

Public Involvement in PD&E

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State Public Involvement and
Community Resources Coordinator



Acronyms

- ADA – Americans with Disabilities Act
- CAM – Community Awareness Memorandum
- EO – Executive Order
- ELL – English Language Learner
- FAR – Florida Administrative Register
- LEP – Limited English Proficiency
- PIO – Public Information Office
- PIP – Public Involvement Plan/Program
- SCE – Sociocultural Effects Evaluation

Public Involvement

- Two-way and three-way communication
 - Solicitation of public comments
 - Responding to public comments
- Inclusive of decision-makers & stakeholders
- Emphasis on partnerships
- Early, continuous, and proactive
- Defined, structured, and transparent
- Identify audiences and appropriate communication methods

Why Public Involvement?

- Provide opportunity for input
- Understand community issues and needs
- Create record for future project phases
- Comply with federal and state requirements
- Public Participation = Public Ownership
- Reflect community values and better projects
- Risk of litigation reduced; public outcry and project delays avoided

Policies

- Public Involvement Policy, Topic No. 000-525-050-e

“... it is the policy of the Florida Department of Transportation to promote public involvement opportunities and information exchange activities in all functional areas using various techniques adapted to local area conditions and project requirements.”
- Environmental Policy, Topic No. 000-625-001-j
 - Identify & consider social consequences to the human environment (equal weight to natural & physical environmental impact)
 - Be sensitive to community values and needs; utilize an open decision-making process; seek collaboration for problem-solving
 - Utilize responsive, proactive public involvement

Federal Regulations

- National Environmental Policy Act -1969 (NEPA)
- 23 CFR, Part 771 –Early Coordination, Public Involvement and Project Development
- ADA – Americans with Disabilities Act and Rehabilitation Act
- 23 USC 109(h) – Highway programs must consider social/economic impacts
- 23 CFR, 450.316(b) – Public Involvement Process for metropolitan transportation planning
- Title VI and other non-discrimination laws (age, gender, environmental justice, limited English proficiency, etc.)

Civil Rights Act of 1964

- Title VI

- No person in the United States 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.
- Includes all programs and activities whether or not they are federally funded.

Non-Discrimination Language

- Include this language in all notifications:

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Anyone who requires special accommodations under the Americans with Disabilities Act or translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting.

Non-Discrimination language in documents

- Include this statement in all environmental documents:

This environmental study has been conducted without regard to race, color, national origin, age, sex, religion, disability, or family status.

Government in the Sunshine Law

- Chapter, 286, F.S., requires public access to governmental meetings
- Provides that
 - Meetings where actions or decisions are made are open to the public
 - Reasonable notice must be given
 - Minutes are published

Administrative Procedure Act

- Chapter 120.525, F.S., provides that

All public meetings, hearings, and workshops must be advertised in Florida Administrative Register (FAR) and on the agency's website not less than 7 days before the event.

Plain Language

- Use plain language with a minimum of technical jargon and engineering terminology when communicating with the public
 - Newsletters
 - Presentations
 - Brochures
 - PowerPoints

Jessica Lunsford Act

- School facilities are not used for public meetings when other facilities are available.
- Applies to Public schools, including charter schools
- In rare circumstances, public K-12 schools may be used when no students are present, as confirmed by an appropriate school principal and with approval of FDOT's Assistant Secretary of Engineering and Operations.
- Alternate facilities that may be used include colleges, universities, and private schools.

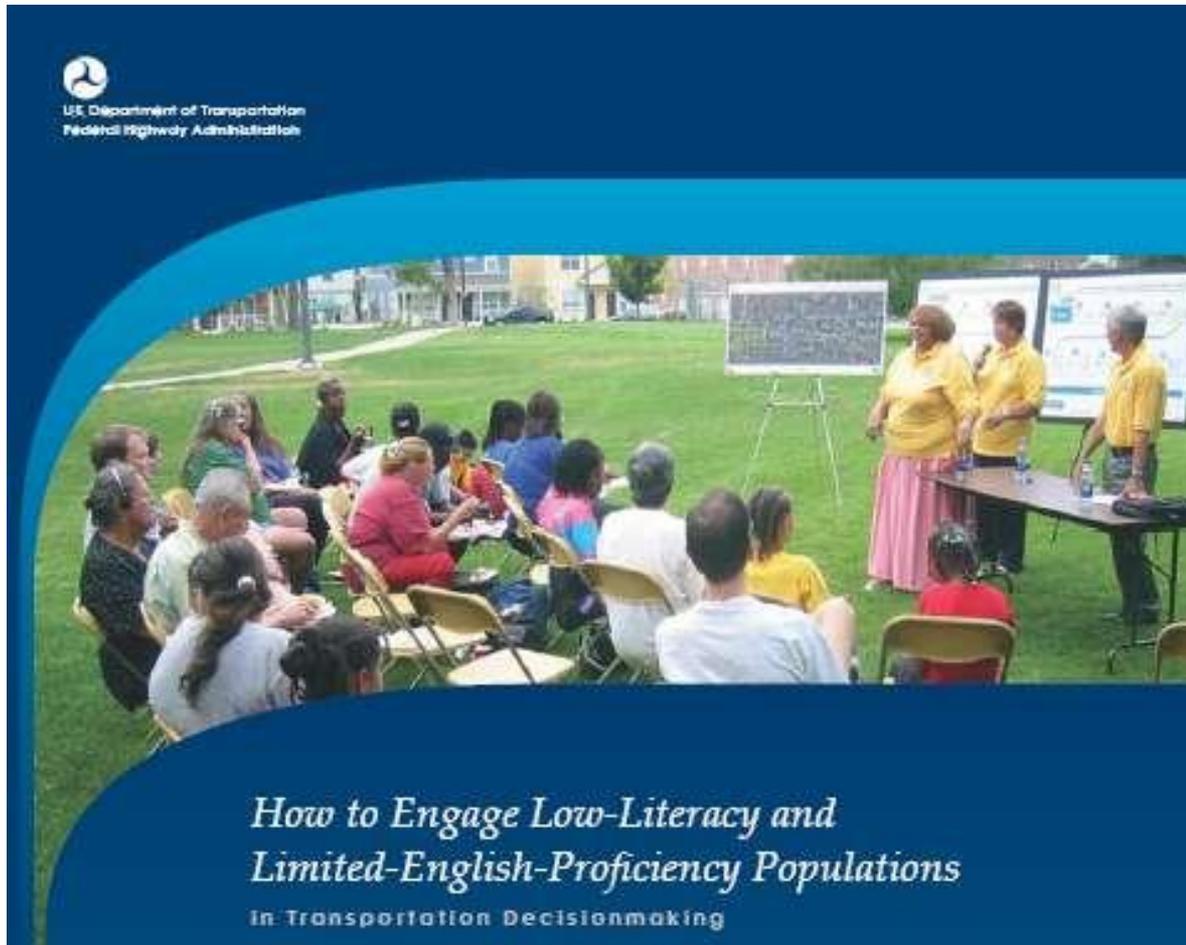
Limited English Proficiency

- Executive Order 13166
- Applies to people whose first language is not English or they have a limited ability to read, write, speak or understand English
- Relates to national origin discrimination
- More than $\frac{1}{4}$ of Florida's population speaks a language other than English at home
- "English-only" ordinances do not exempt

LEP Guidance from US DOT

- Four-factor guidance
 - Consider the number or proportion of LEP persons
 - The frequency with which they come in contact with the program
 - The importance of the service
 - The resources available to you
 - www.lep.gov

www.fhwa.dot.gov/hep/lowlim/



Public Involvement in PD&E

- The level of public involvement required is determined by the Environmental Class of Action:
 - Categorical Exclusions (CE)
 - Type 1 & Programmatic
 - Type 2: Non-Major and Major Improvements
 - Environmental Assessment (EA)
 - Draft Environmental Impact Statement (DEIS) & Final Environmental Impact Statement (FEIS)
 - State Environmental Impact Report (SEIR)
 - Non-Major State Action (NMSA)

Type 1 & Programmatic CE Public Involvement

- Community Awareness Memorandum (CAM)
 - District determines if needed
 - CAM should recommend appropriate public involvement activities
 - CAM should specify phases/timeline for public involvement implementation
 - Sent to District Public Information Office

Type 2 CE Public Involvement

Non-Major Transportation Improvements

- Public Involvement Program (PIP)
- Consult with lead agency about public hearing or opportunity
- Transcript of Public Hearing and presentation (if done)
- Transcript signed by hearing moderator
- Notice of LDCA in paper

Major Transportation Improvements

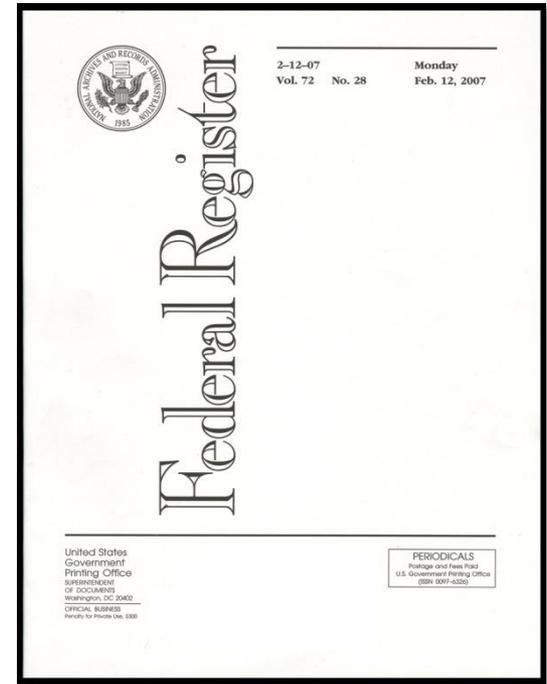
- Public Involvement Program (PIP)
- Project Kick-Off Meeting or Letter
- Public Information/Alternatives Meeting(s)
- Public Hearing (required)
- Transcript of Public Hearing and presentation
- Transcript signed by hearing moderator
- Notice of LDCA in paper

Environmental Assessment Public Involvement

- Public Involvement Program
- Project Kick-Off Meeting or Letter
- Public Information Meeting (s)
- Notice of Availability in newspaper
- Public Hearing
- Transcript of Public Hearing and presentation
- Notice in paper LDCA was received by the lead federal agency

DEIS & FEIS Public Involvement

- Notice of Intent published in Federal Register
- Formal Scoping Meeting (Optional)
- Public Involvement Program
- Citizens Advisory Committee (Optional)
- Project Kick-off Meeting or Letter
- Public Information Meeting/Alternatives
- Notice of Availability of DEIS in paper
- DEIS published in Federal Register
 - 45-day comment period
- Public Hearing
- Transcript of Public Hearing and presentation
- Second NOA for 30-day comment



State Environmental Impact Report (SEIR) Public Involvement

- Public Involvement Program
- Citizens Advisory Committee (optional)
- Project Kick-off Meeting or Letter
- Public Information Meeting
- Notice of Availability of Draft SEIR
- Public Hearing
- Transcript of Public Hearing stays with the district
- Signed by District Secretary

Non-Major State Action Public Involvement

- A NMSA does not require a public hearing
- BUT may necessitate public involvement activities
- Determined by District

ENVIRONMENTAL CLASS OF ACTION

	Community Awareness Memorandum (CAM)	Public Involvement Program (PIP)	Formal Scoping Meeting	Kick-off Meeting	Alternatives Meeting(s)	Notice of Availability in Paper	Public Hearing & Transcript	Notice of Intent & Notice of Availability in Federal Register & Newspaper	Notice of LDCA in Paper
Type 1 & Programmatic	Determined by District								
Type 2 – EST screened projects		YES		TYPICALLY DONE	TYPICALLY DONE		YES		YES
EA/FONSI		YES		TYPICALLY DONE	TYPICALLY DONE	YES	YES		YES
DEIS/FEIS		YES	OPTIONAL	TYPICALLY DONE	TYPICALLY DONE	YES	YES	YES	YES
SEIR		YES		TYPICALLY DONE	TYPICALLY DONE	YES	YES		
NMSA	Determined by District								

Public Involvement Program (PIP)

- Develops, implements and documents the methods used to solicit input
- Helps identify stakeholders & affected communities
- As PD&E continues, may need periodic update
- PIP, any updates, schedule of events, all accumulated info is incorporated into the project file and summarized in the environmental document.

Public Involvement Program (PIP)

- Should include:
 - Project Background
 - Project Goals
 - Identify Affected Communities
 - Identify Stakeholders & Audience
 - Outreach Activities
 - Evaluation of Public Involvement for the Project

PIP: Project Background Considerations

- What is the project history?
- Has the community previously heard of the project? If so, how long ago?
- Has the project situation (either the proposed improvement or the project environment) changed since the last public involvement activity?
- Have any commitments (either real or implied) been made or broken in the past?
- What are the major concerns and issues on the project?
- Are there any known controversial issues on the project?

Where & How to Find Information from Earlier Activities

- Final Programming Screen Summary Report
- Meet with District ETDM Coordinator & Community Liaison Coordinator
- Environmental Screening Tool
 - Generate mailing list/labels
 - Summary of Public Comments
- ETDM Public Access Site
 - General & Contact Info
 - Project Diary
 - Project Effects
 - ETDM Maps
 - ETAT Comments
 - Project Search

PIP: Project Goals

- What decisions will be made during the current project phase?
- Is public input needed to help make those decisions?
- Does project information need to be shared with the public to enable them to provide substantive input on project decisions?
- What project information needs to be shared?

PIP: Identify Affected Communities

- Defined by geographic boundaries, physical features, and socioeconomic conditions
- Involve them early and maximize their participation/involvement
- Sociocultural Effects Evaluation (SCE)
 - “Understanding the vision, goals and objectives, and the values of a community’s citizenry is essential to providing effective, community based solutions to transportation while addressing appropriate community concerns.”
 - Check to see if a SCE evaluation has been conducted

PIP: Identify Stakeholders & Audience

- Create a database of locals known to have strong interest in transportation projects
 - Local elected officials
 - Key community leaders
 - Adjacent land owners
 - Business owners
 - Chambers of Commerce
 - Neighborhood association presidents
- Important to reach out to people who may not routinely take part in transportation discussions – elderly, youth, low income, minorities

PIP: Outreach Activities

- Determine best activity format by asking ...
 - What is the purpose of the activity?
 - With whom do you need to meet to accomplish your purpose?
 - What format will be most appropriate for your purpose and audience?
 - Where is the appropriate meeting location based on the purpose, audience, and format?
 - What type(s) of notification will you use?
 - What materials and distribution methods are the most appropriate?
 - Will it be necessary to use more than one type of material and/or distribution method to reach audiences due to dissimilar cultures?
- Choose activities in conjunction with identification of audiences
- All activities and facilities must be ADA-compliant

Public Involvement Documentation

- Creates a history & record of commitments made as a result of public involvement activities
- Public should have access to documentation
- Specific documentation required by FHWA
- Includes compiling all materials related to public involvement activities, summary & analysis of public comments

Public Involvement Documentation

- Public Involvement Plan
- Notification Process
 - Master Contact List/Database
 - Details of all methods of notification used to invite the public
- Summary of all public involvement outreach activities
 - Date, time, location
 - Photographs, mailing lists, sign-in sheets, maps, graphs, display boards, etc.
- Transcript of Public Hearing (if done)
- Presentation scripts
- All comments and responses

PIP: Outreach Activities

- Meetings, hearings and workshops
 - Targeted group meetings
 - Non-FDOT meetings
- Newsletters
- Websites
- TV and Radio
- Fairs, Trade Shows
- Advisory committees
- Newspaper articles
- Advertisements
- Surveys
- Social Media – Facebook, Twitter, YouTube

Public Meetings & Public Hearings

- To provide and receive information
- Create an exchange of ideas
- Build consensus
- Formal or informal
- Format should be tailored to fit the purpose and the audience

Types of Public Meetings

- Scoping meetings
- Kick-off meetings
- Alternatives meetings
- Public information meetings
- Public hearings
- Local government meetings
- Agency meetings
- Homeowners' associations/neighborhoods

Types of Public Meetings:

Scoping Meetings

- Do you need one?
 - The scoping process is required for an EIS (CEQ)
 - A scoping meeting is not
- Issues identified in ETDM screening
- Target affected government agencies and public interest groups/organizations with specific knowledge
- Are considered public meetings and must be advertised in FAR & FDOT website

Types of Public Meetings:

Kick-Off Meetings

- Ideal for acquainting local officials with proposed project & study team
- Usually held in conjunction with county or city commission meeting
- Elected officials are invited by letter
- Some districts invite both public and local officials to one Kick-Off Meeting
- A kick-off letter can be used instead

Types of Public Meetings:

Public Information Meetings/Public Workshops

- Public Information or Public Alternatives Meetings
 - To fully acquaint public with proposed improvement and give an opportunity to review/comment on alternatives
 - Held in close proximity to project to encourage attendance
- Small Group Meetings
 - Meetings with specific groups of people held on specific issues that do not concern general public in project area
 - Example: County staff, affected businesses, homeowners associations, etc.

Public Hearings

- What's the difference between a Public Hearing and a Public Meeting?
 - Timeline
 - Format
 - Point in Decision-Making Process
 - Public Meetings – scheduled at intervals, allowing public input
 - Public Hearings – takes place at end of process to satisfy regulatory requirements prior to decision-making points

Public Hearings:

Types of Formats

- Start time determined by what would best meet needs for specific community and project
- No pre-determined end time – public hearing ends after everyone has had an opportunity to speak
- Typically begins with an informational meeting and then follows the formal format
- Public hearings have a “script” with *standard statements* that must be used!

Public Hearings:

Documents for Public Review

- Draft environmental documents of EA, DEIS, SEIR & Type 2 CE must be available to public
- Available at least 21 days prior to Public Hearing in a location close to the project area
- Location must be easily accessible, ADA compliant
- Examples of good locations: public libraries, MPOs, District offices

Public Hearing Documentation

- Proceedings recorded by Court Reporter
- Documentation should include:
 - All oral & written comments
 - Presentation script
 - Hand-outs, brochures, maps, etc.
- Public record stays open for additional comment for at least 10 calendar days following Public Hearing
- After this period, Public Hearing officially closed
- Transcript is certified by hearing officer
- Copies of transcript and presentation script sent to lead federal agency to be included with final environmental document

Public Meetings & Hearings:

Locations & Facilities

- All potential meeting sites should be physically investigated for suitability, approved by District Project Manager & reserved prior to advertising
- Chosen based on:
 - Anticipated participation level
 - Proximity to project
 - Ease of accessibility
 - Safety
 - Availability of Public Transportation

Public Meetings & Hearings:

Locations & Facilities

- Set-Up for Meetings
 - Auditorium Style for videos/presentations
 - Workstations for feedback/work sessions
- If large turn-out is expected, room needs to be large enough to accommodate two or more identical sets of displays, etc.

Public Meetings & Hearings:

Locations & Facilities

- A/V Equipment
- Availability Window
 - When can you get in to set-up?
 - When do you have to be out?
- Parking Availability, Accessibility & Safety
- Signage Locations/Availability
- On-site Custodian/Property Manager
- On-site Local Law Enforcement for parking

Public Notification & Advertisement

- Purpose of public involvement activities should be clearly conveyed & include date/time/location
- Very important to reach out to all populations, including traditionally underserved
- Typical approaches:
 - ▣ Newspaper Ads
 - ▣ Inclusion in newsletters (churches, HOAs, etc.)
 - ▣ Flyer distribution (employment centers, bulletin boards, etc.)
 - ▣ Community Calendar Listings
 - ▣ Email
 - ▣ Direct Mail (postcards, brochures, etc.)
 - ▣ Public Transit Ads
 - ▣ Project-specific Websites
 - ▣ Civic Groups

Public Notification & Advertisement: Public Hearings, Meetings and Workshops

- Notice meetings on FDOT's public meetings website
- Notice meetings, workshops and hearings in the *Florida Administrative Register (FAR)*
 - Not less than 7 calendar days before public hearing date
 - District or consultant should have account set up

Public Notification & Advertisement: Public Hearings, Meetings and Workshops

Newspaper Display Ads

- Ad content & format must be followed to insure compliance
- Plain English
- Published in paper with circulation in project area
- Frequency for public meetings: minimum of one time
- Frequency for public hearing: minimum of two times
 - 1st Notice: at least 15 days but no more than 30 days prior to hearing
 - 2nd Notice: 7-12 days prior to hearing

Public Notification & Advertisement: Public Hearings

- Notification to Officials & Agencies
 - Letter of invitation sent to lead federal agency and to local governments & agencies
 - Sent out at same time of newspaper ad
 - No more than 30 days & no less than 25 days before hearing
- Notification to Property Owners
 - Defined by partial/whole ownership within at least 300 feet of centerline of each project alternative
 - Efforts should be made to notify tenants & lease holders
 - At least 21 calendar days prior to hearing

Public Notification & Advertisement: Public Hearings

- Notifications to Officials & Agencies and Property Owners should include:
 - The purpose of the notification
 - A description of the project
 - A list of the places, dates, and times where the environmental document(s) and other materials will be available for public inspection
 - The date, time, and location of the public hearing
 - A statement requesting public participation
 - Information about ADA requests
 - Notice of non-discrimination
 - Hearing notice and map

PUBLIC HEARING NOTICE

(Name of Project)

(Project Limits)

County(s), Florida

(FIN #)

The Florida Department of Transportation, District _____, will conduct a public hearing for the proposed improvements to (name of project) in (city/county), Florida, Financial Aid #: . The hearing will be held on (month/date), 20____, at (location and street address). The hearing will begin as an open house at (time) with a formal presentation at (time). The proposed improvement involves (name of project) from (begin project limits) to (end project limits), for a distance of ____ miles.

This public hearing is being conducted to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements and in accordance with Federal Executive Orders 11990 and 11988. The project consists of
(description of the recommended transportation improvements)

The draft project documents and other information will be available for review from (date) to (date), at (name of locations) (and addresses). Persons wishing to submit written statements or other exhibits, in place of or in addition to oral statements, may do so at the hearing or by sending them to _____
(FDOT project manager or other contact name)
(address)

All exhibits or statements postmarked on or before (end of 10-day comment period date) will become a part of the public hearing record.

Public participation is solicited without regard to race, color, national origin, age sex, religion, disability or family status.

Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact _____ at _____ at least seven days prior to the meeting.

(Include name, telephone number and email of contact person).

PUBLIC HEARING NOTICE

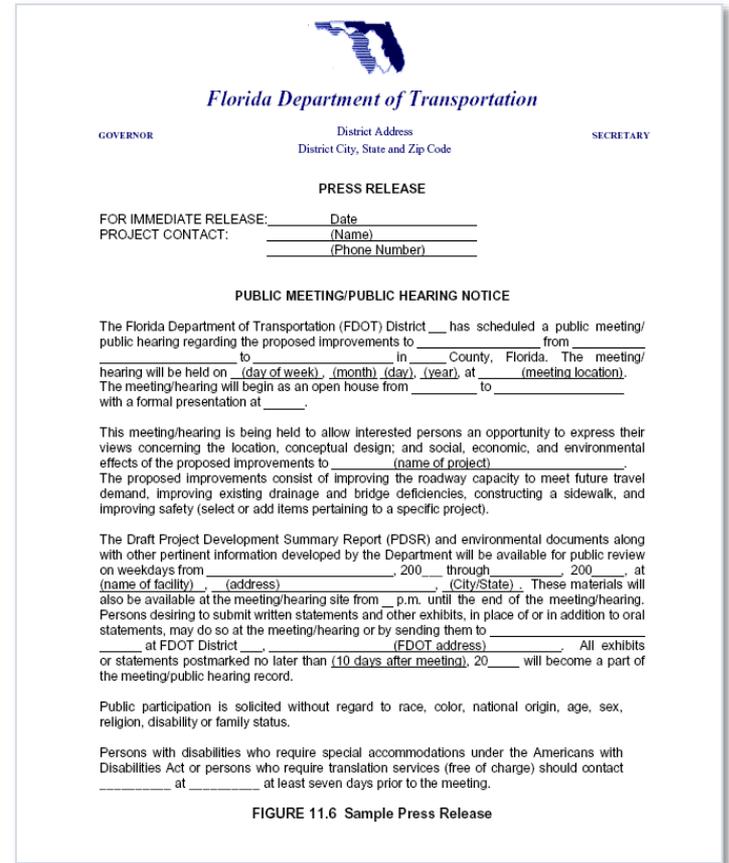


Date: _____
Time: _____
Place: _____

Florida Department of Transportation

Public Notification & Advertisement: Press Releases

- Coordinate with District Public Information Office; must be approved by District PIO
- Follow standard format



The image shows a sample press release form from the Florida Department of Transportation. At the top center is the Florida state logo, followed by the text "Florida Department of Transportation". Below this, there are fields for "GOVERNOR" and "SECRETARY", with a "District Address" and "District City, State and Zip Code" in between. The form is titled "PRESS RELEASE" and includes fields for "FOR IMMEDIATE RELEASE: Date", "PROJECT CONTACT: (Name)", and "(Phone Number)". A section titled "PUBLIC MEETING/PUBLIC HEARING NOTICE" contains several paragraphs of text with blank lines for filling in details. The first paragraph states: "The Florida Department of Transportation (FDOT) District ___ has scheduled a public meeting/public hearing regarding the proposed improvements to ___ from ___ to ___ in ___ County, Florida. The meeting/hearing will be held on ___ (day of week), ___ (month), ___ (day), ___ (year), at ___ (meeting location). The meeting/hearing will begin as an open house from ___ to ___ with a formal presentation at ___." The second paragraph states: "This meeting/hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design; and social, economic, and environmental effects of the proposed improvements to ___ (name of project). The proposed improvements consist of improving the roadway capacity to meet future travel demand, improving existing drainage and bridge deficiencies, constructing a sidewalk, and improving safety (select or add items pertaining to a specific project)." The third paragraph states: "The Draft Project Development Summary Report (PDSR) and environmental documents along with other pertinent information developed by the Department will be available for public review on weekdays from ___ 200___ through ___ 200___, at (name of facility), (address), (City/State). These materials will also be available at the meeting/hearing site from ___ p.m. until the end of the meeting/hearing. Persons desiring to submit written statements and other exhibits, in place of or in addition to oral statements, may do so at the meeting/hearing or by sending them to ___ at FDOT District ___, (FDOT address) ___. All exhibits or statements postmarked no later than (10 days after meeting), 20___ will become a part of the meeting/public hearing record." The fourth paragraph states: "Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status." The fifth paragraph states: "Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact ___ at ___ at least seven days prior to the meeting."

FIGURE 11.6 Sample Press Release

Public Notification & Advertisement: Project-Specific Websites

- Cost-effective
- All printed materials should include website address
- Public comment can be tracked via email
- Should feature (at minimum):
 - Contact info
 - Project Schedule, meeting calendars & agendas
 - Description of current projects
 - Links to related agencies
- Must follow FDOT template
- Don't assume everyone has computer/internet access



Metro Parkway (SR 739) from Daniels Parkway to Winkler Avenue - Design Project

District Office

Bill Hattaway
District One Secretary

801 N. Broadway Ave.
Bartow, Florida 33830-3809

Tel: (863) 519-2362
Fax: (863) 534-534-7265

Additional Contacts

[Staff Directory](#)



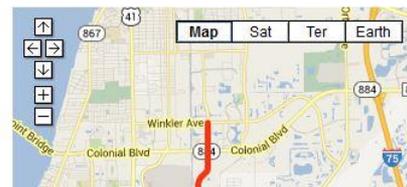
Study Resources

- [About the Study](#)
- [Documents & Publications](#)
- [Email Updates](#)
- [FAQs](#)
- [Photos](#)
- [Public Notices](#)
- [Schedule](#)

Welcome

Welcome to the web site for the Metro Parkway (State Road (SR) 739) design project. The project limits are from Daniels Parkway to Winkler Avenue, a distance of approximately 4.5 miles. FDOT is preparing design plans to expand Metro Parkway (SR 739) from a four lane divided roadway to a six lane divided roadway. The alternatives will include six foot wide sidewalks in each direction. In addition, a traffic study is being conducted to look at improvement alternatives for the intersection of Metro Parkway (SR 739) and Colonial Boulevard. Metro Parkway (SR 739) is a north-south urban principal arterial roadway in Lee County. The project limits are identified on the project location map.

Project At-A-Glance



District
One (Lee County)

Start Date
June 5, 2013

Est. Completion Date
June 4, 2017

Notice of Location and Design Concept Acceptance (LDCA)

- To get LDCA, FHWA must accept FONSI or FEIS & certified Public Hearing transcript
- District publishes Notice in local paper that LDCA was accepted by FHWA
- For Type 2 CE, FHWA must accept the Environmental Document & certified Public Hearing transcript (or certification of opportunity)

Will I have to go through this again?

- Subsequent Public Hearings needed if:
 - Project design substantially changes after LDCA Public Hearing or after SEIR approval
 - Changes will cause different substantial impacts than originally outlined
 - Question that one is needed
- FHWA & District will determine if further public involvement is needed during Reevaluation

Community Awareness Plans (CAP)

- Developed during the plans production phase
- Objective:
 - Resolve issues (like project area access, drainage, traffic, etc.) during the design phase
 - Identify ways to notify local governments, affected property owners, tenants, public, etc. of proposed construction and impact of that construction

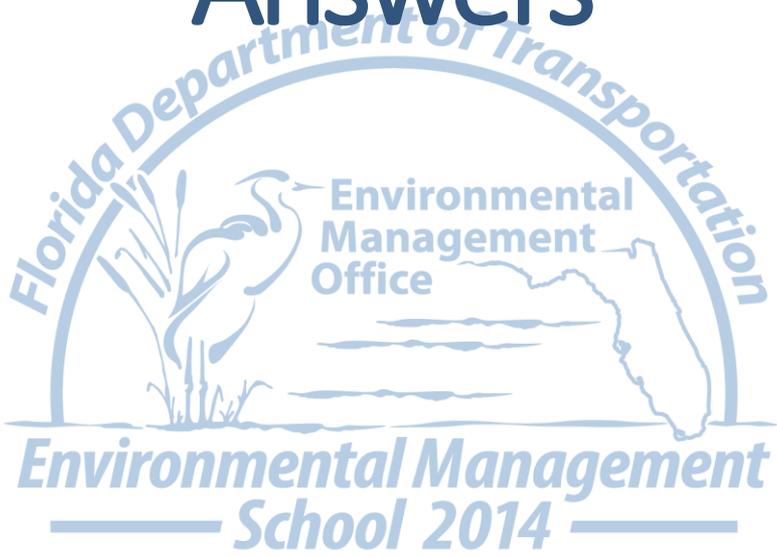
Community Awareness Plans (CAP)

- Project Description
 - Typical section
 - Description of the community
 - Major issues/community concerns
 - Special features/amenities
 - Special commitments
- Issues/impacts
 - Construction schedule (including seasonal impacts)
 - Contract time
 - Maintenance of Traffic Plan
 - Access impacts
- Public involvement Level
- Activities and Timeline
 - Project schedule
 - Timeline for the project showing all CAP activities

Community Awareness Plans (CAP)

- Public Involvement Levels
 - Level 1 – Non-controversial with minimal impact on accessibility or traffic
 - Level 2 – General public acceptance with little impact (i.e. urban resurfacing or bridge repairs)
 - Level 3 – May be controversial with impacts on accessibility or traffic (widening, etc.)
 - Level 4 – Interstate work, temporary or permanent closures

Questions & Answers



For More Information

Rusty Ennemoser

850-414-5337

rusty.ennemoser@dot.state.fl.us

www.dot.state.fl.us/emo/pubinvolvement.shtm

