

SHARING THE FUTURE

**Public Involvement in the
Kansas Transportation System**



January 2011

KDOT CUSTOMERS' BILL OF RIGHTS

As a KDOT customer, you have the right

*To be treated with courtesy,
respect, and honesty*



*To receive accurate answers to your
questions in a timely manner*



*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

Division of Public Affairs

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Definition of successful public involvement:

When it reaches a wide diversity of stakeholders, their participation helps shape the overall decision, and the decision is generally understood and accepted.



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INTRODUCTION

The modern transportation system that we know 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 statewide transportation system to meet the needs of Kansas.” The agency fulfills its mission with 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 decisions about the transportation system.

Sharing the Future
was created to guide the agency's public involvement processes and to promote understanding of the public's role in helping KDOT fulfill its mission. It replaces
Guidelines for Public Involvement and Class of Action Determination
adopted in March, 1990.

Sharing the Future will help the Kansas Department of Transportation 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 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 the National Environmental Policy Act of 1969.

23 CFR 771, Federal Highway Administration, 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, Federal Highway Administration, 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.

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 descendents 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 ---



List of Abbreviations

CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSD/CSS	Context-Sensitive Design/Context Sensitive Solutions
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EIS	Environmental Impact Statement
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
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 21 st Century
TIP	Transportation Improvement Plan
U.S.C.	United States Code

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PUBLIC INVOLVEMENT POLICY

1. PUBLIC INVOLVEMENT POLICY

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 legislation such as the Intermodal Surface Transportation and Efficiency Act (ISTEA) and the National Environmental Policy Act (NEPA); and the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU).

KDOT welcomes everyone, regardless of age, race, color, sex, disability, or national origin to participate in and benefit from its public involvement activities.

Public involvement can help us do business in a way the public expects. The public wants us 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 the Kansas Department of Transportation to reach out to the citizens it serves and to actively engage the public in the agency's transportation decision-making processes.

Recommended by Maggie Thompson-Doll Date 1/7/11
Maggie Thompson-Doll, Bureau Chief, Public Involvement

Julie Lorenz Date 1/7/11
Julie Lorenz, Director of Public Affairs

Deb Miller Date 1-7-11
Deb Miller, Secretary of Transportation

1.1 THE PARTNERSHIP PROJECT

Public involvement is most often thought of with respect to locating and designing a highway, but public involvement can play a role in shaping many facets of the agency's work. This is clearly demonstrated by the Partnership Project of 2003. Initiated by Secretary of Transportation Deb Miller in March 2003, the Partnership Project is a top-to-bottom review of the agency. Its goal is to identify ways in which KDOT could continually improve its service to Kansas. The Partnership Project relies almost entirely on the involvement of people inside and outside of KDOT. It included one-on-one interviews and focus groups with internal and external stakeholders, statistically valid surveys of Kansas residents, and a survey of KDOT's external partnership groups such as local government officials, contractors, consultants, and other state agencies. A list of priority issues was identified that included:

1. Establish real, active partnerships/relationships with local governments that genuinely involve cities and counties in KDOT's decision-making process,
2. Provide reasons for KDOT's decisions,
3. Educate the public and stakeholder groups about KDOT and its services,
4. Foster more open/active dialogue between KDOT and the State Legislature,
5. Continue to enhance relationships with all stakeholder groups,
6. Respond to changing expectations of stakeholders.

The Secretary of Transportation then translated the issues into her vision for KDOT that consisted of three goals:

1. Make KDOT a more desirable place to work
2. Nurture better relationships with local governments
3. Develop KDOT's roadmap for continued success.

Integral to the success of the Partnership Project is improving relationships and enhancing communication to help the agency accomplish its mission. The Partnership Project reminds us of the importance of sound public involvement. Today, people rightfully 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 our stakeholders and partner with them to provide Kansas with a transportation system of which it can be proud and which meets its needs.



Local Consultation and the T-LINK Process

Former Governor Kathleen Sebelius created the Transportation-Leveraging Investments in Kansas (T-LINK) Task Force in August 2008 to examine the state of transportation in Kansas and to develop a set of recommendations that "frame a new strategic approach to our future transportation needs."

T-LINK concluded that considerable needs exist throughout the state for road, bridge and other transportation improvements and the traditional ways of choosing, funding and delivering transportation projects appear obsolete in the face of growing and changing transportation needs statewide.

T-LINK members met on January 26, 2009 to review and finalize their recommendations. They unanimously approved these recommendations for a new transportation approach that recognizes the crucial relationship between transportation improvements and economic development.

The T-WORKS legislation was signed by Governor Parkinson on May 25, 2010, and went into effect on June 1, 2010. The 10-year, \$8.2 billion bill includes program language which is largely based on T-LINK recommendations.

1.2 ENVIRONMENTAL JUSTICE

Environmental justice should be a concern in every decision 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. Executive Order 12898 directed every federal agency to make 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.

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

The three environmental justice principles outlined by the FHWA are:

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

A process for seeking out and considering the needs of traditionally underserved populations is described in Chapter 6, System Planning and Project Programming. It provides a useful framework for identifying and addressing environmental justice issues in planning, project development, and operations.

Public involvement activities are important tools to support the principles of environmental justice. When a good public involvement process is in place and decisions are made with Title VI in mind, they will likely lead to a transportation system that meets the basic premise of environmental justice. KDOT will continue using its 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.

When a good public involvement process is in place and decisions are made with Title VI in mind, they will likely lead to a transportation system that meets the basic premise of environmental justice.

PUBLIC INVOLVEMENT AND KDOT

2. PUBLIC INVOLVEMENT AND KDOT

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

2.1 A Little 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 1800's spurred interest in improving the way that 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 1900's

- 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**, Governor 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, however, contributed to the decline of local control.
- In an attempt to turn the tide, 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 1900's

- The **Federal Aid Highway Act of 1950** created public hearing requirements in order to better involve the public in the overall transportation process.
- The **Federal Highway Act of 1956** provided funding for building the 41,000 mile interstate highway network. It also required states to hold public hearings whenever an interstate was planned to bypass or go through a town. The state highway commission held 129 hearings during the first seven years of building the interstate highways.
- **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.

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- 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-1960's, 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 upped the requirements for public hearings in an effort to bring people into the planning process. It required state highway departments to hold 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. See the Appendix for more information about NEPA.
- The **Federal-Aid Highway Act of 1970** contained section 136(b) which was designed to encourage states to consider fully 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 Act also created a Highway Advisory Commission of twelve citizens, two from each of six regions (districts) into which KDOT was divided.
- **Action Plan, 1973** 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 most significant recent legislation was the **Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)**. ISTEA spurred increasing variety by funding a broad range of transportation modes and emphasizing 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.
- 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 the transportation infrastructure. In 2010, state transportation agencies continue to receive funding through extensions of the SAFETEA-LU program while awaiting enactment of the next Federal transportation program.
- **Sharing the Future (2006)** replaces *Guidelines for Public Involvement and Class of Action Determination* of March 1990.

2.2 THE KDOT 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, called *Communication: A Key to Success*, was 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 that 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

The program is guided by the Bureau of Public Involvement in the Division of Public Affairs. The Bureau of 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 Bureau Chief oversees public involvement and guides the program statewide, and supervises two Headquarters Public Involvement Liaisons. The Headquarters Public Involvement Liaisons assist headquarters staff with public involvement for planning activities and project development.

They also help address other agency communication and public involvement needs.

The program is further strengthened by a District Public Affairs Manager in each of the agency's six districts, a similar position in the Wichita Metro Office, and a Community Affairs Manager in the Southeast and Southwest Kansas Districts. The District Engineer supervises each District Public Affairs and Community Affairs Manager and the Wichita Metro Engineer supervises the position in Wichita.

The Public Affairs Managers focus on proactive communication activities at the local and regional level which help implement the goals of the Partnership Project.

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 Community Affairs Managers serve 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 the best in public involvement when:

1. Informing and involving the public early and continuously in a relatively transparent decision-making process is a natural way of life in KDOT.
2. The public feels heard within 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 correct and factual information.

Openness

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

Timeliness

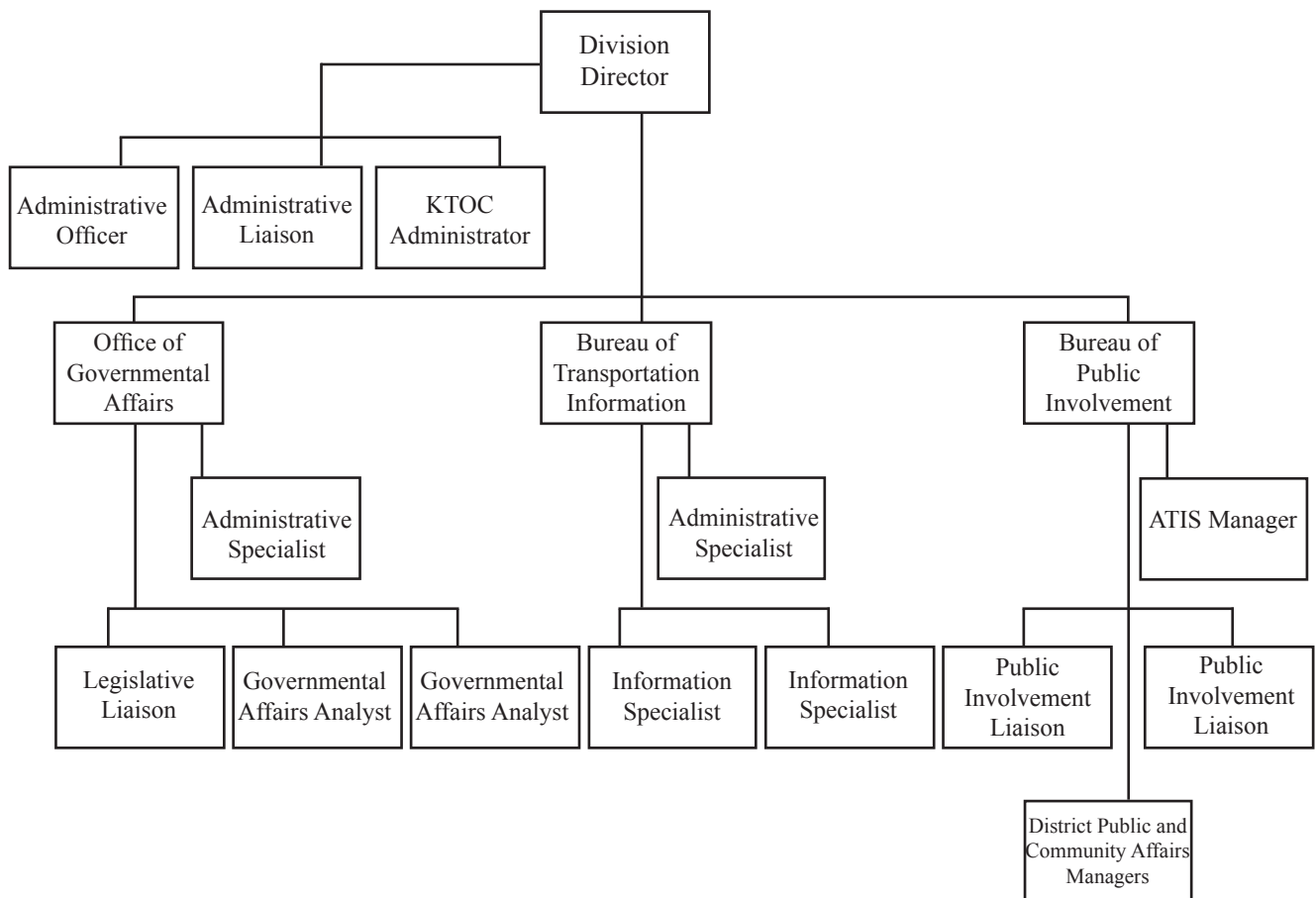
We offer information, education, and involvement opportunities at suitable and opportune times.

Dialogue

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



PUBLIC AFFAIRS ORGANIZATION IN KDOT



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 for some people. 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 is built on addressing these four objectives:

1. Be responsible

Objectives: 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

Objectives: 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

Objectives: 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

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

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

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.



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 and to provide input to the Agency using social media tools such as Twitter, YouTube, online communities 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* that we use to understand it.** Informing people through news releases, letters, or the internet provides knowledge that they might find useful. Notices about upcoming road closings and public meetings or displaying road conditions on KDOT's web site are examples of information delivery.

Education builds on information and is concerned with increasing our general knowledge, understanding, or comprehension. KDOT educates people through safety campaigns such as *Give 'Em a Brake*, or *Safe Not Sorry*, produced by the Bureau of Traffic Safety. The Bureau of Traffic Engineering 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 2003 in conjunction with improvements to US-69 and I-435 in Kansas City. 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 which 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:

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

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

1. Involvement takes time and effort
2. Working with a bureaucratic process requires patience
3. Tightly-held views may have to be moderated
4. Communicating issues and concerns within an engineering process can be frustrating
5. 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 which 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 someone to feel they are adversely affected. For the public, their involvement does not guarantee that 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 effected?
11. What, if any, "surprises" did we encounter?

Effective public involvement is:

1. Proactive
2. Tailored to local needs and conditions
3. Focused and ongoing
4. Inclusive of all concerned
5. Innovative, using a variety of techniques
6. Having educational components
7. Supported by strong project leadership and agency support
8. 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.

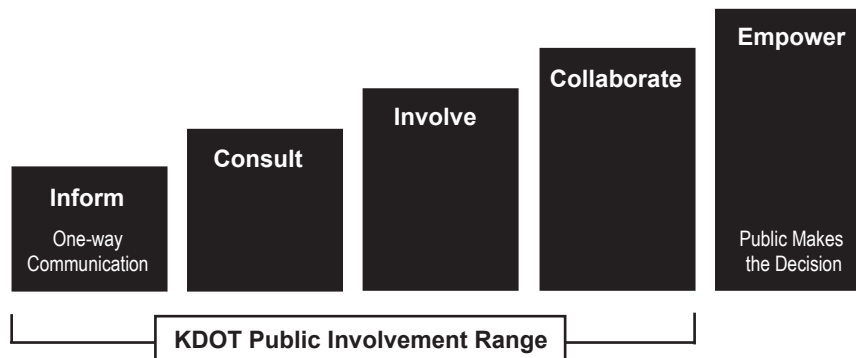
KDOT will look to the public for direct advice and innovation in formulating solutions and incorporate them into decisions when feasible and practicable.

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, programs, 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 THE PUBLIC INVOLVEMENT PROCESS

A unique public involvement plan should be developed for each project because each project and study has different 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.

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 involvement and 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. **SAFETEA-LU Section 6002 requires the establishment of a plan for coordinating public and agency participation when an Environmental Impact Statement (EIS) is being developed for a project.**

To the right is a typical ten-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.



* SAFETEA-LU Section 6002 requires 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.

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 four major groups:

1. Potentially affected stakeholders, such as
 - a. Property owners
 - b. Business owners
 - c. Special interest groups
 - d. 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:

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

Speak with each stakeholder and ask about their:

1. Level of knowledge of the situation
2. Issues and concerns
3. Level of interest
4. Preferences for the nature and frequency of involvement
5. Suggestions for other people to contact

2 Identify and Research Potential Issues

Identify and research the issues for all audiences identified in Step Two. 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 and researched, 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 identified in Step Two and ask what they see as issues surrounding the project.** If the project has a history, reviewing the history can also be helpful. Issues surrounding a project can include those with a positive connotation such as:

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

Other issues may have a negative connotation, like:

1. Changes in access
2. Decrease in traffic flow past businesses
3. Displaces businesses
4. Displaces homeowners
5. Cost
6. Visual impacts
7. Noise impacts
8. Seen as unimportant
9. Proximity to schools, churches, or hospitals

■

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

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. **SAFETEA-LU Section 6002 requires 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.** 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? Why?
5. How will the project enhance or at least protect someone's quality of life?
6. What are the mandates or regulations which 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.

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

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 18. 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, dilute efforts. Some broad public involvement objectives might include:

1. Remind people of the project's benefits
2. Provide schedule updates if delays occur
3. Create opportunities for citizen participation at key decision points
4. Diffuse strongly polarized arguments
5. Seek feedback on KDOT performance

5 Select Public Involvement Activities

Choose public involvement activities which are most likely to help meet the objectives and address stakeholders' concerns. The "Further Reading" Section (page 87) lists resources which detail a variety of tools and techniques for citizen participation. If the project is one that will lead to construction, include activities which 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 which target specific groups or individuals.

———— Continued on next page ————

6 Develop an Action Plan or Schedule

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

1. Audience
2. KDOT staff member responsible for the activity
3. Date and Time
4. Location
5. Resources needed, such as people, displays, handouts, and equipment
6. 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 held 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 which may have been uncovered and might need to be addressed. Public involvement needs to be flexible and, if needed, do the following:

1. Update the stakeholders list
2. Revise the issues
3. Revise the action plan or schedule

———— Continued on next page ————

9 Document the Public Involvement

After each public involvement activity, create a summary which 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.

■

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.

10 Talk About the Outcome

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

1. Brings the project full-circle in the minds of the public
2. Reminds people of the benefits
3. Demonstrates how public influence affected the outcome
4. Maintains the legitimacy of the project

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

1. Special events
2. Road opening ceremonies
3. Speakers bureau presentations
4. Press releases
5. Working with the contractor to submit or publicize joint awards

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.



DECISIONS, DECISIONS, DECISIONS

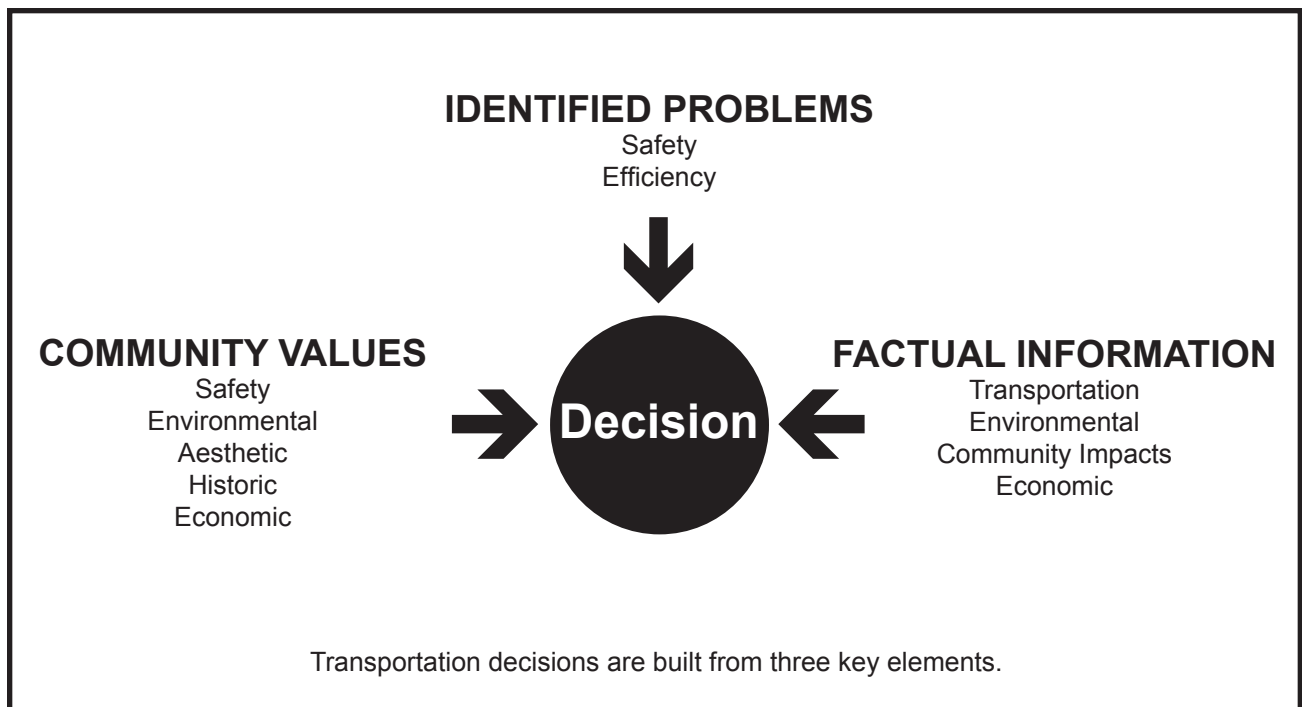
4. DECISIONS, DECISIONS, DECISIONS

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 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.



4.2 Integrating Public Involvement in the Decision 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 that 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 Federal Highway Administration, the Federal Transit Administration, and the public through announcements in the Kansas Register and news releases so that 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 scales 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 at all for some 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 Steps 5 or 6. A project which is funded and authorized for design – but not for construction – may conclude at Step 7. Also, some may be combined or may run concurrently, such as with Steps 4 and 5.

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

TYPICAL MAJOR DECISION POINTS



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

1. Who will make the decision
2. Who will make only recommendations
3. Who will be consulted
4. How recommendations and comments will 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 previously used in the process. This helps the public understand how their involvement relates to the process.

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:

1. Include current and anticipated problems
2. State problems specifically
3. State problems in understandable language
4. Get agreement on the problems
5. Document the 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 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. SAFETEA-LU Section 6002 requires 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, it will help smooth 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 that 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 the range of alternatives to those which 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 & 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 it is 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 SAFETEA-LU, for an 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

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

Qualitative (subjective) criteria

1. Visual look of the improvement or its affects on the ambience of the area
2. Future development and economic impacts
3. Quality of life
4. 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 SAFETEA-LU for an EIS. Here, too, it helps to explain how some of the criteria relate to public concerns that were expressed in prior steps. When stakeholders can have input into and agree on the evaluation criteria, it can help smooth 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 hurtful 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 EIS, SAFETEA-LU requires the lead agencies to 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 tradeoffs can be discussed. **When some of the criteria have been developed from the public involvement process, the public is reassured that 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 earlier and clearly explaining how it is expected to solve the problems. It's helpful to explain how public involvement affected the decision(s) and provide a clear justification for the preferred alternative in the face of diverse opinions expressed about the project.

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 own future, especially if they are personally affected by a project. 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 prior to beginning construction of a new interchange and roundabout at US-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 which 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.**

T*o travel hopefully is a better thing than to arrive.*

Robert Louis Stevenson (1850–1894)



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)	Planning and Development
Project Development (Design)	Engineering and Design
Operations (Build and Maintain)	Operations

Transportation System Planning

This process provides long-range planning on a broad scale, under the guidance of the Strategic Management Plan and the Kansas Long-Range Transportation Plan. It includes priorities identified through Local Consultation. This process also includes monitoring the condition of the State Highway System for such factors as traffic volumes, crash statistics, pavement condition, and design characteristics. 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.

Project Programming (Selection)

This is the process of making decisions about where and how to allocate limited funding resources to maintain, improve, or enhance portions of 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 to prioritize improvement needs. The Project Programming Process is focused on a shorter time frame than Transportation Planning (generally three to ten years) and results in a schedule of specific projects and their scopes matched with

funding.

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.

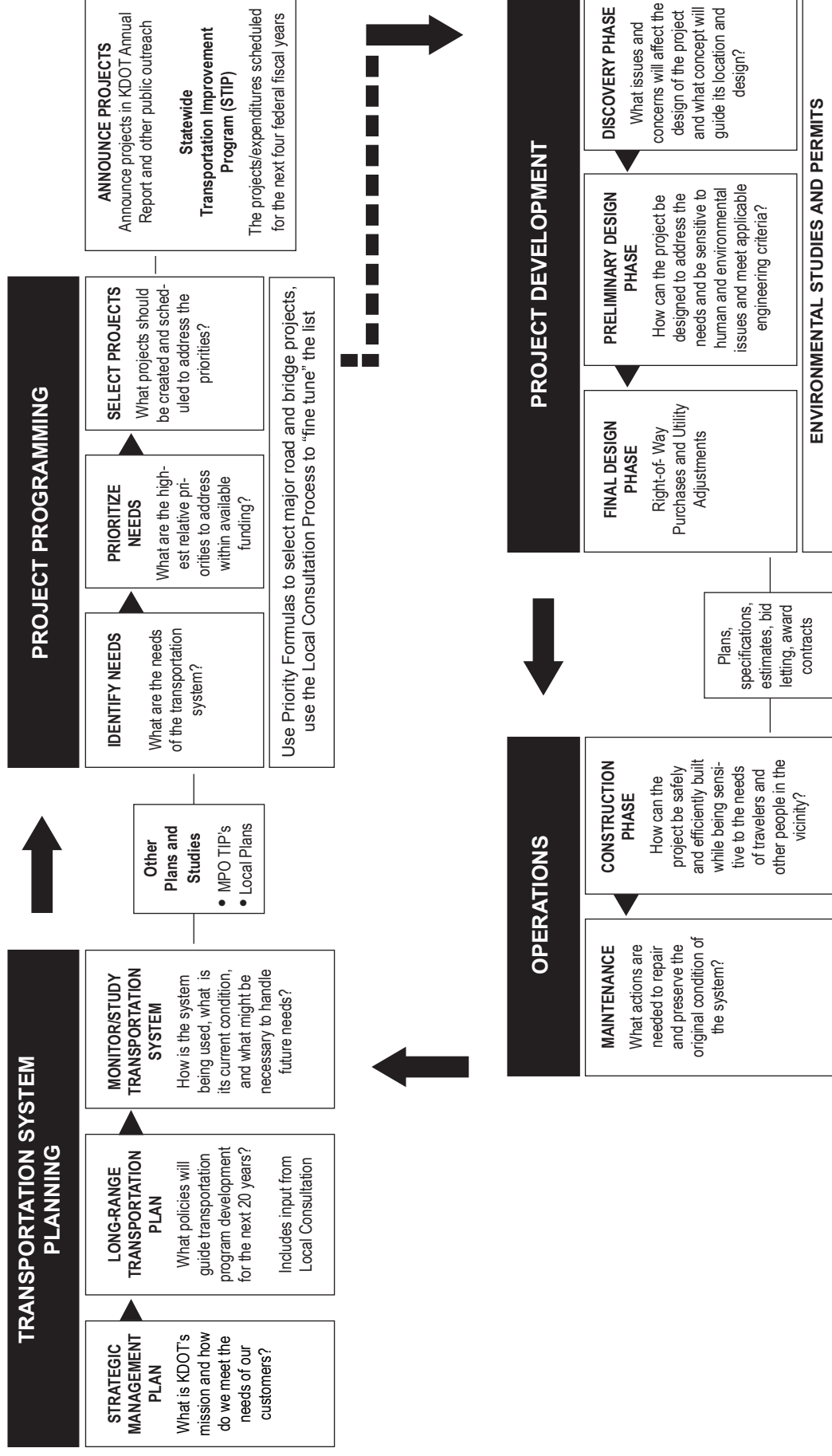
Operations (Build and Maintain)

An improvement is constructed and then maintained throughout its life in the Operations Process. Monitoring the highway system, which is part of the Transportation System Planning Process, occurs concurrently with maintenance since, once completed, the project is subject to many factors that contribute to



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.

T*he 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)



SYSTEM PLANNING AND PROJECT PROGRAMMING

23 CFR 450

6. SYSTEM PLANNING AND PROJECT PROGRAMMING

Transportation System Planning and Project Programming 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 Kansas Long-Range Transportation Plan.

Project Programming is the process of making decisions about where and how to allocate limited funds to maintain, improve, or enhance portions of the highway system.

KDOT's public involvement in key elements of Transportation System Planning and Project Programming is described in the following sections.

6.1 Public Involvement in Planning and Programming

KDOT will include public involvement in its transportation planning and programming processes 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 any 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 and Project Programming look 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, 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. Please refer to the Further Reading for a list of helpful resources.

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* and the *Statewide Transportation Improvement Plan* which are described later in this section.

A. Planning Documents

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

Other documents are available, including:

1. City, county, and state maps
2. Traffic count maps
3. Design Access Control map
4. Functional Classification map
5. Railroad map
6. Reports and long-range studies
7. KDOT Research Reports Catalog
8. Bike and trails information
9. Corridor Management Policy
10. Information on speed limits, traffic signals and beacons
11. Strategic Management Plan
12. Pavement Marking Policy
13. Kansas Rail Plan
14. Kansas Rail Feasibility Study
15. Legislative testimony

B. 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:

1. Statutes
2. Regulations
3. Policies
4. Minutes/Records of open meetings
5. Salaries of public officials
6. Agency budget documents.

1. Personnel records of public employees
2. Records protected by attorney-client privilege
3. Records closed by the rules of evidence
4. Notes and preliminary drafts
5. Engineering and architectural estimates
6. Records that include information which would reveal the location of an archeological 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.

Exceptions to the Open Records Act

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

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.

6.1.4 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.

A. Strategic Management Plan (SMP)

The agency implemented its first Strategic Management Plan in 1996 and it was most recently updated in 2003. 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.

B. Long-Range Transportation Plan (LRTP)

The Kansas 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 over a 20-year planning horizon, rather than list or detail specific projects. 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 of Kansas. In developing the LRTP, KDOT will involve a number of stakeholder groups, advocacy groups, government agencies, the general public, the four Indian Nations in Kansas, 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. A notice will be published in the *Kansas Register*, the official newspaper of Kansas government
2. The draft LRTP will be posted on the KDOT public internet site with instructions and/or a form for submitting public comments.
3. 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.
4. 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.
5. The comment period will be a minimum of 30 days from the date that official notice of the document is published in the *Kansas Register*.
6. 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 the Bureau of Public Involvement and at each District and Area office. Single copies can also be obtained by writing to KDOT.

C. The Statewide Transportation Improvement Program (STIP)

KDOT's Bureau of Program and Project Management in the Division of Planning and Development prepares the STIP to comply with FHWA and Federal Transit Administration requirements for reporting expected expenditures of federal funds. The STIP is categorized into three general sections:

1. Statewide Public Transit Projects
2. Federal Lands Highway Program Projects
3. All street and highway projects administered by KDOT

The list of street and highway projects administered by KDOT include all projects, regardless of funding source, to be administered by KDOT for the current federal fiscal year plus three subsequent years. The STIP also includes descriptions of the project selection process, procedures for developing the STIP, and program financing anticipated for the STIP. The general public and public officials play important roles in identifying several types of projects listed in the STIP.

Public Comment on the STIP

When KDOT develops its STIP the Agency notifies the Federal Highway Administration, the Federal Transit Administration, and the public through announcements in the *Kansas Register* and news releases so that 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. A notice will be published in the *Kansas Register*, the official newspaper of Kansas government
2. The draft STIP will be posted on the KDOT public internet site with contact information for submitting public comments.
3. News releases will be sent to news outlets in the state, announcing that the draft STIP 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.
4. The draft STIP will be mailed to Kansas Metropolitan planning organizations and Area Transit Providers.
5. Copies will be available for public inspection during regular business hours at all District offices with contact information for submitting comments.
6. The comment period will be at least 30 days from the date that official notice of the document is published in the *Kansas Register*.
7. Substantive comments will be considered and responses summarized in the final STIP.

The final STIP will be posted on the KDOT website, mailed to Kansas Metropolitan Planning Organizations and Area Transit Providers, and a copy made available for public inspection at the Bureau of Public Involvement and each District office. Single copies can be obtained by writing to KDOT.

Public Comment on STIP Amendments

The Agency also notifies the Federal Highway Administration, the Federal Transit Administration, and the public about STIP amendments made throughout the year. At a minimum, STIP amendments will be made available for public comment in the following manner:

1. A notice will be published in the *Kansas Register*, the official newspaper of Kansas government.
2. The draft STIP amendment will be posted on the KDOT public internet site.
3. News releases will be sent to news outlets in the state, announcing that a draft STIP amendment 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.
3. The comment period will be at least 14 days from the date that official notice of the document is published in the *Kansas Register*.
4. Substantive comments will be considered and responses summarized in the final STIP amendment.

The final STIP amendment will be posted on the KDOT website and a copy mailed to Kansas Metropolitan Planning Organizations and Area Transit Providers and the Bureau of Public Involvement and each District. In addition to the individual Amendments, a list of all revisions to the STIP will be included with cross-references to each individual Amendment document.

D. 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 three specific planning products. These include a Unified Planning Work Program that identifies transportation planning initiatives on an annual basis, a Long-Range Transportation Plan that has a planning horizon of at least 20 years, 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. **MPOs are also required to have a plan that provides for public involvement in the development of the three planning products.**

The five MPOs in Kansas are:

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

E. Local Government Consultation

The Partnership Project of 2003 identified the importance of involving local officials early and often in planning, project programming, and project development. As a result, KDOT is renewing its efforts to partner with local governments and will implement recommendations which arise from this effort. The local consultation process enhances interaction between KDOT District staff and local officials and includes activities to obtain input from local officials about project programming priorities and scopes. In early 2010, KDOT began the process of documenting the results and benefits of the Local Consultation process and will provide the results for review to the public and FHWA by February 2011.

F. 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 state highway system in the region because it connects them to supplies, jobs, and tourists. Public transportation is also a concern for the tribes, in that there are many tribal members who have only one option for health care, that being the Bureau of Indian Affairs office in Horton.

KDOT consults with the four Kansas tribes in a variety of settings. 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 as any 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 State Transportation Improvement Program.

6.1.5 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 when warranted.

Comments, concerns, and requests for information are documented and responded to as needed. The public corresponds with KDOT on a variety of issues outside of formal public involvement activities, a practice which the agency encourages. Responsibility for record-keeping and responding to correspondence on this informal basis rests with the staff member or office responsible for addressing the issue.

6.1.6 Process for Seeking Out and Considering Needs of Traditionally Underserved Populations

Traditionally underserved populations may include minority and ethnic groups and low-income households, women, children, poorly educated people, 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 these 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 which 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 with some individuals in this population.

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.

6.1.7 Accessibility of Information, Meetings, and Services

A. 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, Bureau of Transportation Information, 700 SW Harrison, 2nd Fl West, Topeka, Kansas, 66603-3754 or phone (785)296-3585 (Voice)/(TTY); or phone toll-free 1-877-550-5368 (voice only) / Hearing Impaired - 711.

B. 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, Bureau of Public Involvement, 700 SW Harrison, 2nd Fl. West, Topeka, Kansas, 66603-3754 or phone (785)296-3585 (Voice)/(TTY); or phone toll-free 1-877-550-5368 (voice only).

*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 the contact.

C. Hearing Impaired Constituents

The Kansas Commission for the Deaf and Hard of Hearing, an office of the Kansas Department of Social and Rehabilitation Services (SRS), can provide a sign language interpreter for KDOT public involvement functions. The interpreter bills KDOT direct and they charge for a minimum of two hours. Interested staff should call the SRS 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 that is 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.

D. 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 potentially affected persons with limited English language proficiency.

For example, public involvement activities for a Location and Design Concept Study for US-50/US-400 between Garden City and Mullinville included a Spanish language interpreter at the public meeting and the printing of a Spanish language version of the study's eight-page information brochure. The interpreter was a staff engineer employed by the study consultant. The Spanish language brochure was prepared by a company subcontracted by the public involvement consultant for the project.

KDOT welcomes everyone, regardless of age, race, color, sex, disability, or national origin to participate in and benefit from its public involvement activities.

6.1.8 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. A notice will be published in the *Kansas Register*, the official newspaper of Kansas government
2. The draft plan will be posted on the KDOT public internet site with instructions and/or a form for submitting public comments.
3. 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.
4. Copies will be available for public inspection during regular business hours at the Bureau of Public Involvement and at all District and Area offices, along with instructions for submitting comments.
5. The comment period will be a minimum of 45 days from the date that official notice is published in the *Kansas Register*.
6. 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 Bureau of Public Involvement and each District and Area office. Single copies can also be obtained by writing to KDOT.

T*here 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)



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 Project Programming Process prioritizes proposed projects and matches them with available or projected funding in order to accomplish the agency's mission. The process uses information gathered during the System Planning process.

7.1 General

KDOT's policy is to select improvements on the basis of objective criteria. A large portion of major road and bridge projects are selected and programmed in the Bureau of Program and Project Management, in the Division of Planning and Development. KDOT submits its Annual Report to the Governor and to each member of the Legislature by the 10th day of the regular session which includes a detailed explanation of the methods or criteria used to select construction projects for improvement. KDOT's Project Programming process and the use of the Priority Formulas closely correlates with Steps 1-6 of the Decision Process described earlier.

The highway improvement program is developed within the broader context of the Kansas Long Range Transportation Plan (LRTP) that includes priorities identified during the Local Consultation process. The LRTP provides a comprehensive analysis of the entire transportation system of Kansas and guides KDOT in determining the overall content of the highway improvement program.

There are a variety of funding programs that can be used to maintain or improve the State 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. KDOT's highway improvement program is generally composed of program categories intended to accomplish one of three goals:

1. Protect the state's investment in transportation infrastructure
2. Improve the service and safety of the existing highway system
3. Enhance the system

Please refer to the KDOT Annual Report for an overview of the most current major funding programs. The Annual Report is available online (www.ksdot.org) or by contacting the Bureau of Transportation Information at 785-296-3585.

7.2 Priority Formulas Key in Major Project Selection

Setting priorities is essential to success, and KDOT uses Priority Formulas to select and prioritize many major construction projects. The formulas help KDOT meet the challenge of making objective decisions about where to spend limited resources and which problems to work on first. They also give the public confidence that needs across the state are being treated fairly and their tax dollars are being spent on the most critical road projects.

KDOT implemented two Priority Formulas in 1986: one for roads and one for bridges. Later, the formula for roads was split into an **Interstate Priority Formula** and a **Non-Interstate Priority Formula**, which, with the **Bridge Priority Formula**, constitute the three Priority Formulas used today. The formulas were used in 1989 and subsequent years to help identify, prioritize and select road and bridge projects for the FY 1990-1999 Comprehensive Highway and Interim Programs. They were used again for the FY 2000-2009 Comprehensive Transportation Program.

Several important planning and policy efforts - including development of the statewide Kansas Long Range Transportation Plan (LRTP) in 2007/8 and the subsequent creation of the T-LINK Task Force in mid-2008 - have helped KDOT set a policy direction

for choosing transportation projects that is built on the lessons learned from the Comprehensive Transportation Program era. KDOT has developed an expanded process for selecting highway projects that is responsive to the direction set in the LRTP and by the T-LINK Task Force.

Under the new process - which is still evolving - a numeric score is calculated for every proposed project. Scores are based on how well a project addresses relevant criteria, such as engineering needs, regional priorities identified at local consult sessions across the state and support for economic development.

The new priority formula focuses on three project types:

1. Preservation
2. Modernization
3. Expansion

This simplified three-part structure helps KDOT move away from the hard-to-understand array of project categories that evolved over the lifetime of the CHP and the CTP. It provides a foundation for the expanded project selection process, which KDOT has pilot tested as part of the agency's 2009 Local Consult meetings.

An Agency white paper on the revised selection process is available at kansastlink.com.

7.2.1 How the Programming Process Works for Road Projects

The Non-interstate Priority Formula is the most complex of the priority formulas. It is used to prioritize many major improvements on non-interstate roads. There are four major steps in the selection process:

1. Identify road sections in need of improvement to bring them up to current engineering criteria
2. Prioritize the road sections based on need scores generated by the Priority Formula. Road sections most in need of improvement have the highest priority.
3. Create candidate projects to address the needs, with preliminary scopes of improvement and cost estimates. The preliminary scopes may be refined later during Project Development.
4. From the list of candidate projects, select and program projects within the limits of available funding. The program of projects can't exceed available state and projected federal funding.

7.2.2 How the Priority Formulas Reflect Public Concerns

A variety of safety issues may be addressed in virtually every project 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:

1. The numbers of accidents along certain roads or at specific locations
2. Perceived risks in the presence of congested traffic
3. 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 comprise an attribute called “**Driver’s Exposure to Risk.**” When combined, they comprise about 70 percent 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:

1. Narrow structures (bridges, culverts, etc.) per mile
2. Shoulder width
3. Lane width
4. Substandard sight distance per mile
5. Substandard horizontal curves per mile (tight curves)
6. 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.

1. Roughness
2. Pavement structural condition
3. Pavement surface condition

Adjustment Factors

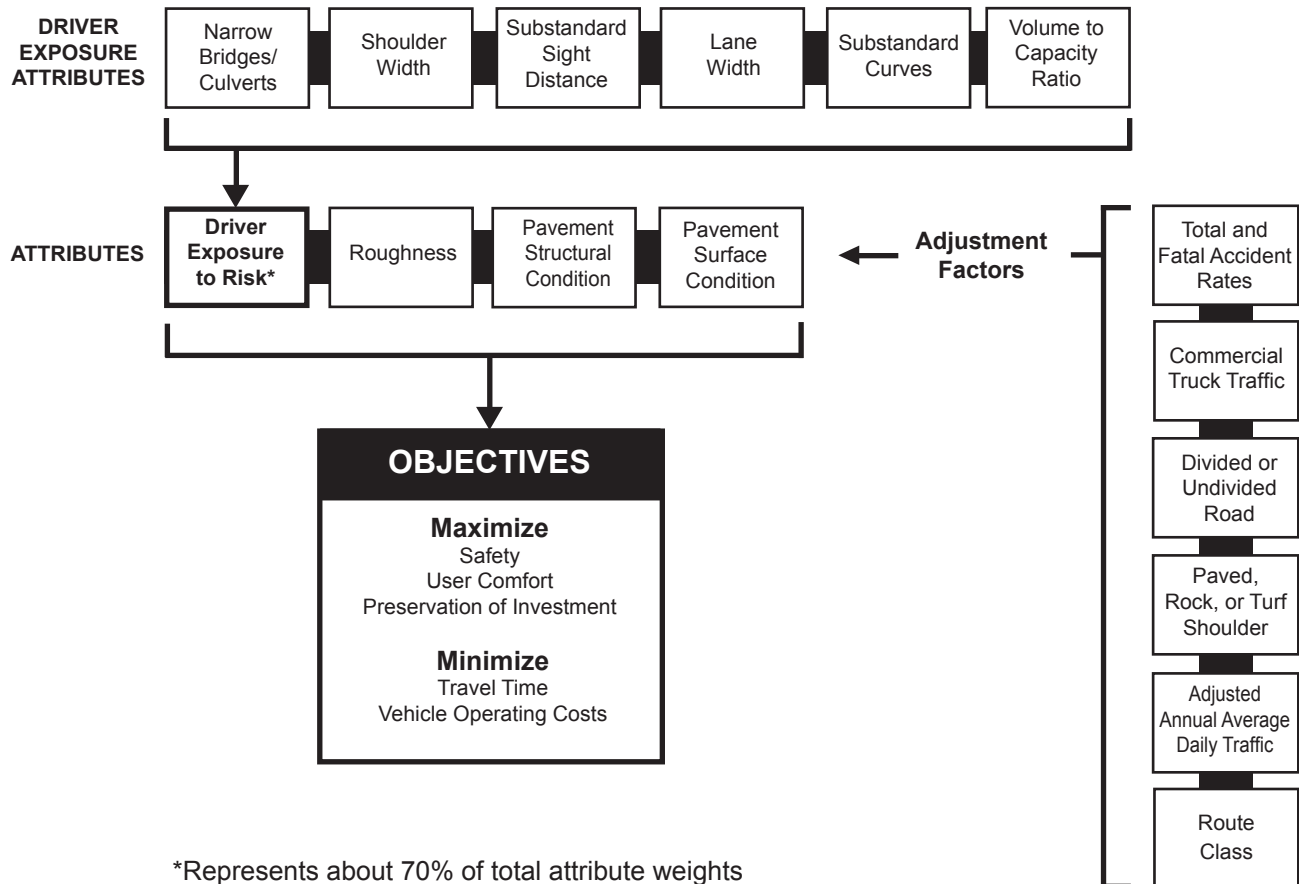
Accident Rate is also among the public’s safety concerns and is included in the Priority Formulas as Adjustment Factors. The Adjustment Factors, which affect the Attributes, are:

1. Total and Fatal Accident Rates
2. Route Class
3. Total Average Annual Daily Traffic
4. Type of Shoulder
5. Divided or Undivided Road
6. Average Annual Daily Commercial Truck Traffic

So, while the public is not directly involved in decisions for prioritizing certain major modification projects, public concerns are among the factors taken into account in the Priority Formulas.



Attributes and Objectives for the Non-interstate Priority Formula




The Local Consultation process, a means to involve local officials in the planning process (see page 43), will be used in conjunction with the Priority Formula to enhance KDOT's decisions about programming major projects.

7.3 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 which have not yet been programmed.

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 which 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.

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.

The development of many of the major road and bridge projects falls under the direction of the Division of Engineering and Design, in either the Bureau of Design or the Bureau of Local Projects. The Bureau of Design prepares the preliminary and final design plans for the construction and rehabilitation of roads and bridges on the State Highway System. Railroad crossing improvement projects are also handled in the Bureau of Design.

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, which are typically identified locally, is normally the responsibility of the local 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 when questions arise about public involvement requirements during project development.



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 which 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 typically 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 EA or 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, Section 6002 requires participating agencies and the public to be 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 in which the improvements will be located. They supply the elevations and locations of such things as creeks, ravines, structures, 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, 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 held with potentially affected property owners when right-of-way needs are more clearly known.

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 essentially complete and the project enters into 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 held 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

SAFETEA-LU Section 6002 establishes definitions and roles of participating agencies and collaborating agencies when a project involves an 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 include, but are not limited to:

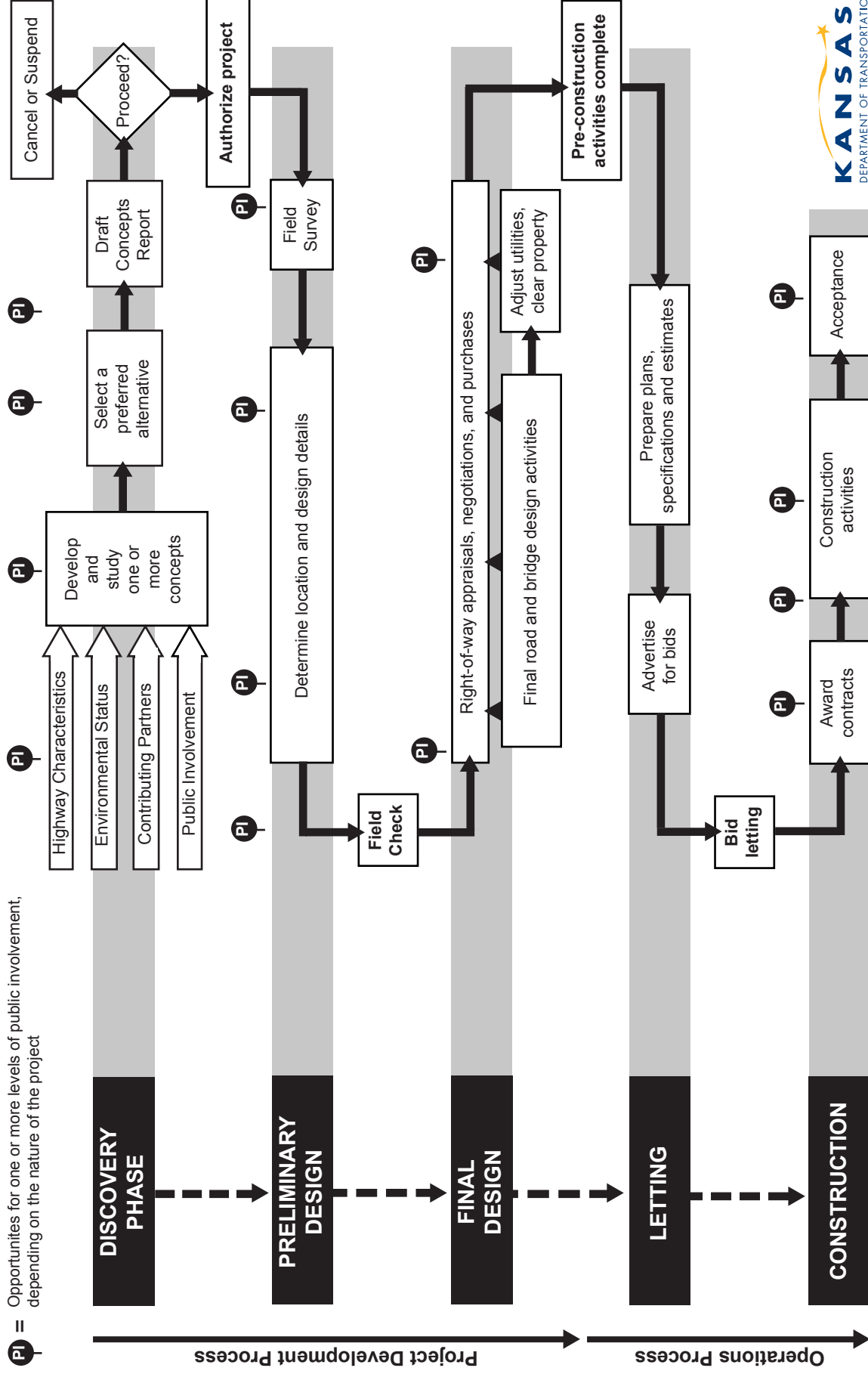
1. U.S. Department of the Interior and branches
2. U.S. Department of Agriculture
3. U.S. Army Corps of Engineers
4. U.S. Coast Guard (for navigable streams)
5. Federal Highway Administration
6. Environmental Protection Agency
7. Kansas Department of Health and Environment
8. Kansas State Historical Society
9. Kansas Department of Wildlife and Parks
10. Kansas Department of Agriculture - Division of Water Resources
11. Kansas Biological Survey
12. Kansas Corporation Commission

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.

TYPICAL PROJECT PHASES*

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



8.3 Context-Sensitive Design/Context Sensitive Solutions

The joining of project development with public involvement is demonstrated by the Context Sensitive Design/Context Sensitive Solutions (CSD/CSS) initiative of the late 1990's. It integrates public involvement and environmental sensitivity into project development. KDOT supports CSD/CSS as defined by the American Association of State Highway and Transportation Officials (AASHTO): "A collaborative, interdisciplinary approach that involves stakeholders in developing a transportation facility that fits the physical setting and preserves scenic, historic, and environmental resources, while maintaining safety and mobility."

The CSD/CSS concept is crafted during the Discovery Phase of the Project Development Process. The design occurs during the Preliminary and Final Design phases. It is implemented during the Operations Process.

The CSD/CSS concept at KDOT is characterized by any of the following:

1. Communication with stakeholders is open, honest, early, and frequent.
2. The project development process is tailored to the circumstances and employs a process that examines one or more alternatives and that results in informed consent on approaches.
3. Public involvement is sought and considered in the process.
4. The project team seeks to understand the landscape, the community, and valued resources before beginning preliminary design.
5. A variety of stakeholders are involved in the scoping phase. The project purpose and need is clearly articulated and informed consent is sought on the scope before proceeding.*
6. The public involvement process is tailored to the project.
7. A variety of tools is used to communicate about the project alternatives.
8. Top agency officials and local leaders are committed to the process.

Consistent with the definition and intent of CSD/CSS, KDOT will continue to emphasize the importance of informing and involving the public regarding our priorities and programs and during the development of transportation improvement projects.

* Consistent with CSD/CSS and SAFETEA-LU Section 6002, developing the purpose and need for an EIS is also a collaborative effort between KDOT, participating agencies, and the public.



8.4 Public Involvement Guidelines

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

8.4.1 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. More information about public involvement tools and techniques can be found in the references section of this document.

Two of the most widely known public involvement tools are a public meeting and a public hearing.

Two of the most widely known public involvement tools are a public meeting and a public hearing. Public hearings and meetings are held 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 held 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.

8.4.2 Public hearings or opportunities for public hearings

A. Public hearings

Public hearings are held to 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 that 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) [are] to be held by the State highway agency at a convenient time and place for any Federal-aid project which:

1. Requires significant amounts of right-of-way
2. Substantially changes the layout or functions of connecting roadways or of the facility being improved
3. Has a substantial adverse impact on abutting property
4. Otherwise has a significant social, economic, environmental or other effect, or
5. For which the FHWA determines that a public hearing is 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 if a public hearing may be required.

The project may be of such public interest that the project team may waive offering the opportunity for a public hearing and schedule a public hearing instead. If the opportunity for a public hearing has been offered, a public hearing shall be held upon receipt of written request(s). 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). In that case, the public hearing also may be deemed unnecessary.

B. Public meetings

Public meetings aren't used to fulfill regulatory requirements. They don't have regulatory requirements for notifying the public, information offered at the meeting, submission of a transcript, or certifying that the meeting was held or that the opportunity for a meeting was offered. Public meetings may be held 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(s). If requests are not received, the meeting may be deemed unnecessary. In some cases, the request(s) 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). In that case, the public meeting also may be deemed unnecessary.

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.

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 hearing and a public meeting can have the same format. KDOT's typical format is the widely accepted open house. The open house format is most likely to achieve the greatest number of KDOT's objectives for public meetings and public hearings, which are:

1. Include all potentially affected stakeholders
2. Make meetings timely with respect to the decision-making process
3. Conduct meetings at a convenient time and of reasonable duration for people to attend at their convenience
4. Hold the meetings at a convenient location with ADA accessible facilities
5. Receive a wide variety of comments concerning a broad range of issues from a diverse group of constituents
6. Provide convenient ways for people to submit comments during and after the meeting
7. Provide opportunities for people to learn about the project and underlying concepts
8. Discourage divisive, adversarial confrontations
9. Maximize opportunities to serve individuals, businesses, and families in addressing their specific situations
10. Maximize the benefits for the project development process
11. Create or enhance long-lasting relationships with the public

Both public meetings and public hearings are held 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.

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Animated roundabout videos, CORSIM and VISSIM traffic flow models, and artists renderings of major bridges like the Amelia Earhart Bridge in Atchison have been successfully used at public meetings to help people visualize proposed improvements.

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.

8.4.3 Notice of a public hearing or the opportunity for a public hearing

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

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 of a public meeting or hearing should be provided about 10 to 15 days prior to a hearing or meeting and no less than one week prior to the event, unless a public hearing notice is combined with a notice of availability of an EA or DEIS.

If the notice of availability of the EA or 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, if one is held.

Two notices are preferred, with the second notice several days prior to the event. Remember that news coverage in rural areas may not be as timely as in urban areas and that newspapers may be published only 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.

1. 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.

2. 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 occurs in more than one county, then a news release should be sent to adjacent county media outlets. News media coverage varies considerably around the state, so staff should think broadly in assuring that the event is sufficiently publicized. It is better to send news releases to too many news outlets than to not enough. The project team may wish to follow up with telephone calls or e-mails 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.

Generally, notice of a public meeting or hearing should be provided about 10 to 15 days prior to a hearing or meeting and no less than one week prior to the event.

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

3. Paid space

Purchasing space for the hearing/meeting notice in the official and/or most widely circulated newspaper in the project region should be considered. Purchased space in widely read newspapers can be especially effective in densely populated areas where reaching large populations can be difficult.

4. Notifying public officials about public meetings and public 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 professional staff and local, state, and federal elected officials. Law enforcement and emergency services officials, economic development or tourism officials, and school officials should also be considered, depending on the circumstances. Letters or phone calls are appropriate forms of notification, depending on the circumstances, although letters are preferred.

5. 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.

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.

6. Other

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

1. Direct mailings to a project mailing list and/or potentially affected property owners
2. Posters
3. Flyers stuffed in mailboxes or sent via school handouts
4. Temporary signs
5. Telephone calls
6. E-mail
7. KDOT, project, or local website(s)
8. Paid advertisements in newspapers and magazines and on radio and television

B. Content of the notice

1. Public hearing

Regulations require a public hearing notice to indicate the availability of explanatory information and to provide information required to comply with public involvement laws, Executive Orders, and regulations. When a public hearing is held for an EA or DEIS, the notice is required to announce the availability of the EA or DEIS and where it can be obtained or reviewed. In addition, when the notice concerns a DEIS, it is required to include a request for public comments. This request for comments is not specifically required for an EA, but it is good practice.

2. Public meeting

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

3. 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. When published for an EA or DEIS, the availability of the 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, if comments are solicited for a public meeting

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

4. Required accessibility statements

Public hearing and public 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 prior to the meeting. Requests may be addressed to the Kansas Department of Transportation, Bureau of Transportation Information, 700 SW Harrison, 2nd Fl. West, Topeka, KS 66603-3754 or phone (785)296-3585 (Voice)/(TTY) or toll-free 1-877-550-5368.

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 prior to the meeting. Requests may be addressed to the Kansas Department of Transportation, Bureau of Transportation Information, 700 SW Harrison, 2nd Fl. West, Topeka, KS 66603-3754 or phone (785)296-3585 (Voice)/(TTY) or toll-free 1-877-550-5368.

*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.



8.4.4 Information at a public hearing/meeting

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

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

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 which 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.

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:

1. Letters legibly hand-written, typed, or word-processed
2. Fax
3. E-mail or attachment to an e-mail
4. KDOT comment forms provided at a public meeting or public hearing, or duplicates of same
5. Internet comment forms from an official project authority web site
6. Transcriptions by a court reporter of oral comments received during a public meeting or public hearing
7. Recordings on audiotape, digital, videotape, CD, DVD, or subsequent electronic recording formats which may become available
8. Supporting documents, such as photographs, illustrations, or maps that are included with the comments
9. Petitions

Telephone calls, voice mail messages, or verbal discussions 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.

1. 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, emailed, or faxed on or before the 10th 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.

2. Announcing comment periods

Whenever a request for comments is announced, whether a public hearing or public meeting 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(s),
2. During the meeting, in the form of a tabletop or stand-alone display, and
3. On official comment forms available during the meeting.

3. Comment forms

An official comment form should be provided for written comments during the public meeting or public 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 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.

4. 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.

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Comments received by a certified shorthand reporter 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.

Audio and video tapes have also been successfully used instead of a CSR. 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 or members of the project team are not included in hearing transcripts or in the record of a public meeting.

5. 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 poorly 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.

6. 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 comments 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 FEIS. 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.

7. 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, e-mails, 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

numbers of 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.

8. Guest registration forms

Guest registration sheets are normally provided for visitors to sign in, 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.

8.5 Transcripts of public hearings and certifications that a required hearing or opportunity was offered

8.5.1 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.

8.5.2 Public meeting records

Records of a public meeting should include if appropriate, 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.

8.6 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 program. 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.

8.6.1 CLASS I

This Class of Action includes actions that significantly affect the environment and **require an Environmental Impact Statement (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.

8.6.2 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 which 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.

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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. Ridesharing activities.
12. Freeway surveillance and control systems.

8.6.3 CLASS II-Type B

Includes actions that may be designated as a **Categorical Exclusion (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 which 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 which does not provide a change in access to an area and which 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 which 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.

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Class II actions which 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.

8.6.4 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 Environmental Impact Statement. FHWA review and approval is required for an EA and FONSI.



8.6.5 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 (which 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 held by the State highway agency at a convenient time and place for any Federal-aid project which:

- 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 that a public hearing is in the public interest.”

8.6.6 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 which demand that 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 held or the opportunity offered for one, 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 which 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 which indicate that 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 which require acquisition of right of way, changes in access, or have shown past public interest. Of particular note are types of projects which involve:

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. Reconstruction of an existing highway, or construction of any new rural highway which does not provide a change in access to an area and which 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 where 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)

———— Continued on next page ————

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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 where 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 where 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 which 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.



8.7 Printing, Availability, & Circulation of EA, DEIS, or FEIS

8.7.1 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 which 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.

8.7.2 Notice of availability

The notice of availability of the document, whether a public hearing is held 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.

8.7.3 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; and
3. States and Federal land management entities which 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 Design, 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.

————— *Continued on next page* —————

8.7.4 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 in advance of the public hearing.

8.7.5 Announcing a FONSI or ROD

A Finding of No Significant Impact (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 Record of Decision (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) from Gwendolyn, in
The Importance of Being Earnest, act 3



THE OPERATIONS PROCESS

(Build and Maintain)

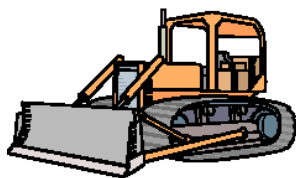
9. The Operations Process

State Highway System improvements are constructed and maintained during the Operations process. This corresponds to the final two steps in the Decision-Making Process. The Division of Operations is responsible for coordinating annual construction and maintenance programs for the State Highway System. The division's work includes preparing project specifications and estimates, bid lettings, project construction inspection and administration, maintenance activities, materials testing, research, signing, traffic control, and access management.

Detailed construction specifications and estimates are prepared by the Bureau of Construction and Maintenance. Bid lettings are held 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

9.2 Public Meetings

Depending on the nature of the project, pre-construction or maintenance public meetings or small-group meetings with interested groups can be very helpful. The project team should also be prepared to address unforeseen concerns that may arise during construction that may require rapid intervention, public appearances, or additional public meetings. Public meetings for construction and maintenance activities are normally initiated and handled by the District staff, such as the District Engineer, Area Engineer, and the Public or Community Affairs Manager. Other staff, such as from the Road Design Office, 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:

———— Continued on next page ————

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 which 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)

9.3 Talking about the outcome of the 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. After the project is complete is the time to talk about it and celebrate its success. 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 a formal ceremony is not held, 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.**

Some projects may also need to have a concentrated educational effort to help people adapt to the changes. For instance, a new roundabout in an area where drivers may be unfamiliar with such an improvement may warrant community education.

9.4 Maintenance Activities

Maintenance activities are intended to keep the State Highway System in its “as-built” condition; that is, having the safety, comfort, and efficiency of a newly completed improvement. This can involve pavement repair, shoulder work, mill and overlay, bridge repairs, snow and ice removal, mowing, striping, and sign installation. Maintenance activities are opportunities to inform the public before and during situations which may require detours or travel delays, although a public meeting often isn’t needed.

Area Engineers, District Public Affairs and Community Affairs Managers, and interested sub-area supervisors can all help inform or involve the public concerning maintenance activities. Maintenance personnel are typically mindful of special community events which may be affected by temporary road or bridge closures. Nevertheless, close coordination with local officials or groups can help minimize or avoid situations which are detrimental to good community relationships.

9.5 Bureau of Transportation Safety and Technology

Traffic engineering is handled by the Bureau of Traffic Engineering in the Division of Operations. Traffic engineers are responsible for controlling the flow of traffic on the State Highway System using such traffic control devices as pavement markings, signing, traffic signals, lighting, intersection design, or access control. The public is especially concerned about intersection safety, speed limits, signing, and traffic signals. The concepts used to develop traffic engineering safety recommendations are 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 District Public or Community 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.

9.5.1 Corridor Management

Corridor management is handled by the Districts and the Bureau of Transportation Planning. The purpose of KDOT's Corridor Management Policy is to assist local governments, KDOT staff, Metropolitan Planning Organizations (MPO's), architects, consulting engineers, contractors, developers, and the general public with the criteria and procedures necessary to obtain reasonable access to abutting properties while maintaining safety and efficiency in the movement of people and goods on the State Highway System. The policy helps establish consistency in KDOT's management of transportation corridors. Highway access points (intersections, driveway entrances, etc.) can be opportunities for vehicle conflicts. Using corridor management, vehicle conflicts can be minimized, safety and traffic operations can be improved, delays reduced, and major capital expenditures postponed or eliminated.

9.5.2 Corridor Management Studies

Corridor Management Studies are conducted to:

1. Identify access locations and the required street network that will support future growth along a corridor for both the immediate and future fully- developed condition
2. Identify locations where access points should be consolidated or removed due to safety concerns
3. Determine right of way needed for future geometric improvements along a corridor
4. Preserve future access areas by limiting the location of utilities too close to possible intersections and possible future roadway expansions.

Public involvement can play an important role in corridor management studies. Access is an issue that concerns not only communities, but individual property owners, developers, and businesses. The long-term viability of future corridor management solutions can be strengthened by solid public involvement in their development. The Corridor Management Engineer would normally be the project manager and the project team should include the Area Engineer and District Public or Community Affairs Manager.

When corridor management studies are conducted by local governments under KDOT auspices, public involvement should be included in the study plan as appropriate.

■

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 community affairs managers, and Traffic Safety staff have successfully used community advisory groups to help sort through driver safety issues.

FURTHER READING

Further Reading

1. *Communication, the Key to Success: KDOT Public Involvement Plan*, Kansas Department of Transportation, October 1997.
2. International Association for Public Participation website, <http://www.iap2.org/>
3. Neuman, T.R., M. Schwartz, L. Clark, J. Bednar, *A Guide to Best Practices for Achieving Context-Sensitive Solutions*, National Cooperative Highway Research Program Report 480, Transportation Research Board, Washington, D.C. 2002.
4. *Public Involvement Techniques for Transportation Decision-making*, Federal Highway Administration and Federal Transit Administration, September 1996.
5. Smith, Steven A., *Guidebook for Transportation Corridor Studies: A Process for Effective Decision Making*, National Cooperative Highway Research Program Report 435, Transportation Research Board, National Academy Press, Washington, D.C. 1999.
6. *Tools, Techniques, and Timing: A Public Involvement Handbook*, Kansas Department of Transportation, October 1997.



APPENDICES

Appendix A

National Environmental Policy Act (NEPA)

The National Environmental Policy Act of 1969 (NEPA) was signed into law on January 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 the National Environmental Policy Act (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 Federal Highway Administration (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>

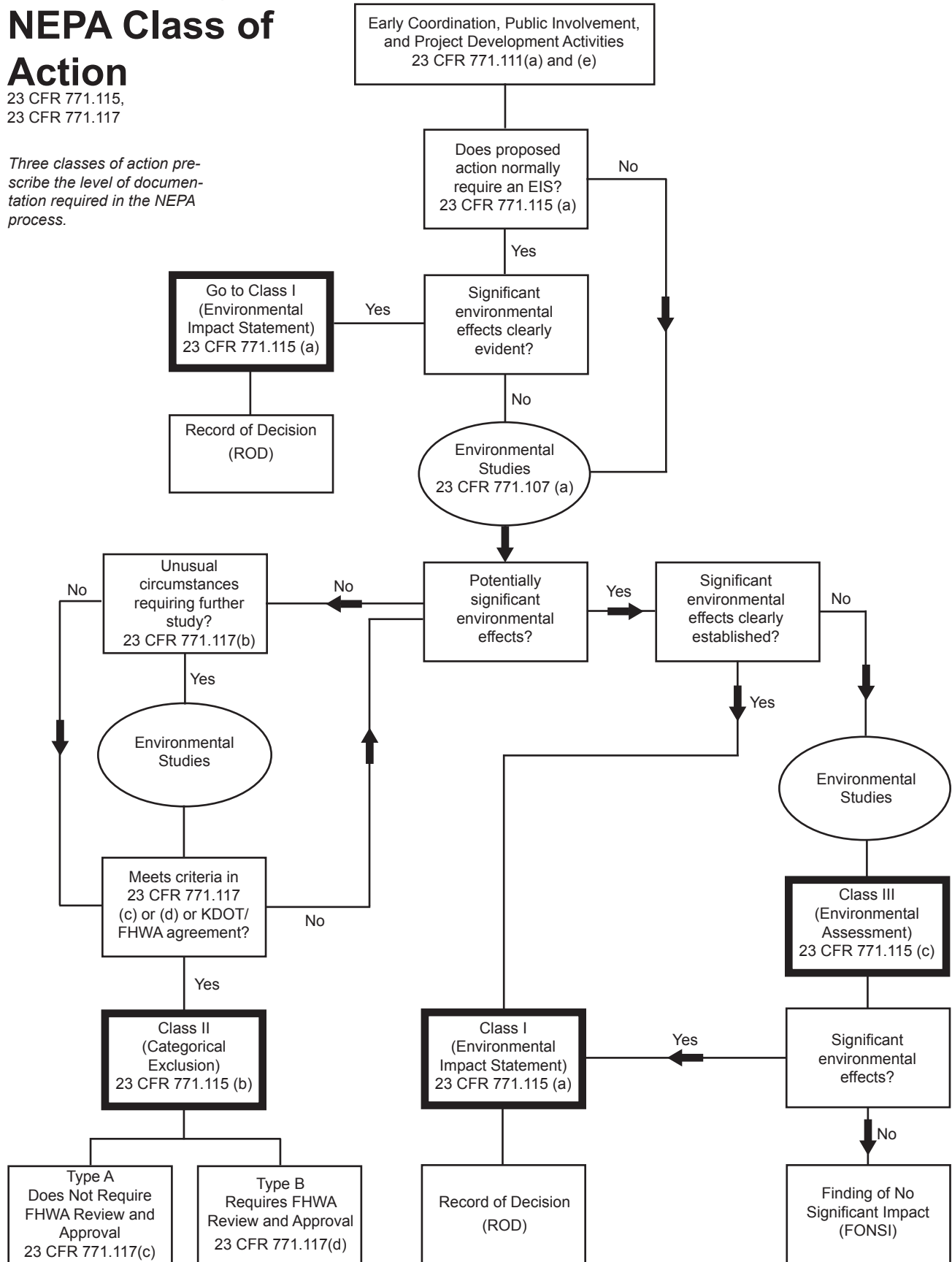
Appendix B

NEPA Process Flow Charts

Determining NEPA Class of Action

23 CFR 771.115,
23 CFR 771.117

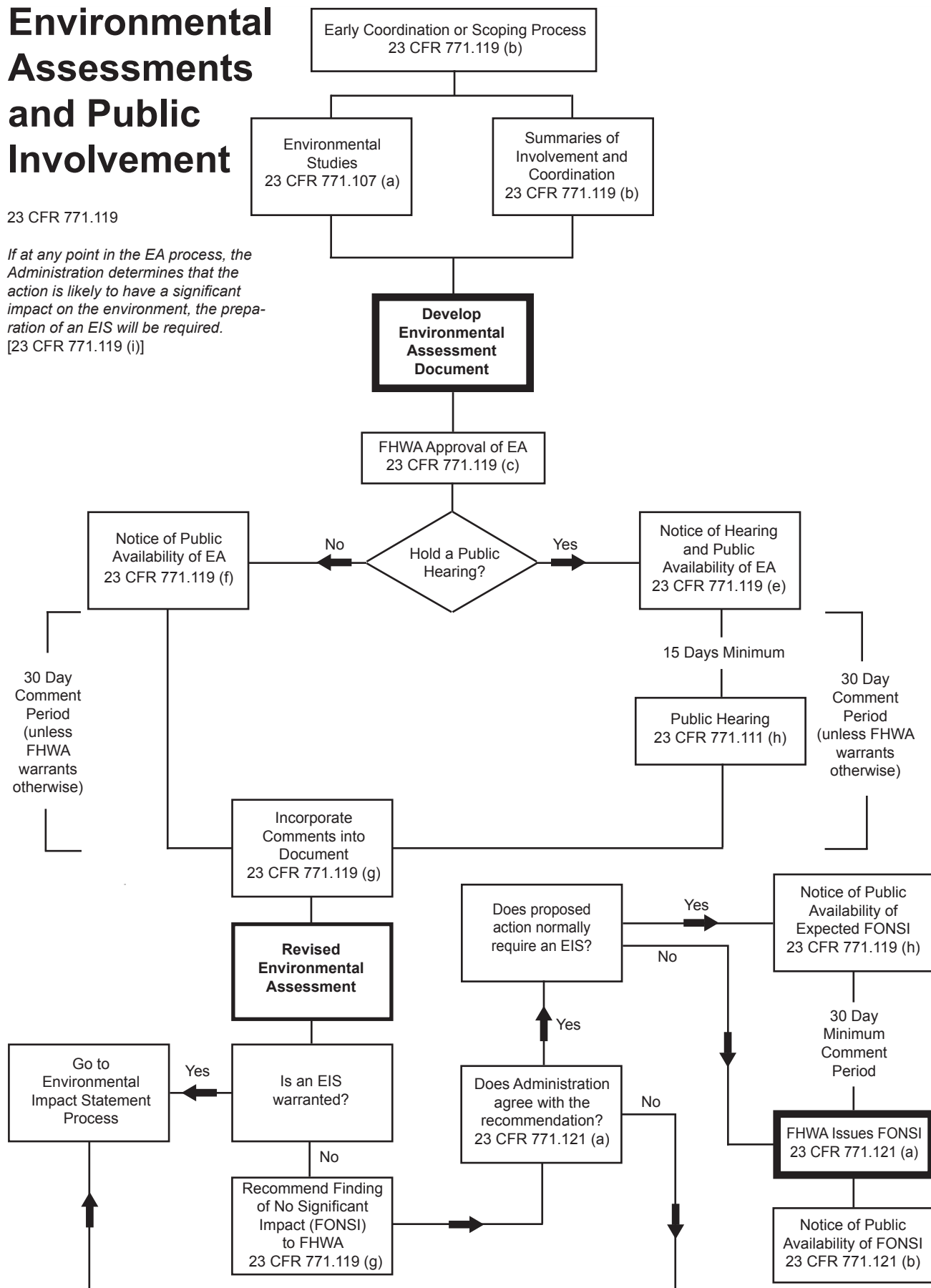
Three classes of action pre-
scribe the level of documen-
tation required in the NEPA
process.



Environmental Assessments and Public Involvement

23 CFR 771.119

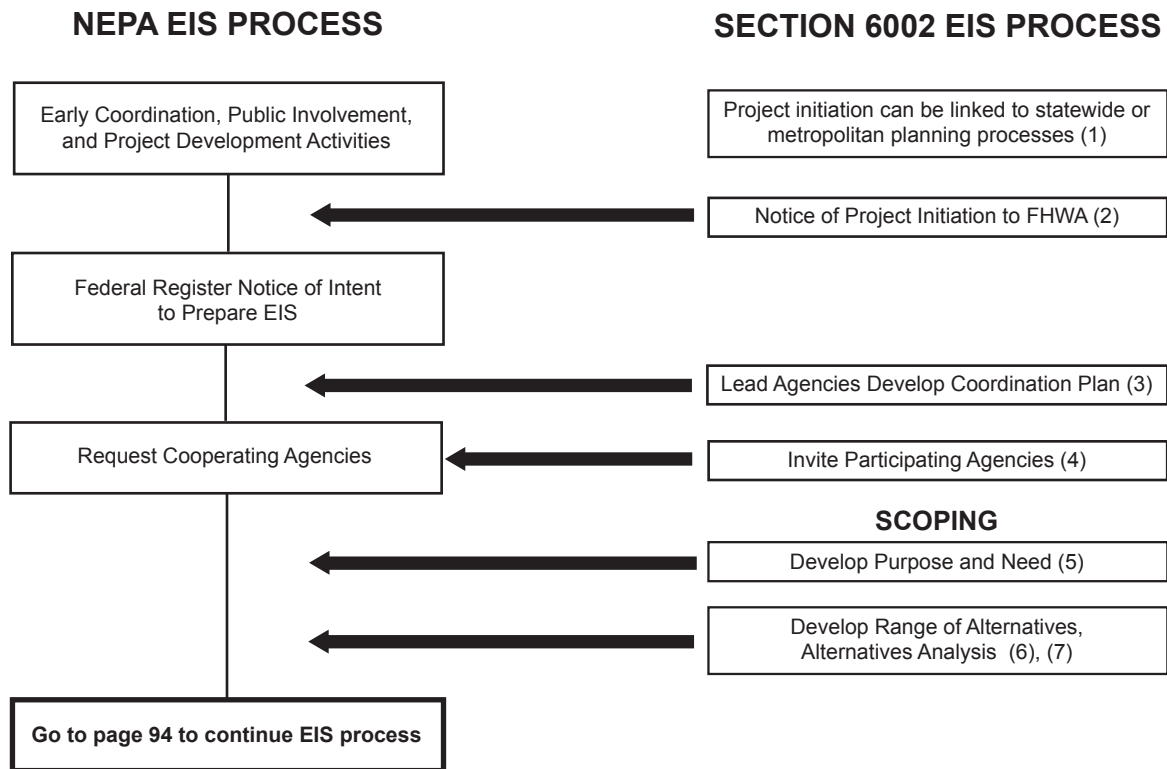
If at any point in the EA process, the Administration determines that the action is likely to have a significant impact on the environment, the preparation of an EIS will be required.
[23 CFR 771.119 (i)]



Environmental Impact Statements (EIS) and Public Involvement

23 CFR 771.123, 23 CFR 771.125, 23 CFR 771.127, SAFETEA-LU Section 6002 and Final Guidance

SAFETEA-LU Section 6002 establishes an environmental review process for projects developed as an EIS for which the Federal Register Notice of Intent was published after August 10, 2005. It provides for enhanced opportunities for coordination with the public and with federal, state, local, and tribal government agencies early in the project development process. **Project teams should refer to the Section 6002 Final Guidance for details.**



(1) See Final Guidance Questions 4, 11-13, and 35.

(2) KDOT sends notice to FHWA Regional Administrator. **(Final Guidance Questions 11 and 12)**

(3) The Lead Agencies may elect to include Participating Agencies in developing the Coordination Plan. If not included at this stage, input from Participating Agencies can be used to amend the Plan after it is developed. **(Final Guidance Questions 14 - 20, 47 - 59)**

(4) Participating Agencies includes Cooperating Agencies. **(Final Guidance Questions 21 - 31)**

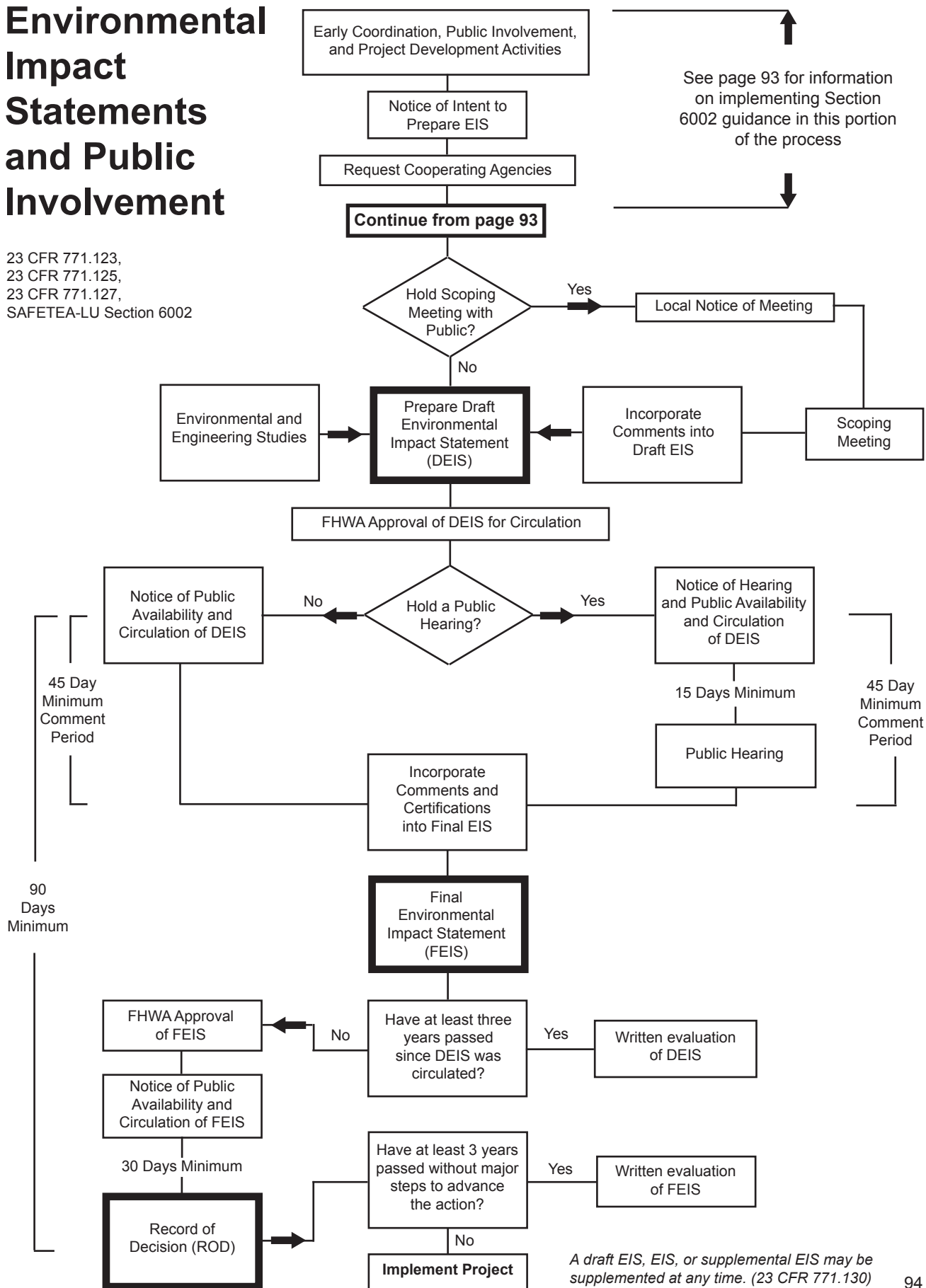
(5) Section 6002 requires an opportunity for Participating Agencies and the public to be involved in defining the project Purpose and Need. **(Final Guidance Questions 32 - 35)**

(6) Section 6002 requires an opportunity for Participating Agencies and the public to be involved in defining the range of alternatives. **(Final Guidance Questions 36 - 37)**

(7) Lead agencies must work cooperatively and interactively with relevant Participating Agencies on the methodology and level of detail to be used in a particular analysis. Lead agencies should use the scoping process as outlined in 40 CFR 1501.7 to solicit public and agency input on methodologies and to reach closure on what methodologies will be used to evaluate important issues. **(Final Guidance Question 38).** 40 CFR 1501.7 defines the scoping process as “an early and open process for determining the scope of issues to be addressed and for identifying the the significant issues related to a proposed action.”

Environmental Impact Statements and Public Involvement

23 CFR 771.123,
23 CFR 771.125,
23 CFR 771.127,
SAFETEA-LU Section 6002



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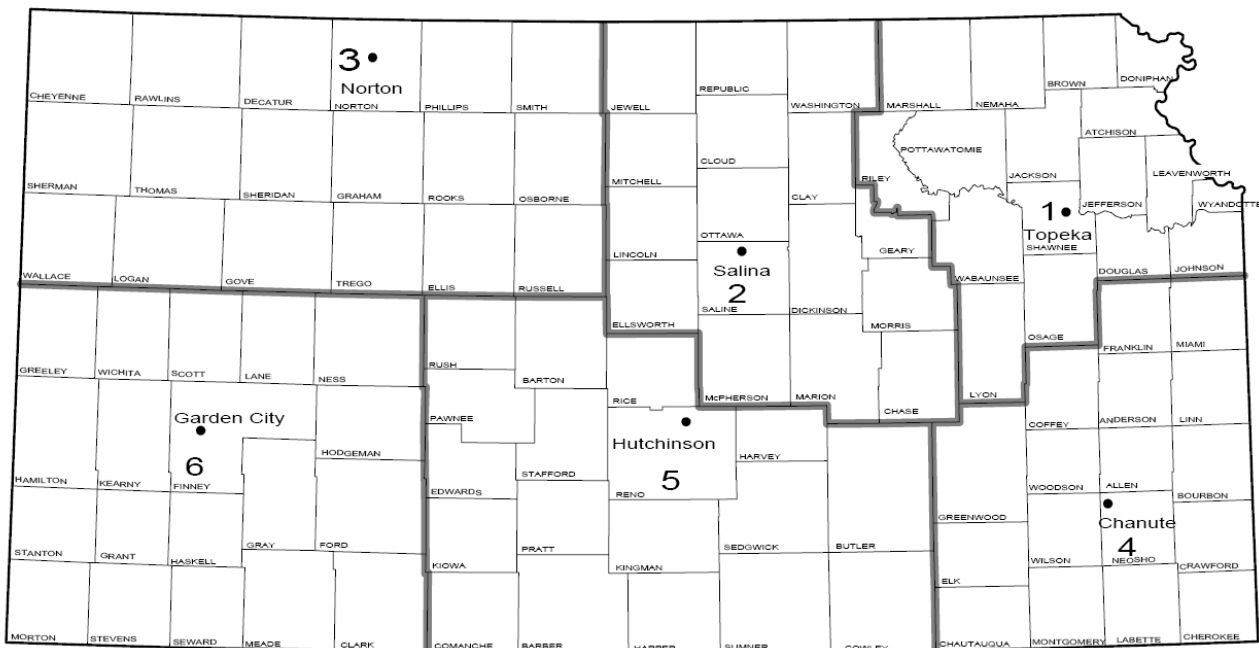
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