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500. Public Involvement and Agency Coordination

500.1. Public Involvement Personnel

500.1. Public Involvement Personnel

500.1.1 *Headquarters (Reserved)*

500.1.2 *Regions*

Each regional director will assign public information functions, including preparation of news releases and news articles for publication and/or broadcast on the status of projects within the region.

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510. Planning

- 510.1. Public Involvement Program
- 510.2. Participants

510.1. Public Involvement Program

Include a public involvement program as necessary in planning studies, such as modal system plans, regional multimodal transportation plans, area multimodal plans (i.e. AMATS, FMATS, STIP), master plans and facility plans, project feasibility studies, and other transportation and public facility planning studies.

510.2. Participants

Public involvement in planning studies and in the ongoing planning process will include, where applicable, involvement of the following groups:

- All DOT&PF divisions
- Local, state, and federal governments, and elected officials
- Native corporations and associations
- User groups (airlines, trucking firms, etc.)
- Other interest groups (local Chambers of Commerce, Americans With Disabilities Act advisory groups, Associated General Contractors, Trucking Association, etc.)
- The public

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520. Project Development

- 520.1. Public Involvement Plan
- 520.2. Coordination With Agencies
- 520.3. Local Planning Authority
- 520.4. Highways
- 520.5. Airports
- 520.6. Harbors, Ports, and Buildings Projects

520.1. Public Involvement Plan

Prepare a Public Involvement Plan (PIP) for each project. Each region shall assign a responsible party to take the lead in preparing the Public Involvement Plan.

The plan shall address, at a minimum, all state and federal public involvement requirements and assign responsibility for implementation. Regional Design and Construction Standards and the regional environmental coordinator must concur on the Public Involvement Plan. Always consult Planning for information on publicly sensitive issues.

520.2. Coordination With Agencies

- a. During the project development phase, the degree of involvement of other agencies varies depending on the issues that must be addressed. This degree of involvement may include other agencies providing:
 - 1. Input to the information base for project development
 - 2. Conceptual reviews, including project purpose and need and practicable alternatives
 - 3. Participation in specific project studies
 - 4. Participation in project specific meetings/groups
 - 5. Participation in cooperative research
 - 6. Participation as cooperating agencies as defined by the Council on Environmental Quality (CEQ).
- b. Regardless of the degree of involvement, you normally contact agencies identified to have expertise or jurisdiction within an area affected by a project three times during the course of project development; i.e. during:

- Scoping
- Environmental document review
- Review for permits

These contact points include the Notice of Intent to Develop a Project, the formal agency review of a project, and the Notice of Availability of the Environmental Document. Invite some agencies to participate in public hearings, meetings, etc.

- c. The Environmental Section of each region will maintain a master list containing the addresses and contacts for all agencies.

The Environmental Section will prepare a project-specific list for each project.

Periodically review and update the project mailing list during project development.

520.3. Local Planning Authority

For guidance on local planning authority project involvement, see sections 430.2., 460.2. and 460.4. of this manual.

520.4. Highways

520.4.1 Federal-Aid Highway Projects

- 1. Depending on the impact classification of the project, specific public hearing requirements must be met (23 CFR 771.111[h]). You must hold a public hearing or offer the opportunity for a public hearing for projects:
 - Requiring significant amounts of right-of-way
 - Having an adverse affect on abutting property
 - Modifying legal access rights—either vehicular or pedestrian
 - Substantially changing the layout of connecting streets or nearby pedestrian facilities
 - Having an obvious, suspected, or known significant and/or controversial

environmental, social, or economic impact

For projects that have long-term design activities or where concepts change after the initial hearing, resulting in the reevaluation of project environmental documents, consider having a second public hearing, though not required, prior to completing the design study report.

All projects shall offer at least an opportunity for a public hearing during the environmental analysis process, unless the project meets Federal Highway Administration criteria for a categorical exclusion. (If an EA or EIS is required, early public involvement will be required.)

If preliminary impact studies show a project to be without significant impacts, the region may elect to hold or offer an opportunity for a public hearing later during project development.

2. For most projects meeting the FHWA criteria for a categorical exclusion, a hearing or opportunity for public hearing is usually not necessary, but consider public meetings/workshops.

For example, improvements that are normally noncontroversial, such as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation improvements, etc., do not require specific hearings, unless the project:

- Requires the acquisition of significant amounts of right-of-way that is in private ownership
- Would have an adverse effect on abutting real property
- Would substantially change the layout or function of connecting roads, streets, or adjacent pedestrian features of the facility being improved
- Has a significant social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest

3. All formal public hearings must be preceded by one or more of the following activities to ensure maximum opportunity for public participation (many of these activities are good practice even if no formal public hearing is required):

- An informal public meeting or workshop targeting participation by businesses and residents affected by the proposed project
- Addressing directly and personally the concerns of local groups expressing a desire to discuss the project before the hearing
- Conducting face-to-face meetings with the people involved
- Corresponding with businesses and residents who may be affected by or on the mailing list for the project
- Making data available for public inspection at locations and times convenient to the public
- Providing announcements to radio and television and other available media (radio is a primary source of information for blind people) concerning the project
- Issuing news releases in conjunction with meetings when the information would be of public interest
- Scheduling public meetings within accessible facilities and at times that will enable maximum public participation
- Posting notices for meetings within the study area
- Publishing notices in the Alaska Administrative Journal

4. Place notices for public hearings in local or regional newspapers and, where possible, include the information necessary to satisfy the Public Notice requirements of state and federal permits, wetlands and flood plains, executive orders, and the Alaska Coastal Zone Management Program.

5. The Department may satisfy the requirements for a formal public hearing by:

- Holding a public hearing, or
- Publishing two notices of opportunity for public hearing and holding a hearing if any written requests are received that cannot be resolved by contact with the requester

Requirements for Notices of Opportunity for Public Hearing and Public Hearings are found in Section 570.

520.4.2 State-Funded Highway Projects

There is no state law requiring public hearings on a state-funded project. Keep in mind that urban or neighborhood residents may expect the same type of opportunity to comment on a state-funded project that they get on a federally-funded project. If the Department does not provide the opportunity, it may suffer loss of credibility and have difficulty with the next federal project. In some cases, it may be desirable to hold or offer an opportunity for a public hearing for these projects if:

1. Federal-aid funds could be used at a future date on the route
2. Significant controversy can be avoided by explaining the project through the public hearing format
3. Holding a public hearing would facilitate permit requirements for the project

520.5. Airports

520.5.1 Federal-Aid Airport Projects

In accordance with the Airport and Airways Improvement Act, the sponsoring agency for a proposed airport development project must offer the opportunity for public hearing if the project involves any of the following:

1. New airport location
2. New runway
3. Extension of existing runway

In general, hold the public hearing prior to formal submission of the sponsor's environmental report.

In all other situations, whether or not to hold a public hearing is discretionary. The Federal Aviation Administration has provided guidelines for

determining whether hearings should be held based on:

1. The magnitude of the proposal in terms of environmental impacts
2. The degree of interest in the proposal as evidenced by requests for a hearing from residents and public officials
3. The complexity of issues and likelihood that relevant information will be presented at the hearing
4. The extent to which effective public involvement has already been achieved through means other than public hearings

The FAA requires that the sponsor consult with air carriers and fixed base operators regarding the proposed project and should submit documentation of the consultation.

520.5.2 Community Approval

The FAA requires that when a new airport is constructed in a non-metropolitan area, the sponsor must provide a certification that the community supports the location of the proposed airport.

520.5.3 State-Funded Airport Projects

Same as for Federal-Aid Airport Projects.

520.6. Harbors, Ports, and Buildings Projects

Local governments shall review all harbors, ports, and building projects as described in the Local Planning Authority, Section 520.3.

Local government approval or permit processes normally fulfill all the requirements for public hearings. Keep in mind that urban or neighborhood residents may expect the same opportunity to provide input on a state-funded project that they get on a federally funded project. If that opportunity is not given, the Department could suffer a loss of credibility and difficulties in future projects.

Depending on the nature and sensitivity of the project, also consider public hearings, a notice of opportunity for a public hearing, or a public meeting.

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530. Construction

530.1. General

530.1. General

Note in the project files questions and coordination with the public and other agencies that come up during construction.

Construction staff will handle controversial construction issues, such as traffic interruptions and noise complaints, with assistance from other regional staff when requested.

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540. Maintenance and Operation

540.1. General

540.1. General

When a project is complete and open to public use, the public may again submit questions and comments. Regional Maintenance and Operations staff may keep a record of the issues, and call on other sections to help answer questions and evaluate comments.

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550. Public Involvement Activities

- 550.1. Public Meetings (Workshops)
550.2. Notice of Opportunity for Public Hearing

550.1. Public Meetings (Workshops)

A meeting or workshop is an informal exchange of information that allows for informal procedures. Use meetings or workshops throughout the public involvement process where appropriate, and you may record or transcribe them. Include a summary of events at the meeting or workshop in the project file.

To acquire resident input that is timely and representative, the Department may use interviews and questionnaires. Surveys provide comprehensive information on general attitudes and preferences related to the project development process. This is an effective way of finding characteristics such as:

- Mobility
- Income level
- Length of residence in the area
- Dependence on the neighborhood for making project-relative decisions, especially among marginally different alternatives

550.2. Notice of Opportunity for Public Hearing

- a. Explain the procedure for requesting a public hearing in the notice and publish it in local or regional newspapers, and in the Alaska Administrative Journal.
- b. A request for a public hearing cannot be made more than 21 days after the date of publication of the first notice, and not more than 14 days after the date of publication of the second notice. Advertise an opportunity for a public hearing on aviation airport projects for at least 30 days.

State in the notice of opportunity for a public hearing that the hearing is “for the purpose of considering the economic, social, and environmental effects of the project and its consistency with the goals and objectives of such urban planning as has been carried out by the community.”

- c. Include in each notice a description of the proposed project and a map or other graphic, contact person and phone number, and deadline for the request for a public hearing. Include in the notice the location of the following information:
1. Drawings, maps, plans, reports, or other project information
 2. Environmental documents prepared or being prepared for the project
 3. Written views from other agencies, private groups, and individuals
- d. All of the information in c. above must be available for copying and/or public inspection.
- e. Furnish a copy of the notice of opportunity for public hearing to the responsible federal agency, and to the commissioner's office. If the Department receives no requests in response to a notice within the time specified, the Department will document this.
- f. Provide the opportunity for a public hearing when either the Department or the federal funding agency is in doubt about whether a hearing is required.

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560. Changes in Scope/Public Hearing Opportunity

560.1. General

560.1. General

Provide the opportunity for another public hearing when proposed changes in location or design would have substantially different social, economic, or environmental effects.

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570. Public Hearings

- 570.1. Definition
- 570.2. Notice of Public Hearing
- 570.3. Conduct of Public Hearings
- 570.4. Post-Hearing Public Involvement
- 570.5. ADA Requirements

570.1. Definition

A public hearing is a formal meeting required by specific regulations requiring complete, verbatim transcripts.

570.2. Notice of Public Hearing

- a. Publish a Notice of Public Hearing at least twice in at least one local or regional newspaper. The notices should also be published in any newspapers having substantial local readership, such as foreign language newspapers and community newspapers. Publish the first notice 30 to 40 days before the hearing, and publish the second notice five to 12 days before the hearing. The timing of additional notices is optional. Also publish the notices in the Alaska Administrative Journal.
- b. In addition to publishing a formal Notice of Public Hearing, mail copies to appropriate agencies, local public officials, and public advisory groups.

Attempt to contact owners of affected property who may not realize a hearing is scheduled, especially absentee landowners. Consider the use of tax rolls, where they are available, to notify these people by letter.

Establish and maintain a list of federal and state agencies, local public officials, public advisory groups or agencies, civic associations, or other community groups who may request notices of area projects.
- c. Include in each Notice of Public Hearing the same background information required under Notice of Opportunity for Public Hearings and the procedure for submitting written comments.
- d. Include in the Notice for a Public Hearing the project's purpose and need, alternatives, and tentative schedules for right-of-way acquisition and construction.

- e. Indicate in the notice that relocation assistance programs will be discussed when applicable.
- f. Furnish a copy of the Notice of Public Hearing to the federal funding agency, the commissioner's office, and the regional Design and Construction Standards director upon first publication.
- g. Include in the notices other issues as required by local, state, and federal regulations (*Note:* Mandatory ADA-related text is available from the Department's ADA coordinator).

570.3. Conduct of Public Hearings

Hearings are conducted to exchange information and help make decisions. Concerns raised during the hearing process are addressed before final decisions are made. Activities will include:

- a. Obtaining an attendance list or registration card for future reference
- b. Establishing time limits for comments to allow equitable public participation
- c. Providing pre-addressed envelopes for submitting written comments
- d. Devising appropriate non-technical graphics to aid understanding. This may include:
 - 1. Models of the proposed action to be displayed at hearings
 - 2. Mosaics or maps presented through a series of aerial photos depicting detail of a specific area
 - 3. Slides or video tapes
 - 4. Other appropriate methods
- e. Providing appropriate auxiliary aids and services (see Section 570.5.)
- f. Holding public hearings in accessible facilities and at a time generally convenient for those wishing to attend
- g. Providing for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. Describe the procedure for the submissions at the public hearing. The final date for submitting statements or exhibits shall be at least 10 days after the public

hearing. All statements will become part of the project records.

h. When the project is a federal-aid highway project:

1. Make suitable arrangement for responsible highway officials to conduct public hearings and respond to questions.
2. Describe the state-federal relationship in the federal-aid highway program with an appropriate brochure, pamphlet, statement, or by other means.

In addition, use the topical information comprising the Design Study Report (see Section 450.3.) as a basis for discussing the details of the project (*Note:* The Design Study Report may not be available when EA or EIS hearings are held).

3. Arrange for local public officials to conduct a required public hearing. The state shall be appropriately represented at a public hearing and is responsible for meeting other requirements.
4. Compile the public hearing record along with a summary of testimony, an analysis of comments received, and any recommendation for the engineering manager, who distributes the information.

When the state or the FHWA receive location or design approval for federal-aid highway projects, they will notify the public of the availability of the environmental document or Design Study Report by placing an advertisement in a local paper, or by other methods.

570.4. Post-Hearing Public Involvement

Regional staff will be available to answer public questions on post-hearing activities, schedules, and decisions.

Prior to and during right-of-way acquisition and final plan preparation, the Department responds to inquiries on the project's status. Information must also be continuously available to public officials, civic organizations, and other interested groups.

Upon the award of contract for construction of the project, the Department may arrange for notice of award in the Alaska Administrative Journal or local

media. During and after construction, staff assists in answering inquiries, issuing news releases, and handling other project-related publicity.

570.5. ADA Requirements

The *Americans with Disabilities Act*, Public Law 101-366, requires that:

- a. A public entity takes all appropriate steps to ensure that communication with applicants, participants, and members of the public with disabilities is as effective as communication with others.
- b. A public entity furnishes appropriate auxiliary aids and services:
 - Necessary to provide a person with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity
 - With primary consideration given to the requests of the person with disabilities
- c. Auxiliary aids and services might consist of the following: qualified interpreters, transcription services, listening assistance systems, video-text displays, or other effective means of delivering aural material, *and* qualified readers, taped texts, audio recordings, Braille or large-print materials, or other effective visual aids.

580. Separate Activities

580.1. General

580.1. General

The following is a list of activities that require notices for publication. Combine notices when appropriate.

1. Environmental Notice of Intent (published in the Federal Register–EIS projects only)
2. Notice of Floodplain Involvement
3. Notice of Wetlands Involvement
4. Notice of Availability of the Environmental Document
5. Record of Decision (EIS projects only)

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