Culture and Political Support Organizations in *Public Service Performance* eds. Boyne, Meier, O'Toole Jr and Walker (pp. 130-151). Cambridge University

Press: Cambridge, UK.

Pandey, S.K and Young, K. (2011) Further Dissecting the Black Box of Citizen Participation: When Does Citizen Involvement Lead to Good Outcomes? *Public Administration Review*. Nov/Dec.: 880-892.

Pandey, S.K. and Gordon, A.K. (2000) Examining Red Tape in Public and Private Organizations: Alternative Explanations from a Social Psychological Model. *Journal of Public Administration Research and Theory*. Vol. 10 (4): 779-799.

PBS&J. (2009) *Final Report Best Practices Study of Metropolitan Planning Organization: Prepared for Hampton Roads MPO*, Chantilly, VA.

Plumlee, J.P., Starling J.D., and Kramer, K.W. (1985) Citizen Participation in Water Quality Planning: A Case Study of Perceived Failure. *Administration & Society*. Vol. (16): 455-473.

Ponomariov, B. L., & Boardman, P. C. (2011). Organizational Pathology Compared to What? Impacts of Job Characteristics and Career Trajectory on Perceptions of Organizational Red Tape. *Public Administration Review*, 71(4): 582-597.

Pugh, D.S, Daid, J.H, Hinings, C.R and Turner, C. (1968) Dimensions of Organizational Structure. *Administrative Science Quarterly*, Vol. 13: 65-105.

Pugh, D.S, Hickson, D.J., Hinings, C.R., Macdonald K.M., Turner C., and Lupton T., (1963) A Conceptual Scheme for Organizational Analysis, *Administrative Science Quarterly*, Vol. 8 (3): 289-315.

Rho, E. (2009) The Impact of Organizational Communication on Public and Nonprofit Managers' Perception of Red Tape. National Public Management Research Conference (PMRC), Columbus, Ohio: Oct 1-3, 2009.

Riccucci, N.M. (2010) *Public Administration: Traditions of Inquiry and Philosophies of Knowledge*, Georgetown University Press: Washington D.C.

Rosenfeld, R.A. (1984) An Expansion and Application of Kaufman's Model of Red Tape: The Case of Community Development Block Grants. *The Western Political Quarterly*. Vol. 37 (4):

603-620.

Rosner, J. (1978) Citizen Participation: Can We Measure Its Effectiveness? *Public Administration Review*, Vol. 38 (5): 457-463.

Rossmann, G.B. and Rallis, S.F. (2012) *Learning in the Field: An Introduction to Qualitative Research*, SAGE: Los Angeles.

Rowe, G and Frewer L.J. (2004) Evaluating Public-Participation Exercises: A Research Agenda, *Science, Technology, & Human Values*, Vol. 29 (4): 512-557.

Rubin, H. J., & Rubin, I. S. (1995). *Qualitative Interviewing: The Art of Hearing Data*. Sage Publications.

SAFETEA-LU (1995) U.S Code 23 (2005) 134 (i) (5) (a).

Schweppe, E. (2001) Legacy of a Landmark: ISTEA after 10 Years, *Public Roads*, Vol. 65 (3).

Scott, R.W. (1987) *Organizations: Rational, Natural and Open Systems*. Englewood Cliffs: Prentice Hall.

Scott, R.W. (2001) *Institutions and Organizations*, London: Sage Publications.

Stich, B. and Eagle, K. (2005) Planning to Include the Public: Transportation Policy Implementation with Effective Citizen Involvement. *Public Works Management & Policy*, Vol. 9 (4): 319-340.

Stinchcombe, A. L. (2001). *When Formality Works: Authority and Abstraction in Law and Organizations*. Chicago: University of Chicago Press.

Szyliowicz J.S. (2002) Measuring the Effectiveness of Public Involvement Approaches, *TR News* 220, May-June.

Taylor, R. (2007) Report of Study Group 3A: Hampton Roads Metropolitan Planning Organization (MPO) Prepared for the Future of Hampton Roads, Inc.

Thompson V.A (1977) *Modern Organization*, University: The University of Alabama Press,

Tolbert, P.S. and Richard, H.H. (2009) *Organizations: Structures, Processes, and Outcomes*, New Jersey: Pearson Prentice Hall.

Tosi, H.L. (2009) *Theories of Organizations*. Los Angeles: Sage.

TPCB (undated) Transportation Management Area Planning Certification Review Primer, U.S. D.O.T.

Tyler, T.R. (1997) Procedural Fairness and Compliance with the Law. *Swiss Journal of Economics and Statistics*. Vol.133: 219-240.

United States General Accounting Office (US GOA). (1996) *Metropolitan Planning Organizations' Efforts to Meet Federal Planning Requirements*. Washington D.C: RCEDD.

Van der Voet, J. (2015). Change Leadership and Public Sector Organizational Change Examining the Interactions of Transformational Leadership Style and Red Tape. *The American Review of Public Administration*, 0275074015574769.

Vieg, J.A. (1959) Bureaucracy: Fact and Fiction. In *Elements of Public Administration*, ed. Marx, F.M., New Jersey: Prentice Hall.

Virginia DRPT and VDOT (2004) Public Involvement: Your Guide to Participating in the Transportation Planning and Programming Process. Commonwealth of Virginia.

Waldo, D. (1959) Government by Procedure. In *Elements of Public Administration*, ed. Marx, F.M., New Jersey: Prentice Hall.

Walker, R. M., & Brewer, G. A. (2008). An Organizational Echelon Analysis of the Determinants of Red Tape in Public Organizations. *Public Administration Review*, 68(6): 1112-1127.

Walsh, J.P. and Robert, D.D. (1987) Formalization and the Organizational Life Cycle. *Journal of Management Studies*. Vol. 24 (3): 215-231.

Wang, X. (2001) Assessing Public Participation in U.S Cities, *Public Performance and Management Review*, Vol. 24 (4): 322-336.

Wang, X.H and Wan, M.M. (2007) When Public Participation in Leads to Trust: An Empirical Assessment of Managers' Perceptions, *Public Administration Review*, Vol. 67 (2): 265-278.

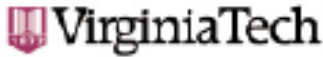
Weber, M. (1952) The Essentials of Bureaucratic Organization: An Ideal-Type Construction *Reader in Bureaucracy*, eds. Merton Robert K., Ailsa P. Gray, Barbara Hockey, Hanan C. Selvin, USA: The Free Press of Glencoe.

Wilson, J.Q., DiIulio, Jr. J.J., Bose, M. (2014) *American Government*, Boston: Wadsworth CENGAGE Learning.

Wolf, J. F., & Beth Farquhar, M. (2005). Assessing Progress: The State of Metropolitan Planning Organizations under ISTEA and TEA-21. *International Journal of Public Administration*, 28 (13-14), 105.

Yin, R.K. (2009) *Case Study Research Design and Methods*, Los Angeles: Sage.

APPENDIX A: IRB APPROVAL LETTER



Office of Research Compliance
Institutional Review Board
North End Center, Suite 4120, Virginia Tech
300 Turner Street NW
Blacksburg, Virginia 24061
540/231-4808 Fax 540/231-0959
email irb@vt.edu
website <http://www.irb.vt.edu>

MEMORANDUM

DATE: November 17, 2014
TO: Joseph V Rees, Nadhrah A Kadir
FROM: Virginia Tech Institutional Review Board (FWA00000572, expires April 25, 2018)
PROTOCOL TITLE: The Administrative Rules of Public Participation: A Case Study of the Hampton Roads Transportation Planning Organization (HRTPO).

IRB NUMBER: 14-436

Effective November 17, 2014, the Virginia Tech Institutional Review Board (IRB) Chair, David M Moore, approved the Amendment request for the above-mentioned research protocol.

This approval provides permission to begin the human subject activities outlined in the IRB-approved protocol and supporting documents.

Plans to deviate from the approved protocol and/or supporting documents must be submitted to the IRB as an amendment request and approved by the IRB prior to the implementation of any changes, regardless of how minor, except where necessary to eliminate apparent immediate hazards to the subjects. Report within 5 business days to the IRB any injuries or other unanticipated or adverse events involving risks or harms to human research subjects or others.

All investigators (listed above) are required to comply with the researcher requirements outlined at:

<http://www.irb.vt.edu/pages/responsibilities.htm>

(Please review responsibilities before the commencement of your research.)

PROTOCOL INFORMATION:

Approved As: Expedited, under 45 CFR 46.110 category(ies) 5,6,7
Protocol Approval Date: April 14, 2014
Protocol Expiration Date: April 13, 2015
Continuing Review Due Date*: March 30, 2015

*Date a Continuing Review application is due to the IRB office if human subject activities covered under this protocol, including data analysis, are to continue beyond the Protocol Expiration Date.

FEDERALLY FUNDED RESEARCH REQUIREMENTS:

Per federal regulations, 45 CFR 46.103(f), the IRB is required to compare all federally funded grant proposals/work statements to the IRB protocol(s) which cover the human research activities included in the proposal / work statement before funds are released. Note that this requirement does not apply to Exempt and Interim IRB protocols, or grants for which VT is not the primary awardee.

The table on the following page indicates whether grant proposals are related to this IRB protocol, and which of the listed proposals, if any, have been compared to this IRB protocol, if required.

Invent the Future

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
An equal opportunity, affirmative action institution

Date*	OSP Number	Sponsor	Grant Comparison Conducted?

* Date this proposal number was compared, assessed as not requiring comparison, or comparison information was revised.

If this IRB protocol is to cover any other grant proposals, please contact the IRB office (irbadmin@vt.edu) immediately.

APPENDIX B: EMAIL RECRUITMENT SCRIPT

The Administrative Rules of Public Participation: A Case Study of the Hampton Roads Transportation Planning Organization (HRTPO).

Dear: _____

My name is Nadhrah A Kadir and I am a doctoral candidate at the Center for Public Administration & Policy at Virginia Tech. I am contacting you to request your participation in an interview for research about administrative rules (regulations, rules, policies, and procedures) that govern public participation processes in the HRTPO. I have selected you as a potential participant because of your role as one of the “internal/external stakeholders” in the HRTPO.

The purpose of this research is to examine multiple stakeholders’ perceptions, attitudes, and experiences regarding the administrative rules (i.e. Rules, regulations, plan, policies, and procedures) that govern public participation processes in the HRTPO. Given the circumstances in 2007 certification review, in which the HRTPO received a conditional certification and the subsequent reforms in its public participation processes, this study aims to understand the perceptions and attitudes toward the rules that govern the public participation processes and if there is a change in those perceptions and attitudes. If so, why and how have the perceptions and attitudes toward those rules changed over time?

This research combines in-depth interviews and archival analysis. You will be involved in an effort to study the administrative rules that govern the public participation process in transportation planning organization. Your participation could potentially add to a body of knowledge on the perceived positive, neutral, and negative dimension of administrative rules as well as further improve the existing administrative rules of public participation. The results will be used for a dissertation and publication. The interview will be audio-recorded unless you request otherwise.

If you are interested in participating, I am happy to conduct the interview in the way that is most convenient for you, including conducting a face-to-face or telephone interview. At your convenience, I would like to schedule a 30/45-60 minutes interview with you. The types of questions range from having you discuss your personal experience with public participation processes at HRTPO and your perceptions, attitudes and experiences of the rules and regulations that govern the process. The type of interview I am conducting is considered to be semi-structured, meaning that the questions may vary given the information that you share.

If you are interested in being interviewed, please respond in email to nadhrah1@vt.edu within ten business days. By responding via email, you are indicating your interest in the interview, with details of interview type (face-to-face or telephone) to be arranged.

I will follow up with an email or telephone call within ten business days if I have not heard from you just to confirm that you received this email. Please feel free to contact me with any questions.

Thank you for considering my request, and I look forward to hearing from you in the near future.

APPENDIX C: TELEPHONE RECRUITMENT SCRIPT

The Administrative Rules of Public Participation: A Case Study of the Hampton Roads Transportation Planning Organization (HRTPO).

May I speak with _____,

My name is Nadhrah Kadir, and I am a doctoral student at the Center for Public Administration and Policy at Virginia Tech. I am part of a research team at Virginia Tech interested in learning more about administrative rules (i.e. rules, regulations and procedures) of public participation (plan) at the Hampton Roads Transportation Planning Organization (HRTPO) as well as the perceptions and understanding of the stakeholders that involve and deal with these administrative rules. Our goal is to examine the views and perceptions of stakeholders that experience the administrative rules. We think that stakeholders perceptions of the rules, regulations and procedures related to public participation are important and could serve as one of the ways to enhance and encourage a more meaningful participation. The results will be used for a dissertation and publication.

We received your name from _____ as a potential source for our research. I will be conducting the interviews. I am happy to conduct the interview in the way that is most convenient for you, including conducting a face-to-face or telephone interview. If you agree to a face-to-face or telephone interview, I would be happy to send you an example of interview questions. The types of questions range from having you discuss your personal experience with public participation at the HRTPO, your views and perceptions of administrative rules, regulations and procedures of the public participation (plan). The type of interview I am conducting is considered to be semi-structured, meaning that the questions may vary some given the information that you share. I anticipate the interview lasting approximately one hour. The interview will be audio recorded.

Are you interested in being interviewed? You are under no obligation to agree and you may change your mind even if you are interested at first. (IF YES, proceed below. If NO, say, “Thank you for your time. Do you know of anyone who might be appropriate for me to interview? If YES, receive name and contact info. If No, “Ok. Thanks again and GO TO “Please contact...” below)

IF YES: Do you prefer a face-to-face or telephone interview? Can I follow up with email so that we might arrange a date and time?

IF YES or NO: Please contact Dr. Joe Rees with any concerns or questions regarding the interview or research project:

APPENDIX D: INFORMED WRITTEN CONSENT FORM

The Administrative Rules of Public Participation: A Case Study of the Hampton Roads Transportation Planning Organization (HRTPO).

Joe Rees, PhD

Coordinator, CPAP Richmond; Associate Professor ,

Email: reesj@vt.edu

Center for Public Administration and Policy

School of Public and International Affairs
Affairs

Virginia Tech

Nadhras A Kadir, MPA

Doctoral Student

E-mail: nadhras1@vt.edu

Center for Public Administration and
Policy

School of Public and International

Virginia Tech

Informed Written Consent for Participants in Research Projects Involving Human Subjects (for face-to-face interviews)

I. Purpose

The purpose of this research is to examine multiple stakeholders' perceptions, attitudes, and experiences regarding the administrative rules (i.e. Rules, regulations, plan, policies, and procedures) that govern public participation processes in the Hampton Roads Transportation Planning Organization (HRTPO). Given the circumstances in 2007 certification review, in which the HRTPO received a conditional certification and the subsequent reforms in public participation processes, we aim to understand if stakeholders' perceptions and attitudes toward the administrative rules that govern the public participation processes have changed. If so, why have the perceptions and attitudes toward those rules changed over time? The results will be used for a dissertation and publications

II. Process

The research team is trying to learn about stakeholders' perceptions, attitudes and experiences regarding the rules, regulations and procedures of public participation processes in the HRTPO. You are being asked to participate in an interview. The researcher may ask if she can contact you again in the future with follow up questions. The interview will be approximately one hour in length and be held in a location convenient to you. The researcher will ask you if the

interview may be audio recorded. Audio recording will only take place upon receipt of your consent. The researchers and interviewees will jointly determine a mutually agreeable interview date and time.

III. Risks

Potential risks to you are minimal. Discussion of the challenges and barriers of administrative rules and public participation may give rise to frustration on the part of some individuals.

IV. Benefits

You will be involved in an effort to study the administrative rules of public participation in relation to meaningful public participation. You could potentially add to a body of knowledge on the perceived positive and negative dimension of administrative rules as well as further improve the existing administrative rules of public participation.

No promise or guarantee of benefits has been made to encourage participation in the study. You may contact the researchers at a later time for a summary of the research results.

V. Extent of Anonymity and Confidentiality

Names will not be attached to interviews, and confidentiality will be protected.

At no time will the researchers release data collected in this study to anyone other than individuals working on the project.

The audio recordings of interviews and discussions will be secured in a locked cabinet. They will be transcribed and stored as electronic files along with other project information on the research team's password-protected computers. The audio recordings will be erased once they have been transcribed. The transcriptions will be kept for scholarly purposes only and will be kept in a locked cabinet.

It is possible that the Institutional Review Board (IRB) may view this study's collected data for auditing purposes. The IRB is responsible for oversight of the protection of human subjects involved in research.

VI. Compensation

Individuals participating in the interview will not be compensated.

VII. Freedom to Withdraw

You are free to withdraw from a study at any time without penalty. You are free not to answer any questions they choose without penalty.

VIII. Participant’s Responsibilities

I voluntarily agree to participate in this study. I have the following responsibilities:

Participate in the interview

IX. Subject’s Permission

I have read the Consent Form and conditions of this project. I have had all of my questions answered. I hereby acknowledge the above and voluntarily consent:

_____ Date_____

Subject signature

Should I have any pertinent questions about this research or its conduct, research subject’s rights, and whom to contact in the event of a research-related injury to the subject, I may contact:

Joe Rees, PhD
(540) 250-5632 / reesj@vt.edu

Nadhrah A Kadir
(540) 449-3610/ nadhrah1@vt.edu

David M. Moore
Chair, Virginia Tech Institutional Review
Board for the Protection of Human Subjects
(540) 231-4991 / moored@vt.edu

APPENDIX E: VERBAL INFORMED CONSENT FORM

The Administrative Rules of Public Participation: A Case Study of the Hampton Roads Transportation Planning Organization (HRTPO).

Joe Rees, PhD

Coordinator, CPAP Richmond; Associate Professor,

Email: reesj@vt.edu

Center for Public Administration and Policy

School of Public and International Affairs

Virginia Tech

Nadhrah A Kadir, MPA

Doctoral Student

E-mail: nadhrah1@vt.edu

Center for Public Administration and Policy

School of Public and International Affairs

Virginia Tech

Verbal Informed Consent for Participants in Research Projects Involving Human Subjects (for telephone interviews)

I. Purpose

The purpose of this research is to examine multiple stakeholders' perceptions, attitudes, and experiences regarding the administrative rules (i.e. Rules, regulations, plan, policies, and procedures) that govern public participation processes in the Hampton Roads Transportation Planning Organization (HRTPO). Given the circumstances in 2007 certification review, in which the HRTPO received a conditional certification and the subsequent reforms in public participation processes, we aim to understand what are stakeholders' perceptions and attitudes toward the administrative rules that govern the public participation processes and how have the perceptions and attitudes toward those rules changed over time? The results will be used for a dissertation and publications.

II. Process

The research team is trying to learn about stakeholders' perceptions, attitudes and experiences regarding the rules, regulations and procedures of public participation processes in the HRTPO. You are being asked to participate in an interview. The researcher may ask if she can contact you again in the future with follow up questions. The interview will be approximately 30/45-60 minute in length and be held via telephone or video-conference. The researcher will ask you if

the interview may be audio recorded. Audio recording will only take place upon receipt of the participant's consent. The researchers and interviewees will jointly determine a mutually agreeable interview date and time.

III. Risks

Potential risks to you are minimal. Discussion of the challenges and barriers of administrative rules and public participation may give rise to frustration on the part of some individuals.

IV. Benefits

You will be involved in an effort to study the administrative rules of public participation in transportation planning. You could potentially add to a body of knowledge on the perceived positive and negative dimension of administrative rules as well as further improve the existing administrative rules of public participation.

No promise or guarantee of benefits has been made to encourage participation in the study. You may contact the researchers at a later time for a summary of the research results.

V. Extent of Anonymity and Confidentiality

Names will not be attached to interviews, and confidentiality will be protected.

At no time will the researchers release data collected in this study to anyone other than individuals working on the project.

The audio recordings of interviews and discussions will be secured in a locked cabinet. They will be transcribed and stored as electronic files along with other project information on the research team's password-protected computers. The transcriptions will be kept for scholarly purposes only and will be kept in a locked cabinet.

It is possible that the Institutional Review Board (IRB) may view this study's collected data for auditing purposes. The IRB is responsible for oversight of the protection of human subjects involved in research.

VI. Compensation

Individuals participating in the interview will not be compensated.

VII. Freedom to Withdraw

You are free to withdraw from a study at any time without penalty. You are free not to answer any questions without penalty.

VIII. Participant’s Responsibilities

I voluntarily agree to participate in this study. I have the following responsibilities:

Participate in the interview

IX. Subject’s Permission

You have heard the Consent Form and conditions of this project. You hereby acknowledge the above and voluntarily consent:

(Co-PI asks: Do you voluntarily consent to this interview?)

_____ Co-PI confirms verbal consent

_____ No verbal consent given

_____ Date _____

Co-PI signature

Should you have any pertinent questions about this research or its conduct, research subject’s rights, and whom to contact in the event of a research-related injury to the subject, you may contact:

Joe Rees, PhD
(540) 250-5632 / reesj@vt.edu

Nadhrah A Kadir
(540) 449-3610/ nadhrah1@vt.edu

David M. Moore
Chair, Virginia Tech Institutional Review
Board for the Protection of Human Subjects
(540) 231-4991 / moored@vt.edu

APPENDIX F: SAMPLE INTERVIEW QUESTIONS

BACKGROUND

1. Tell me about your background and how did you get into this line of work?
2. How long have you worked with this agency?
3. In what ways are you involved in the public participation process?

PUBLIC PARTICIPATION PROCESSES

1. What does public participation (PP) mean to you?
2. Could you please explain your role in overseeing/facilitating/regulating the public participation processes in HRTPO?
3. I understand that you were involved directly with the HRTPO's 2007 Certification Review. Could you please tell me about it?
4. What do you think of the current efforts of the HRTPO?

ADMINISTRATIVE RULES OF PUBLIC PARTICIPATION

1. What do the rules & regulations that govern PP mean to you? Can you give specific e.g.?
2. What are the things that you think need to change?
3. What does the HRTPO's PPP mean to you?
4. Could you please describe the facilitating/monitoring compliance process on the HRTPO in regard to all the rules that govern PP processes?
5. Are there any other agencies that also monitor the process?
6. How do you maintain the relationship with the HRTPO? What sort of communication do you have with them?

APPENDIX G: CATEGORIES AND CODES

	POSITIVE	NEGATIVE
	RELEVANCE	EVALUATION
	CLARITY	CHECKING-THE-BOX
	FLEXIBILITY	OUTDATED
	INNOVATION	RIGID
	ENCOURAGING	UNCLEAR
	CONSISTENT	INCONSISTENT CERT REVIEW
	FAIRNESS & JUSTICE (TITLE VI & EJ)	INCONSISTENT IMPLEMENTATION
	PUBLIC COMMENTS	CTAC MEMBERSHIP
	PRESS RELEASES	ADS IN NEWSPAPER
	WEBSITE	NOT PRESCRIPTIVE
	PUBLIC HEARINGS/MEETINGS	PUBLIC HEARINGS/MEETINGS
	PPP	INTERPRETATION
	PRESCRIPTIVE	STANDARD OF PRACTICE/CHECKING THE BOX
	VISUALIZATION	

	POSITIVE	NEGATIVE
STAKEHOLDERS' UNDERSTANDING OF RULES' PURPOSE	GUIDELINES/TOOLS	BURDENSOME [LACK OF GUIDANCE, LACK OF RESOURCES]
	PRESCRIPTIVE [CONSISTENT]	UNNECESSARY
		INEFFECTIVE [CRITICS ON THE MEASUREMENT OF EFFECTIVENESS]
		NOT PRESCRIPTIVE [OPEN TO INTERPRETATION, INCONSISTENT, STANDARD PRACTICE, CHECKING BOX]
		CHECKING THE BOX
		PHILOSOPHICAL DISAGREEMENT
FORMALIZATION (PPP)	PROCESS	UNWRITTEN RULES
	FRAMEWORK	
	ENGAGING	
	WELL WRITTEN	
	TRANSPARENCY	
	EXPLICIT	
	EASY ACCESS	
	ACCOUNTABILITY	

	CONTRACT	
	CLARIFICATION	
CONTROL	NO: MEETING REQUIREMENT	
COMPLIANCE	OPTIMAL BEYOND COMPLIANCE (YES: IF THEY AIM TO BE BETTER & MORE EFFORTS)	OVER COMPLIANCE
CERTIFICATION REVIEW & SELF CERTIFICATION		
	ROOM FOR INTERPRETATION	
	INTEREST	PARENTAL/POLICING
II. RELATIONSHIP	WORKING & GOOD	OVERSEER/POLICE
	POSITIVE	NOT PRODUCTIVE
	CONSTANT DIALOGUE	
	ON-GOING CONTACT	
	ROBUST	
	GOVERN/OVERSIGHT	
VALID MEANS –ENDS RELATIONSHIP (MEETING OBJ): LOGICAL/RATIONAL/VALID/LEGITIMATE	CERT REVIEW 2012	MEASURE EFFECTIVENESS WITHOUT GUIDE/TOOL

	CHECKLIST/MINIMUM REQUIREMENTS	PUBLIC APATHY
	BENEFICIAL	COMMON IN BUREACRACY
	ATTAINABLE/REASONABLE	
	SPIRIT OF EJ	
	STRATEGIES	

ACCOMPLISHMENTS	CHALLENGES	EFFORTS	SUCCESSFUL PP	MEANING PP	CR 2007	CTAC Process
Best Practices/noteworthy practices	Getting people to engage	Dedicated staff	Broad outreach	Authority	Lesson learned	Giving back
Leadership	Not a representative	PI administrator	Voices heard	Easy access	Very rare	Representing
More engagement	Technical aspects	Technology/web site/social media	Walking the talk	Getting ideas	Improved tremendously	Passive
Open meeting	Strategies	Citizen Guide to Transportation	Public interest on top	Getting out info/educating	Closed-door meetings	Receiving
Better product/output		Leadership	Commitment	Involving people	Differences in approaches & opinions	Expectations
		Resources	Access & opportunity to public	Problem solving	Leadership	
		Transparency	Realistic	Voices being heard	pessimistic view of PP	
			Know what MPO is and what it does	Way of life	Criteria evaluated	

			Subjective		Lack of guidance	
					Restructuring	