



SHARING THE FUTURE

Public Involvement in the Kansas Transportation System

MAY 2022

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- To have a safe and well-maintained transportation system

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Public Involvement in the Kansas Transportation System

The Public Involvement Plan of the Kansas Department of Transportation

Kansas Department of Transportation

Attention: Public Involvement

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Good highways make all the surroundings more pleasant; the easy intercommunication adds pleasure to the social conditions; friendships are nurtured and preserved; love of home and its surroundings is instilled into the minds of the young, and in such localities family homesteads are occupied for years by descendants of the founder, who regard it, and love it, as the most valued and beautiful place on earth.

Former Kansas Governor
George Washington Glick
1892

Table of Contents

List of Abbreviations	ii
Introduction	iii
1. Public involvement efforts	1
1.1 Public involvement efforts	1
1.2 Environmental justice	2
2. Public involvement and KDOT	3
2.1 History	4
2.2 KDOT's public involvement program	5
2.3 Systematic development of informed consent	7
3. A public involvement primer	9
3.1 Information and education	9
3.2 Public involvement is different from public relations	10
3.3 Public involvement is challenging	10
3.4 When is public involvement successful?	11
3.5 The levels of public involvement	12
3.6 Definitions in 23 CFR 450.104	13
3.7 National Environmental Policy Act (NEPA)	13
3.8 The public involvement process	14
3.9 Virtual public involvement (VPI) and virtual meetings	21
4. Decisions, decisions, decisions	26
4.1 How can public input help make decisions?	26
4.2 Integrating public involvement in the decision-making process	27
4.3 The decision-making process	28
5. The transportation system decision cycle	34
5.1 Transportation system planning	34
5.2 Project programming (selection)	34
5.3 Project development (design)	34
5.4 Operations (build and maintain)	34
6. System planning	37
6.1 Public involvement in planning	37
6.2 Planning documents	38
6.3 Open records	38
6.4 Public input for planning and development	39
6.5 Process for connecting with traditionally underserved populations	43
6.6 Accessibility of information, meetings and services	43

7. Project programming	46
7.1 Highway project selection criteria	46
7.2 Highway expansion and modernization project pipeline	47
7.3 How the priority formula reflects public concerns	47
7.4 Planning studies	48
8. Project development (design)	49
8.1 The three phases of project development	49
8.2 Coordination of public involvement activities	50
8.3 Public involvement tools and techniques	56
8.4 Classes of action defined	64
8.5 Printing, availability, and circulation of an EA, DEIS, or FEIS	69
9. The operations process - build and maintain	72
9.1 Construction phase	72
9.2 Talking about the outcome of a project	73
9.3 Maintenance activities	73
9.4 Traffic engineering	74
List of Illustrations	
Levels of Public Involvement	12
Public Involvement Process	15
Example Survey of KDOT Responsiveness to Public Input	19
Example Project Team Evaluation Checklist	20
Identifying Meeting Goals, Outcomes and Techniques	23
Available KDOT VPI Tools	24
Three Elements of Decisions	26
Typical Major Decision Points	28
Transportation Decision Cycle	34
KDOT Transportation Processes	35
Project Scoring Factors for Modernization and Expansion Projects	46
Engineering Scoring for Expansion Projects	47
List of Federal and State Agencies	52
Typical Project Phases	54
Typical Public Involvement Activities	55
Minimum Level of Public Involvement Activity by Class of Action	67

The goal for the Kansas Department of Transportation (KDOT) public involvement program is to build and sustain relationships with citizens, businesses, legislators and other government organizations in order to enhance the agency's decisions. KDOT recognizes that public participation plays an important role in decisions concerning planning, programming, development, construction and maintenance of the state transportation system. Public involvement helps:

1. Create an increased level of trust and confidence in KDOT's ability to manage the transportation system.
2. Enhance decisions.
3. Create a better transportation system.
4. Comply with federal transportation legislation.

Public involvement can help KDOT do business in a way the public expects. The public wants KDOT to do the right thing, at the right time, in the right way and with compassion. That is the essence of public service and the foundation of KDOT's mantra, Responsible and Responsive.

Therefore, it is the policy of KDOT to reach out to the citizens it serves and to actively engage the public in the agency's transportation decision-making processes.

List of Abbreviations

- CE** Categorical Exclusion
- CEQ** Council on Environmental Quality
- CFR** Code of Federal Regulations
- DAC** Disadvantaged Communities
- DEIS** Draft Environmental Impact Statement
- EA** Environmental Assessment
- EIS** Environmental Impact Statement
- EJ** Environmental Justice
- FAST-ACT** Fixing America’s Surface Transportation Act
- FEIS** Final Environmental Impact Statement
- FHWA** Federal Highway Administration
- FONSI** Finding of No Significant Impact
- FTA** Federal Transit Authority
- ISTEA** Intermodal Surface Transportation Efficiency Act of 1991
- KDOT** Kansas Department of Transportation
- KORA** Kansas Open Records Act
- K.S.A.** Kansas Statutes Annotated
- L RTP** Long-Range Transportation Plan
- MAP-21** Moving Ahead for Progress in the 21st Century
- MPO** Metropolitan Planning Organization
- NEPA** National Environmental Policy Act
- P2** Partnership Project
- ROD** Record of Decision
- SAFETEA-LU** Safe, Accountable, Flexible, Efficient Transportation Equity Act -
A Legacy for Users
- SEIS** Supplemental Environmental Impact Statement
- SMP** Strategic Management Plan
- STIP** Statewide Transportation Improvement Program
- TEA-21** Transportation Equity Act for the 21st Century
- TIP** Transportation Improvement Plan
- U.S.C** United States Code
- VPI** Virtual Public Involvement

Introduction

The modern transportation system today is born from a variety of needs. Whether the need is to bring a crop to market, transport an ill person to medical care or safely get a child home after a day at school, the mission of the Kansas Department of Transportation is “to provide a safe, reliable, and innovative statewide transportation system that works for all Kansans today and in the future.” The agency fulfills its mission through a variety of programs that address highway, rail, air, bicycle/pedestrian, transit and local projects needs.

There is more to meeting the needs of Kansas than safety, access, mobility or the efficient and effective movement of people, goods and services. A transportation system exists within the human and environmental contexts in which it is built and maintained. The challenge of public involvement lies in identifying what people find important and integrating their values, issues and concerns into transportation system decisions.

This update to Sharing the Future will help KDOT meet or exceed many federal legislative or regulatory public involvement requirements and guidances, including, but not limited to those contained in:

23 U.S.C. 128, Public hearings.

23 U.S.C. 109 (h), Sets forth standards to assure that possible adverse economic, social and environmental effects relating to a proposed project on the federal-aid system have been fully considered in developing the project, and that the final project decisions are made in the best overall public interest.

23 U.S.C. 134, Public involvement in the metropolitan planning process.

23 U.S.C. 135, Public involvement in the statewide planning process.

23 U.S.C. 139, Section 6002, Prescribes changes to the Federal Highway Administration (FHWA) procedures for the environmental impact statement process.

42 U.S.C. 4321-4347, National Environmental Policy Act of 1969 (NEPA), established a national environmental policy focused on federal activities and the desire for a sustainable environment balanced with other essential needs of present and future generations. Also established a Council on Environmental Quality. 40 CFR 1506.6, Council on Environmental Quality, Public Involvement Requirements of NEPA:

40 CFR 1500-1508 sets forth requirements for implementing regulations of NEPA.

23 CFR 771, FHWA, Environmental Impact and Related Procedures: sets forth regulations for implementing provisions of 40 CFR 1500, requirements for implementing regulations of NEPA.

23 CFR 450 Subpart B, FHWA, Federal Transit Administration, Planning Assistance and Standards, Statewide Transportation Planning: sets forth requirements for implementing 23 U.S.C. 135, which requires states to carry out a continuing, comprehensive and intermodal statewide transportation planning process, including a statewide transportation plan and a statewide transportation improvement plan.

CHAPTER 1

Public Involvement Efforts

1.1 Public involvement efforts

Public involvement is most often thought of with respect to locating and designing a highway, but it also can play a role in shaping other facets of the agency's work. The goal is to identify ways in which KDOT can continually improve its service to Kansas. KDOT public involvement activities have helped:

1. Establish authentic, active partnerships/relationships with local governments that involve cities and counties in KDOT's decision-making process.
2. Conduct regular local consultation opportunities across the state.
3. Educate the public and stakeholders groups about KDOT and its services.
4. Foster open/active dialogue between KDOT, Kansas citizens, transportation users and the State Legislature.
5. Enhance relationships with stakeholders.
6. Respond to changing expectations of stakeholders.
7. Host transportation summits to foster dialogue with industry and businesses to improve agency decisions and support economic growth.

Today, people expect to have opportunities for meaningful participation in the kinds of decisions that affect their lives.

To meet this challenge, KDOT must develop lasting relationships with stakeholders and partner with them to provide Kansas a transportation system of which it can be proud and meets its needs.

1.2 Environmental justice

Environmental justice should be a consideration in decisions in the transportation system cycle, from early planning to construction and maintenance. Environmental justice is based in Title VI of the Civil Rights Act of 1964 and other laws, regulations and policies. It also has a close relationship with other federal initiatives and related considerations.

Important Terms

Title VI of the 1964 Civil Rights Act prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in programs or activities. **Environmental Justice** as a program is based on Executive Order 12898, signed in 1994, directing federal agencies to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

Justice40 is a federal initiative established in January 2021 by Executive Order 14008 to direct 40% of benefits from federal investments in climate and clean energy to disadvantaged communities. USDOT's interim definition of **Disadvantaged Community (DAC)** includes qualifying census tracts based on six categories of transportation disadvantage and any Tribal lands. These communities are mapped online. EO 14008 also directed the Council on Environmental Quality to create a Climate and Economic Justice Screening Tool that identifies DACs that are marginalized, underserved, and overburdened by pollution in one or more of eight categories.

Environmental Justice Principles

The three environmental justice principles outlined by the FHWA are:

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

Title VI and environmental justice activities are monitored by KDOT's Office of Civil Rights.

Public involvement activities such as data collection, monitoring and assessing the needs of potential impacts on minority populations and low-income populations are important tools to support the principles of environmental justice. These tools help to minimize and mitigate unavoidable impacts by identifying concerns early in the transportation decision making process. KDOT will use public involvement efforts to support environmental justice while trying to balance public impacts, safety, design, costs and the overall benefit on a regional or state level. More resources on public involvement and environmental justice are available from FHWA.

Engaging Disadvantaged Communities

DACs may require specific outreach as part of the public involvement process. In addition to the four basic steps identified in Section 6.1.6, Process for seeking out and considering needs of traditionally underserved populations, consider the following when engaging DACs:

1. Is the project located within an identified DAC? Refer to the Climate and Economic Justice Screening Tool to find identified DACs.
2. Consider how the community may be meaningfully involved in project planning. Meaningful involvement in the context of Environmental Justice has been defined through four criteria:
 - a. People have an opportunity to participate in decisions that may affect their environment and/or health;
 - b. Public contributions can influence the agency's decision;
 - c. Community concerns are considered in the decision-making process; and
 - d. Decision makers seek out and facilitate the involvement of people

who may be affected.

3. Seek out trusted figures within the community. Bringing trusted figures such as ministers, community organization leaders, and business leaders into the process can aid in reaching other community members who might otherwise be wary.
4. Build relationships. An important element of relationship building is listening to the concerns of community members and demonstrating that their concerns are understood.
5. Close the loop. Communicate how input from the community has been used in the project.
6. Document efforts.

CHAPTER 2

Public Involvement and KDOT

2. Public involvement and KDOT

Public involvement in the transportation system has been employed since the earliest roads were built in Kansas. The state's first roads in the 1860s were built on the dual principles that anyone could locate, build and repair a road and that authority over road matters should be local.

2.1 History

A road began when at least 12 householders living in an area petitioned the county for a road. The county appointed citizen "viewers" to decide where the road would be located. Viewers would meet with affected landowners to assess what damages would be owed to them and direct surveyors where to place their markers. Local citizenry would build the road, roughly following the route laid out by surveyors. This model of road building would be followed into the 20th century.

The arrival of the automobile in the late 1800s spurred interest in improving how roads were located and built. Bicyclists, mail carriers, local road boosters and automobile drivers backed the movement to better roads beginning in 1900.

2.1.1 The Early 1900s

- The **1909 Kansas Legislature** funded the hiring of the first state highway engineer. Voluntary highway associations, though, were the backbone of road improvements programs before 1916.
- In **February 1917**, the first Kansas State Highway Commission was formed, but it had little statewide authority. It existed primarily to funnel federal dollars to the counties, which still retained authority for the roads and bridges in their jurisdictions.
- On **April 1, 1929**, Gov. Clyde Reed signed a bill giving the Kansas State Highway Commission (now KDOT) responsibility for the State Highway System and allowing continued federal funding of

road projects. The need for a coordinated highway system and federal funding contributed to the decline of local control.

- The **Federal Highway Act of 1944** boosted funding for local roads and directed state highway departments to cooperate with counties in selecting and building secondary roads.

2.1.2 The Late 1900s

- The **Federal-Aid Highway Act of 1956** provided funding for building the 41,000-mile interstate highway network. It also required states to conduct public hearings whenever an interstate was planned to bypass or go through a town. The State Highway Commission had 129 hearings during the first seven years of building the interstate.
- **Federal-Aid Highway Act of 1962** called for greater participation in highway project planning by local officials in urban areas of more than 50,000 residents and the coordination of plans related to urban transportation with area comprehensive plans.
- **Title VI of the Civil Rights Act of 1964** required that no person in the U.S. shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- **The Transportation Act of 1966** included Section 4(f) provisions requiring special efforts to avoid the taking of land from historic sites, parks and wildlife refuges.
- By the mid-1960s, programming highway projects had become complicated by so many factors that Congress acted to draw them together. In the **Federal-Aid Highway Act of 1968**, Congress listed 23 factors that must apply to highway location and design and increased the requirements for public hearings in an effort to bring people into the planning

process. It required state highway departments to have two public hearings for every federally-funded project – one concerning a highway’s proposed location and the second one concerning the actual design of the road.

- The **National Environmental Policy Act of 1969 (NEPA)** called for written statements describing the potential environmental impacts that could be caused by major highway improvements or the construction of new facilities, utilization of a multi-disciplinary approach and the creation of alternate concepts during project development.
- The **Federal-Aid Highway Act of 1970** contained Section 136(b), which was designed to encourage states to consider the impacts (social, economic, and environmental) of any and all federal-aid highway proposals.
- In **March 1974**, the Kansas Highway Commission approved Action Plan-1973 in response to the Federal-Aid Highway Act of 1970. It was the first public involvement plan for the organization.
- The **1975 Kansas Legislature** created what is now known as the Kansas Department of Transportation (KDOT). This expanded the state’s focus from highways to include public transit, railroads and aviation. The law also created a Highway Advisory Commission of 12 citizens, two from each of six regions (districts) into which KDOT was divided.
- Action Plan ‘73 was updated in 1978 with **Action Plan ‘78** for the Transportation System Improvement Process to reflect the 1975 change from highway commission to cabinet agency and to make minor revisions.
- Action Plan ‘78 was replaced in **March 1990** with Guidelines for Public Involvement and Class of Action Determination.
- The **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)** funded a broad range of transportation modes and emphasized the role of transportation planning. It also sparked greater frequency and sophistication with which the public became involved in the transportation system. The formal public hearing, the stalwart of citizen participation in government, declined in popularity in favor of more effective, targeted tools to involve people in decisions.
- **Environmental Justice** as a program is based on Executive Order 12898, signed in 1994, directing federal agencies to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”
- The **Transportation Equity Act for the 21st Century (TEA-21)**, created in 1998, reauthorized ISTEA and continued the legacy of that landmark legislation.
- The **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)** was enacted by Congress in August 2005. It built on the foundation of ISTEA and TEA-21 to fund highway improvement programs and refine the framework for investments in transportation infrastructure. Through most of 2015, state transportation agencies continued to receive funding through extensions of the SAFETEA-LU program while awaiting enactment of the next Federal transportation program.
- The **Moving Ahead for Progress in the 21st Century Act (MAP-21)** was signed into law July 6, 2012. It created a streamlined and performance-based surface transportation program.
- **Sharing the Future (2017)** replaced Sharing the Future 2011.

- The **Fixing America's Surface Transportation Act (FAST Act)**, was signed into law in 2015, becoming the first federal law in over a decade to provide long-term funding certainty for surface transportation infrastructure planning and investment.
- On January 27, 2021, Congress signed into law, **Justice40** to direct 40% of benefits from federal investments in climate and clean energy to disadvantaged communities.
- **Sharing the Future (2022)** replaces Sharing the Future 2017.

2.2 KDOT's public involvement program

KDOT's current public involvement program was created in January 1997 when KDOT hired a consulting firm to make recommendations for an organizational plan that would more fully involve the public in planning, developing and implementing the transportation system. The public involvement organizational plan, **Communication: A Key to Success** launched in October 1997.

It included a detailed analysis of KDOT business operations relating to the public, recommendations for action, a review of effective public involvement activities and tools, and an extensive staff training program. The plan recommended an organizational structure conducive to public involvement, changing the processes of planning and project development to facilitate public involvement and public involvement training for KDOT employees. The plan also noted that internal communication between functions must be improved so public concerns are addressed throughout the transportation process.

Communication: A Key to Success spelled out KDOT's goal to build and sustain relationships in order to increase the level of trust and confidence in KDOT's ability to manage the transportation system.

Organization

Public involvement helps foster two-way communication and facilitate citizen participation in KDOT planning, design and construction projects to help KDOT and its customers work together effectively.

A senior leader oversees public involvement and guides the program statewide and assists headquarters staff with public involvement for planning activities and project development. They also help address other agency communication and public involvement needs at the district level. The program is strengthened by a district public affairs manager in each of the agency's six districts, a similar position in the Wichita Metro Office and Kansas City Metro Office. The public affairs managers focus on proactive communication activities at the local and regional level.

Public involvement for construction and maintenance projects, assisting with public involvement for projects in development, working with local news media and fostering relationships with citizens and businesses are included in their duties. The public affairs manager serves as a liaison with elected officials and local government staff to enhance KDOT's relationships with local governments and legislators.

Mission

The mission of KDOT's public involvement program is to foster effective two-way communication, facilitate citizen participation and help KDOT and its customers work together to fulfill KDOT's mission.

Vision

KDOT will be successful in public involvement when:

1. It is standard practice to inform and involve the public early, continuously and transparently in the decision-making process.
2. The public is part of a mutually beneficial dialogue.
3. KDOT better understands the citizens it serves and citizens better understand the agency that serves them.
4. The public's ideas, values and opinions are integrated in appropriate ways into the planning, development, implementation and maintenance of a safe and effective transportation system.
5. KDOT employees are exemplary ambassadors for the agency.

Values

KDOT's public involvement principles and practices are based on the following values:

Courtesy

We treat others politely at all times.

Respect

We demonstrate consideration and appreciation of others and their viewpoints.

Honesty

We behave and speak truthfully, sincerely and with integrity.

Understanding

We show awareness of, tolerance of and sympathy for another's feelings, situation or motives.

Accuracy

We provide factual information.

Openness

We are accessible to all, receptive to another's ideas and feelings, and make appropriate information easily available.

Timeliness

We offer information, education and involvement opportunities at suitable and opportune times.

Dialogue

We encourage and engage in two-way communication with a spirit of cooperation and trust.

2.3 Systematic development of informed consent

The KDOT public involvement process closely follows the work of Hans and Annemarie Bleiker of the Institute for Participatory Management and Planning. The Bleikers created a process for citizen participation called Systematic Development of Informed Consent (SDIC). SDIC works to achieve “informed consent,” a concept which recognizes that even the best solution to a transportation problem will probably have some negative effects. As such, it is virtually impossible to gain unanimous support or consensus on a course of action when dealing with complex public projects like transportation improvements. Informed consent is the willingness of the public to accept a valid course of action based on information and understanding of the issues, even if some of the interested parties disagree with the action.

Informed consent recognizes that even the best solution to a transportation problem will probably have some negative effects for some people.

Informed consent is built on addressing four objectives:

1. Be responsible

Establish and maintain the legitimacy of the agency, the project, the problem-solving and decision-making processes, and prior assumptions and decisions.

2. Be responsive

Get to know the potentially-affected interests and see the project through their eyes, identify and understand the problems, articulate and clarify key issues, and generate valid alternative solutions.

3. Be effective

Engage in effective two-way communication so information is received and understood by both parties, and protect and enhance the agency’s credibility.

4. Seek common ground

Find common ground among polarized interests and depolarize those who are polarized for other reasons.

Project teams should keep these four objectives in mind and tailor public involvement activities to address them.

Public involvement mission:
To foster effective two-way communication, facilitate citizen participation and help KDOT and its customers work together to fulfill KDOT's mission.

CHAPTER 3

A Public Involvement Primer

3. A public involvement primer

Public involvement is two-way communication between an organization and the public in which the organization is committed to using the public's help to improve the organization's decisions. It relies on the willingness of organization staff members and the public to participate together in decisions that could affect their lives and the lives of others. Public involvement is a way of doing business, not a set of discrete activities.

Two-way communication implies that while one person is communicating, the other is listening. Yet, people often insist that KDOT not just listen, but that we hear what is being conveyed. In this case, hearing implies that the listener has not only understood the message but is willing to change their feelings, opinion or course of action based on the message. A willingness to listen and be open to change distinguishes public involvement from other communication activities.

KDOT actively engages in facilitating peer-to-peer communication among the public using social media tools such as Facebook, Twitter, YouTube and other forms of social networking.

3.1 Information and education

Public involvement is partly defined by two-way communication, but one-way communication is also important. One-way communication is used by KDOT to inform and educate the public. **Information gives us essential facts such as who, what, when and where; education provides the why and how we use to understand it.**

Informing people through news releases, fact sheets, FAQs or the internet provides knowledge they might find useful. Notices about upcoming road closings and public meetings or displaying road conditions on KDOT's website are examples of information delivery.

Education builds on information and is concerned with increasing general knowledge, understanding or comprehension. KDOT educates people through safety campaigns such as Give 'Em a Brake or Click It. Or Ticket., produced by the Traffic Safety unit. The Bureau of Transportation Safety and Technology has also produced instructive brochures such as Establishing Speed limits, a Case of Majority Rule and Roundabouts in an effort to help people understand these traffic control features.

Information and education are basic features in a public involvement plan. For instance, because of the complex principles involved, special noise education was included during a noise study conducted in conjunction with improvements to U.S. 69 and I-435 in Johnson County. Information and education help people understand problems, weigh alternatives or evaluate solutions so they can more meaningfully participate in important decisions.

The ability of the public to understand engineering concepts should not be underestimated. However, since information and education offer little opportunity to participate in decision-making, they provide the least likelihood of influencing decisions if used alone.

3.2 Public involvement is different from public relations

Enhanced public relationships are both an outcome and a tool of public involvement. Public involvement is not the same as public relations. Public relations is one-way communication that focuses on influencing the public to adopt a favorable attitude toward an organization, product or program. Public involvement is not “spin doctoring,” a style of one-way communication in which the actions or words of an individual or organization are explained in such a way as to sway public opinion. Often used disparagingly to describe government communications, it leaves people with the disturbing sense that the truth is being twisted for the benefit of the agency and to the detriment of the public. Spin doctoring has no place in the agency’s public involvement or public relations program.

3.3 Public involvement is challenging

Public involvement can be challenging. Effective public involvement is more art than science. Despite the challenges, one thing is clear – people appreciate both the opportunity to participate and the effort we make to help them do so. Here are some of the challenges of public involvement:

- Takes time, money and patience
- May raise or expose controversy
- Can be tough to identify and get the right people to the table; getting them to stay can be tougher
- Can be difficult to communicate technical information
- Getting agreement on facts is not always straightforward
- The big picture can get lost in concerns about short-term impacts
- Various groups can add or detract from the effort
- Success may be fleeting

We should also remember that public involvement is challenging for the public:

- Involvement takes time and effort
- Working with a bureaucratic process requires patience
- Tightly-held views may have to be moderated
- Communicating issues and concerns in an engineering process can be frustrating
- Uniquely personal issues might appear to get lost in the big picture

In spite of the challenges, people appreciate the opportunity to participate and the effort we make to help them do so.

3.4 When is public involvement successful?

It is unlikely that one could point to any single factor that defines a successful public involvement effort. For the agency, public involvement is not a guarantee of unanimous or even widespread support for a decision, so this is not a reasonable objective. It is not possible to please everyone all of the time and the best solution to a transportation problem is likely to cause some to think they are adversely affected. For the public, their involvement does not guarantee a decision will change, so that is not a reasonable measure of success.

If neither unanimous support nor guaranteed decision changes are realistic objectives, how can we measure a public involvement effort? **Public involvement can be termed successful if it reaches a wide diversity of affected stakeholders, their participation helps shape the overall decision and the decision is generally understood and accepted.** KDOT's public involvement efforts for a project or program can be evaluated by answering the following questions:

1. How well did we get timely participation and keep it focused on the real issues?
2. How did we keep interested people informed?
3. How did we help people understand the issues?
4. What were the varieties of views we heard?
5. How well did we reach a diversity of affected stakeholders?
6. What convenient opportunities for meaningful participation did we provide?
7. How did we integrate public concerns into decisions?
8. How did we provide feedback on the effects of public input on decisions?
9. How was the outcome of the project or program affected by the public's

participation?

10. How were our relationships with citizens, local officials, businesses and others affected?
11. What, if any, "surprises" did we encounter?

Effective public involvement is:

- Proactive
- Tailored to local needs and conditions
- Focused and ongoing
- Inclusive of all concerned
- Innovative, using a variety of techniques
- Having educational components
- Supported by strong project leadership and agency support
- Intended to affect the results of the decision process

These questions and factors are the basis of performance measures KDOT will use to evaluate its public involvement efforts.

Public involvement does not guarantee unanimous or even widespread support for an agency decision.

3.5 The levels of public involvement*

The International Association for Public Participation (IAP2) has developed a description of the levels of public involvement. The levels are adapted below in order of increasing public impact on organizational decisions. Public involvement plans may include a mix of levels, depending on a project's complexity.

Inform

Provide balanced and objective information to assist people in understanding problems, alternatives and/or solutions.

KDOT will employ a variety of measures to keep people informed.

Consult

Obtain public feedback on analyses, alternatives and/or decisions.

KDOT will listen to and acknowledge concerns, and provide feedback on how public input influenced a decision.

Involve

Work directly with the public throughout the decision process so that public issues and concerns are consistently understood and considered.

KDOT will work with the public to understand and consider their concerns and issues in the decision process.

Collaborate

Partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.

KDOT will look to the public for direct advice and innovation in formulating solutions and incorporate them into decisions when feasible and practicable.

Empower

Place final decision-making in the hands of the public and implement what the public decides.

KDOT's public involvement efforts normally fall somewhere within the first four levels because the Secretary of Transportation's statutory responsibility for the state transportation system cannot be delegated.

Levels of Public Involvement



*Adapted from IAP2 Public Participation Spectrum, © 2005 International Association for Public Participation

3.6 Definitions in 23 CFR 450.104

This federal regulation relates to transportation planning and project programming and provides the following definitions:

Consultation

One party confers with another party and, prior to taking action(s), considers that party's views.

Cooperation

The parties involved in carrying out the planning, programming and management systems processes work together to achieve a common goal or objective.

Coordination

The comparison of the transportation plans, program and schedules of one agency with related plans, programs and schedules of other agencies or entities with legal standing, and adjustment of plans, programs and schedules to achieve general consistency.

Only ask the public for input if you actually have the latitude to use it. Don't put yourself or the agency in the awkward position of asking for input if there is no room in the project, program or policy for change.

3.7 National Environmental Policy Act (NEPA)

The National Environmental Policy Act of 1969 (NEPA) was signed into law on Jan. 1, 1970. NEPA established a national environmental policy focused on federal activities and the desire for a sustainable environment balanced with other essential needs of present and future generations. NEPA established a supplemental mandate for federal agencies to consider the potential environmental consequences of their proposals, document the analysis and make this information available to the public for comment prior to implementation.

NEPA requires the examination of potential impacts to the social and natural environment when considering proposed transportation projects. It also requires that the transportation needs of the public be taken into account in reaching a decision that is in the best overall public interest. Each state must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508. Public involvement activities are included in the process required for developing an Environmental Impact Statement.

To assist federal agencies in effectively implementing the environmental policy and "action forcing" provisions of NEPA, in 1978 the Council on Environmental Quality (CEQ) issued Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR §§ 1500 -1508). In 1980, CEQ issued the guidance document, Forty Questions and Answers on the CEQ Regulations. Since that time, CEQ has issued additional guidance and information on a variety of issues relevant to the NEPA process.

To address the NEPA responsibilities established by CEQ, the FHWA issued regulations (23 CFR § 771), Environmental Impact and Related Procedures. The FHWA guidance complementing the regulations were issued in the form of a Technical Advisory (T.6640.8a), Guidance for Preparing and Processing Environmental and Section 4(f) Documents. The Technical Advisory provides detailed information on the contents and processing of environmental documents.

The principles or essential elements of NEPA decision making include:

- Assessment of the social, economic and environmental impacts of a proposed action or project
- Analysis of a range of reasonable alternatives to the proposed project, based on the defined purpose and need for the project
- Consideration of appropriate impact mitigation: avoidance, minimization and compensation
- Interagency participation: coordination and consultation
- Public involvement, including opportunities to participate and comment
- Documentation and disclosure

Adapted from: Federal Highway Administration: <http://environment.fhwa.dot.gov/projdev/index.htm> (and) <http://environment.fhwa.dot.gov/projdev/pdimplement.htm>

3.8 The public involvement process

A unique public involvement plan should be developed for each project because each project and study has unique issues and requirements. Some projects will not need public involvement, some will need minimal effort and others may require extensive efforts. Public involvement should be solicited as early as possible and should be linked to key decision points during the decision-making process. How a person or a community perceives a project should be understood before, during and after actions are taken.

It is important to keep communication two-way, frequent and consistent. Listen to what people are saying and be responsive if it is reasonable and feasible to do so. Acknowledge concerns, then communicate decisions and clearly explain the basis for making them.

3.8.1 Public involvement step-by-step process

A public involvement plan is normally developed by a core project team that may consist of the project or study manager and staff, public affairs staff, district and area engineers, other KDOT staff as needed, consultants and agency and local partners. Each public involvement effort is unique.

Project teams are encouraged to be innovative and flexible in planning and implementing public involvement activities. **Federal guidelines require the establishment of a plan for coordinating public and agency participation when an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is being developed for a project.**

On the next page is a typical 11-step process for developing and implementing a public involvement plan. It can be adapted for any public involvement effort, whether it is for planning, programming, project development or operations needs. **The first six steps should be performed as early in the project or study as is feasible.**

KDOT may contract with outside consultants to plan, conduct or evaluate public involvement activities.

Public Involvement Process



* Federal guidelines require an opportunity for timely and meaningful involvement of the public and participating agencies when developing the purpose and need for a project involving an EA or EIS.

1. Identify potentially-affected interests

In order for the project to be completed with maximum support and minimum disruption from outside parties, those parties must first be identified. It is not enough to target only the general public. The most effective efforts will come from focusing on the stakeholders most likely to be affected by our decisions. Start by making a list of stakeholders who could be affected by the project or who have a role to play in its outcome. Include representatives from these major groups:

1. Potentially-affected stakeholders, such as:
 - Property owners
 - Business owners
 - Special interest groups
 - People with community influence
2. Elected officials
3. News media
4. Resource agencies
5. Schools
6. Emergency services

Stakeholders can be identified in several ways:

- People who attend meetings, write or call
- Representatives of special interest groups may have suggestions or contacts
- Other KDOT staff members and offices may have contacts
- Government staff or elected officials may know of constituents
- Statistically valid surveys

Speak with each stakeholder and ask about their:

- Level of knowledge of the situation
- Issues and concerns
- Level of interest
- Preferences for the nature and frequency of involvement
- Suggestions for other people to contact

Use personal communication as a means to solicit input from groups and individuals who may not otherwise be heard.

2. Identify and research potential issues

It is important to identify and research the issues for all audiences. In many cases, issues and audiences will overlap. For example, both residents and businesses may be concerned about property values or access during construction. After the issues and audiences are identified public involvement strategies will be designed to gather and disseminate information. Don't forget to identify both positive and negative issues. **To correctly identify issues, call or meet with members of the audiences and ask what they see as issues surrounding the project.** If the project has a history, reviewing that can also be helpful. Issues surrounding a project can include those with a positive connotation such as:

- Improves safety (be specific, such as "will enhance safe passing opportunities")
- Enhances economic development.
- Improves travel time
- Improves condition of the road or bridge
- Increases number of choices of modes along the corridor

Other issues may have a negative connotation, like:

- Changes in access
- Decrease in traffic flow past businesses
- Displaces businesses
- Displaces homeowners
- Cost
- Visual impacts
- Noise impacts
- Seen as unimportant
- Proximity to schools, churches or hospitals

3. Define purpose and need

Outline a compelling purpose and need in basic terms that can be understood by the public. It will be referred to and questioned many times during the life of the project and it must make sense to the public. Local officials and community leaders can be called upon to help draft a purpose and need. Surveys can help uncover issues important to the public, as can focus groups and ad hoc advisory groups. Early participation by stakeholders will help with later public involvement efforts. **Federal guidelines require an opportunity for timely and meaningful involvement of the public and participating agencies when developing the purpose and need for a project involving an EA or EIS.** The following questions can be asked to help draft a purpose and need statement:

1. What specific problems are people talking about?
2. What are the benefits of the project? How will it address the problems?
3. How will it improve the community, schools, area roads, etc.?
4. Will it be better than what is there now? How?
5. How will the project enhance or at least protect someone's quality of life?
6. What are the mandates or regulations that drive the project?
7. What are the guiding principles that should shape the study or project?

In some cases, the purpose and need may be refined as the project develops.

To correctly identify issues, call or meet with members of the audiences and ask what they see as issues surrounding the project.

4. List public involvement objectives

After identifying stakeholders, issues and a purpose and need, ask, “What do we want from our public involvement efforts on this project?” Begin by selecting a **Level of Public Involvement** as described on page 12. The objectives should relate to the stakeholders and issues identified in steps one and two. Remember to focus your attention where the problems are. The greatest benefit comes from targeting the most urgent issues with concentrated efforts, not from widely scattered, diluted efforts. Some broad public involvement objectives might include:

- Remind people of the project’s benefits
- Provide updates if delays occur
- Create opportunities for citizen participation at key decision points
- Diffuse strongly polarized arguments
- Seek feedback on KDOT performance

5. Select public involvement activities

Choose public involvement activities that are most likely to help meet the objectives and address stakeholders’ concerns. If the project is one that will lead to construction, include activities that will carry the public involvement effort through the construction phase. When appropriate and feasible, plan for smaller, informal group meetings and discussions as a means to involve potentially-affected stakeholders.

Public meetings, while commonly used, may not be as effective as more focused activities that target specific groups or individuals.

6. Develop action plan or schedule

The schedule should relate to the project’s decision points. Record each activity selected and create a plan or schedule that includes:

- Audience
- KDOT staff member responsible for the activity
- Date and time

- Location
- Resources needed, such as people, displays, handouts and equipment
- Method(s) for notifying the target stakeholders

The action plan developed at the start of a project may have to be revised as the project moves forward. So, public involvement needs to be flexible to adjust to unforeseen situations. Thorough work in steps one through five will help diminish the likelihood of major adjustments as the project develops.

Rather than have people visit a central KDOT location, go where people can easily travel and will feel most comfortable participating. Public meetings should normally be in publicly-owned facilities such as community centers, city halls, town halls, recreation centers, fairgrounds, and schools. However, there may be times when churches, stores, or malls will be more effective – especially for informal situations.

7. Conduct public involvement activities

How the activities are carried out is often more important than what activities are used. Avoid creating adversarial relationships at this stage and remember the following points:

1. Maintain a constructive tone.
2. Avoid hidden agendas and give honest answers.
3. Follow up on promises, unanswered questions or action items.
4. Don’t make promises that cannot be kept.
5. Don’t soft-pedal difficulties inherent in certain courses of action. Don’t downplay uncertainties or make more of them than necessary.

6. Balance adequate time for input with moving the process forward.
7. Document all significant decisions.
8. Provide access to data and information, which can include work in progress that is properly labeled, described, annotated and reviewed by the project team.

8. Assess activities and adjust as needed

Review each activity after it is completed. Study the comments not only to identify helpful points but also to identify new issues that may have been uncovered and might need to be addressed. Public involvement needs to be flexible and, if needed, do the following:

- Update the stakeholders list
- Revise the issues
- Revise the action plan or schedule

9. Document public involvement

After each public involvement activity, create a summary that includes the date, time, location, attendance and a review of the comments and issues. Note how comments from the public involvement activity may affect the project's decisions. Once the project has reached its conclusion, create a summary of the project public involvement, including any evaluations that were done and lessons that were learned. Also summarize the ways in which public involvement influenced the final outcome.

10. Talk about the outcome

After the project is complete, talk about it and celebrate its success. This does several things:

- Brings the project full-circle in the minds of the public
- Reminds people of the benefits
- Demonstrates how public influence affected the outcome

- Maintains the legitimacy of the project

Marketing the success of the project can be done in many ways, such as:

- Special events
- Road opening ceremonies
- Speakers bureau presentations
- Press releases
- Working with the contractor to submit or publicize joint awards

Just as an ounce of prevention is worth a pound of cure, developing relationships with the local community from the outset is much more effective than trying to work at the last minute with a hostile community who feels left out of the decision-making process.

11. Evaluating public involvement activities

Through evaluation, KDOT's project team can determine which planned activities provided input and led to effective decisions. For example, after an advisory group, open house or public meeting, it would be helpful in determining whether KDOT met its objectives. A post-meeting review should consider these questions:

1. What did you think about the meeting?
2. How did the stakeholders perceive the meeting? (Since the community perception will affect the development of the project, it is better to understand their perceptions early).
3. What type of feedback did the meeting generate from the stakeholders?
4. Did the meeting accomplish its intended purpose?
5. Did the stakeholders understand the purpose of the meeting and respond accordingly?
6. Did the audience represent the individuals and groups who were expected to have an interest?

Example Survey of KDOT Responsiveness to Public Input

YOUR INPUT MATTERS!

How can we best reach out to get your feedback on how transportation impacts you and your community?

Was the information you were provided helpful for understanding the project?

- Yes
 No

Specify information that would be helpful to ensure the project is easier to understand?

How did you learn about this project?

(Select all that apply)

- Mail
 In-person or virtual public meeting
 Signage on roadside
 Radio
 Newspaper
 Social media
 KDOT website
 Friend/Family
 Other (specify)
-

Which format(s) do you prefer to be notified regarding future projects in your area?

(Select all that apply)

- Mail
 In-person public meeting
 Virtual meeting
 Signage on roadside
 Radio
 Newspaper
 Social media
 KDOT website
 Other (specify)
-

Were you able to effectively comment on this project?

- Strongly disagree
 Disagree
 Neutral
 Agree
 Strongly agree

Please provide recommendations for what would improve your ability to effectively comment on future projects.

(Select all that apply)

- Virtual meeting
 In-person public meeting
 Different date/times
 Other (specify)
-

DEMOGRAPHIC INFORMATION

What is your zip code? (Required)

Choose your age group.

- Under 18
 18-24
 25-34
 35-44
 45-54
 55-64
 65 or above

What is your race and/or ethnicity?

- White, Non-Hispanic/Latino
 Black/African American
 Asian
 American Indian and/or Alaskan Native
 Native Hawaiian and/or Other Pacific Islander
 Hispanic/Latino of any race
 Other (please specify)
-



Example Project Team Evaluation Checklist

PROJECT TEAM EVALUATION CHECKLIST

Goals and Objectives

- Were the goals of public involvement met?
- Were the public involvement objectives met?
- How closely did the process follow the public involvement plan?
- What modifications had to be made, and were those modifications effective?
- Were changes documented and the plan updated, if needed?

Timeline

- What influence did public involvement have on the project development schedule?
- Were public involvement activities conducted at the appropriate times?

Contacts

- According to public involvement records, how many letters were sent and phone calls made?
- What was the attendance at public meetings and/or hearings, if held?
- How many comments were provided and which stakeholder groups do they represent?
- Did the department reach all identified stakeholders? If so, was the contact effective?

Media

- What did the media report about the project? About the department?
- What issues did they cover? Which did they criticize? Which did they applaud?
- What kind of editorials and letters were published about the project? Did KDOT respond? If so, how did it respond?

The Department

- How did other department staff (district engineer, planners, headquarters, and others) view the public involvement process for the project?
- How did the Secretary react? What feedback, if any, did they provide?

- How effective was the communication between affected divisions involved with the project's public involvement activities?

Budget

- Did the public involvement process stay within budget? Explain.

Materials

- How effective were the public involvement materials created for the project—such as fact sheets, news releases, newsletters, print ads, social media, video, and others? How much did they cost?
- Was there any public reaction to the materials?
- How effective was the coordination among those who developed and distributed the materials?

Midstream adjustments and crises

- What crises, changes, or unexpected events occurred during the project?
- How well were they handled?
- How could they have been avoided?

Consultants

- How well did the public involvement consultant understand and incorporate KDOT's public involvement goals and objectives into the project?
- How effective was the consultant in helping the department engage the public?
- Did the consultants follow KDOT standards? (Documents, press releases, websites etc.)
- How was the quality of the consultant's work?
- What will I look for when selecting the next public involvement consultant?

Self

- What did I think about the process?
- What did I think went well? What didn't work?
- What would I do differently?

3.9 Virtual public involvement (VPI) and virtual meetings

KDOT's Public Involvement Procedures for Federal-aid Project Development satisfies FHWA's public involvement requirements under 23 U.S.C. 128 and 139, 23 CFR 771.111(h), and procedures implementing the National Environmental Policy Act of 1969 (NEPA). This document provides guidance for incorporating virtual public involvement (VPI) and virtual meetings into the project development process in a manner that supplements compliance with all federal public involvement requirements.

3.9.1 Incorporating VPI into a project's public involvement plan

A project-specific public involvement plan (PIP) would have initially defined the purpose of the public involvement and engagement goals. The project's purpose and goals drive the choice of VPI tools, not vice versa.

- What are the communication and outreach goals for the project?
- Do you need to communicate information about the status of the project without taking comments?
- Is this an opportunity for people to weigh in on a pending decision?
- What are the communication needs of residents, commuters, and stakeholders in the study area?

Consider using multiple VPI methods that are commonly used in the study area, such as websites, social media, and email blasts. For example, share the recording of a virtual meeting on a local municipal web page and YouTube.

Share information with community groups that can post updates to the project website and social media channels. Request and collect contact information to follow up on comments received.

VPI can provide tools for additional opportunities for feedback on project

proposals, but the tools for obtaining input may differ based upon the level of detail sought from stakeholders and the public. Some VPI tools require more preparation time than others.

VPI also should be based upon an understanding of the target audience. Plan to be inclusive. Conceptualize the public as a collection of discrete groups, individuals, and the general public. Each has different interests and participation levels.

Public involvement should reach the general public and those directly affected by a proposed action, including those living or working adjacent to the project limits, non-motorized users, commuters and public transit users. Questions to help identify and reach the affected population include:

1. What are the demographic characteristics of the targeted audience?
2. Are there underserved, Environmental Justice (EJ) or Title VI population and/or communities?
3. If so, what barriers exist and what can be done to proactively engage them through traditional and virtual public involvement strategies?
4. Do they have access to the internet? If so, are they likely to use it? If not, employ other methods of communicating and obtaining input in addition to VPI.

Also consider the number of people who may participate in VPI to make sure the virtual meeting technology has adequate capacity.

VPI should include wide-reaching advertisements and announcements to capture all potentially impacted parties, not just those living adjacent to the project limits. Use VPI to reach others who may be indirectly impacted, such as commuters and those who may be impacted by changes in public transit.

3.9.2 Public involvement goals utilizing VPI

Public involvement for NEPA should:

Coordinate activities and virtual meetings with the entire NEPA process, especially for more complex projects. For example, consider whether you need input on project purpose and need, alternatives, the recommended solution, or mitigation. Even a Categorical Exclusion (CE) can include some of these decision points, especially if you need information to make design decisions based upon community input. If you already have a virtual project meeting scheduled to explain your alternatives analysis, include information about de minimis impacts and request input as part of the event.

- Provide early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with right-of-way and property acquisition activities, including temporary consents to grade and the relocation of individuals or businesses.
- Provide public outreach for proposed operational improvements such as a lane reductions, roundabouts, and the installation of active traffic management systems. Permanently removing a vehicular or pedestrian bridge also requires outreach, as does any potentially significant change in access to transportation, regardless of the mode. YouTube videos of roundabouts and diverging diamond interchanges can be embedded in virtual presentations so the public can gain a better understanding of the proposed project.
- Include documentation of outreach activities. VPI tools often have recording options to assist with documentation needs. Keep a record of all public comment and response, as well as a record of all VPI tools and strategies utilized on the project.

3.9.3 Selecting VPI tools

Consider the needs of residents, commuters, and stakeholders when selecting tools for VPI and virtual meetings.. Use familiar channels to let people know about the opportunity for public comment and how to receive and review information. If possible, collect or request contact information and follow up on comments or questions received. Review the Underserved Population section of this document prior to developing a VPI plan.

A. Virtual meeting best practices:

Consider using a webcam with a microphone/headset along with good internet. All platforms mentioned in the table on page 24 have mobile apps that have some degree of functionality, but if you are responsible for hosting, you probably want to be on a computer.

With all these tools, a practice session can be invaluable. Better to practice ahead and look more polished than fumble when you go live.

Virtual meeting communications should also include time frames for accepting comment, such as one week or two weeks, or 30 days, for example. Comments should be documented for the NEPA/ Title VI reporting file along with responses. Consider creating an FAQ document to provide information on frequent questions or concerns.

Identify Meeting Goals, Outcomes and Techniques

The chart outlines two categories of virtual public meetings and highlights the different tools and techniques well suited for each type of meeting – Information Sharing and Engagement Focused. The Information Sharing section focuses on meetings that use one-way communication mainly to relay information to participants/public; and thus, do not require many feedback mechanisms.

What are the meeting goals?	What does the platform need to do?	Who is the audience?	Example meeting types	Basic platform requirements	Platform features for engagement
Information Sharing Meeting					
Notify stakeholders of project or construction updates and news	One-way presentation to inform stakeholders	Key stakeholders and/or public	<ul style="list-style-type: none"> - Service change implementation - Notices of new roadway configurations - Project or construction update meetings 	<ul style="list-style-type: none"> - Presenter screen share - Muted participants - Call-in option 	<ul style="list-style-type: none"> - Video sharing
Inform public of project or construction changes	Ability to conduct Q&A	Public	<ul style="list-style-type: none"> - Notices of new roadway configurations or detours - Field Check (50%) design complete), Pre-construction meeting 	<ul style="list-style-type: none"> - Q&A/chat box available - Call-in option - Manage panelists and presenters 	<ul style="list-style-type: none"> - Create and conduct polls
Engagement Focused Meetings					
Collect public feedback on planned project changes/project design	Two-way communication to gather feedback	Key stakeholders and/or public	<ul style="list-style-type: none"> - Planning study meetings - Advisory group meetings - Local Consult meetings - Interactive workshop - Design charrettes 	<ul style="list-style-type: none"> - Presenter & audience screen share - Muted/unmuted participants - Q&A/chat box available - Call-in option - Presenter & audience screen share - Muted/unmuted participants - Q&A/chat box available - Call-in option 	<ul style="list-style-type: none"> - Video sharing - Create and conduct polls - Breakout rooms - Surveys
Inform public during Discovery Phase	Ability to conduct Q&A	Public	<ul style="list-style-type: none"> - Project update meetings - Preliminary design or NEPA public meeting 	<ul style="list-style-type: none"> - Call-in option 	<ul style="list-style-type: none"> - Create and conduct polls - Breakout rooms - Surveys

Available KDOT VPI Tools

Platforms	Description	Selection Considerations
Microsoft Teams	Teams Meeting - People are invited to participate. Once you're in a team, you stay in that team, unless someone removes you. Attendees can join by computer, telephone or a phone app. Able to mute attendees. Recordings can be added to the website and uploaded to KDOT's YouTube channel and shared on social media. Teams Event - Can be live streamed but comes with significant learning curve. Must be planned and practiced. Internal only.	<ul style="list-style-type: none"> - Update and inform large groups and individuals. - Best for internal meetings.
GoTo Meetings or Webinars	GoToMeetings - A link is created and then sent to attendees prior to meeting. GoToWebinars - people must register in advance. No live streaming, but a recording can be uploaded to KDOT's YouTube channel and shared on social media. Provides a downloadable attendee list and chat message history.	<ul style="list-style-type: none"> - Update and inform large groups and individuals. - KDOT only has five licenses. - GoToMeetings up to 151 attendees. - GoToWebinars up to 501 attendees.
Zoom	KDOT has a Zoom account for Secretary engagements/Agency events. You can create a free account and zoom up to 40 min. Able to mute attendees. Password protected. Meetings can be streamed live or recorded and added to project website and uploaded to KDOT's YouTube channel and shared on social media.	<ul style="list-style-type: none"> - Update and inform large groups and individuals. - More well known among public. - KDOT often records the attendee's session ahead of time, then the public views on KDOT's YouTube or Facebook channels.
Narrated PowerPoint (PPT)	This is a great tool for sharing project updates. The PPT can be saved as a video and added to the project website; availability of the video can be communicated through social media and shared in a news release.	<ul style="list-style-type: none"> - Project and construction updates.
YouTube	KDOT has a YouTube channel where a meeting can be livestreamed or posted on the web for later viewing.	<ul style="list-style-type: none"> - Comments can be turned on or off; if turned on, then must respond either live during the event or later if posted on the web.
Surveys: Survey Monkey, Qualtrics, or MetroQuest	Surveys are excellent for public engagement and analyzing large sets of data	<ul style="list-style-type: none"> - Can be used for internal or external outreach. - Use with statewide or large projects.
Social Media	Use in coordination with other strategies.	<ul style="list-style-type: none"> - Share meeting notices in advance and day-of on social media channels. - Useful for quick and immediate information sharing.

Good roads, good schools and good churches are a sure sign of the best citizenship produced by a free republic. How about our roads?

Author unknown.

From “Sign of Citizenship,”
Good Roads, A Monthly Journal
Devoted to Our National
Highways, December 1906.

CHAPTER 4

Decisions, Decisions, Decisions

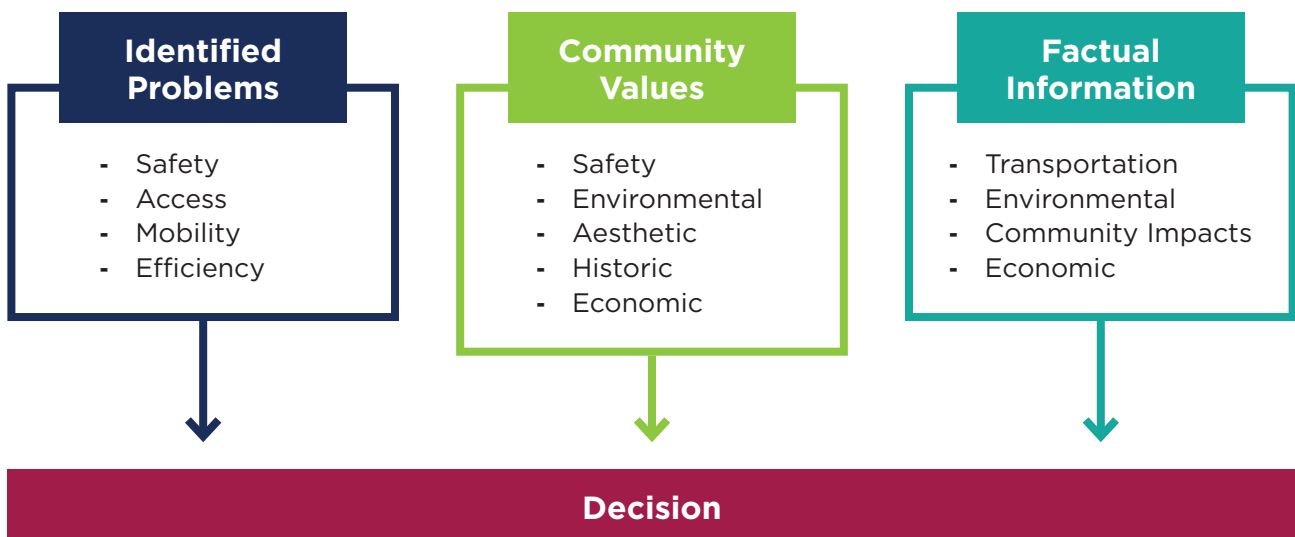
4.1 How can public input help make decisions?

Public involvement can be used anytime there is a need to improve decisions, projects or programs. The use and scope of public involvement depend largely on the situation, the budget and the schedule. In some cases, public involvement is a regulatory requirement, such as during the development of an EA or EIS or the Long Range Transportation Plan.

Timely public input helps KDOT make informed decisions that address the interests, concerns and issues of people potentially affected by transportation planning and projects. Public participation, when considered in context with a variety of other factors, helps:

1. Shape long-range plans and policies for the agency and the transportation system.
2. Select and program certain types of projects.
3. Develop the location and scope of improvement projects.
4. Identify and clarify important issues.
5. Identify environmental constraints and possible mitigation.
6. Develop or select alternatives.
7. Reveal potentially useful ideas for project design, construction and maintenance.
8. Prevent costly and time-consuming design alterations late in project development.
9. Facilitate the right-of-way acquisition process.
10. Minimize the impact of construction activities.
11. Evaluate a finished project.
12. Facilitate good relationships between surveyors and property owners.

Three Elements of Decisions



Transportation decisions are built from three key elements.

4.2 Integrating public involvement in the decision-making process

Decision-making involves blending factual information with the values of people who may be affected by or have an interest in the decision. Major decisions concerning some aspect of the transportation system are usually the result of a long process. The decisions aren't made in a single event; they're built from a series of smaller decisions that are stepping stones to the final determination. Integrating public involvement into decision-making involves these three steps:

1. Develop the decision process.
2. Identify decision points where the public can have some influence.
3. Schedule public involvement activities to maximize their influence on decisions.

For public involvement to affect decisions, the activities must occur so the public's participation can be considered in a timely manner. Announcing a decision devoid of public input and then seeking public reaction creates animosity, wastes everyone's time and is frustrating for the public and the agency.

When KDOT develops its Statewide Transportation Improvement Program (STIP), or intends to amend it during the year, the agency notifies the FHWA, the Federal Transit Administration and the public through announcements in news releases so the public is both aware of and has the opportunity to participate in the transportation decision process.

4.3 The decision-making process

There is enormous variety in the scale of projects. Public involvement during the decision process will vary depending on the project's scope, potential impacts, budget, schedule and environmental documentation needs. Public involvement may not be warranted for all projects. For others, extensive public involvement may be indicated. Public involvement can be effective at any or all of the decision points of the process.

Every decision point in the process may not be necessary. For instance, a project consisting of only a study may conclude at step five or six. A project is funded and authorized for design – but not for construction – may conclude at step seven. Also, some may be combined or may run concurrently, such as with steps four and five.

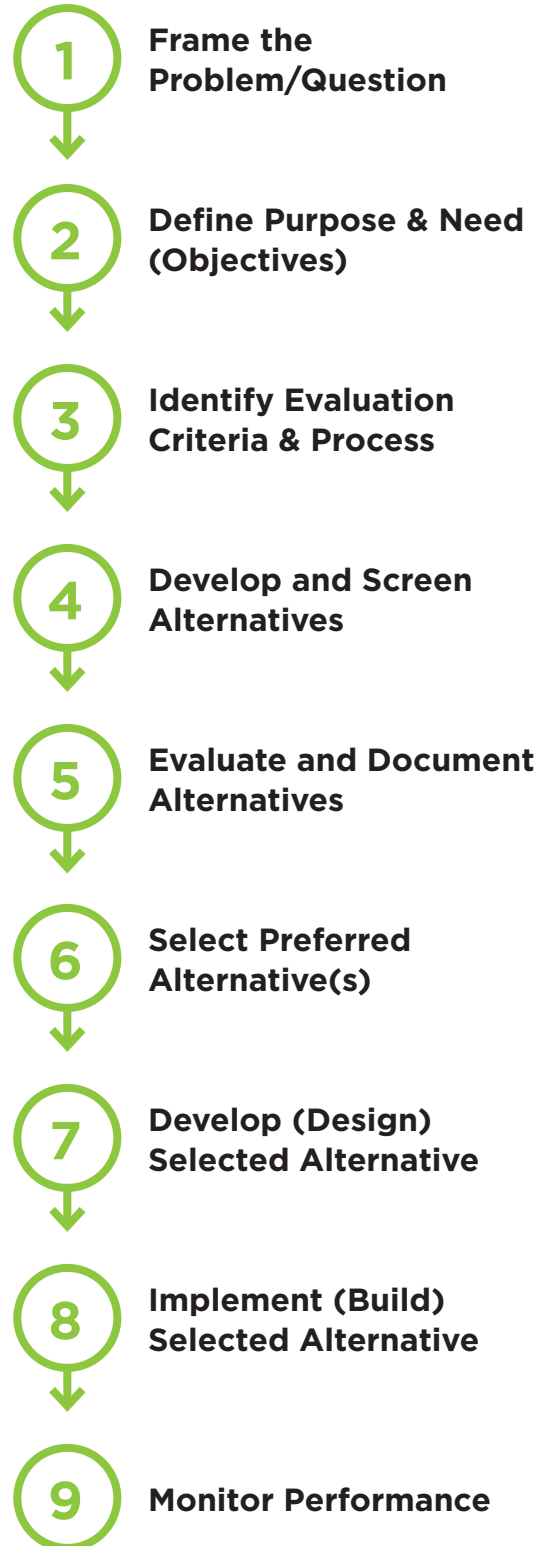
The decision-making process is just as important as the outcome. A poorly planned and executed decision process can jeopardize an otherwise good project.

At each decision point, it can be helpful to determine:

1. Who will make the decision?
2. Who will make recommendations?
3. Who will be consulted?
4. How will recommendations and comments be transmitted to decision makers?
5. Who will implement the decision?

At decision points where public input is sought, the project team should be able to explain how previous public input was considered or used in the process. This helps the public understand how their involvement informs the process.

Typical major decision points



1. Frame the problem/question

Describe problems in objective ways that can be related to alternatives. Avoid defining the problem in terms of a solution. For instance, we might define problems at an intersection in terms of accident rates, sight distances, traffic volumes, etc. The problem characterized as “we need a traffic signal there” or “there are no stop signs, so people are getting hurt” limits the range of possible solutions before the situation has been fully studied. Be sure to:

- Include current and anticipated problems
- State problems specifically
- State problems in understandable language
- Get agreement on the problems
- Document problems in a manner consistent with environmental documentation

At this point, **public involvement can help identify, change, delete or confirm specific problems.** This activity can be as simple as phone calls or meetings with local elected officials, community leaders or known interest groups or it may be as extensive as a telephone survey. When stakeholders and the project team can agree on the problem(s), it fosters a spirit of cooperation in developing solutions and can be the first step toward resolving many potential conflicts.

2. Define purpose and need (Objectives)

A purpose and need statement is a formal requirement for an EA or EIS. Federal guidelines require an opportunity for timely and meaningful involvement of the public and participating agencies when developing the purpose and need for a project involving an EIS. A purpose and need statement is not required for other projects, but can be helpful. It provides a foundation for evaluating alternatives and, when developed with public involvement, will help foster later discussions. It is

important for the purpose and need to reflect the full range of public values identified through public involvement without implying or offering a solution.

One reason projects meet resistance is because the problem, purpose and needs are not understood and accepted early in project development.

A purpose and need helps narrow alternatives to those that are reasonable and feasible. It will also help with educating stakeholders who may propose unreasonable alternatives outside the scope of the project.

When public involvement has been sought in developing the purpose and need, point to those elements in which the public had input. For instance, if the purpose of the project is to relieve congestion, it might be possible to note that previous public comments have focused on how long it takes a driver to travel a given road segment. Or, if the purpose is to enhance safety, it might be shown that, in addition to the crash rates, drivers also expressed concern about their safety.

3. Identify evaluation criteria and process

This step establishes the criteria for measuring the effectiveness of alternatives in addressing the problems identified in step one and helps focus the study effort. **The evaluation criteria should closely correlate with the problems, purpose and need.** Since there are many factors that must be considered during alternatives development, other evaluation criteria, such as regulatory requirements, can be introduced. For instance, while environmental concerns might not be the problems identified, they may limit the range of alternatives and should be included in the criteria.

The evaluation criteria should relate to social, environmental and economic concerns whenever appropriate. They can be quantitative or qualitative, depending on the complexity of the problem, the

expected level of controversy, the structure and scope of the public involvement process and the preferences of decision makers. Quantitative measures are helpful for projects with difficult trade-offs or heavy controversy.

Under federal regulations for an EA or EIS, the lead agencies must determine, in collaboration with participating agencies, the methodologies to be used and the level of detail required in the analysis of each alternative. The lead agency should also use the scoping process to solicit public input on possible methodologies.

Evaluation criteria may include:

Quantitative criteria

- Estimated cost (total and/or construction)
- Number of home or business relocations
- Acres of potentially affected, environmentally sensitive habitat
- Total acres of potentially affected land
- Projected level of service (a grading system for the amount of congestion)
- Number of farm severances
- Number of access points
- Cultural resource impacts

Qualitative (subjective) criteria

- Visual look of the improvement or its effects on the ambiance of the area
- Future development and economic impacts
- Quality of life
- Community cohesion

It is also useful at this point to set forth the guiding principles for the project. Guiding principles are the prior engineering, environmental, social and economic constraints or decisions that must be adhered to in determining a solution. Some guiding principles, for example, might be:

1. The project must meet current engineering criteria.

2. The project has funding limitations.
3. The project is part of a larger, multi-phase project and must complement the ultimate facility design.
4. The project cannot be a reasonable solution for certain peak traffic events or other above-average situations.

Public involvement can be used to help develop the criteria and process for evaluating alternatives and is required under federal law for an EA or EIS. Here, too, it helps to explain how some of the criteria relate to public concerns expressed in prior steps. When stakeholders have input into and agree on the evaluation criteria, it helps foster the process.

Stakeholders can also be involved in the evaluation process directly. Relying at this point on poor evaluation criteria or a faulty evaluation process can endanger the project since alternatives may fail a NEPA process, may damage the credibility of the decision process and the agency, may wilt away the public trust grown from the seeds of a good start, and may expose the project to negative publicity.

4. Develop and screen alternatives

Develop a set of reasonable alternatives to be carried through for more analysis. It is important that a full range of stakeholder values be reflected in the spectrum of alternatives. This will help avoid the problem of having viable alternatives suggested near the end of the process and having to back-track to evaluate them. Each alternative must be minimally feasible and minimally acceptable to decision makers. **For an EA or EIS, federal guidelines require the lead agencies provide timely and meaningful opportunities for the public and participating agencies to become involved in defining the range of alternatives and must consider the input provided by those groups.**

The alternatives excluded from further consideration during this step should be identified and reasons for their exclusion should be made clear. For instance, an alternative may be excluded because it wouldn't address the issue of crash rates, which concern the public and KDOT. Conversely, avoid the vague explanation that an alternative was excluded because, "it wouldn't address the purpose and need." While that statement might be true, it's so vague that it's likely to raise more questions than it answers.

5. Evaluate and document alternatives

The evaluation of alternatives should be an apples-to-apples comparison of the impacts or outcomes important to the public and decision makers. Using the criteria identified earlier, this is the point where trade offs can be discussed. **When some of the criteria have been developed from the public involvement process, the public is reassured their values have a role to play in selecting an alternative.** The public can also play a part in the evaluation process. One of the roles that a corridor advisory group can have is to work through the evaluations, adding a public perspective to discussions of trade-offs. This can be especially helpful when weighing dissimilar impacts, such as impacts to sensitive habitat versus impacts to nearby homes.

6. Select preferred alternative(s)

Selecting the preferred alternative involves describing how the preferred alternative meets the needs identified and clearly explaining how it is expected to solve the problems. It's helpful to explain how public involvement affected the decision(s) and provided a clear justification for the preferred alternative in the face of diverse opinions.

At this point in the process, trust and credibility built through the public involvement process will provide a solid foundation for moving forward.

Faithfully and openly following the decision process and involving the public will help people accept the preferred alternative even if they might disagree with it.

The selection of a preferred alternative may be the final outcome of the project for planning studies.

Each major decision point in the transportation decision process can be an opportunity for public involvement.

7. Develop (design) selected alternative

Assuming the project has been authorized and funded to proceed with design, translating the concept of the preferred alternative into detailed designs requires still more decisions. **Decisions at this level are more likely to involve smaller numbers of potentially affected stakeholders.** Some of the key decisions may involve access to homes or businesses and potential right-of-way purchases.

The relationships with individuals or groups developed through previous public involvement activities can be helpful with these kinds of design activities. During this step, keeping individuals informed of the progress of design and upcoming right-of-way activities will help them prepare for their future, especially if they are personally affected. KDOT and members of the public have benefited from meetings with individuals or groups concerning access decisions, right-of-way activities, landscaping and aesthetic features.

8. Implement (build) selected alternative

Assuming the project has been authorized and funded to proceed to construction, this step is synonymous with constructing

a road or bridge improvement project. Although nearly all of the decisions concerning the location and design have been made at this point, the project team can still look for opportunities to inform, educate or involve the public before and during construction. For instance, just before beginning construction of an interchange and roundabout at U.S.75 and 46th Street north of Topeka, KDOT officials and the contractors met with local business owners who were concerned about access to their businesses during construction. KDOT and the contractors offered two alternatives for staging the construction and invited the business owners to identify which one they preferred. Although both alternatives would result in disruptions, the business owners preferred to have a schedule that would close access for a period of three months, as opposed to an alternative that would have restricted access for a longer period.

People nearly always appreciate efforts to inform them of detours, construction schedules and restricted access during construction. There may be other opportunities to educate people about construction activities. Once the project is completed, the project team should consider opportunities to partner with the contractor, local officials and community leaders to celebrate the successful completion of the project.

9. Monitor performance

Completed projects present the opportunity to monitor the results and help people adapt to the improvements. Listening carefully to public comments about the project may help identify issues that should be addressed. A new project that requires a change in driving habits may need to be supplemented with education to help drivers cope with the change. Or, adjustments might be needed to signs and markings or maintenance procedures. Portions of the project may even need to be redesigned and changed.

Maintaining the highway system occurs concurrently with monitoring. As portions of the system deteriorate over time, the agency undertakes maintenance projects to keep the affected segments in their “as built” condition. Monitoring data from road segments and bridges becomes part of the Transportation System Planning and Program Development Processes and provides information on which future decisions can be made. Maintenance activities, while not necessarily affecting the property of adjacent landowners, may temporarily affect nearby businesses or residents. As a result, **maintenance activities may call for public involvement efforts to inform people or involve them in scheduling or phasing decisions.**

To travel hopefully is a better
thing than to arrive.

Robert Louis Stevenson
(1850-1894)

CHAPTER 5

The Transportation System Decision Cycle

5. The transportation system decision cycle

KDOT’s transportation system decision cycle can be divided into four major processes:

Process	Responsible KDOT Division
Transportation System Planning	Planning and Development
Project Programming (Selection)	Program and Project Management
Project Development (Design)	Engineering and Design
Operations (Build and Maintain)	Operations

5.1 Transportation system planning

This process provides long-range planning on a broad scale under the guidance of the Strategic Management Plan and the Statewide Long Range Transportation Plan. It includes KDOT’s annual update of the State Transportation Improvement Program (including preservation, modernization, expansion, and local partnership programs), the sharing of federal funds with cities and counties for transportation improvements, and processes for soliciting and selecting projects for several federal programs. Other modes of transportation such as air, rail, public transit and bicycle/ pedestrian, are monitored in this process, as well. This process is generally concerned with long time frames (up to 20 years or longer), system-wide or corridor level decisions and guiding policies rather than specific projects.

5.2 Project programming (selection)

This is the process of making decisions about where and how to allocate limited resources to maintain, improve or enhance the highway system. The process in part uses information gathered during the monitoring/study portion of the system planning process. For many major projects, project programming relies on priority formulas, economic impact and local input to prioritize improvement needs.

The programming process is focused on a shorter time frame than planning (generally three to 10 years) and results in a schedule of specific projects and their scopes matched with funding. It includes priorities identified through Local Consult.

5.3 Project development (design)

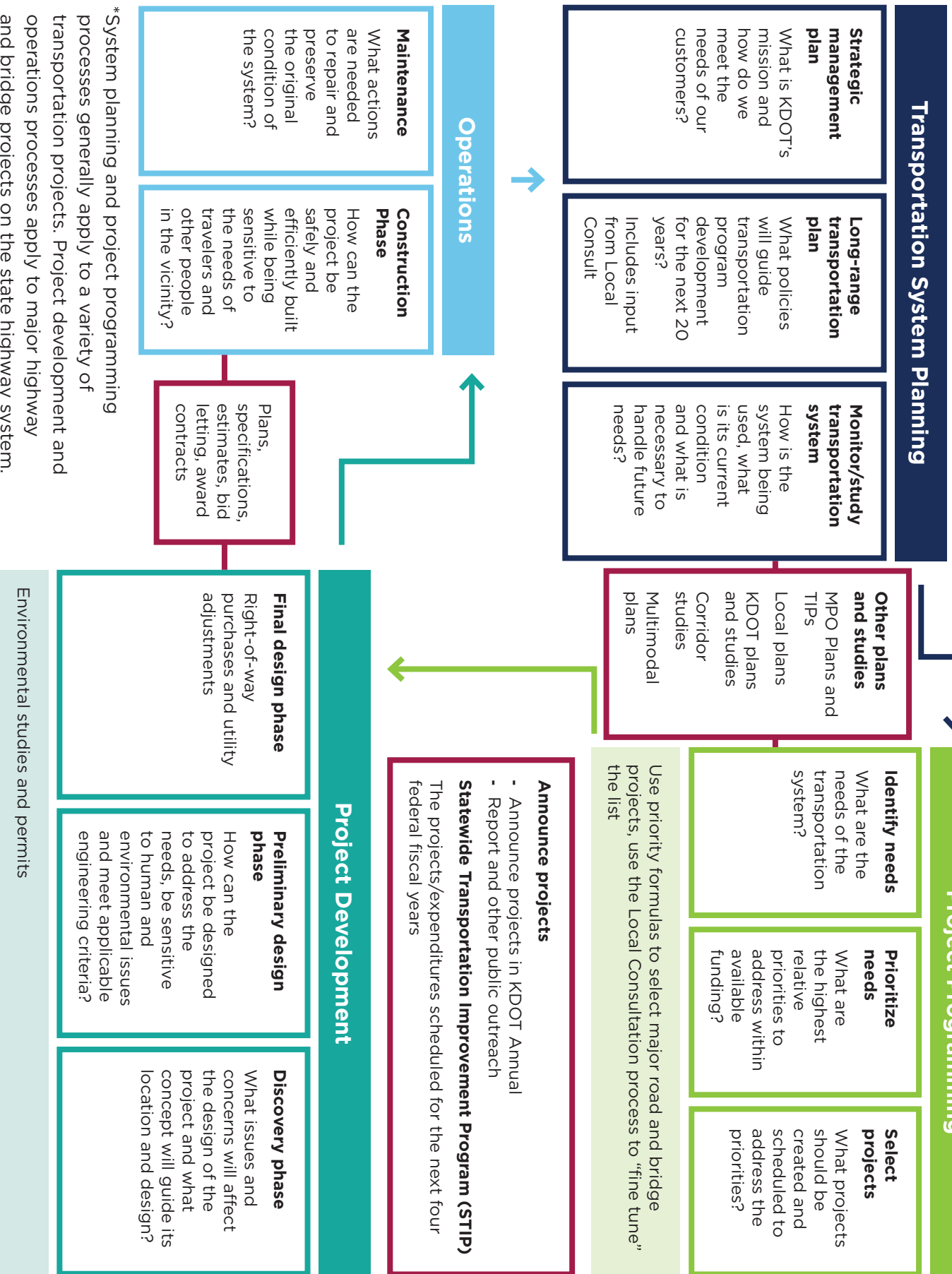
Project development is the process that studies a specific deficient road section or bridge identified in the project programming process, determines an appropriate solution to address the needs and translates the solution into working designs. If any right-of-way is needed to implement the design, it is also purchased as part of this process. This process is subject to NEPA.

5.4 Operations (build and maintain)

An improvement is constructed and then maintained throughout its life in the operations process.

The illustration on the following page diagrams the relationships of these processes.

KDOT transportation processes*



*System planning and project programming

processes generally apply to a variety of transportation projects. Project development and operations processes apply to major highway and bridge projects on the state highway system.

The whole object of travel is not to set foot on foreign land; it is at last to set foot on one's own country as a foreign land.

Gilbert Keith Chesterton
(1874-1936)

CHAPTER 6

System Planning

23 CFR 450

6. Transportation System Planning Process

Transportation system planning activities fall under the auspices of the Division of Planning and Development.

Transportation system planning provides long-range planning on a broad scale, under the guidance of the Strategic Management Plan and the Statewide Long Range Transportation Plan and various other plans and studies.

KDOT's public involvement in key elements of transportation system planning is described in the following sections.

6.1 Public involvement in planning

KDOT will include public involvement in transportation planning that provides:

1. Early, continuous and proactive public involvement opportunities throughout the transportation planning and programming process.
2. Timely and complete information about transportation issues and processes to interested citizens and groups affected by transportation plans, programs and projects.
3. In accordance with the Kansas Open Records Act, full public access to key decisions and reasonable public access to technical and policy information used in the development of the plan and Statewide Transportation Improvement Program (STIP).
4. Adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to action on the plan and STIP.
5. A process for demonstrating explicit consideration and response to public input during the planning and program development process.
6. A process for seeking out and considering the needs of traditionally underserved populations.
7. Periodic review of the public involvement

process so that the process provides full and open access to all and revision of the process as necessary.

Project managers should refer to the public involvement activities in the Project Development Section for guidance on notification for public meetings and handling public comments.

Transportation Planning looks ahead to the future of the transportation system.

6.1.1 Public involvement opportunities

KDOT will provide early and continuous opportunities for public involvement throughout the transportation system planning and programming processes depending on the characteristics of the study or program. The planning process typically covers relatively long horizons of 10 to 20 years or more. This can make it difficult to involve people in the process since it typically doesn't deal with individual improvement projects. Public involvement efforts during the planning stage may help some communities create future visions of the transportation systems in their regions.

Wide-scale public meetings are less effective in this phase than activities pointed toward key government and community decision-makers. Public meetings are normally used when there are concepts that the public can see and react to. Such tools as statistically valid surveys and traveling focus groups (Road Rallies) can help uncover planning issues important to the public.

6.1.2 Information about issues and processes

KDOT informs the public and stakeholders in a variety of ways. News releases, newsletters, social media channels, program announcements, presentations to interested community groups, documents on the KDOT public website, public open houses and community fairs all help the agency keep people informed.

6.1.3 Access to key decisions and policy information

KDOT provides a variety of opportunities for access to key decisions and technical and policy information, including the **Kansas Long Range Transportation Plan**, the **Statewide Transportation Improvement Plan** and **Local Consult**, which are described later in this section.

6.2 Planning documents

The **KDOT Annual Report**, available online and in hard copy, includes information on the agency's funding, project programming, multi-modal programs and safety programs. It also includes a list of projects scheduled for subsequent years and completed in the past year.

Other documents are available, including:

1. A variety of maps, including the official state map, county maps, traffic counts map, functional classification map, design access control map, design access control map, railroad map
2. Reports, plans and studies
3. KDOT Research Reports Catalog
4. Bike and trails information
5. Corridor Management Policy
6. Information on speed limits, traffic signals and beacons
7. Strategic Management Plan
8. Pavement Marking Policy
9. Kansas Rail Plan
10. Kansas Rail Feasibility Study
11. Legislative testimony

12. Kansas Freight Plan
13. Kansas Strategic Highway Safety Plan
14. Kansas Asset Management Plan
15. Kansas Active Transportation Plan
16. State Management Plan for Kansas Public Transportation Program
17. National Electric Vehicle Infrastructure Plan
18. Access Management Policy

6.3 Open records

As a department of the State of Kansas, KDOT has a **Freedom of Information Officer/Open Records Custodian** who administers the Kansas Open Records Act (KORA) for the agency. Most records maintained by public entities are open for public inspection and copying. Records commonly requested include, but are not limited to:

- Statutes
- Regulations
- Policies
- Minutes/records of open meetings
- Salaries of public officials
- Agency budget documents

6.3.1 Exceptions to the Open Records Act

The KORA recognizes that certain records contain private or privileged information. The Act lists several exceptions, including:

- Personnel records of public employees
- Records protected by attorney-client privilege
- Records closed by the rules of evidence
- Notes and preliminary drafts
- Engineering and architectural estimates
- Records that include information that would reveal the location of an archaeological site

A list of additional exemptions can be found in K.S.A. 45-221. The agency is only

required to provide public records that already exist. There is no requirement for the agency to create a record at the public's request.

Complete information about KDOT's open records policies is available online at www.ksdot.org or by contacting the Office of Chief Counsel, 785-296-3831.

6.4 Public input for planning and development

KDOT will provide adequate public notice of public involvement activities and time for public review and comment at key decision points in the planning and programming process. The Project Development section contains guidelines for notification, review and comment.

6.4.1 Strategic Management Plan (SMP)

The agency implemented its first Strategic Management Plan in 1996. The Strategic Management Plan has served as a guiding document for the department. It reinforces the agency's mission and has guided the agency's efforts to meet the needs of its customers. It was developed using the results of customer surveys and emphasizes the importance of building and maintaining relationships with the agency's external customers and partners. Any future updates to the SMP will originate with the Office of the Budget, which is responsible for developing and monitoring the Strategic Management Plan.

6.4.2 Long-Range Transportation Plan (LRTP)

The Statewide Long-Range Transportation Plan is KDOT's statewide transportation plan. It is a broad-based policy document developed to serve as a reference for the transportation planning process, guide future transportation program development in Kansas and to meet the

requirements of federal legislation. The LRTP is developed to guide policy and/or investments over a 20-year planning horizon (minimum). It encompasses all modes of transportation in Kansas and is the result of significant coordination with local, state and federal agencies and the Indian nations. In developing the LRTP, KDOT will involve a number of stakeholder groups, advocacy groups, government agencies, the general public, various tribal entities and MPOs, among other stakeholders.

Public comment on the LRTP

At a minimum, the LRTP will be made available for public comment in the following manner:

1. News releases will be sent to news outlets in the state, announcing that the draft LRTP is available for public comment and listing where it can be viewed or how copies can be ordered, and explaining how public comments can be submitted.
2. The draft LRTP will be posted on the KDOT public internet site with instructions and/or a form for submitting public comments.
3. Copies will be available for public inspection during regular business hours at the Bureau of Transportation Planning and at all District and Area offices, along with instructions for submitting comments.
4. The comment period will be a minimum of 30 days from the date that official notice of the document is published in the new release.
5. Substantive comments will be considered and responses summarized in the final LRTP.

The final LRTP may be posted on the KDOT public internet site and a copy will be available for public inspection at each District and Area office. Single copies can also be obtained by writing to KDOT.

6.4.3 Statewide Transportation Improvement Program (STIP)

KDOT's Division of Planning and Development prepares the STIP to comply with FHWA and FTA requirements for reporting expected obligation of federal funds. The STIP also reports how expenditures help attain national performance goals in the performance management approach implemented under the federal FAST-Act. The STIP is categorized into two general sections: the narrative sections and the appendices with the project indexes. The appendices provide the project indexes that list street and highway projects, regardless of funding source, that are administered by KDOT and will have funds obligated within the next four federal fiscal years. The narrative section provides brief descriptions of KDOT's public involvement process, project selection process, the program financing anticipated for the STIP including fiscal constraint and an overview of KDOT's public transportation program. Additionally, within the narrative of the STIP are those programs administered by entities other than KDOT. These programs are: the Federal Lands and Tribal Transportation programs administered by the Office of Federal Lands Highway and the Bureau of Indian Affairs; Recreational Trails program administered by the Kansas Department of Wildlife and Parks; and, by reference, the Transportation Improvement Programs (TIPs) for the six urbanized areas in Kansas. Federal law requires that the draft STIP document be available for public comment and that at the conclusion of the comment period, a STIP document be presented to FHWA and FTA for joint approval. The approved current STIP and an archive of prior approved STIP documents are on KDOT's public internet site in the Publications section.

Public comment on the STIP

When KDOT develops a new STIP, the agency notifies FHWA, the FTA and the public through announcements news

releases so the public is both aware of and has the opportunity to participate in the transportation decision process.

At a minimum, the STIP will be made available for public comment in the following manner:

1. News releases will be sent to news outlets in the state announcing that the draft STIP is available for public comment and providing a link to where it can be viewed and provide contact information for obtaining copies or submitting comments.
2. The draft STIP will be posted on the KDOT public internet site with contact information for submitting public comments.
3. The draft STIP will be mailed to Kansas metropolitan planning organizations, area transit providers and KDWPT.
4. At all district offices and in the Division of Communication at headquarters, STIP copies will be available for public inspection with contact information for submitting comments.
5. The comment period will be at least 30 days from the date that official notice of the document is published in the news release.
6. Substantive comments will be considered and responses summarized in the final STIP.

STIP Amendments

For projects developed after the preparation of the STIP document or to revise projects that are in the STIP, KDOT uses the STIP amendment process. This process is detailed in the "Revision Procedures for Amendments and Administrative Modifications to the Statewide Transportation Improvement Program." This document may be viewed on KDOT's public internet site on the main STIP page.

Public comment for STIP amendments

When a STIP document is amended throughout the year, at a minimum the STIP amendments will be made available for public comment in the following manner:

1. Draft amendments will be posted on the KDOT public internet site.
2. New releases will be sent to news outlets in the state, announcing that a draft STIP amendment is available for public comment and details where the draft amendment may be viewed on the internet and provides a contact number to make comments or to obtain a hard copy of the amendment.
3. Substantive comments will be considered and responses summarized in the approved STIP amendment.

At the conclusion of the comment period and with FHWA and FTA approval, amendments are published on the KDOT public internet site on the STIP page in the Approved Regular Amendments or Approved Special Amendments sections as applicable. To ensure the STIP documents sent to all recipients remain current, all changes made to the document are grouped as additional appendices to the STIP and shared with STIP recipients on a bi-monthly basis. There are six additional appendices to the STIP to correlate to the amendment cycle of the STIP. The additional appendices are as follows: Appendix E covering all changes for October and November; Appendix F covering all changes for December and January; Appendix G covering all changes for February and March; Appendix H covering all changes for April and May; Appendix I covering all changes for June and July; and Appendix J covering all changes for August and September. These appendices include all approved amendment information and administrative modifications made to the STIP during the period covered. External STIP recipients receive this information through an email notice with a link to the

KDOT large document site for download of the updated information. Internal STIP recipients receive updated STIP information by email attachment when size allows or through the large document site when size precludes emailing.

6.4.4 Local Consult

The foundation of the Local Consult process is built on KDOT listening to Kansans. KDOT has used Local Consult multiple times in the past as an opportunity to get input on priorities across the state.

For the first time, Local Consult was written into the 2020 IKE Transportation Program legislation and is required outreach.

Local Consult is KDOT's public engagement process that takes place every two years to get Kansans' input on potential highway expansion and modernization projects for each region of the state. It's also an opportunity to strengthen local partnerships, to better understand which KDOT programs matter most to communities, and to get feedback on how KDOT can improve delivery.

6.4.5 Metropolitan Planning Organizations (MPOs)

Federal regulations require that metropolitan planning organizations be created for all urbanized areas with populations greater than 50,000 to determine transportation priorities for the metropolitan area. They act as regional decision-making forums for local, state and federal transportation issues. KDOT benefits from a solid relationship with the MPOs since they provide a consensus voice for a region instead of many voices of sometimes competing interests in a metropolitan area.

MPOs are required to develop specific planning products. These include a Unified Planning Work Program that identifies transportation planning initiatives on an annual basis, a Long Range Metropolitan Transportation Plan that has a planning horizon of at least 20 years, a public

involvement plan and a Transportation Improvement Program (TIP) that identifies all federally funded and regionally significant transportation projects planned over a minimum four-year period. The TIPs are included in KDOT's STIP by reference only. **MPOs are also required to have a plan that provides for public involvement in the development of the three planning products.**

The six MPOs in Kansas are:

1. Mid-America Regional Council (MARC) – the Kansas City metropolitan area
2. Wichita Metropolitan Area Planning Organization
3. Metro Topeka Planning Organization
4. Lawrence-Douglas County Metropolitan Planning Organization
5. St. Joseph Area Transportation Study Organization, which includes the Kansas cities of Elwood and Wathena.
6. Flint Hills Metropolitan Planning Organization, which includes cities of Manhattan and Junction City.

6.4.6 Indian nations

The reservations of four Indian nations are located in Northeast Kansas:

1. Sac and Fox Nation of Missouri
2. Iowa Tribe of Kansas and Nebraska
3. Kickapoo Nation of Kansas
4. Prairie Band of Potawatomi Indians

The four Indian nations of Kansas receive funds to improve roads and bridges on reservation land from the Bureau of Indian Affairs (BIA). The tribes are very concerned with the transportation system in the region because it connects them to supplies, jobs and tourists. Public transportation is a concern for the tribes, in that there are many tribal members who have only one option for health care, which is the BIA office in Horton.

KDOT consults with Kansas tribes on a variety of activities. The tribes are consulted during the development of

the Kansas LRTP. During the project development process discovery phase, KDOT consults with the four Kansas Indian tribes as well other tribes that have ever inhabited a part of Kansas to notify them when projects are planned in their areas. KDOT has provided some mapping and demographics and technical assistance to each tribal government. The Indian nations are also consulted so their projects can be included in the STIP.

6.4.7 Consideration and response to public input

KDOT encourages public comment and provides feedback or information as appropriate. Given the scope of the agency's activities and the complexity of the issues, not everyone's suggestions can be used or requests approved. The agency maintains records of public comments, which may include but are not limited to copies of letters, comment forms, emails and petitions. Public comments are reviewed by the responsible staff members and may be addressed in planning, programming, project development and project implementation.

6.5 Process for connecting with traditionally underserved populations

Traditionally underserved populations may include minority and ethnic groups and low-income households, women, children, the elderly and other groups who, by virtue of their culture, language, physical or mental abilities and economic differences, may experience barriers to participating in transportation decision-making. A number of resources and case studies are available from the FHWA that describe ways to seek and use the participation of traditionally underserved populations.

There are four basic steps in KDOT's process for seeking out and considering the needs of underserved populations. The extent to which the steps are applied will vary depending on the situation.

1. Identify the population(s) using tools and Activities, which may include:

- a. U.S. Census Bureau data and maps
- b. Modern Language Association website tools
- c. Local land-use maps and appraiser data
- d. Drive-through of a potentially affected area
- e. Talks with local, transit or MPO officials
- f. Interviews with neighborhood associations, education, religious, health or social service officials

2. If a traditionally underserved population is identified, seek out their needs using activities such as:

- a. Personal interviews
- b. Group or neighborhood association meetings
- c. Interviews with health, school, law enforcement or religious officials
- d. Public involvement opportunities that encourage their participation

Step two may occur concurrently with step one. The services of a qualified interpreter or facilitator may be necessary to communicate effectively.

3. Once needs are identified, they may be considered in one or more ways, for example:

- a. Reviewing the needs for their relevance to the project or program.
- b. Comparing the potential impacts of alternatives on the identified population.
- c. Discussing ways of addressing the needs, which can include discussions with potentially affected members of the population.

4. If relevant needs are identified, recommend solutions to address the needs if feasible and practicable to do so.

6.6 Accessibility of information, meetings and services

6.6.1 Accessible formats

Printed information created by KDOT can be made available in alternative formats for customers with disabilities. Each document shall have the following phrase placed in a convenient location:

“This information can be made available in alternative accessible formats upon request. To obtain an alternative format, contact the Kansas Department of Transportation, Division of Communications, 700 SW Harrison, 2nd Fl West, Topeka, Kansas, 66603-3754 or phone 785-296-3585 (Voice/TTY); Hearing Impaired - 711.”

6.6.2 Accessible facilities and services

The location of a public meeting hosted by KDOT shall be physically accessible to individuals with disabilities, including the meeting room, parking, entrances, drinking fountains and rest rooms. Notices of public meetings shall include the following or similar statement*:

“The meeting location is ADA accessible. If you are in need of a sign language interpreter, an assistive listening device, large print or braille material, or other accommodation to attend this meeting, please notify the Kansas Department of Transportation at least one week prior to the meeting. Requests may be addressed to the Kansas Department of Transportation, Division of Communications, 700 SW Harrison, 2nd Fl. West, Topeka, Kansas, 66603-3754 or phone 785-296-3585 (Voice/TTY).”

6.6.3. Hearing impaired constituents

The Kansas Commission for the Deaf and Hard of Hearing (KCDHH), an office of the Kansas Department for Children and Families (DCF), can provide a sign language interpreter for KDOT public involvement functions. The interpreter bills KDOT directly and they charge for

a minimum of two hours. Interested staff should call KCDHH for more information.

The KDOT Office of Support Services also has Phonics Ear Technology available. These are small headsets that plug into a small battery-operated device the size of a flip phone. The speaker wears a lapel microphone and the sound goes directly into the clients' headsets to filter out background noise.

6.6.4 Foreign languages

Kansas is among many states with a growing population of people for whom English is a second language or who speak no English at all. The project team should consider providing foreign language interpreters and/or written materials in public involvement plans when there are likely to be affected persons with limited English language proficiency.

6.6.5 Review of the public involvement process

KDOT's public involvement process and plan will be officially reviewed at least every five years so that it provides full and open access to everyone, and Sharing the Future will be revised as needed. The public involvement plan will be available for public comment when it is officially reviewed and before proposed major revisions to the procedures are adopted. The plan will be made available in the following manner:

1. News releases will be sent to news outlets in the state, announcing that the draft plan is available for public comment and listing where it can be viewed or how copies can be ordered, and explaining how public comments can be submitted.
2. The draft plan will be posted on the KDOT public internet site with instructions and/or a form for submitting public comments.
3. Copies will be available for public inspection at the Division of

Communication and at all District and Area offices, along with instructions for submitting comments.

4. The comment period will be a minimum of 45 days from the date that official notice is published in the new release.
5. Substantive comments will be considered and responses summarized in the final plan.

The final plan will be posted on the KDOT website and a copy will be available for public inspection at the Division of Communication and each District and Area office. Single copies can also be obtained by writing to KDOT.

There be three things which
make a nation great and
prosperous: a fertile soil, busy
workshops, easy conveyance for
men and goods from place to
place.

Francis Bacon
(1561-1626)

CHAPTER 7

Project Programming

7. The project programming process

Project programming is the process of making decisions about where and how to allocate limited funding resources to maintain, improve or enhance deficient portions of the highway system. The process assigns a priority to proposed projects and matches them with available or projected funding in order to accomplish the agency's mission.

There are a variety of funding programs that are used to maintain or improve the state's multimodal transportation system. Within each of the major categories are funding and project-type subcategories. Projects are selected through a prioritization process tailored to the intent and funding constraints of each project category. Each category is managed separately and has its own project development life cycle and project selection criteria.

Several important planning and policy efforts, including the creation of the Joint Legislative Transportation Vision Task Force in 2018 and the development of the statewide Kansas Long Range Transportation Plan (LRTP) in 2019-2020, have helped KDOT set a policy direction for choosing transportation projects that is built on the lessons learned from past transportation programs and the needs of the future. For example, under IKE the rolling program allows KDOT to better address emerging needs.

7.1 Highway project selection criteria

KDOT uses a series of methods to select highway projects that vary between project types.

Preservation projects are selected using well-defined, objective data through KDOT's priority formula which is based on several engineering factors such as geometrics and safety, capacity, pavement structure, and pavement surface data. This data allows KDOT engineers to develop, prioritize and select for construction the preservation projects needed to maintain the state's transportation system.

Modernization and **expansion** projects are identified through the Local Consult process and scored. That information is used by KDOT to select projects for the development pipeline. Scores for each of these project types are developed based on the weighing factors in this chart:

For **modernization** projects, similar to **preservation** projects, KDOT looks at geometrics and safety, capacity, pavement structure, and pavement surface data for 80% of the project score. The remaining 20% is determined following the Local Consult process to reflect regional priorities.

For **expansion** projects, KDOT looks at current and future congestion levels, safety, and truck traffic to determine the engineering score. The engineering score weights these factors differently for urban and rural projects, as shown in the table below. These differences are in response to local input from Kansans, who asked for more emphasis on congestion in the state's urban areas and on safety and truck traffic in the state's rural areas.

Scores for expansion projects also include 25% that is determined following the **Local Consult** process to reflect regional priorities and 25% **economic impact**.

Project scoring factors for modernization and expansion projects

Program	Engineering Factors	Regional Priorities	Economic Impact
Modernization	80%	20%	
Expansion	50%	25%	25%

Engineering scoring for expansion projects

Project Area	Current Congestion	Future Congestion	Truck Traffic	Safety
Rural	30%	20%	25%	25%
Urban	40%	30%	15%	15%

To develop an economic impact score, expansion projects that have high engineering scores and local support also undergo an economic analysis. That analysis looks at:

1. Gross Regional Product (GRP) - The value of goods and services produced in a region. The impact to GRP is calculated by the travel time savings of freight delivery, decrease in commute times and increase in travel time reliability that would occur due to a project;
2. Traveler Benefit - This is the amount of time people save outside of their work commutes (such as time spent shopping, visiting family, doctor visits etc)
3. Benefit Cost - GRP + Traveler Benefit divided by the cost of the project. When analyzing projects for economic benefits, rural projects and urban projects are separated due to the differences in their respective economies.

The Local Consult process is a means to involve local officials in the planning process and is used in conjunction with the priority formula to enhance KDOT's decisions about programming major projects.

7.2 Highway expansion and modernization project pipeline

Under the IKE Program, every two years, KDOT will announce modernization and expansion projects. These projects will enter the development pipeline or construction pipeline based on a variety of factors, including feedback from Local Consult. In the development pipeline, projects are studied and designed. Some of these projects will move on to the construction pipeline based on readiness, relative need, and budget. This process gives KDOT flexibility to adapt to changing needs and revenues every two years instead of every 10 years as in previous programs.

7.3 How the priority formula reflects public concerns

A variety of safety issues may be addressed in projects undertaken by the agency. Characteristics that contribute to road safety are key criteria in each of the formulas. Among the safety concerns expressed by the public are:

- The numbers of accidents along certain roads or at specific locations
- Perceived risks in the presence of congested traffic
- Road characteristics such as narrow shoulders, "tight" curves, limited sight distances and rough driving surfaces

Most of these concerns are inherent in five attributes in the Non-Interstate Priority Formula, which together compose an attribute called "**Driver's Exposure to Risk.**" When combined, they make up about 70% of the total attribute weights. They are

measurable, yet correlate with the public's description of problems that need to be solved. Volume to capacity ratio, while a measure of congestion and time traveled, contributes to a driver's concern for safety. The driver exposure attributes are:

- Narrow structures (bridges, culverts, etc.) per mile
- Shoulder width
- Lane width
- Substandard sight distance per mile
- Substandard horizontal curves per mile (tight curves)
- Volume to capacity ratio

Other attributes are also included in the Non-interstate Priority Formula. The first two in the following list are also cited in public concerns about roads.

- Roughness
- Pavement structural condition
- Pavement surface condition

Adjustment factors

Accident rate is also a public safety concern and is included in the priority formulas as adjustment factors. The adjustment factors, which affect the attributes, are:

- Total and fatal accident rates
- Route class
- Total average annual daily traffic
- Type of shoulder
- Divided or undivided road
- Average annual daily commercial truck traffic

7.4 Planning studies

These studies may be conducted as part of the transportation planning process. They do not result in the design of a project but in research collected in advance of a programming decision. The studies are done to a level of detail that allows reasonably-accurate preliminary

project scopes, and cost estimates and the identification of any extraordinary problems.

Planning studies may also be done to prepare a long-range strategy for addressing projected transportation needs. Public involvement is an important component of these studies and offers the public the opportunity to be involved in decisions regarding potential projects.

The studies may be done to identify potential projects that would require significant preliminary investigation prior to making a programming decision. The projects could have extraordinary environmental, social, economic or engineering issues. Planning studies do not constitute a commitment to a particular project. Rather, the subject of the study may have potential as a major project and should be investigated to obtain more information to identify extraordinary problems that would affect the decision as to whether a project should be programmed. Planning studies may have different names, such as corridor study or feasibility study.

Planning studies do not constitute a commitment to design or build a particular project.

CHAPTER 8

Project Development - Design

23 CFR 771

8. Project development (design)

Project development is the process that studies a road section or bridge, determines an appropriate solution to address the identified problems and translates the solution into working designs.

Public involvement activities are most extensive during the project development phase because it links the planning and selection process with the actual project location, design and eventual construction and operation.

The development of many of the major road and bridge projects falls under the direction of the Bureau of Road Design and/or Bureau of Structures and Geotechnical Services. These bureaus prepare the preliminary and final design plans for the construction and rehabilitation of roads and bridges on the state's highway system.

The Bureau of Local Projects is responsible for managing the county and city portion of KDOT's program for roads, bridges and streets. Public involvement for these local government projects is normally the responsibility of the county or city governments.

The nature of the project determines the extent and type of public involvement activities. Public involvement is usually included in projects for which substantial public interest can be reasonably expected or develops. It is not practical or feasible to engage in public involvement for every project.

The federal regulation of public involvement in project development is largely contained in 23 CFR 771. The project team should refer to the regulations with questions about public involvement requirements.

8.1 The three phases of project development

Most of the public involvement for major project development occurs in the discovery and preliminary design phases. The duration and details of each phase can vary, depending on the complexity of the project. The coordination of public involvement with the NEPA process typically occurs during the discovery and preliminary design phases.

Major project development typically consists of three phases:

1. Discovery
2. Preliminary design
3. Final design

8.1.1 Discovery phase

The discovery phase parallels the first six steps of the decision process described earlier. The nature of this phase depends on the project. It generally consists of a formal or informal study to identify factors that might affect the project design or location. Studies can have various names, including location study, design study or location and design concept study. Early in the study the project team determines the scope, which can include:

1. Project study area
2. Reasonable starting and ending points for the improvement (logical termini)
3. Range of alternatives that could result in a reasonably foreseeable improvement
4. Foreseeable range of impacts and other issues that should be addressed
5. Purpose and need

The project team assesses the physical characteristics of the project area and a variety of social, economic and environmental factors. The study may reveal impacts, issues, alternatives or needs that weren't foreseen at the outset and these may be incorporated into the scope as necessary. During the study, one or more strategies are developed to

address the needs and issues identified during the project programming process or during the study. If more than one option is developed, they are sorted and screened. Often, a preferred alternative is identified near the end of the study. The study results in the selection of a concept to guide the location and/or design of the improvement. At the end of this phase, a decision is made whether to continue, suspend or cancel the project.

If an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is necessary, the work to prepare these documents typically occurs during this phase and the preliminary design phase (below). For the preparation of an EIS, participating agencies and the public are given an opportunity for input into the development of the purpose and need and the range of alternatives. Also for an EIS, the project team must collaborate with the participating agencies on the appropriate alternative screening methods to use and should use the scoping process to solicit public input on possible methods.

8.1.2 Preliminary design

The preliminary design and final design phases correspond to the seventh step in the decision process, which is to refine and develop (design) the selected alternative. Once a location and/or design concept has been determined, engineers can start more detailed design. This phase begins with a field survey. Surveyors doing a field survey are not laying out the exact course of the road that is determined later. Instead, they're locating, measuring and recording features in the landscape. They supply the elevations and locations of all existing topography including the existing roadways, creeks, ravines, structures, right-of-way and utilities. Using the information, designers develop the details of the improvement. When the preliminary design phase is complete, many details of the location, design, intersection or interchange designs, utility relocations, and

most right-of-way requirements are known.

Public involvement activities during preliminary design that are focused on working with affected property owners can be beneficial to the owners, the right-of-way acquisition process and to design engineers. For example, individual "kitchen table" meetings can be conducted with potentially-affected property owners when right-of-way needs are better known. Keeping stakeholders informed is important during this phase. Activities include; meeting with local officials and partners, sharing what is known about the project such as scope, location and design details, and sending out news releases to the media.

8.1.3 Final Design

During this phase design details are finalized, right-of-way boundaries are computed and described, and right-of-way lines are staked. Then, right-of-way staff appraises and buys needed property and helps residents and businesses relocate. Moving utilities (utility adjustment) is done as final design nears completion. At the end of final design, plans are finalized and stamped by a licensed professional engineer, local partner agreements are finalized and the project enters the operations process to be let for bids, constructed and maintained.

8.2 Coordination of public involvement activities

Early coordination with other agencies and the public is an important step in project development. It begins with the scoping process and helps determine the appropriate level of documentation and the project purpose and need. It helps identify the NEPA process, permit requirements of other agencies, the range of alternatives, potential environmental impacts, possible mitigation and opportunities for environmental enhancement.

Public involvement activities throughout project development can strengthen

the EA and EIS processes. The public involvement activities may be initiated by the project authorities (KDOT, city or county) or may be done in response to requests by interested groups, agencies or individuals. In some cases, public involvement activities undertaken prior to a decision to pursue an EA or EIS can be effectively used in the development of these documents.

8.2.1 The role of KDOT partners

Federal guidelines establish definitions and roles of participating agencies and collaborating agencies when a project involves an EA or EIS. The project team should consult the final guidance for complete information.

KDOT partners with a variety of local governments and state and federal agencies. Their participation is important. However, their participation alone, without including the public or potentially affected stakeholders, does not constitute public involvement. Federal and state partners are listed on the following page.

8.2.2 Interagency coordination of public involvement

Whenever reasonable or necessary, project public involvement activities and those of other agencies should be coordinated to reduce the time and resources involved in duplicating public involvement activities. Joint public involvement activities are encouraged whenever possible.

List of Federal and State Agencies

Agency	Role	Responsibility
Federal Highway Administration (FHWA)	Federal Lead Agency	Manage environmental review process; prepare and approve environmental document; provide opportunities for public and agency involvement
Kansas Department of Transportation (KDOT)	State Lead Agency	Manage environmental review process; prepare and approve environmental document; provide opportunities for public and agency involvement
U.S. Army Corp of Engineers (USACE)	Cooperating Agency	Assist with the preparation, coordination and review of the environmental document where necessary.
U.S. Coast Guard (USGC)	Cooperating Agency	Assist with the preparation, coordination and review of the environmental document where necessary.
U.S. Environmental Protection Agency (EPA)	Cooperating Agency	Assist with the preparation, coordination and review of the environmental document where necessary.
U.S. Fish and Wildlife Service (USFWS)	Cooperating Agency	Assist with the preparation, coordination and review of the environmental document where necessary; manage potential impacts to endangered species.
Advisory Council on Historic Preservation (ACHP)	Participating Agency	Consultation
Federal Emergency Management Agency (FEMA)	Participating Agency	Consultation
Federal Transit Administration (FTA)	Participating Agency	Consultation
Natural Resources Conservation Service (NRCS)	Participating Agency	Consultation
Kansas Biological Survey (KBS)	Participating Agency	Consultation
Kansas Corporation Commission (KCC)	Participating Agency	Consultation
Kansas Department of Agriculture	Participating Agency	Consultation
Kansas Department of Commerce	Participating Agency	Consultation

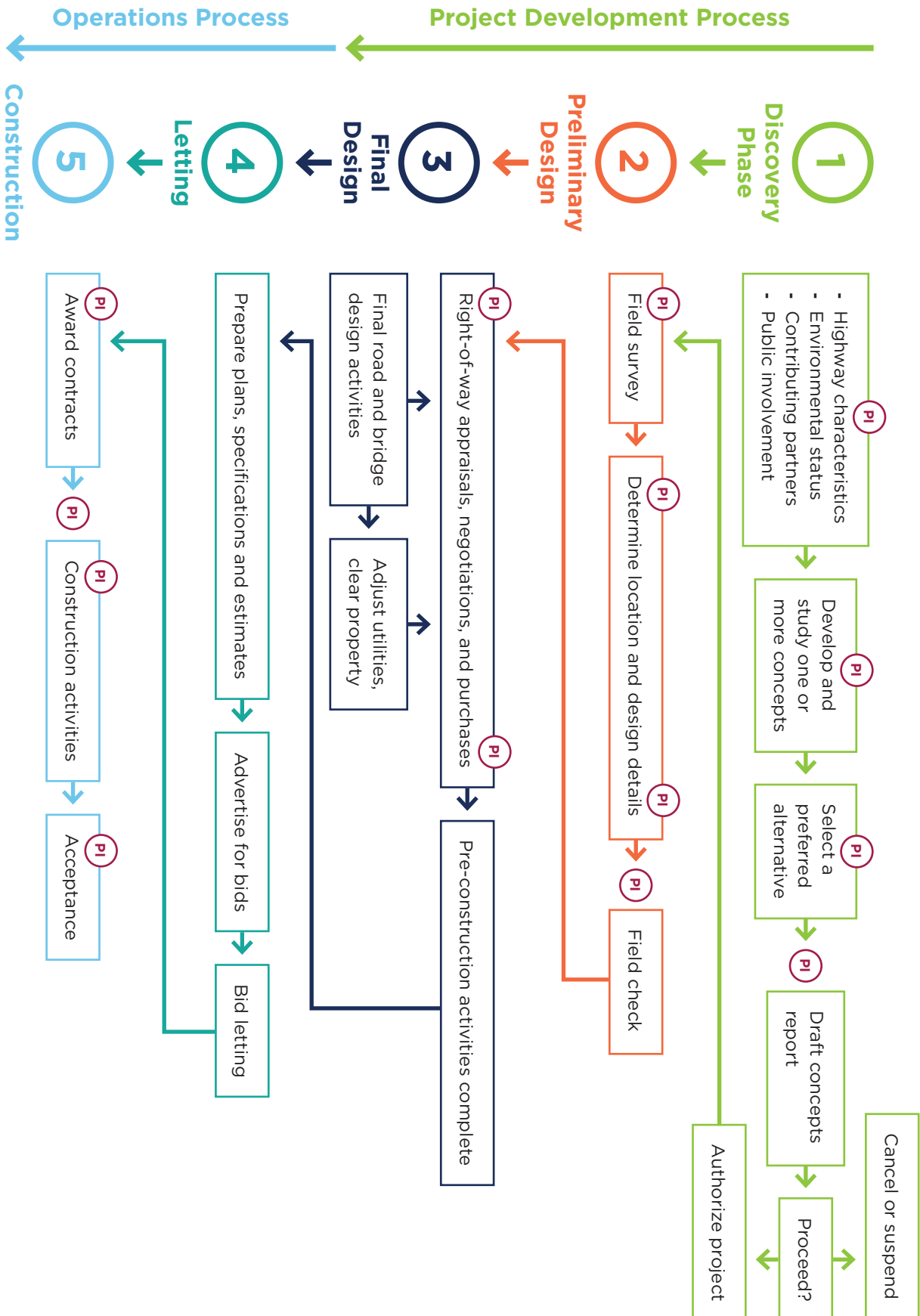
List of Federal and State Agencies (continued)

Agency	Role	Responsibility
Kansas Department of Health and Environment (KDHE)	Participating Agency	Consultation
Kansas Department of Wildlife and Parks (KDWP)	Participating Agency	Consultation
Kansas Forest Service	Participating Agency	Consultation
Kansas Geological Survey	Participating Agency	Consultation
Kansas State Historical Society (KSHS)	Participating Agency	Consultation
Kansas Water Office	Participating Agency	Consultation
Kansas Turnpike Authority (KTA)	Participating Agency	Consultation
U.S. Department of Agriculture (USDA)	Participating Agency	Consultation
U.S. Department of Commerce, Denver Regional Office	Participating Agency	Consultation
U.S. Department of Energy, Office of NEPA Policy and Compliance	Participating Agency	Consultation
U.S. Department of Housing and Urban Development (HUD)	Participating Agency	Consultation
U.S. Department of the Interior, Bureau of Indian Affairs	Participating Agency	Consultation
U.S. Department of the Interior, Bureau of Indian Education	Participating Agency	Consultation
U.S. Department of the Interior, National Park Service, Midwest Region	Participating Agency	Consultation
U.S. Department of the Interior Office of Environmental Policy and Compliance	Participating Agency	Consultation
U.S. Department of the Interior, Office of the Regional Solicitor	Participating Agency	Consultation
U.S. Geological Survey (USGS)	Participating Agency	Consultation

Typical Project Phases

For a major highway project. The duration and details of each phase vary depending on the nature of the project.

PI Opportunities for one or more levels of public involvement depending on the nature of the projects. See next page for expanded PI activities.



Typical Public Involvement Activities

For modernization and expansion projects, or other projects with significant community interest, the duration and details of each phase may vary.

Discovery Phase

- Typically, delivered as part of a consultant-negotiated scope:
- Identify potentially affected stakeholders/ interests. At a minimum, send notification letter to local partners and affected stakeholders.
- Develop a PI plan. Incorporate VPI.
- Develop and distribute fact sheets, website, letters, etc.
- Offer opportunities to share information: for public participation in decisions and for core team to understand issues, concerns, or ideas from the community.
- Develop news releases to keep media/local partners informed. Consider use of technology such as Facebook, Twitter, etc.
- Public Involvement Manager (PIM) to document PI activities for Title VI reporting.
- Consultant will lead tasks. If no consultant, KDOT Project Manager (PM) to engage PIM and Public Affairs Manager (PAM). PIM and PAM to stay engaged with project to understand PI needs as project progresses. Share local input with core team.
- Involving local partners early provides a courtesy and helps ease stakeholder concerns.

Preliminary Design

- PM to develop list of affected property owners.
- PM to send survey request to KDOT survey coordinator.
- Survey and/or geotechnical and geology staff begin early investigations. Contact affected property owners to share what is known about project (either in-person or by phone).
- If a property owner cannot be reached, investigation team to follow up with notification letter.
- Based on relationships, district staff to follow up with community.
- PAM to develop media release to keep stakeholders informed, show project progress.
- Release and share what is known about project: scope, location, design details.

Final Design

- PM or PPM holds monthly internal progress meetings. PIM and PAM encouraged to attend to understand project progress.
- At or near field check, PM to hold stakeholder meeting.
- Area Engineer (AE) and PM to contact Program and Project Management and Construction coordinate construction timing.
- Helpful to discuss proposed design and get feedback/concerns prior to appraisal starting.
- AE receives copy of design plans from PM for meetings with local partners, developers, etc. Plans are stamped preliminary, not for construction.

Letting

- Project advertised in Kansas Register.
- Develop and distribute media release with public information/notification about contract and results.

Construction

- Contractor to provide public information on MOT/ updates on project status and phasing.
- AE to conduct pre-construction meetings with local partners, affected stakeholders, and general public to discuss maintenance of traffic (MOT) issues, access, project schedule and construction sequencing, construction details and environmental issues. Guest registration sheets and comment forms can be provided.
- Consultant, PIM and PAM to coordinate ground-breaking ceremony or special event.

Maintenance Activities

- Opportunity to inform the public before and during situations that may require detours or travel delays.
- Close coordination with local partners can help minimize or avoid situations that are detrimental to community relationships.

8.3 Public involvement tools and techniques

Public involvement in project development normally begins in the initial phase (discovery phase) of a project. The accompanying diagram on page 55 depicts some of the points in the process where public involvement activities often occur. This allows the public to be involved in identifying potential social, economic and environmental impacts, and the potential impacts associated with relocating individuals, groups or institutions.

8.3.1 Early and continuing opportunities for public involvement

When appropriate, the project team may conduct project kickoff public involvement activities with public officials and potentially affected stakeholders. The public involvement tools and techniques that can be used vary considerably, depending on the circumstances.

Two of the most widely known public involvement tools are a public meeting and a public hearing. Public hearings and meetings are conducted to share information, educate or provide opportunities for the public to participate in certain decisions concerning a project or process. They help the project team learn about issues, concerns or ideas that may need to be considered or addressed in the decision-making process.

Public hearings and meetings are not for the purpose of taking a binding vote since participants do not represent a statistically valid sampling of the population. However, if it so desires, the project team can take an informal poll for informational purposes to help summarize the preferences of those present.

The project team should be aware of the needs of traditionally underserved populations and provide opportunities for their involvement when planning a public hearing or public meeting.

The following information can be used to guide any public meeting or public hearing hosted by the agency.

8.3.2 Public meetings and hearings

Both public meetings and public hearings are intended to share information, educate and provide opportunities for the public to participate in certain decisions concerning a project or process. They help the project team learn about issues, concerns or ideas that may need to be considered or addressed in the decision-making process.

A. Public meetings

Public meetings aren't used to fulfill regulatory requirements. They don't meet regulatory requirements for notifying the public, for information offered at the meeting, for submission of a transcript or certifying that the meeting was conducted or, that the opportunity for a meeting was offered. Public meetings may be for any project if the situation warrants or if significant interest is expressed by the public to do so.

If the project team is uncertain whether a public meeting is appropriate for a project, they may elect to offer the opportunity for a public meeting. If the opportunity for a public meeting has been offered, a public meeting shall be held upon receipt of written request. If requests are not received, the meeting may be deemed unnecessary. In some cases, the request may be rescinded when the need for a public meeting can be satisfied by consultation between the individual(s) and project authorities (KDOT, city and/or county).

Opening small-group meetings, such as those for advisory groups, to public or news media observation, is encouraged. However, these meetings are not typically meetings to which the general public is invited for the purpose of making official comments. The public may be invited to comment either during such meetings

or at the end of the group's agenda, as appropriate.

Whether you are planning a large open house or a small meeting, keep this in mind: People will form their impressions of the entire agency on the basis of the people who represent KDOT at meetings.

B. Public hearings

Public hearings fulfill the requirements of 23 CFR 771.111(2)(h)(iii). A public hearing has specific requirements for notifying the public, information offered at the hearing, submission of a transcript and certifying the hearing was held or the opportunity for a hearing was offered. The regulation is paraphrased below:

One or more public hearings or the opportunity for hearings(s) is to be held by the state highway agency at a convenient time and place for any federal-aid project that has any of the following:

1. Significant amounts of right-of-way
2. Substantially changes the layout or functions of connecting roadways or of the facility being improved
3. A substantial adverse impact on abutting property
4. Significant social, economic, environmental or other effect
5. Is determined by FHWA to be in the public interest

The requirements for a public hearing are tied to a project's scope as defined in 23 CFR 771.111(h)(2)(iii); they are not specifically tied to the NEPA Class of Action. Nevertheless, the Class of Action may provide useful guidelines in determining whether a public hearing may be required. **See page 67 for information on the different NEPA Classes of Action.**

If the project is of sufficient interest, a public hearing will be scheduled upon

receipt of a written request. If requests are not received, the hearing may be deemed unnecessary. In some cases, the request(s) may be rescinded when the need for a public hearing can be satisfied by consultation between the individual(s) and project authorities (KDOT, city and/or county).

The requirements for a public hearing are tied to a project's scope as defined in 23 CFR 771.111(h)(2)(iii); they are not specifically tied to the NEPA Class of Action.

C. Formats of public hearings/meetings

Although they have different regulatory requirements, a public meeting and a public hearing can have the same format and can be conducted either in person, virtually or a hybrid approach. **KDOT's typical format is the widely accepted open house public meeting.** The open house format is most likely to achieve the greatest number of objectives:

- Includes all potentially affected stakeholders
- Makes meetings timely with respect to the decision-making process
- Is available online and allows the information to be accessed at a convenient time and available for a reasonable duration of time
- Is at a convenient time and of reasonable duration for people to attend at their convenience
- Is at a convenient location with ADA accessible facilities
- Receives a wide variety of comments concerning a broad range of issues from a diverse group of constituents
- Provides convenient ways for people to submit comments during/after a meeting or online
- Provides opportunities for people to

learn about the project and underlying concepts.

- Discourages divisive, adversarial confrontations.
- Maximizes opportunities to serve individuals, businesses and families in addressing their specific situations.
- Maximizes the benefits for the project development process.
- Creates or enhances long-lasting relationships with the public.

8.3.3 Notice of a public hearing/ meeting or the opportunity for one

The public should be given reasonable notice of public hearings and meetings.

Generally, notice of a public meeting or hearing should be provided at least 15 days but not more than 30 days in advance.

A. Timing and form of the notice

There are no specific requirements for timing the notice of a public hearing or public meeting. Generally, notice should be provided about 10 to 15 days in advance and no less than one week prior to the event.

If the notice of availability of the EA or draft environmental impact statement (DEIS) is combined with the notice of the public hearing, then the notice must be timed so that it appears in local news media no less than 15 days in advance of the hearing. However, the announcement of the availability of an EA or DEIS can be separate from the notice for a public hearing.

Two notices are preferred, with the second notice several days before the event. Be aware when providing advance notice of meetings that rural news outlets may only publish once or twice a week. It is also helpful to remind the news media a day or two ahead of the meeting so they can assign a reporter to cover the event.

Notices of an opportunity for a public hearing or public meeting should appear twice, about one week apart. If a hearing or meeting is scheduled, notification for it should follow the guidelines above.

A legal notice in a newspaper is not required for a public hearing or a public meeting.

B. Legal notices

A legal notice in a newspaper is not required by regulation for a public hearing or a public meeting. Legal notices are usually not recommended since they are difficult to read, tend to be placed inconspicuously and occur in only one medium. If used, they should be supplemented by a news release or with purchased space.

News releases sent to news outlets serving the city and/or county in which the project is located are appropriate for any public hearing or public meeting. Be sure to monitor the local media to see if the notice was properly conveyed.

C. News releases

News releases sent to news outlets serving the city and/or county in which the project is located are appropriate for any public hearing or public meeting. If the project is in a county with limited news media services, is located near a county line or in more than one county, a news release should be sent to media outlets in adjacent counties. News media coverage varies considerably around the state, so staff should think broadly in assuring the event is sufficiently publicized. It is better to send news releases to too many news outlets than not enough. The project team may wish to follow up with telephone calls or emails to reporters or editors to help

enhance the likelihood that the information will be disseminated in a timely and conspicuous manner. Radio or television announcements can also be helpful.

D. Paid space

Paid advertising for the hearing/meeting notice in the official and/or most widely-circulated newspaper in the project region should be considered. Paid advertising can be especially effective in densely populated areas where reaching large populations can be difficult.

E. Notifying public officials about public meetings/hearings

As a courtesy, public officials in the affected counties should be invited to a public hearing or public meeting. At a minimum, public officials should include local staff and elected officials. U.S. Postal Service, law enforcement and emergency services officials, economic development or tourism officials, and school officials should also be considered. Letters, emails or phone calls are appropriate forms of notification, depending on the circumstances, although letters are preferred.

F. Public notice of a meeting with local elected officials

The news media should be notified in advance (using the guidelines above) when KDOT hosts a group meeting of local elected officials at which a quorum of officials is likely to be present. The public may also be notified in other ways as deemed appropriate under the circumstances. When KDOT staff is asked by local officials to appear at an official meeting or a work session of the local governing body, the local officials are responsible for notifying local news media and the public about their meetings. Still, the project team may elect to also notify the news media in such cases.

G. Other

Depending on the circumstances, other forms of public hearing or public meeting notification should be considered,

including:

- Direct mailings to a project mailing list and/or potentially affected property owners
- Posters
- Flyers stuffed in mailboxes or sent via school handouts
- Temporary signs
- Telephone calls
- Email
- KDOT, project or local website(s)
- Paid advertising in newspapers, magazines, radio and television
- Social media such as Facebook, Twitter or project websites

H. Content of the notice

Public hearing

When a public hearing is scheduled to discuss an EA or DEIS, the advance notice must include the availability of the EA or DEIS document and where it can be obtained or reviewed. In addition, when the notice involves a DEIS, it must include a request for public comments. This request for comments is not specifically required for an EA, but it is good practice.

Public meeting

For a public meeting, there are no specific regulatory requirements for the content of a notice.

Content

At a minimum, a public hearing or public meeting notice shall contain:

1. Type of event, such as “public information open house” or “public involvement meeting”
2. Topic
3. Date
4. Time
5. Location
6. Directions to the site, if the location is not clear
7. Brief description of information to be

available

8. Schedule of any presentations during the event
9. ADA accessibility statements (see Required Accessibility Statements, below)
10. Availability of an EA or DEIS document, where and how the document may be obtained or reviewed, and a request for comments, the comment period and where they should be sent
11. The deadline for receipt of comments and where to send them

The notice should also contain sufficient background information to provide a balanced story if published in its entirety. How the event relates to the project and to future events can also be explained.

Required accessibility statements

Public hearing/meeting notices shall include the following (or similar) statement:*

“If you are in need of a sign language interpreter, an assistive listening device, large print or braille material, or other accommodation to attend this meeting, please notify the Kansas Department of Transportation at least one week before the meeting. Requests may be addressed to the Kansas Department of Transportation, Division of Communications, 700 SW Harrison, 2nd Fl. West, Topeka, Kansas, 66603-3754 or phone 785-296-3585 (Voice/TTY).”

When sent in a news release format, the statement can be amended to read:*

“Persons in need of a sign language interpreter, an assistive listening device, large print or braille material, or other accommodation to attend this meeting are asked to notify the Kansas Department of Transportation at least one week before the meeting. Requests may be addressed to the Kansas Department of Transportation, Division of Communications, 700 SW Harrison, 2nd Fl. West, Topeka, Kansas 66603-3754 or phone 785-296-3585

(Voice/TTY).”

*Requests for special assistance may be directed to other KDOT staff, as long as it is clear to whom they should be directed and how to make contact.

8.3.4 Information shared at a public hearing/meeting

Regulations require the following information to be provided at public hearings but it is also good practice to include for public meetings when appropriate:

- The project’s purpose, need and consistency with the goals and objectives of any local urban planning
- The project’s alternatives and major design features
- The social, economic, environmental and other impacts of the project
- The relocation assistance program and right-of-way acquisition process
- Procedures for oral and written comments from the public

A. Fulfilling the first three requirements

Information for the first three requirements is normally provided through static or audio-visual interpretive displays and take-home materials. A scheduled presentation, if conducted, can also include this information.

1. Handouts should be available that contain the key information in the displays and presentations. They can be given to people who couldn’t attend the meeting and can be used as news media background materials.
2. Project-specific handouts should contain a paragraph describing the federal-state partnership if federal funds are being used.
3. Displays should be annotated with explanations of key features and sites. Whenever a concept or concepts are displayed or made available to the public, an explanation

(disclaimer) should also be included on the illustration(s) to help the viewer understand that the concept may be subject to change as the study progresses or as it is refined during the design phases. A complimentary copy of pertinent displays can be given to local officials when appropriate.

4. Depending on the nature of the project, the project team may have a representative of the Environmental Services Section available to help with environmental questions.
5. Local representation at the meeting can be helpful when there is significant local partnership involved in the project.
6. Consider using innovative visualization techniques to present information such as artist's renderings, computer simulations and 3D graphics. These tools can help the public visualize how a completed project could look.
7. Title VI brochures in English and Spanish should be available at public hearings/meetings to advise protected groups of their rights.

B. The relocation assistance program and right-of-way acquisition process

This information is normally furnished by providing right-of-way information booklets for free distribution to the public and having a Bureau of Right-of-Way staff member present. When right-of-way acquisition is to be handled by a local partner, the project team should consider having a representative of the local partner available in lieu of, or in addition to, KDOT Right-of-Way staff.

C. Procedures for oral and written comments from the public

Comments include information, ideas, suggestions, opinions, issues and concerns. Unless otherwise prescribed by regulations, comments must be submitted directly to the appropriate project authority or its designated representative using one or more of the following formats:

- Letters legibly hand-written, typed or

word-processed

- Email or attachment to an email
- KDOT comment forms provided at a public meeting or public hearing or duplicates of same
- Internet comment forms from an official project authority website
- Transcriptions by a court reporter of oral comments received during a public meeting or public hearing
- Recordings on audiotape, digital, videotape, CD, DVD or subsequent electronic recording formats that may become available
- Supporting documents, such as photographs, illustrations or maps that are included with the comments
- Petitions

Telephone calls, voice mail messages or verbal discussions and social media comments are normally not considered official comments.

Comments received during a public hearing or public meeting and their subsequent comment periods shall be considered as comments from the hearing or meeting. Comments must be legible and in one of the approved formats to be considered by the project team. A name and full address (both legibly written) are required if the commenter wants to receive an individual response to their comments; otherwise, names and addresses are optional.

Comments that are submitted in the proper form will be included in the official transcript of a public hearing. Any disclosure of comments received during a public hearing, public meeting or their comment periods will be governed by the Kansas Open Records Act.

Comment periods

There are no regulatory minimum comment periods specifically for public meetings or for public hearings. There are, however, minimum comment periods required for an EA or DEIS.

For an EA, whether a public hearing is or isn't held, comments are required by regulation to be submitted in writing within 30 days of the publication of the notice of availability unless the administration (FHWA) determines, for a good cause, that a different period is warranted. Generally, longer comment periods are acceptable. When an EA public hearing is held and the EA has been publicly available in advance for more than the required 15 days, a post-hearing comment period of 15 days is still appropriate even if it exceeds the required minimum 30-day comment period.

For a DEIS, whether a public hearing is or isn't held, the Federal Register notice of availability is required to establish a period of not less than 45 days for the return of comments on the DEIS. Generally, longer comment periods may be acceptable. When a DEIS public hearing is held and the DEIS has been publicly available in advance for more than the required 15 days, a post-hearing comment period of 15 days is still appropriate even if it exceeds the required minimum 45-day comment period.

For public meetings, if comments are requested, they normally should be postmarked or emailed on or before the tenth business day following the date of the meeting. Comments received before this comment period will not be part of the records of the public meeting unless the project team so announces. However, those comments will become part of the project record and, as with all substantive comments received, will be considered during the development of the project.

Announcing comment periods

Whenever a request for comments is announced, whether a public meeting or hearing is or isn't held, the notice should detail the address where comments should be sent and the deadline date for receipt of comments. If a public hearing or public meeting is held, the information should also be included:

1. In the meeting notice

2. During the meeting, in the form of a tabletop or stand-alone display
3. On official comment forms available during the meeting

Comment forms

An official comment form should be provided for written comments during the in-person public meeting or hearing, and the subsequent comment period. The comment forms should clearly provide the date, time, location and purpose of the meeting and a deadline date and location for returning comments after the meeting. Comment forms can be completed and submitted during the hearing or meeting, submitted online or they can be taken home by guests to be completed and returned at a later date. The address to which the forms are to be returned can be on the forms, the forms can be self-mailers, or self-addressed envelopes can be provided for convenience.

Oral comments

A certified shorthand reporter (CSR), also called a court reporter, should be available at a public hearing as a service for receiving oral comments from the public. A CSR can also be made available during public meetings if the scope and nature of the meeting so warrant. The CSR will transcribe the comments into a written document. Comments received by a CSR are no more or less official than comments received in other formats.

When a CSR is not available, audio or video tape recorded statements are acceptable. The audio or video tapes should be transcribed to a written format after the meeting.

People making comments via an audio or video recording should be advised prior to making their statements if the recordings are to be used for purposes other than receiving official comments.

Oral comments made during conversations with a member of the project team are not included in hearing transcripts or in the record of a public meeting.

Comments received by a certified shorthand reporter are no more or less official than comments received in other formats.

Consideration of comments

Every public comment shall be reviewed and evaluated for pertinent issues and concerns, regardless of whether it is one comment repeated many times by many people or a comment submitted by only one person. Generally, emphasis should be placed on the issues revealed by comments rather than on the number of times a comment was received (or the number of signatures on a petition or in a form letter campaign). People express themselves in a variety of ways, so the project team should look for the issues that may underlie otherwise unclear expressed comments. Large numbers of comments may be sorted, analyzed and summarized to help identify the range of issues contained in the total body of comments received. This helps to treat all comments equally.

What are substantive comments?

Federal regulations require a response to “substantive comments” received concerning a DEIS, but they do not provide a definition of a “substantive comment.” Several federal agencies have developed definitions, which form the basis of the following definition that project teams may find useful for any project.

Generally, substantive comments include factual information or relevant questions for which a meaningful response is feasible. Substantive comments relate to the project scope, to the document or to the project development process. Substantive comments include those that:

1. Provide new information pertaining to the proposed action or an alternative.
2. Identify a new relevant issue or expand upon an existing issue.

3. Identify a different way (alternative) to meet the underlying need.
4. Identify a specific flaw in the analysis.
5. Ask a specific relevant question that can be meaningfully answered or referenced.
6. Identify an additional source of credible research, which, if utilized, could result in different effects.

Non-substantive comments include those that:

1. Focus on personal values or opinions.
2. Mainly provide or identify a preference for an alternative considered.
3. Restate existing management direction, laws or policies used in the design and analysis of the project, or that provide a personal interpretation of such.
4. Provide comment that is considered outside the scope of the analysis or KDOT’s authority, or is not relevant to the specific project proposal.
5. Lack sufficient specificity to support a change in the analysis or permit a meaningful response.
6. Are composed of general or vague statements not supported by real data or research.
7. Consist of derogatory or defamatory personal attacks, threats of violence or angry expletives.
8. Point to only minor editorial corrections.

Responses to comments beyond the scope of the project document are typically restricted to describing why they are beyond the scope and do not merit further consideration. However, a more extensive response may be provided if the project team desires. Responses to substantive concerns are typically more extensive.

KDOT is required to respond only to substantive comments in the DEIS. However, depending on the nature of the project, the project team may respond to all public comments identified during the analysis - substantive and non-substantive alike.

Responding to comments

For any project, it is always appropriate for the project team to send a thank you note or letter to people who submit comments. When appropriate, specific replies to the comments should be given. The response can be in the form of letters, emails, cards or a shared response in a project newsletter or local newspaper. A written response is best for keeping records, however, a phone call (with a note in the file) may be the most effective way to communicate in some situations. When multiple similar concerns are received, a single shared response may be provided.

In addition, the responses to comments received for an EA or a draft EIS are normally summarized and included in the FONSI or FEIS.

D. Guest registration forms

Guest registration sheets are normally provided for visitors to sign in at both in-person meetings or online, although visitors are not required to sign in. Registration sheets can help in determining an attendance count and in building a mailing list. Registration sheets for the officials at public officials' meetings and for staff members attending a meeting are also normally provided.

8.3.5 Documentation of public hearings and meetings

A. Public hearing transcript

A transcript of a public hearing for submission to the FHWA is required after the comment period ends. At a minimum, it is required to include all written statements received at the public hearing and during the announced comment period after the public hearing.

B. Public meeting records

Records of a public meeting should include, but are not limited to:

1. The project number, meeting date, time, location and purpose.
2. Approximate public and public officials'

attendance counts and an estimate of the number or percentage of minorities who attended. This is particularly important if the project may affect a minority group.

3. Copies of news releases and advertisements used to publicize the meeting and the dates and locations where they were published, if known.
4. Sample invitation letters to stakeholders or officials, if used, and the mailing lists.
5. A copy of the public, staff and public officials' guest registers.
6. A copy of the court reporter's transcript of oral comments.
7. A copy of the comments received and their responses.
8. A copy of information handouts available at the meeting.
9. A small copy of pertinent displays and presentations at the meeting, if available.
10. Summary of the substantive comments.

8.4 Classes of action defined

During the project programming process, a project is assigned a tracking number; its scope, funding, schedule and costs are estimated; and it is placed in KDOT's project authorization process. Estimates and schedules can change as the project moves through the project development process. Not all projects end in construction.

The project's programmed scope is used to identify the proposed NEPA Class of Action under which the project would fall. The FHWA reviews the programmed scope to determine if the proposed environmental classification is appropriate, if federal aid is to be used or the project is to remain eligible for federal funding. For non-federal-aid projects (Kansas funded), all determinations of the class of action will be made by KDOT. The NEPA class of action can change during project development if the situation warrants.

8.4.1 Class I

This Class of Action includes actions that significantly affect the environment and **require an EIS**. An EIS results in a Record of Decision (ROD). These actions are of superior, large and considerable importance and are generally the source of substantial alterations in land uses, planned growth, development patterns, traffic volumes, travel patterns, transportation services, including public transportation, and natural and man-made resources. FHWA review and approval is required for an EIS and ROD.

Examples of this class of action are listed in 23 CFR 771 and in the following list:

1. A new controlled access facility or freeway.
2. A highway project of four or more lanes on a new location.
3. New construction or extension of fixed rail transit facilities; e.g., rapid rail, light rail, commuter rail, automated guideway transit.
4. New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing highway facility.

8.4.2 Class II-Type A

This Class of Action includes actions that, based on experience, never or almost never cause significant environmental impacts and are non-construction activities or limited construction activities that do not require substantial land acquisition or traffic disruption. They are automatically classified as Categorical Exclusions (CE) and do not require approval by the FHWA. However, other environmental laws may still apply that may need to be considered.

Examples of Class II-Type A actions are those listed in 23 CFR 771.117(c) and in the following list:

1. Activities that do not involve or lead directly to construction, such as, planning and technical studies; grants

- for training and research programs, etc.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths and facilities.
4. Activities included in the state's "Highway Safety Plan."
5. Installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
6. Highway landscaping.
7. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, lighting, railroad protective devices, glare screen, safety barriers, energy attenuators, pavement grooving and any other improvement where no substantial land acquisition or traffic disruption will occur.
8. Emergency repairs such as the replacement of a highway facility after the occurrence of a natural disaster or other catastrophic conditions.
9. Acquisition of scenic easements.
10. Improvements to existing rest areas and truck weigh stations.
11. Ride-sharing activities.
12. Freeway surveillance and control systems.

8.4.3 Class II-Type B

Includes actions that may be designated as a **CE if significant environmental effects will not result. These actions require FHWA approval** and may include relocation of a highway or city street section, may involve considerable time and resources and may include substantial right-of-way acquisition and relocation. Substantial right-of-way includes the purchase of business(es), residence(s), and/or buildings(s) and/or a change in property access that may result in damage to the remainder of the parcel. This change in property access may include new frontage roads and entrances. (This explanation is intended to provide a general guideline subject to individual case judgments.)

Examples of this class of action are listed in 23 CFR 771.117(d) and in the following list:

1. Modernization of an existing highway or city street sections by resurfacing, restoration, reconstruction and rehabilitation, which includes all features of a highway facility, i.e., drainage structures, grade separation structures, shoulders, ditches, erosion control, etc.).
2. Minor reconstruction such as overlays, minor widening, grading for bridge replacements, shoulder construction, adding auxiliary lanes (for weaving, climbing, speed change, railroad crossings, etc.), improving substandard curves and intersections without substantial right-of-way acquisition.
3. Reconstruction of an existing highway, or construction of any new rural highway that does not provide a change in access to an area and would not be likely to precipitate substantial changes in land use patterns; the highways are generally two-lane but may be multi-lane expressways.
4. Reconstruction of an existing urban highway or construction of short urban relocation sections.
5. Bridge replacement, rehabilitation or reconstruction or the construction of grade separation to replace existing at-grade railroad crossings, and the necessary approach grading that may involve roadway relocation.
6. Reconstruction of substandard horizontal curves that may involve a substantially new location.
7. Reconstruction of an existing interchange or intersection, and the modification of an interchange or intersection to include new or improved traffic movements.
8. Highway safety or traffic operation improvement projects including the installation of ramp metering control and lighting devices.
9. Transportation corridor fringe parking

facilities.

10. Construction of new truck weigh stations and rest areas.
11. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way where the proposed use does not have substantial adverse impacts.
12. Limited acquisition of land for hardship or protective purposes.

Class II actions that normally would be classified as a CE, but would involve unusual circumstances such as significant environmental impacts, substantial controversy on environmental grounds, significant impact on properties classified as 4(f) lands or protected under Section 106 of the National Historic Preservation Act, or any inconsistencies with federal, state or local laws, will require the appropriate environmental studies to determine if the CE classification is proper.

8.4.4 Class III

Includes actions for which the significance of the environmental impact is not clearly established, are not Class I or II actions and require an **Environmental Assessment (EA)** to determine the appropriate environmental document. An EA results in either a Finding of No Significant Impact (FONSI) or the preparation of an EIS. FHWA review and approval is required for an EA and FONSI.

8.4.5 Minimum level of public involvement activity by class of action

	Class I	Class II Type A	Class II Type B	Class III
Types of Actions	Listed in 23 CFR 771.115(a) and this document	Listed in 23 CFR 771.117(c) and this document	Listed in 23 CFR 771.117(d) and this document	Listed in 23 CFR 771.115(c) and this document
Documentation	Environmental Impact Statement and Record of Decision	Categorical Exclusion	Categorical Exclusion	Environmental Assessment and Finding of No Significant Impact
Public Hearing or Opportunity for a Public hearing Required?	Normally required, since these projects typically meet the requirements in 23 CFR 771.111(h)(2)(iii)	Not required	Not ordinarily required See Footnote below	May be required since these projects may meet the requirements in 23 CFR 771.111(h)(2)(iii)
Public Involvement (may include one or more public meetings)	Early and continuing opportunities required under SAFETEA-LU Section 6002	Not required by FHWA, but some public involvement may be necessary depending on project scope	Not required by FHWA, but early and continuing opportunities may be required depending on project scope	Early and continuing opportunities normally required

Footnote:

Ordinarily not required unless the action meets the requirements set forth in 23 CFR 771.111(h)(2)(iii) (see below) and the latest agreement between KDOT and the FHWA. If required, ordinarily, one public hearing may be held or one opportunity for a public hearing offered, subject to individual case judgment. If a project meets the requirements for a public hearing, early and/or continuing public involvement opportunities, which may include a public meeting(s), may be necessary.

23 CFR 771.111(h)(2)(iii):

“... For the federal-aid highway program ... state public involvement/public hearing procedures must provide for ... One or

more public hearings or the opportunity for hearing(s) to be conducted by the state highway agency at a convenient time and place for any federal-aid project that:

- Requires significant amounts of right-of-way.
- Substantially changes the layout or functions of connecting roadways or of the facility being improved.
- Has a substantial adverse impact on abutting property.
- Otherwise has a significant social, economic, environmental or other effect.
- Or for which the FHWA determines a public hearing is in the public interest.”

8.4.6 Recommended public involvement by class of action

A. Class I actions

Environmental Impact Statement (EIS)

Recommended scope of public involvement

Class I actions often involve characteristics, issues and concerns that demand multiple levels of public involvement, up to and including collaboration, be an integral part of project development. In many cases, the minimal requirements may be inadequate. These actions may require the use of a variety of public involvement tools and techniques that are implemented with creativity and innovation. Section 6002 of SAFETEA-LU requires public involvement for an EIS. Project teams should refer to the final guidance for complete information.

B. Class II, Type A actions

Categorical Exclusion, Type A

Recommended scope of public involvement

With the exception of noise barriers and planning studies, Class II, Type A actions normally need little, if any, public involvement. Providing timely information to individuals or the news media may be all that is necessary. A public meeting may be conducted or the opportunity offered subject to individual case judgment and based on public interest. Project teams should be prepared to consult with interested and potentially affected stakeholders for actions that require acquisition of right-of-way, changes in access or have shown past public interest.

Planning studies

Depending on the scope of the study, one or more levels of public involvement may be needed subject to individual case judgment and based on public interest. Project teams should refer to other parts of this document for guidance for these types of actions.

Noise barriers

Project teams should refer to the KDOT noise barrier policy, which provides for public involvement in the location and design of these structures.

C. Class II, Type B actions

Categorical Exclusion, Type B

Recommended scope of public involvement

Some Class II, Type B actions may have characteristics, issues and concerns that indicate public involvement should be included in the project development process. In some cases, the minimal requirements may be inadequate. Project teams should carefully consider whether the scope of the proposed action warrants public involvement, as some actions may require the use of one or more public involvement tools and techniques.

Project teams should be prepared to consult with interested and potentially affected stakeholders for actions that require acquisition of right-of-way, changes in access or have shown past public interest. Of particular note are types of projects that involve:

1. Modernization of an existing highway or city street sections by resurfacing, restoration, reconstruction and rehabilitation that includes all features of a highway facility, i.e., drainage structures, grade separation structures, shoulders, ditches, erosion control, etc.).
2. Reconstruction of an existing highway or construction of any new rural highway that does not provide a change in access to an area and would not be likely to precipitate substantial changes in land use patterns. The highways are generally two-lane but may be multi-lane expressways. Be alert to situations in which the proposed action may involve reconstructing on an offset alignment.
3. Reconstruction of an existing urban highway or construction of short urban relocation sections. Be alert to

- situations involving changes in access.
4. Bridge replacement, rehabilitation or reconstruction or the construction of grade separation to replace existing at-grade railroad crossings, and the necessary approach grading, which may involve roadway relocation. Be alert to situations in which the proposed action involves work in or near a city.
 5. Reconstruction of substandard horizontal curves that may involve a substantially new location.
 6. Reconstruction of an existing interchange or intersection, and the modification of an interchange or intersection to include new or improved traffic movements. Be alert to situations in which the proposed action is in or near a city or may involve substantial amounts of adjacent development.

D. Class III actions

Environmental assessment

Recommended scope of public involvement

Since Class III actions are those in which the significance of the environmental impact is not clearly established, they may involve characteristics, issues, and concerns that indicate that multiple levels of public involvement – up to and including collaboration – should be included in project development (see “A public involvement primer” in this document). In some cases, the minimal requirements may be inadequate.

Project teams should carefully consider whether the proposed action warrants an enhanced scope of public involvement, as some actions may require the use of several public involvement tools and techniques to help determine the appropriate level of environmental documentation. When an EA determines that an EIS is the proper documentation, public involvement during the Class III process may be used to supplement public involvement during the EIS process.

8.5 Printing, availability and circulation of EA, DEIS or FEIS

8.5.1 Printing and public copies

The number of copies of the environmental document to be made available should be in sufficient quantity to meet the request for copies that can be reasonably expected from agencies, organizations and individuals. Normally, copies will be furnished free of charge. Fees may be charged in accordance with KDOT Open Records Act policy and with FHWA concurrence, or the requesting party may be referred to the nearest location where the document may be reviewed. Copies may be printed or in an electronic format suitable for use by the public.

8.5.2 Notice of availability

The notice of availability of the document, whether a public hearing is conducted or not, shall:

1. Appear in local newspapers.
2. Announce the availability of the document.
3. Describe where and how the document may be obtained or reviewed.
4. Include a request for comments, the comment period and where they should be sent.

For an FEIS, the notice of availability need not include a request for comments.

8.5.3 Circulation and availability

An EA doesn't have to be circulated for comment but the document must be made available for public inspection at KDOT and at the FHWA. A DEIS shall be made available to the public and transmitted to agencies for comment no later than the time the document is filed with the Environmental Protection Agency in accordance with 40 CFR 1506.9. The DEIS shall be transmitted to:

1. Public officials, interest groups and members of the public known to have

an interest in the proposed action or the draft EIS.

2. Federal, state and local government agencies expected to have jurisdiction or responsibility over, or interest or expertise in, the action. Copies shall be provided directly to appropriate state and local agencies, and to the state intergovernmental review contacts established under Executive Order 12372.
3. States and federal land management entities that may be significantly affected by the proposed action or any of the alternatives. These copies shall be accompanied by a request that such state or entity advise the administration in writing of any disagreement with the evaluation of impacts in the statement. The administration will furnish the comments received to the applicant along with a written assessment of any disagreements for incorporation into the final EIS.

An FEIS shall be transmitted to any persons, organizations or agencies that made substantive comments on the DEIS or requested a copy, no later than the time the document is filed with EPA. When filed with the EPA, the FEIS shall be available for public review at appropriate KDOT offices and FHWA.

For an FEIS, the agency is required to publish a notice of availability in local newspapers.

The EA, DEIS or FEIS should be made available for public review at appropriate KDOT offices, including the Bureau of Structures and Geotechnical Services, District Office and Area Office. These documents should also be placed at other public locations such as local government offices, libraries and schools as appropriate.

8.5.4 Availability at public hearing

When a public hearing is held for viewing an EA or DEIS the document shall be available at the public hearing and for a

minimum of 15 days to no more than 30 days in advance of the public hearing.

8.5.5 Announcing a FONSI or ROD

A FONSI shall be made available to the public on request and a notice of availability should be placed in local newspapers, at a minimum.

When a ROD is issued, the project team should disseminate this important information to the public, although it isn't required. The ROD is required to be provided to all persons, organizations and agencies that received a copy of the FEIS. In addition, the project team should consider making it available to the public.

It is normally appropriate to publicize the issuance of a FONSI or ROD since they usually relate to projects with a high level of public interest.

I never travel without my diary. One should always have something sensational to read in the train.

Oscar Wilde
(1854-1900)

Gwendolyn, The Importance of Being Earnest, Act 3

CHAPTER 9

The Operations Process - Build and Maintain

9. The operations process

Improvements to the state's highway system are constructed and maintained during the operations process. This corresponds to the final two steps in the decision-making process. The Division of Field Operations is responsible for coordinating annual construction and maintenance programs and the Division of Project Delivery is responsible for the construction administration and materials acceptance and managing the annual preservation program for the state's highways. The divisions work includes preparing project specifications and estimates, bid lettings, project construction inspection and administration, maintenance activities, materials testing, research and more.

Detailed construction specifications and estimates are prepared by the Bureau of Construction and Materials. Bid lettings are conducted in a public reading and the results are available to interested contractors. The results are also available to the public through the news media and information on the KDOT website.

Work zone safety and mobility

23 CFR 630 addresses work zone safety and mobility for significant projects before and during construction. This regulation includes a public information component to inform road users and others about work zone impacts and changing conditions on the project.

9.1 Construction phase

As construction nears or starts, the public and nearby residents can benefit from information provided about the upcoming changes. Of special concern is traffic handling during construction, such as detours and access for local residents. Residents or potentially affected businesses may have valuable ideas about sequencing or scheduling construction to minimize or avoid unpleasant effects. During construction, keeping people

advised of progress will help them cope with the changes that accompany such activities.

9.1.1 Public meetings

Depending on the nature of the project, pre-construction or information meetings with interested groups or the public can be very helpful. The project team should also be prepared to address unforeseen concerns during construction that may require rapid intervention, public appearances or additional public meetings. Public meetings for construction activities are normally initiated and handled by the District staff. Other staff, such as from the Bureau of Road Design, may be asked to assist as needed.

Guidelines for announcing and conducting public meetings in the project development process can be applied to the operations process. Guest registration sheets and comment forms can be provided if the nature of the project or meeting warrants. Information can be supplied in the form of project fact sheets, brochures, news releases, audio-visual presentations, drop-in centers, newsletters or civic group presentations. During these meetings, the project team should be prepared to address such concerns as:

1. Traffic handling

- a. Traffic through construction or road closed
- b. Detours: official state, local, shoofly

2. Permanent and temporary access changes

- a. Side roads closed or rerouted
- b. Driveway relocations
- c. Construction access for local residents, businesses, farms and farm machinery
- d. Access to nearby cemeteries, especially over key holidays
- e. Emergency, hospital, nursing home access

- f. School bus routing
- g. Access during storms that might affect conditions of local roads used for detours
- h. Parks, lakes, campgrounds access
- i. Mail delivery
- j. Special community events
- k. Harvest or heavy shipping times

3. Project schedule and construction sequencing

- a. Start and end dates
- b. Portions closed in sequence or road closed all at once

4. Construction details

- a. Lane and shoulder widths
- b. Bridges
- c. Concurrent projects in the vicinity
- d. Pavement
- e. Geometrics

5. Environmental

- a. Local favorite or historic sites
- b. Critical habitats and species
- c. Landscaping
- d. Noise during and after construction
- e. Handling dust and runoff

6. Project communication

- a. How local residents can get word of changes during construction that will affect them personally
- b. How community will receive updates
- c. Contact person(s)

9.2 Talking about the outcome of a project

The final step in a public involvement process is to talk about the outcome of a project and this would normally occur in the operations process. The time to talk about it and celebrate its success is after the project is complete. Tools such as

ribbon-cuttings or other types of opening ceremonies can refocus attention on the positives of a project rather than the often negative comments a project receives while it inconveniences the public. **Even if there isn't a formal ceremony, a special note in the local news media, letters of thanks to local officials and dignitaries, or thank you notes to nearby businesses can help bring the project to a positive close.**

There is value in talking about the project outcome at the time of the project development process. Some projects may need to have a concentrated educational effort to help people understand benefits and tradeoffs and adapt to the changes and project impacts. For instance, a new roundabout in an area where drivers may be unfamiliar with such an improvement may warrant community education.

When asking the community to decide on whether to implement tolling on a project, early engagement and outreach can help gauge public support and build consensus.

9.3 Maintenance activities

Maintenance activities are intended to keep the Kansas' highways in its "as-built" condition; that is, having the safety, comfort and efficiency of a newly completed improvement. There are two types of maintenance projects, contract and routine. Contract maintenance are construction projects that go through the letting process. Project examples may involve several miles of a mill and overlay or pavement repair that might impact the traveling public. Routine maintenance is performed by KDOT employees and may include activities such as snow removal, mowing, striping and sign installation. Maintenance activities are opportunities to inform the public before and during situations that may require detours or travel delays, although a public meeting often isn't needed, media releases and/or project communication through social media channels can address public concerns.

District engineers, area engineers, maintenance engineers, district public affairs managers, and interested subarea supervisors can all help inform or involve the public concerning maintenance activities. Maintenance personnel are typically mindful of special community events that may be impacted by temporary road or bridge closures. Nevertheless, close coordination with local officials or groups can help minimize or avoid situations that are detrimental to good community relationships.

9.4 Traffic engineering

Traffic engineering is handled by the Bureau of Traffic Engineering in the Division of Engineering and Design. Traffic engineers are responsible for controlling the flow of traffic on Kansas' highways using traffic control devices such as pavement markings, signing, traffic signals, lighting, intersection design or access control. The public is especially concerned about intersection safety, speed limits, work zone safety, signing and traffic signals. The concepts used to develop traffic engineering safety recommendations can be difficult to understand and are often the source of ill feelings. Clearly-worded, easy-to-understand information about these concepts is important when working with the public.

Traffic engineers may be part of a project team or, if they are project managers, they may undertake public involvement activities for certain projects or situations. The area engineer and public affairs managers should be part of the project team. Projects such as roundabouts or major intersection reconstruction can be candidates for public involvement activities depending on the nature of the improvements.

Public involvement can be helpful when working with communities regarding sensitive concerns about crashes, speed limits or traffic signals. Area engineers, traffic engineers, district public affairs and traffic safety staff have successfully used community advisory groups to help sort through driver safety issues.

9.4.1 Access management

Access management is handled by the District and Area Offices in cooperation with the Bureau of Transportation Planning. The Access Management Unit utilizes the KDOT Access Management Policy in the highway access decision-making process. The policy assists KDOT staff and external transportation partners by outlining guidelines and procedures necessary to obtain highway access while promoting safety and efficiency along state routes. The policy also helps establish consistency in KDOT's management of transportation corridors since access points can introduce conflict points on the transportation network. Using access management principles, conflicts can be minimized, safety and traffic operations can be improved, delays reduced and major capital expenditures postponed or eliminated.

9.4.2 Access planning documents

Access management planning documents are conducted periodically by KDOT in cooperation with local governments and affected businesses to:

1. Identify access locations and the necessary street network that will support anticipated future growth along a corridor.
2. Identify locations where access points should be consolidated or removed due to safety concerns.
3. Determine necessary right-of-way and optimal utility placement to

preserve flexibility for future geometric improvements along a corridor.

Public involvement can play an important role in access planning processes. Access is an issue that concerns not only communities, but individual property owners, developers and businesses. The long-term viability of access planning initiatives can be strengthened by robust public involvement strategies during their development. The Access Management Unit is normally the project manager and the project team should always include the area engineer and the district public affairs manager.

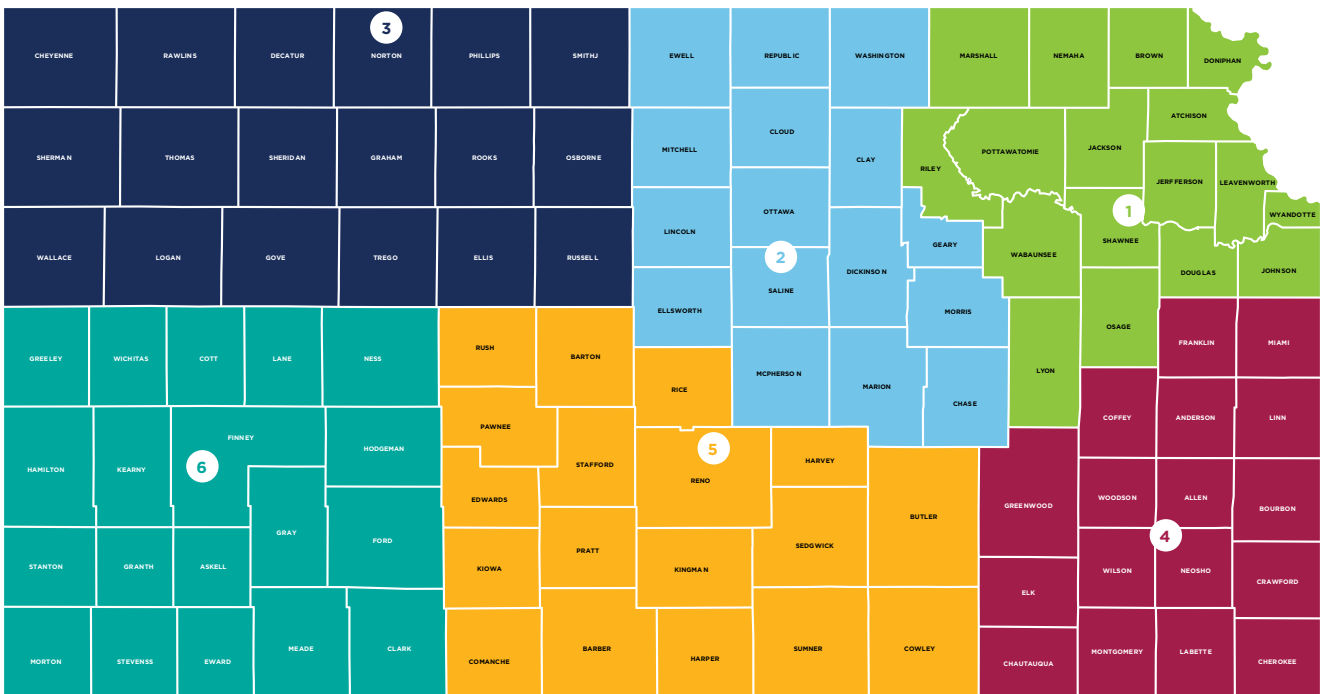
When access planning initiatives are conducted by local governments under KDOT auspices, public involvement should be included in the process as appropriate.



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District 5
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