

Unified Public Engagement Process  
for  
Public Involvement and Local Official  
Consultation

North Carolina Department of Transportation



**August 26, 2011**



# Contents#

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|   |    |
|---|----|
| Acronyms and Abbreviations .....  | v  |
| 1 Introduction .....  | 1  |
| 1.1 Federal Requirements (Federal Regulations and Executive Orders) .....                         | 2  |
| 1.2 Procedures for Public Review and Comment.....   | 5  |
| 2 North Carolina Department of Transportation Public Involvement Goals.....                       | 7  |
| 3 Statewide, Metropolitan, and Non-Metropolitan Transportation Planning .....                     | 9  |
| 3.1 Statewide Transportation Planning.....  | 9  |
| 3.2 Metropolitan Transportation Planning .....  | 14 |
| 3.3 Non-Metropolitan Planning (Comprehensive Transportation Planning).....                        | 17 |
| 4 Project Programming (Project Prioritization/Statewide Transportation Improvement Program) ..... | 21 |
| 4.1 Strategic Prioritization Process .....  | 22 |
| 4.2 Statewide Transportation Improvement Program Preparation .....                                | 23 |
| 5. Project Development .....  | 27 |
| 5.1 Regulatory Requirements for Public Involvement in Project Development.....                    | 27 |
| 5.2 Public and Agency Involvement in Project Development.....                                     | 31 |
| 6 State Rail Plan Public Involvement .....  | 35 |
| 7 Evaluating Public Involvement Processes.....  | 37 |

## Figures

|   |    |
|---|----|
| 1. Comprehensive Transportation Planning Process .....                | 18 |
| 2. Transportation Reform Calendar .....                               | 21 |
| 3. State Transportation Improvement Program Development Process ..... | 24 |

## Appendices

- A. Analysis of Current North Carolina Department of Transportation Public Involvement Practices
- B. Federal Requirements for Public Engagement
- C. Summary of Best Practices and Tools for Public Participation in Comprehensive Transportation Planning and Project Development Comprehensive Technical Memorandum (October 2009)
- D. Summary of the UPEP Public Survey and Comments#



# Acronyms and Abbreviations

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|            |  |
|------------|--|
| BOT        | Board of Transportation  |
| CEQ        | Council on Environmental Quality   |
| CFR        | Code of Federal Regulations  |
| CTP        | Comprehensive Transportation Plan  |
| EA         | Environmental assessment   |
| EIS        | Environmental Impact Statement   |
| EPA        | Environmental Protection Agency  |
| FHWA       | Federal Highway Administration   |
| FONSI      | Finding of No Significant Impact   |
| FR         | Federal Register   |
| FTA        | Federal Transit Administration   |
| ISTEA      | Intermodal Surface Transportation Efficiency Act of 1991                                 |
| LEP        | Limited English Proficiency  |
| L RTP      | Long-range Transportation Plan   |
| MPO        | Metropolitan Planning Organization   |
| MTIP       | Metropolitan Transportation Improvement Program  |
| MTP        | Metropolitan Transportation Plan   |
| NCDOT      | North Carolina Department of Transportation  |
| NEPA       | National Environmental Policy Act  |
| RPO        | Rural Planning Organization  |
| SAFETEA-LU | Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users |
| SEPA       | North Carolina State Environmental Policy Act  |
| SPOT       | Strategic Planning Office of Transportation  |
| STIP       | State Transportation Improvement Program   |
| STP        | Statewide Transportation Plan  |
| TEA-21     | Transportation Equity Act for the 21st Century   |
| U.S.C.     | United States Code   |
| UPEP       | Unified Public Engagement Process  |



# Chapter 1

## Introduction

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Passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) federally mandated early, proactive, and sustained citizen input into transportation decision making—with special outreach efforts targeted at traditionally underserved populations. ISTEA’s directive was reinforced by the passage of the Transportation Equity Act for the 21st Century (TEA-21) in 1998. The passage of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005 placed further emphasis on aspects of public involvement.

The North Carolina Department of Transportation (NCDOT) believes that public involvement is integral to proper transportation planning and good decision making. Without meaningful public participation, there is a risk of making poor decisions or decisions that have unintended negative consequences. Public involvement makes lasting contributions to an area’s quality of life. Public involvement is more than an agency requirement or a way to fulfill statutory obligations; it is a continuous process through all phases of project development from long range planning through project development analysis, final design, and right-of-way acquisition, and into construction and maintenance. This document focuses mainly on public involvement in the planning and environmental documentation phases. In most cases, public involvement activities conducted during final design, right-of-way acquisition, and construction are tailored to meet the needs of individual projects with individual public involvement plans developed.

NCDOT has prepared this Unified Public Engagement Process (UPEP) report to document its process for public involvement responsive to federal regulation and good planning practice and to guide the Department’s future activities for conducting public involvement and information outreach. Development of this UPEP included a review of current NCDOT public involvement practices. Interviews were conducted with multiple business units of NCDOT to identify public involvement activities currently in practice. A summary of these interviews is in Appendix A, Analysis of Current North Carolina Department of Transportation Public Involvement Practices.

The UPEP is intended to meet the federal requirements of 23 Code of Federal Regulations (CFR) 450.210(b), which requires a documented process for consulting with and considering the concerns of non-metropolitan officials when making transportation decisions in the statewide transportation planning and programming processes. This process must be discrete and separate from the normal public involvement process. North Carolina’s Rural Planning Organizations assist the Department in meeting the requirements for the non-metropolitan consultation process. The UPEP also addresses the following regulatory requirements, which are more specifically addressed in Section 1.1:

- Public involvement in the development of the Statewide Transportation Plan (STP) and Statewide Transportation Improvement Program (STIP)

- Public involvement in the development of Metropolitan Planning Organization (MPO) Long Range Transportation Plans (LRTP) and Metropolitan Transportation Improvement Programs (MTIP)
- Consultation with federally recognized Indian tribes
- Involvement of traditionally underserved residents in compliance with Title VI of the Civil Rights Act of 1964 and responsive Executive Orders
- Public involvement required for environmental planning activities responsive to the National Environmental Policy Act (NEPA) and associated state statutes
- Public involvement in the development of the State Rail Plan

A Metropolitan Long-range Transportation Plan (LRTP) is a transportation plan for a metropolitan area covering a planning horizon of at least 20 years.

A Metropolitan Transportation Improvement Program (MTIP) is a short range (4-year) program of transportation improvements based on the MTP.

To address these requirements, this document is organized as follows:

- Chapter 2 defines NCDOT's public involvement goals.
- Chapter 3 describes NCDOT's public involvement processes for statewide, metropolitan, and non-metropolitan transportation planning.
- Chapter 4 includes NCDOT's public involvement process for project programming, including project prioritization and the STIP.
- Chapter 5 describes NCDOT's public involvement processes for project development, including environmental clearance under NEPA.
- Chapter 6 defines the NCDOT Rail Division's public involvement process for preparation of the State Rail Plan.
- Chapter 7 defines NCDOT's approach for evaluating public involvement processes.

## 1.1 Federal Requirements (Federal Regulations and Executive Orders)

State departments of transportation, MPOs, and transportation providers using federal funds are required to develop, with the public, effective public involvement processes tailored to local conditions, pursuant to regulations defined in various statutes and codified in the following CFR sections: 23 CFR 450.208 through 450.216, 23 CFR 450.316, 23 CFR 771.111, 40 CFR 1506.6, and 49 CFR 266.15(a). In addition to these regulations, there are several significant Executive Orders with which compliance is required, as described in Section 1.1.4; these address involving people who are considered traditionally underserved by government processes and programs.

The sections below generally describe federal requirements relative to public involvement for transportation programs. Full text of the specific regulations is in Appendix B, Federal Requirements for Public Engagement.



### **1.1.1 Public Involvement in Statewide, Metropolitan, and Non-Metropolitan Transportation Planning**

Regulations related to public involvement and local official consultation in statewide and metropolitan transportation planning is found in 23 CFR 450. Within the context of CFR 450, statewide planning includes the STP, non-metropolitan planning, and statewide project programming. Metropolitan planning includes the planning process carried out within the MPOs that lead to the development of L RTPs and MTIPs. Relevant sections of CFR 450 are summarized below.

- Section 208 defines the coordination of planning process activities, including coordination with MPOs and consideration of the concerns of officials in non-metropolitan areas, Indian tribal governments, and federal land management agencies.
- Section 210 defines requirements for development and use of a documented public involvement process in the statewide transportation planning process that provides opportunities for public review and comment at key decision points.
- Section 210(b) sets requirements for development and use of a documented public involvement process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range STP and the STIP.
- Section 212 allows for transportation planning studies (including corridor and subarea studies) to be incorporated into the statewide transportation planning process. The results or decisions made during these planning studies may be used as part of the overall project development process consistent with NEPA.
- Section 214 describes the development and content of the STP.
- Section 216 sets regulations for the development and content of the STIP, including coordination with MPOs, consultation with non-metropolitan local officials and Indian tribal governments, and requirements to provide all interested parties with a reasonable opportunity to comment on the STIP.
- Section 316 describes actions that must be taken by MPOs relative to public involvement for long-range planning and development of MTIPs, including requirements to develop and use a documented participation plan for public and agency participation in the metropolitan transportation planning process.

### **1.1.2 Public Involvement in Project Development**

The Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and other federal agencies are required to comply with NEPA, which was signed into law in 1970. The FHWA follows procedures outlined in 23 CFR 771.111, which identify requirements for early coordination, public involvement, and project development to comply with NEPA. In addition, Council on Environmental Quality (CEQ) regulations regarding public involvement in NEPA is in 40 CFR 1506.6.

In 1971 the North Carolina General Assembly enacted the State Environmental Policy Act (SEPA) (General Statute 113A, Article 1), which requires state agencies to review and report the environmental effects of all activities that involve an action by a state agency, an expenditure of public monies or private use of public land, and that may have a potential negative environmental effect on natural resources, public health and safety, natural beauty, or historical or cultural elements of the state. Every state agency, including the University System, with the responsibility of funding or approving a publicly funded project is responsible for compliance with SEPA, including NCDOT. Public involvement under SEPA is guided by policy. There are no specific requirements for public workshops or hearings, although there are required review periods. Compliance with NEPA is considered compliance with SEPA.

### **1.1.3 Public Involvement in the State Rail Plan**

49 CFR 266.15 states that public involvement must be conducted for a State Rail Plan, including an opportunity for participation by persons interested in rail activity in the state and adjacent states where appropriate.

### **1.1.4 Other Federal Acts and Executive Orders Pertaining to Public Involvement**

Two federal acts and two presidential executive orders require certain actions to be taken by states when conducting public involvement programs.

#### **Americans with Disabilities Act**

The federal Americans with Disabilities Act encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services. The act requires that all public involvement activities accommodate persons with disabilities. Accommodations may include providing access to meetings and communicating effectively with people who have hearing, vision, or speech disabilities.

#### **The Civil Rights Act of 1964**

The Civil Rights Act of 1964 declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy. Responsive to Title VI of this act, two executive orders (described below) have particular significance.

- **Environmental Justice**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994, focuses federal agencies' attention on reaching out to certain segments of the community. This executive order directs that "procedures shall be established, or expanded, as necessary, to provide meaningful opportunities for public involvement by members of minority and low-income populations during the planning and development of programs, policies, and activities."

- **Limited English Proficiency**

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 Federal Register (FR) 50121 on August 16, 2000, directs each federal agency to examine the services it provides and to develop and implement a system by which Limited English Proficiency (LEP) persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients to assist them with their obligations to LEP persons under Title VI of the Civil Rights Act of 1964. The executive order states that recipients of federal funds (including state departments of transportation) must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The U.S. Department of Transportation issued related guidance in December 2005, and the FHWA is expected to issue guidance in 2011.

## **1.2 Procedures for Public Review and Comment on the UPEP**

23 CFR 450.210 and 23 CFR 450.316 require that the public involvement process developed for statewide and metropolitan planning, respectively, be made available for 45 calendar days for public review and written comment. 23 CFR 450.210(b) also requires that the discrete and separate consultation procedures with non-metropolitan local officials be made available for review and comment. This separate review of the process requires not less than 60 calendar days.

Responsive to these requirements, this UPEP was made available for public review and comment for 60 calendar days. A hard copy of the document was made available in each NCDOT Division Office, and electronic copies were available on the NCDOT Website ([www.ncdot.org](http://www.ncdot.org)). NCDOT took steps to disseminate news about the availability of the document through mass media, email, and social media channels.

Presentations about the UPEP were offered to Rural Planning Organizations (RPO), and NCDOT responded to inquiries about the non-metropolitan consultation process. An opportunity to comment on this UPEP was specifically directed to the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, and the North Carolina Association of Rural Planning Organizations.

The comments received, and how they were addressed are included in Appendix D.



## **Chapter 2**

# **North Carolina Department of Transportation**

## **Public Involvement Goals**

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At a minimum, NCDOT's goals for all public involvement programs and processes implemented are consistent with 23 CFR 450.210. Individual programs, plans, and projects may include specific goals to address their individual characteristics. The public involvement goals of NCDOT include:

1. Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes.
2. Provide full and open access about projects, programs, and policies to all potentially affected and/or interested parties.
3. Provide reasonable access to technical and policy information.
4. Provide adequate public notice of public involvement activities and time for public review and comment at key decision points.
5. To the maximum extent practicable, ensure that public meetings and/or hearings are held at convenient and accessible locations and times.
6. Employ, when possible, visualization techniques to explain projects or programs.
7. Make public information available in electronically accessible format through the NCDOT website.
8. Include processes for seeking out and considering the needs of those traditionally underserved by existing transportation systems (such as LEP, low-income, and minority households) who may face challenges accessing employment and other services.
9. Provide for the periodic review of the effectiveness of the public involvement processes and adjust the processes as appropriate.

It is NCDOT's belief that implementation of the UPEP will lead to public involvement practices that satisfy these goals.



# Chapter 3

## Statewide, Metropolitan, and Non-Metropolitan Transportation Planning

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Statewide planning includes the development of the STP, LRTPs, and Comprehensive Transportation Plans (CTP). This chapter describes how public involvement will be incorporated into the planning processes for the separate planning functions: the STP, LRTPs, and CTPs.

### 3.1 Statewide Transportation Planning

NCDOT is in the process of updating its long-range STP. The last STP update was adopted by NCDOT in 2004 as a response to TEA-21. The purpose of the 2040 STP update (2040 Plan) is to identify existing and future multimodal transportation needs and deficiencies for the 30-year planning period, and recommend programs, policies, and financing and implementation strategies that will allow NCDOT and the State to address transportation needs.

NCDOT recognizes public involvement plays a vital role in planning the future of North Carolina's transportation system and developing the 2040 Plan. For that reason, a public involvement program has been developed and is being implemented to allow North Carolina residents, property owners, transportation providers, business owners, and others opportunities to offer their thoughts and ideas.

The Public Involvement Plan for the STP identifies three key points in time when information or announcements will be distributed and input specifically requested, although feedback will be accepted throughout the planning process:

- Initial input will be sought on defining study goals and identifying key study issues that should be addressed.
- Intermediate input will focus on identifying long-term transportation infrastructure and service needs, transportation financing alternatives, and needed programmatic adjustments. At this stage of the process, information will also be provided to demonstrate how public input has been incorporated into the study.
- Final input will be sought on the draft STP itself. The draft plan will be made available to the general public through a variety of venues. Materials produced for distribution will indicate how public input has been used to date and will clearly indicate how draft plan input will be used.

Federal regulations and good practices direct that public involvement for the STP incorporates input from five identified groups: the general public, non-metropolitan local officials, tribal groups, public agencies, and MPOs. Processes for each group and examples of communication tools used as outreach for each group are described in the sections below.

### **3.1.1 General Public**

Public involvement includes the general public. “Public” is used in reference to the public at large. This would be the entire universe of people impacted or interested in a specific project or study. The MPOs and RPOs will assist the Department in obtaining input from the general public; however, NCDOT will have the primary responsibility.

#### **Communication Tools**

NCDOT will employ a variety of general public communication tools throughout the STP development process. The tools selected will provide the ability to reach residents (including low-income, minority, and LEP populations, and persons with disabilities). The tools will present information in visual formats, when appropriate. Technology tools such as the Internet, mobile phone applications, video, or other formats will also be used when appropriate. The tools used for the STP will communicate information and gather feedback through surveys, comment forms, or other instruments to allow specific input on long-range plan elements. For future STP updates, NCDOT may select other tools from its Public Involvement Toolkit as appropriate. Additional information about the Public Involvement Toolkit is in Appendix C.

In addition to the general communication tools described, MPOs and RPOs throughout the state will be encouraged to capture general public input on the STP and forward that input to NCDOT. NCDOT will disseminate information to encourage the general public to attend local MPO or RPO meetings for more information and provide comments through their local MPO or RPO.

### **3.1.2 Non-Metropolitan Local Officials Consultation**

Officials and other interested parties in non-metropolitan areas are specifically required to be consulted when NCDOT develops or updates its STP. This non-metropolitan consultation process is separate from the general public involvement process defined in 23 CFR 450.210. The NCDOT non-metropolitan consultation process is required to be reviewed every 5 years per 23 CFR 450.210(b), and completion of this UPEP meets that requirement. NCDOT uses the RPOs to assist in meeting the requirement for non-metropolitan consultation.

The timeline for obtaining non-metropolitan local official input will be similar to the general public input process described in Section 3.1.1: at the initiation of the statewide plan development process, at the midpoint of the study when modal needs have been identified, and at the completion of the draft STP or update.

North Carolina RPOs will be the primary conduits to non-metropolitan local officials. NCDOT will implement activities such as the following to involve RPOs in the planning process:

- Work with the RPOs to identify key contacts in non-metropolitan communities who should receive information about the STP activities.
- Notify RPO contacts at the start of the STP development process.



- Present information to RPOs about the STP at various times during the STP planning period. This information will include an explanation about how RPO input has been incorporated into the STP.
- Work with RPOs to incorporate feedback applicable to the RPO into the long-range plan throughout the planning period.

In addition to the RPOs, other organizations are capable of reaching non-metropolitan local officials; these include the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the individual regional Councils of Governments. During the STP update cycles, NCDOT will work with the leaders of these organizations to disseminate information about the STP and to gather feedback from non-metropolitan local officials.

### **Communication Tools**

NCDOT will employ a variety of communication tools to engage non-metropolitan local officials throughout the STP development process. The tools used will be capable of presenting information in visual formats when appropriate. Traditional tools such as correspondence and written materials will be used to communicate with RPOs; email and links to the NCDOT Website will be used when appropriate. In addition to providing information, communication tools will be capable of gathering feedback, such as surveys or comment forms. NCDOT may select tools from its Public Involvement Toolkit (see Appendix C) as appropriate.

### **3.1.3 Tribal Consultation**

In preparing the STP, NCDOT must consult with all federally recognized tribal governments in North Carolina. There is only one federally recognized tribe in North Carolina for which consultation should occur, the Eastern Band of the Cherokee Indians. By Section 106 and Executive Order 13175, the U.S. Department of Transportation has developed policies to initiate the consultation, and the FHWA is designated as the agency responsible for assisting states with this contact. NCDOT also consults with state-recognized tribal governments.

The timeline for obtaining tribal input will be similar to the general public input process: at the initiation of the statewide planning process, at the midpoint of the study when modal needs have been identified, and at the completion of the draft STP or update.

Recognizing that tribal governments are considered leaders of sovereign nations, a formal consultation process has been initiated by the U.S. government. For transportation programs, the U.S. Department of Transportation has developed policies to initiate consultation. The FHWA is designated as the agency responsible for assisting states with contacting the Eastern Band of the Cherokee Indians. NCDOT is designated as the agency responsible for assisting state-recognized tribal governments.

For the tribal consultation process, NCDOT will complete the following actions:

- Initiate consultation through the FHWA with the Eastern Band of the Cherokee Indians.

- Develop an agenda for discussion at an initial meeting that includes contact protocols as the planning process occurs.
- Follow up with tribal contacts to provide information and obtain feedback.
- Notify tribal contacts when the draft STP is complete and request comment from the tribe.
- Provide information to the tribe about how input has been incorporated into the STP. NCDOT tribal consultation will include comparing transportation plans to state and tribal conservation plans or maps and comparing transportation plans to inventories of natural or historic resources, if available.
- Notify the tribe when the plan is finalized.

The NCDOT tribal consultation will include comparing transportation plans to state and tribal conservation plans or maps and comparing transportation plans to inventories of natural or historic resources, if available. The consultation process will also include a discussion of policies or programs that may result from the STP that affect the natural resources owned or managed by the tribe.

The wide range of projects and programs that may affect tribal lands allows for a significant amount of flexibility in this consultation process. In general, the basic consultation principles previously outlined will be adhered to by the agency responsible for potential impacts to tribal lands. This process does not prohibit tribal governments from contacting NCDOT about potential projects or programs.

### **3.1.4 Metropolitan Planning Organization Involvement**

NCDOT is required to develop the STP in coordination with metropolitan-area officials in all aspects of the STP planning process. North Carolina MPOs will be the primary conduits for STP input to local elected officials in the MPOs and local MPO agency staff.

The timeline for obtaining metropolitan official input will be similar to the general public input process: at the initiation of the statewide planning process, at the midpoint of the study when modal needs have been identified, and at the completion of the draft STP or update. For coordination with MPOs, NCDOT will complete the following actions:

- Work with the MPOs to identify key contacts in metropolitan communities who should receive information about STP activities, including interested parties such as freight interests, commuters, pedestrians, bicyclists, and public transportation employees.
- Disseminate an announcement about the start of the STP process through its MPO contacts.
- Present information to MPOs about the STP at various times during the long-range planning period. This information will include an explanation about how MPO input will be incorporated into the long-range plan after comments have been received.
- Work with MPO staff to incorporate feedback applicable to the MPO into the STP throughout the planning period.

## **Communication Tools**

NCDOT will employ a variety of communication tools to engage MPOs throughout the STP development process. The communication tools used for informing MPOs will be capable of presenting information in visual formats when appropriate. Traditional tools such as correspondence and written materials will be used to communicate with MPOs; email and links to the NCDOT Website will be used when appropriate. In addition to providing information, communication tools will be capable of gathering feedback, such as surveys or comment forms. NCDOT may select tools from its Public Involvement Toolkit (see Appendix C) as appropriate.

### **3.1.5 Resource Agency and Federal Land Management Agency Involvement**

NCDOT will identify and include federal and state environmental resource and land management agencies in development of the STP. These agencies include those with environmental review and permitting responsibility (e.g., the Environmental Protection Agency (EPA), U.S. Army Corps of Engineers, and the North Carolina Division of Water Quality) and those with public land management responsibility (e.g., the National Park Service, the National Forest Service, and the North Carolina Division of Forestry). The STP includes a discussion of policies, programs, or strategies related to potential environmental mitigation activities and potential areas to carry out mitigation activities.

For coordination with resource agencies, NCDOT will complete the following actions:

- Identify contacts in all appropriate federal and state agencies, resource agencies, and land management agencies.
- Notify resource and land management agency contacts about the start of the long-range plan and solicit input on challenges and opportunities and potential policies or strategies for addressing environmental mitigation.
- Follow up with contacts to provide information and obtain feedback.
- Notify agency contacts when the draft STP is complete and request comment.
- Notify agency contacts when the plan is finalized.

The timeline for obtaining resource and land management agency input will be similar to the general public input process: at the initiation of the statewide planning process, at the midpoint of the study when modal needs have been identified, and at the completion of the draft statewide transportation plan or update.

## **Communication Tools**

NCDOT will employ a variety of communication tools to engage resource and land management agencies throughout the STP development process. The tools used for informing resource agencies will be capable of presenting information in visual formats when appropriate. Traditional tools such as correspondence and written materials will be used to communicate with resource agencies; email and links to the NCDOT website will be used when appropriate. In addition to providing information,

communication tools will be capable of gathering feedback, such as surveys or comment forms. NCDOT may select tools from its Public Involvement Toolkit as appropriate. Additional information about the Public Involvement Toolkit is in Appendix C.

The communication tools used for informing MPOs will be capable of presenting information in visual formats when appropriate. Traditional tools such as correspondence and written materials will be used to communicate with MPOs; email and links to the NCDOT Website will be used when appropriate. In addition to providing information, communication tools will be capable of gathering feedback, such as surveys or comment forms. NCDOT may select tools from its Public Involvement Toolkit (see Appendix C) as appropriate.

### **3.2 Metropolitan Transportation Planning**

This section addresses the public involvement requirements for North Carolina MPOs in the development of their LRTPs and TIPs. Documentation from the LRTP should capture public and agency comments in order for it to be used as an input into the project development process (see Chapter 5).

There are currently 17 MPOs in North Carolina's urbanized areas. Each MPO consists of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate state transportation officials. Each MPO is a decision-making forum, responsible for developing long-range (20-25 years) transportation plans (LRTP) identifying project priorities for funding through adoption of its TIP. The metropolitan transportation planning requirements are administered by the Transportation Planning Branch of NCDOT with the approval of the FHWA and FTA.

Federal regulations require that each MPO carry out a continuing, cooperative, and comprehensive multimodal transportation planning process; this process includes the development of an LRTP and a TIP. The plan and program should encourage and promote the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution.

Those regulations also require that each MPO develop and use a documented public participation plan. These plans define a process for providing residents, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties reasonable opportunities to be involved in the metropolitan transportation planning process.

### 3.2.1 General Public

Each MPO's documented public participation plan should define the process for providing the general public with reasonable opportunities to be involved in the metropolitan transportation planning process. The plan is to be developed by the MPO in consultation with all interested parties and is required, at a minimum, to describe procedures, strategies, and desired outcomes for:

- Providing adequate public notice of public participation activities and the time for public review and comment at key decision points including, but not limited to, a reasonable opportunity to comment on the proposed LRTP and the TIP.
- Providing timely notice and reasonable access to information about transportation issues and processes.
- Employing visualization techniques to describe LRTPs and TIPs.
- Making public information (technical information and meeting notices) available in electronically accessible format through the NCDOT website.
- Holding public meetings at convenient times and accessible locations.
- Demonstrating consideration of and response to public input received during the development of the LRTP and the TIP.
- Seeking out and considering the needs of those traditionally underserved by existing transportation systems (such as LEP, low-income, disabled, and minority households) or any protected classes under Title VI who may face challenges accessing employment and other services.
- Providing an additional opportunity for public comment if the final LRTP or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts.
- Coordinating with the statewide transportation planning public involvement and consultation processes.
- Periodically reviewing the effectiveness of the procedures and strategies in the participation plan to ensure a full and open participation process.

If significant written and oral comments are received on the draft LRTP and TIP (including the financial plans) as a result of the participation process, a summary, analysis, and report on the disposition of comments should be prepared as part of the final LRTP and TIP. The public participation plan implemented by the MPO should be made available for public comment for a period of 45 calendar days before the initial or revised plan is adopted by the MPO. The MPO's public participation plan is separate from the NCDOT UPEP, but works in concert with it.

In developing LRTPs and TIPs, the MPO should consult with the agencies and officials responsible for other planning activities within the Metropolitan Planning Areas that are affected by transportation

(including state and local planned growth, economic development, environmental protection, airport operations, or freight movements) and coordinate its planning process (to the maximum extent practicable) with such planning activities.

### **3.2.2 Coordination with North Carolina Department of Transportation**

As a member of an MPO's Policy Board, NCDOT is an integral part of the LRTP development. In addition, each MPO has an NCDOT staff person who is charged with coordinating the LRTP, CTP and TIP development. NCDOT commits to, and will work with the MPOs to develop and implement public involvement programs as directed in this adopted UPEP and with the federal regulations referenced herein.

### **3.2.3 Non-Metropolitan Local Officials Consultation**

There is no requirement in the federal metropolitan planning regulations to include consultation with non-metropolitan officials, but the North Carolina statutes that established RPOs do make provision for them to participate in preparation of MPO plans. North Carolina General Statute 136-210-213 states that RPOs perform the following four core duties:

- Develop, in cooperation with NCDOT, transportation plans.
- Provide a forum for public participation in the transportation planning process.
- Develop and prioritize suggestions for projects that the organization believes should be included in the STIP.
- Provide transportation-related information to local governments and other interested organizations and persons.

While the RPO involvement is limited to information sharing between RPOs and MPOs, NCDOT encourages all MPOs to solicit input from contiguous RPOs as a way to receive input from non-metropolitan local official regarding transportation policies, programs, and projects that might impact those rural areas.

### **3.2.4 Tribal Consultation**

Tribal consultation should be consulted on any project that may impact their Tribal boundaries. Using procedures similar to those previously described for tribal consultation in preparation of the STP, MPOs are expected to conduct consultation when policies, programs, or projects within their jurisdictions could impact recognized tribes.

The wide range of projects and programs that may affect tribal lands allows for significant flexibility in this consultation process. In general, the basic consultation principles previously outlined will be adhered to by the agency responsible for potential impacts to tribal lands. This process does not prohibit tribal governments from contacting MPOs about potential projects or programs.

### **3.2.5 Resource Agency Involvement**

As defined in Section 6002 of SAFETEA-LU, environmental planning and protection measures responsive to NEPA are expected to begin during system planning, rather than waiting for initiation of project development activities. NCDOT expects the MPOs to involve federal and state resource agencies and federal land management agencies, as appropriate, in the development of their LRTPs and MTIPs. The MPOs are also expected to develop documented public participation processes that outline roles, responsibilities, and key decision points for consulting with other governments and agencies.

### **3.3 Non-Metropolitan Planning (Comprehensive Transportation Planning)**

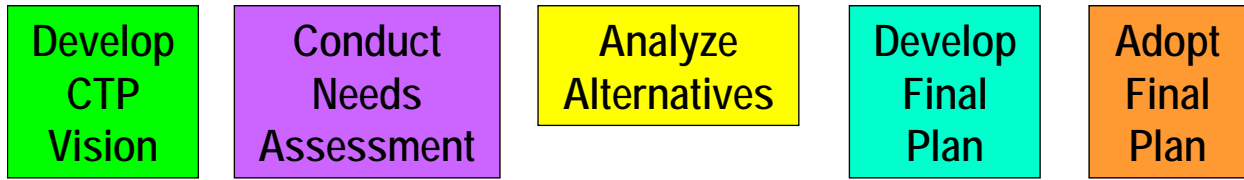
NCDOT is responsible for carrying out the transportation planning process in non-metropolitan areas. CTPs are developed for small urban and rural areas outside of the 17 designated Metropolitan Planning Areas. RPOs, small urban areas, and counties assist NCDOT in developing CTPs. These plans are used to inform decisions in the planning, project prioritization, work plan/STIP development, and project development. These plans typically are initiated by local governments and are conducted jointly by the municipality(ies) or county, NCDOT, and the RPO. NCDOT assigns staff from its Transportation Planning Branch to complete tasks and oversee the study. At the beginning of each CTP study, RPO, local government, and Transportation Planning Branch staff members discuss and determine the role of each party in the CTP.

Currently, public involvement for CTPs varies by area based on the municipality's and/or county's policies. NCDOT's Transportation Planning Branch carries out a basic public involvement process for each CTP but relies on the local jurisdiction's public involvement process for final adoption. The Public Involvement Process for each CTP study is developed and documented at the beginning of each study.

The CTP process (shown in Figure 1) includes an opportunity for public meetings/input during the following process steps:

- Develop CTP Vision (define community vision and identify goals and objectives)
- Conduct Needs Assessment (identify deficiencies)
- Analyze Alternatives (identify alternatives and develop draft CTP)
- Develop Final Plan (adopt final CTP)

NCDOT recommends that the local governments hold a public hearing prior to their adoption of the CTP. Documentation from the CTP should capture public and agency comments made throughout the study in order for it to be used as an input into the project development process (see Chapter 5).



**Figure 1. Comprehensive Transportation Planning Process**

After the public hearing, the county and/or municipality(ies) will adopt the CTP maps, and the RPO will endorse the plan. The CTP maps will then be presented to the North Carolina Board of Transportation to be adopted on behalf of NCDOT. The plan will become a component of the state’s inventory of local plans that support project prioritization when developing the state’s 10-year Program and Resource Plan and STIP. The RPO will assist the Department in monitoring each CTP in its area and keep its policy board apprised of progress and any public input received from meetings and open houses.

### **3.3.1 General Public**

RPOs assist NCDOT or act as the lead planning agency in carrying out public involvement for the CTP process. NCDOT will be responsible for ensuring adherence to the process for obtaining general public input through the RPOs and will encourage the general public to attend local RPO meetings for more information and provide comments through their local RPO. Prior to plan adoption, the adopting body will provide a final opportunity for general public comment.

### **3.3.2 Tribal Consultation**

Tribal consultation is required when a CTP is being developed that may impact tribal land. Using procedures similar to those previously described for tribal consultation in preparation of the STP, NCDOT will consult when projects within the CTP study area could impact recognized tribes. The consultation process will include a discussion of policies or programs that may result from the CTP that affect the natural resources owned or managed by the tribe.

The wide range of projects and programs that may affect tribal lands allows for significant flexibility in this consultation process. In general, the basic consultation principles previously outlined will be adhered to by the agency responsible for potential impacts to tribal lands. This process does not prohibit tribal governments from contacting RPOs or NCDOT about potential projects or programs.

### **3.3.3 Metropolitan Planning Organization Involvement**

MPOs participate in the CTP process for areas that are adjacent to their MPOS. Their primary role is information-sharing. The MPO staff meets periodically with their peers from adjacent RPOs to discuss issues and projects that impact their respective transportation planning jurisdictions. In some cases, the MPOs may adopt or endorse CTPs that impact their areas. In this case, additional public workshops and a public hearing may be held. This will be determined by the respective MPO’s adopted public involvement process.



### **3.3.4 Resource Agency Involvement**

CTPs are developed jointly by the county, municipality(ies), NCDOT, and the RPO in which the county lies. NCDOT assigns staff from its Transportation Planning Branch to complete study tasks and oversee the study. NCDOT will identify and include federal and state environmental resource and land management agencies in development of the CTP as necessary. These agencies include those with environmental review and permitting responsibility (e.g., the EPA, the U.S. Army Corps of Engineers, the North Carolina Division of Water Quality, and the North Carolina Division of Air Quality) and those with public land management responsibility (e.g., the National Park Service, the National Forest Service, and the North Carolina Division of Forestry). The CTP includes an environmental screening which is documented as part of the CTP report.

For coordination with resource agencies, NCDOT will complete the following actions:

- Identify contacts in all appropriate federal and state agencies, resource agencies, and land management agencies.
- Notify resource and land management agency contacts about the start of the CTP and solicit input on challenges and opportunities and potential policies or strategies for addressing environmental mitigation.
- Follow up with contacts to provide information and obtain feedback.
- Notify agency contacts when the draft CTP is complete and request comment.
- Notify agency contacts when the Comprehensive Transportation Plan is finalized.

The timeline for obtaining resource and land management agency input will be similar to the general public input process: at the initiation of the process, at the midpoint of the study when modal needs have been identified, and at the completion of the CTP or update.



# Chapter 4

This chapter outlines the NCDOT process for providing opportunities for public involvement and local agency consultation in NCDOT’s Project Programming Process. Project Programming consists of two inter-related steps: Strategic Prioritization and STIP development. A 2-year process, Project Programming seeks public and local official input at multiple points, resulting in Board of Transportation (BOT) adoption of the STIP and the Program and Resource Plan. Figure 2 shows how project programming fits into NCDOT’s Transportation Reform Calendar. The calendar shows the relationship between Project Programming and the STIP, and how programming relates to the Department’s overall budget as authorized by the General Assembly.

This chapter first describes NCDOT’s process for gaining input into Strategic Prioritization and then describes the specific approach for seeking STIP input.

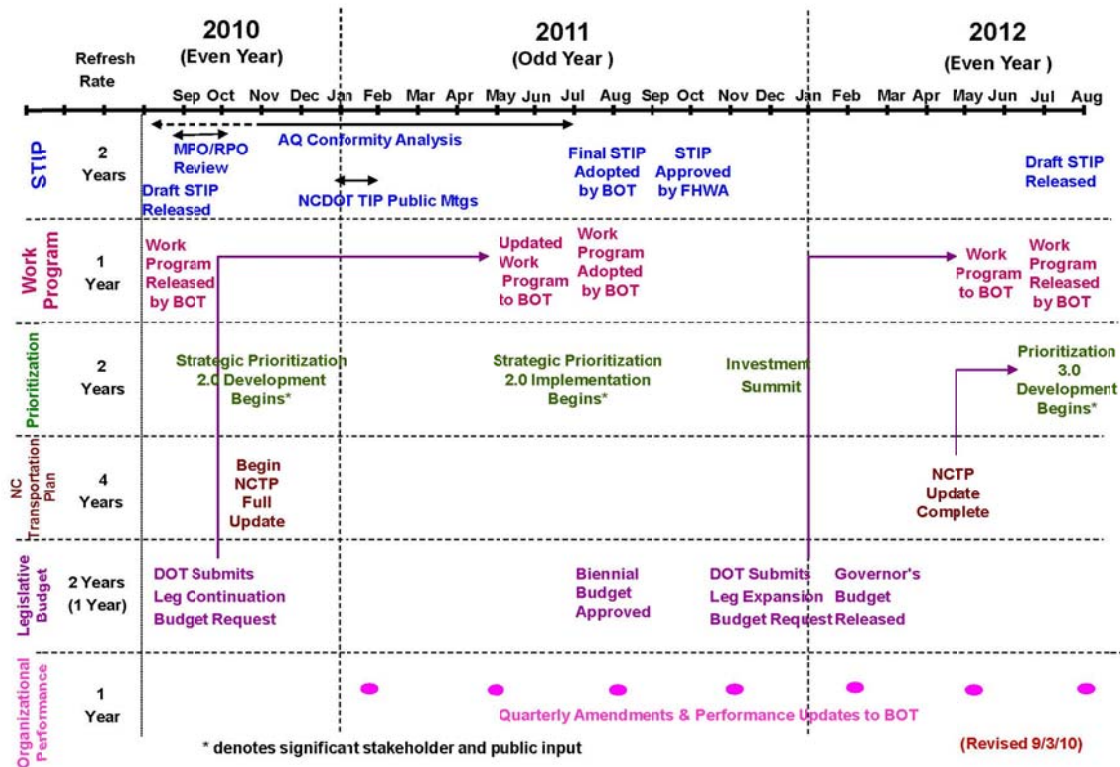


Figure 2. Transportation Reform Calendar

## 4.1 Strategic Prioritization Process

Strategic Prioritization is the initial step in the process in which NCDOT seeks input from the public and local agencies on projects that those groups would like to have considered for inclusion in the Department's Program and Resource Plan (10-Year Plan), STIP, and Work Program (5-Year). The process is responsive to North Carolina Executive Order Number 2 (January 12, 2009), which requires the Department to implement a professional approval process for all plans, programs, and projects based on professional standards that meet the needs of the residents of the state and not simply reflect political considerations. This process is inclusive of NCDOT's planning partners (MPOs and RPOs) and internal staff. The Strategic Planning Office of Transportation (SPOT) is tasked with the management of this process.

Projects included in the prioritization process are categorized and scored through a matrix that is weighted by goal (Safety, Mobility, and Infrastructure Health) and tier of the North Carolina Multimodal Investment Network. Tiers designate the state's transportation network as being of Statewide, Regional, or Sub-regional significance. This evaluation process leads to rankings of individual projects to be included in years 6-10 of the next STIP (Note: STIP projects in years 1-5 are committed by the Department and projects in years 6-7 from the previous STIP roll into years 4-5 of the next STIP.). Once the project list is released to the public, during strategic prioritization, NCDOT will hold a series of investment summits involving RPOs, MPOs, and internal staff to assist the Department in determining funding allocations. Once the summit recommendations are finalized, the Department uses these along with other programming considerations (e.g., Division equity, preconstruction readiness/deliverability, including document status, logical segment progression within a larger project, special funding eligibility, suitability for using funds prioritized separately, and fiscal year balancing) to develop a draft STIP and Work Program. This process will result in the release of the draft Program and Resource Plan, which includes release of the draft STIP.

Following release of the draft STIP, NCDOT will hold a series of public meetings to seek input on the STIP projects in the document. At the end of the 2-year Strategic Prioritization cycle, NCDOT will review the prioritization process and update it as necessary.

### 4.1.1 General Public

Opportunities for the general public to provide input on the Strategic Prioritization process will occur at the initiation of the next round of the process. The purpose of these meetings is to listen to ideas and suggestions for revisions and improvements on the prioritization processes. General public involvement will continue through STIP development (see Section 4.2).

#### Communication Tools

NCDOT will employ a variety of communication tools throughout the Strategic Prioritization process. The tools used for Strategic Prioritization will communicate information and gather feedback through surveys, comment forms, or other instruments to allow specific input on the process.

### **4.1.2 Non-Metropolitan Local Officials Consultation**

The Strategic Prioritization process is inclusive of non-metropolitan local officials. Beginning with each phase of process implementation, RPO staff members will assist with the development of the initial draft STIP. RPO staff members will be invited to meetings to listen to ideas and suggestions for revisions and improvements on the prioritization processes prior to the publication of the draft STIP. RPO consultation will continue through the final STIP development (see Section 4.2).

### **4.1.3 Tribal Consultation**

Tribal consultation is not required during the Strategic Prioritization process. Projects initiated by NCDOT, MPO/RPOs, or municipalities that impact tribal lands would be the responsibility of the project-initiating agency to advocate on behalf of the tribe during the Strategic Prioritization process. Tribal consultation on these projects is a separate process from Strategic Prioritization. Tribes preparing Tribal Transportation Improvement Programs coordinate directly with the Department. (see Section 4.2).

### **4.1.4 Metropolitan Planning Organization Involvement**

The Strategic Prioritization process is inclusive of MPO local officials. Beginning with each phase of the Strategic Prioritization process, MPO staff members will provide input to the development of the initial draft STIP. MPO consultation continues through final STIP development (see Section 4.2).

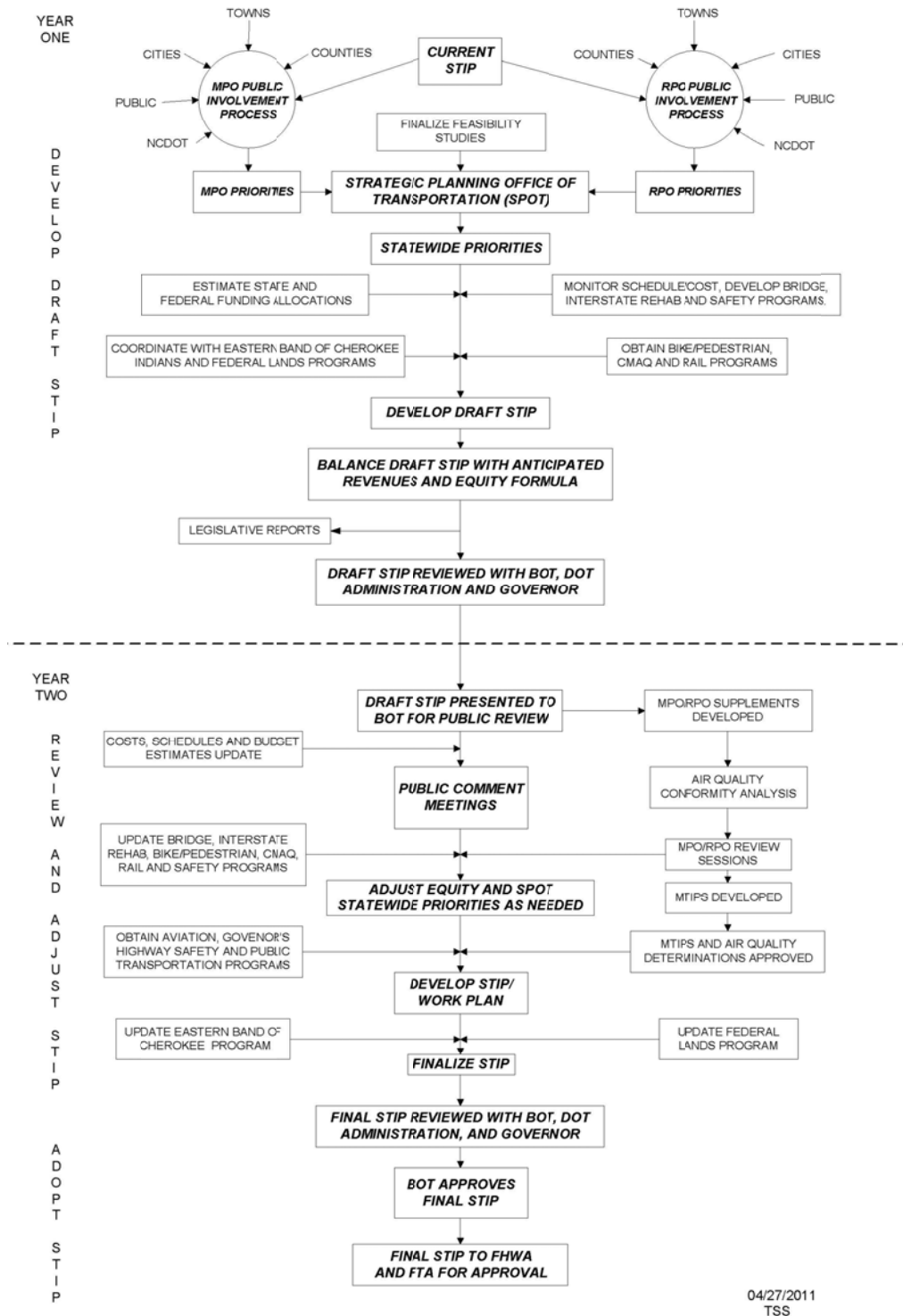
## **4.2 Statewide Transportation Improvement Program Preparation**

This section defines the opportunities for providing public input and local agency consultation in the preparation of NCDOT's Program and Resource Plan (10-Year Plan)/STIP. The Program and Resource Plan defines what NCDOT will do with anticipated resources and sets clear goals. The plan ensures that limited funding is properly invested to achieve the best results for North Carolinians. The plan includes projects, programs, and services and includes projects in the STIP. The STIP is updated biennially and developed through the Strategic Prioritization process.

Public involvement opportunities for the STIP will build and expand on the activities conducted during the Strategic Prioritization and Program and Resource Plan development. Comments received during public involvement activities conducted after the release of the draft STIP may be used to make adjustments to the STIP. The final Program and Resource Plan/STIP will be adopted by the Board of Transportation. The STIP development process is shown in Figure 3.

### **4.2.1 General Public**

At the beginning of the STIP update, held at the beginning of year one, NCDOT will conduct public comment meetings that will seek input from each of the 14 Highway Divisions. NCDOT will conduct a second series of public comment meetings that will seek input from each of the 14 Transportation Divisions after the release of the draft STIP at the end of year one.



**Figure 3. State Transportation Improvement Program Development Process**

During both series of comment meetings and during the document review period, any member of the general public may provide input.

In addition to the input meetings, NCDOT holds reviews sessions with the MPOs and RPOs to refine the STIP. During both of these priority sessions, general public input will be accepted through the MPO/RPO individual public involvement processes.

#### **4.2.2 Non-Metropolitan Local Officials Consultation**

Consultation with officials in non-metropolitan areas will continue to build and expand on activities conducted during the Strategic Prioritization process. Specific consultation with NCDOT on the development of the STIP will occur through meetings conducted after the release of draft STIP. These meetings provide an opportunity for effective coordination between the RPOs and NCDOT in the refinement of the STIP.

#### **4.2.3 Tribal Consultation**

NCDOT will consult with all North Carolina tribal governments during STIP development. This consultation process is separate from the general public involvement process. Recognizing that tribal governments are considered leaders of sovereign nations, the consultation process will be initiated by the U.S. Department of Transportation. By Section 106 and Executive Order 13175, the U.S. Department of Transportation has developed policies to initiate the consultation, and the FHWA is designated as the agency responsible for assisting states with this contact. There is only one federally recognized tribe in North Carolina for which consultation should occur, the Eastern Band of the Cherokee Indians. Tribal consultation will occur annually and the Eastern Band of the Cherokee Indians will provide their Tribal Transportation Improvement Plan to be included in the STIP at that time.

#### **4.2.4 Metropolitan Planning Organization Involvement**

Consultation with officials in metropolitan areas continues to build and expand on activities conducted during the Strategic Prioritization process. Specific consultation with NCDOT on the development of the STIP will occur through meetings conducted after the release of the draft STIP. These meetings provide an opportunity for effective coordination between the MPOs and NCDOT in the refinement of the STIP.

#### **4.2.5 Agency Involvement**

NCDOT will consult with federal and state environmental resource and land management agencies in development of the STIP. These agencies may include those with environmental review and permitting responsibility (e.g., the EPA, U.S. Army Corps of Engineers, North Carolina Division of Water Quality, and North Carolina Division of Air Quality) and those with public land management responsibility (e.g., the National Park Service, the National Forest Service, and the North Carolina Division of Forestry).

For coordination with resource agencies, NCDOT will use the Interagency Leadership Team and other methods to ensure coordination and information sharing. The Department will consult with Federal Land Management Agencies on any projects that may impact their area.





## Chapter 5

# Project Development

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Opportunities for public involvement and consultation with local officials continue throughout project development. Information from the public involvement process in long range transportation planning (see Chapter 3) should be used as input into the project development process. This information should be used as a starting point for conducting public involvement during project development. Public involvement activities for project development are conducted primarily by NCDOT's Project Development and Environmental Analysis Branch, Turnpike Authority, and Rail Division.

During the project development process, NCDOT will comply with all public involvement requirements of National Environmental Policy Act (NEPA), the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the North Carolina State Environmental Policy Act (SEPA), other applicable laws (which could include the Clean Water Act, National Historic Preservation Act, and others), and their implementing regulations and applicable executive orders. Public involvement in project development has regulatory requirements at key points. These requirements serve as a basic framework onto which additional, project-specific public involvement events can occur as needed.

The North Carolina Department of Transportation fulfills its requirement for public involvement through plans approved by the Federal Highway Administration for highway projects through the North Carolina Highway Action Plan of 1977 (Action Plan), where not superseded by the Section 404/NEPA Merger Process (Merger Process). If a project is covered by the Merger Process, specific public involvement requirements in the process are followed as a minimum. Projects that are not covered by the Merger Process follow the public involvement requirements of the Action Plan at a minimum.

This chapter broadly defines the public involvement process to be followed by all NCDOT business units as they process NEPA and SEPA documentation. Public involvement in the project development has regulatory requirements at key points. These requirements serve as a basic framework onto which additional, project-specific public involvement events can occur as needed.

### 5.1 Regulatory Requirements for Public Involvement in Project Development

As part of its project development process, NCDOT is required to comply with NEPA as it carries out the environmental review process for specific projects that receive federal funding. For transportation projects that receive only state funding and that do not require federal actions, NCDOT must comply with SEPA.

#### 5.1.1 National Environmental Policy Act

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. To assist federal agencies in effectively implementing the environmental policy, the CEQ issued Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500 through 1508).

To address the NEPA responsibilities established by the CEQ, the FHWA and FTA issued regulations (23 CFR 771), Environmental Impact and Related Procedures. Federal Railroad Administration regulations are in Procedures for Considering Environmental Impacts, Federal Register Volume 64, No. 101, May 26, 1999.

SAFETEA-LU Section 6002, Efficient Environmental Review for Project Decision-Making, established a new environmental review process for highways, transit, and multimodal projects. This process, mandatory for all environmental impact statements (EIS), requires a new public comment process on purpose and need and the range of alternatives, encourages more participation from more agencies and organizations, and defines more formal roles for state, local, and tribal agencies in the process.

FHWA regulations regarding early coordination, public involvement, and project development are in 23 CFR 771.111. Early coordination with appropriate agencies and the public aids in determining the type of environmental document an action requires, the scope of the document, the level of analysis, and related environmental requirements. This process involves the exchange of information from the inception of a proposal for action to preparation of the environmental document. For the Federal-Aid Highway Program, each state must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 United States Code (U.S.C.) 128 and 40 CFR 1500 through 1508. State public involvement/public hearing procedures must:

- Provide early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- Offer one or more public hearings or the opportunity for hearing(s) to be held at a convenient time and place for any Federal-Aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Provide reasonable notice to the public of either a public hearing or the opportunity for a public hearing that includes information about where explanatory information may be accessed. The notice should also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.
- Explain the following information at public hearings conducted for a project:
  - The project's purpose, need, and consistency with the goals and objectives of any local urban planning

- The project’s alternatives and major design features
- The social, economic, environmental, and other project impacts
- The relocation assistance program and the right-of-way acquisition process
- NCDOT’s procedures for receiving both oral and written statements from the public

The FHWA and FTA have issued a number of guidance documents regarding public involvement. Guidance is on the FHWA Website at <http://www.environment.fhwa.dot.gov/guidebook/index.asp> under the Public Involvement link.

### **5.1.2 North Carolina State Environmental Policy Act**

SEPA requires state agencies to review and report the environmental effects of all activities that involve an action by a state agency, an expenditure of public monies or private use of public land, and that may have a potential negative environmental effect on natural resources, public health and safety, natural beauty, or historical or cultural elements of the state. The act was adopted by the General Assembly into law in 1971 (General Statute 113A, Article 1) in order to:

1. Encourage the wise, productive, and beneficial use of the natural environment.
2. Preserve the natural beauty of the state.
3. Create a public awareness of our environment.
4. Require state agencies to consider and report on environmental aspects and consequences of their actions involving the expenditure of public money or use of public land.

Every state agency, including the University System, with the responsibility of funding or approving a publicly funded project is responsible for compliance with SEPA, including NCDOT. Public involvement under SEPA is guided by policy. There are no specific requirements for public workshops or hearings, although there are required review periods. NCDOT follows NEPA guidelines for public involvement for SEPA projects. As with NEPA projects, public involvement events for SEPA projects can occur as needed. Compliance with NEPA is considered compliance with SEPA.

### **5.1.3 Other Related Regulations**

In accordance with 23 CFR 771.133, “the final EIS or FONSI [Finding of No Significant Impact] should document compliance with requirements of all applicable environmental laws, Executive Orders, and other related requirements. If full compliance is not possible by the time the final EIS or FONSI is prepared, the final EIS or FONSI should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements will be met. “

Depending on a specific project’s circumstances, a number of other laws, regulations, executive orders, and ordinances will apply during the NEPA (or SEPA) project development and permitting processes. Below are some examples of related laws that are often applicable during the project development process; some of these have their own requirements for public involvement activities.

- Farmland Protection Policy Act
- National Historic Preservation Act
- Fish and Wildlife Coordination Act, Section 2
- Coastal Zone Management Act, Sections 303 and 307
- Wild and Scenic Rivers Act
- Endangered Species Act, Section 7
- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Clean Air Act
- Clean Water Act
- Civil Rights Act, Title VI

### **NEPA/404 Merger Process**

The NEPA/404 merger process was initiated to streamline project decision making on Federal-Aid highway projects. For projects involving fill in waters of the United States, the U.S. Army Corps of Engineers is responsible for issuing permits and assessing whether the project is appropriate. The Corps follows the requirements of Section 404 of the Clean Water Act. Merging the FHWA, NEPA, and Section 404 permit processes expedites project decision making and leads to one overall public interest decision.

## **5.2 Public and Agency Involvement in Project Development**

Early coordination with appropriate agencies and the public aids in determining the type of environmental review documents that an action requires, the scope of the document, the level of analysis, and related environmental mitigation requirements. This process involves the exchange of information from the inception of a proposal for action to the preparation of the environmental review documents.

### **5.2.1 General Public**

FHWA environmental procedures (23 CFR 771) outline those actions that must be taken for public input during the project development process. These regulations include publishing notices and providing the opportunity for public hearings to obtain input about transportation projects. Specific procedures required depend on the type of environmental review undertaken and the type of document being prepared.

The NEPA process for environmental assessments (EA), FONSI, and EISs includes the following major phases of environmental review where public input is critical:

- Scoping (identifying a project's purpose and need and determining baseline conditions)
- Alternatives development (identifying the range of alternatives for developing a project)
- Determining potential environmental impacts (and also potential mitigation measures)
- Identifying a preferred alternative (that best meets the purpose and need and presents the fewest environmental impacts)

NCDOT will develop either formal or informal public involvement plans for those projects requiring an EA/FONSI or EIS that afford all populations adequate opportunities for input and meaningful access to information. In developing and implementing public involvement activities for project development, NCDOT will comply with the Americans with Disabilities Act, Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency).

Environmental review conducted under SEPA analysis requires a 30-calendar-day comment review period for EAs and a 45-calendar-day review for EISs. NCDOT public involvement practice is to allow for

a 45- to 60-calendar-day period for agencies and the general public to submit comments on planning processes and environmental documents (state EAs and state EISs) during the public hearing process.

### **Communication Tools**

NCDOT will employ a variety of communication techniques throughout the project development process, with those techniques selected to reflect identified communication needs for each project. Techniques will be selected to provide the ability to reach residents in the project area, including low-income, minority, and LEP populations, and persons with disabilities, as appropriate for the individual project. The techniques will include presenting information in visual formats, when appropriate. Technology tools such as the Internet, mobile phone applications, video, or other formats will be used when appropriate.

## **5.2.2 Local Officials Consultation**

As the sponsoring agency in the development of environmental documents responsive to NEPA or SEPA, NCDOT provides many opportunities for municipal and county elected officials and professional staff (local officials) to provide input during the project development and environmental review processes. The public involvement process described here is considered to cover preparation of the EA/FONSI class of documents as well as the Draft EIS/Final EIS/Record of Decision class of documents, including preparation of any subsequent re-evaluations and supplements. Categorical Exclusions normally may not require such robust public involvement efforts; however, public involvement for Categorical Exclusions should be implemented as needed on each individual project.

NCDOT recognizes that local official consultation is critical during project development. Like the MPOs, the RPOs will typically represent the area during the project development process; however, this does not exclude individual governments from representing themselves or providing input.

When projects covered under this chapter are subject to the NCDOT NEPA/404 Merger Process, local officials will participate through the RPO(s) covering the project's geographic area. RPOs are invited to participate as advisory members for projects within their geographical area but do not sign concurrence forms at this time. As advisory members, RPOs will be invited to attend all meetings that are part of the NEPA process and provide input. County government elected officials and professional staff are provided opportunities for input as part of the public involvement and project development processes.

## **5.2.3 Metropolitan Planning Organization Involvement**

As the sponsoring agency in the development of environmental documents responsive to NEPA or SEPA, NCDOT will establish plans that allow adequate opportunity for metropolitan local officials to provide input during the environmental review process. This policy is considered to cover preparation of EAs/FONSIs and EISs. Categorical exclusions normally do not require public involvement.

NCDOT recognizes that metropolitan local official consultation is critical in the following major phases of environmental review:

- Scoping (identifying a project's purpose and need and determining baseline conditions)
- Alternatives development (identifying the range of alternatives for developing a project)
- Determining potential environmental impacts (and also potential mitigation measures)
- Identifying a preferred alternative (that best meets the purpose and need and presents the fewest environmental impacts)

Similar to the local official consultation process through RPOs, when projects are subject to the NEPA/404 Merger Process, local officials will participate through their MPO(s). If an MPO covers the project's geographic area, the MPO will be a participating agency in the NEPA/404 Merger Process and will be a signatory on concurrence forms. The MPOs will be invited to attend all meetings that are part of the NEPA process and provide input.

#### **5.2.4 Tribal Consultation**

NCDOT must consult with all federally recognized tribal governments in North Carolina to comply with NEPA as it pursues environmental clearance for specific projects that receive federal funding. There is only one federally recognized tribe in North Carolina, the Eastern Band of the Cherokee Indians. By Section 106 and Executive Order 13175, the U.S. Department of Transportation has developed policies to initiate the consultation, and the FHWA is designated as the agency responsible for assisting states with this contact. NCDOT also consults with state recognized tribal governments.

Recognizing that tribal governments are considered leaders of sovereign nations, a formal consultation process has been initiated by the U.S. government. The FHWA is designated as the agency responsible for assisting states with contacting the Eastern Band of the Cherokee Indians. NCDOT is designated as the agency responsible for assisting state-recognized tribal governments.





## Chapter 6

# State Rail Plan Public Involvement

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49 CFR 266.15 requires that opportunities for public input be provided during preparation of the State Rail Plan. The regulations require the State to hold a public hearing if there is sufficient public interest and to enable local and regional governmental bodies to review and comment on appropriate elements of the State Rail Plan. Public involvement within the context of Part 266.15(a) includes an opportunity for participation by persons interested in rail activity in the state and in adjacent states where appropriate.

In the development of its State Rail Plan, NCDOT will conduct the public involvement and agency coordination activities that are consistent with regulations and U.S. Department of Transportation established standards for the preparation and periodic revision of state rail plans to meet the following provisions:

- NCDOT will make information available for general public review on the official Rail Division Website.
- NCDOT will enable local and regional governmental bodies to review and comment on appropriate elements of the State Rail Plan.
- NCDOT will commit to a public hearing if, on the basis of reasonable public notice appearing in the press, there is sufficient public interest to justify a hearing.
- NCDOT will comply with any future federal Rail Plan requirements, including those directly related to the public involvement process.



## Chapter 7

# Evaluating Public Involvement Processes

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23 CFR 450.210 requires NCDOT to “review and solicit comments from non-metropolitan officials and other interested parties... regarding the effectiveness of the consultation process and any proposed changes ....” for planning, programming, and project development activities at least once every 5 years. Such a survey was conducted in development of this document, with results shown in Appendix D and reflected in final preparation of the document. To meet this requirement, NCDOT surveyed the following:

- MPOs
- RPOs
- Tribal governments
- North Carolina League of Municipalities
- North Carolina Association of County Commissioners
- North Carolina Regional Councils (Council of Governments)

A summary of the survey results are available to surveyed parties and will be published on NCDOT’s website. This summary identified proposed changes to NCDOT’s Unified Public Engagement process. This summary will be made available for a period of not less than 60 calendar days. NCDOT revised its UPEP as a result of the comments received and published this final document. For changes not made, NCDOT has provided an explanation for not accepting the change.

### **Public Involvement Performance Reporting**

To evaluate its ongoing public involvement programs, NCDOT may develop and report on performance measures related to public involvement in its planning, programming, and project development activities. The performance measures used will vary from area to area. Individual planning efforts should identify performance measure targets to evaluate the effectiveness of their public involvement efforts. Possible performance measures have been established for achieving the goals of the UPEP. Those goals, which were discussed in Chapter 2, along with potential performance measures follow.

**GOAL 1: ESTABLISH EARLY AND CONTINUOUS PUBLIC INVOLVEMENT OPPORTUNITIES THAT PROVIDE TIMELY INFORMATION ABOUT TRANSPORTATION ISSUES AND DECISION-MAKING PROCESSES.**

#### ***Performance Measures:***

- Announcements/notifications/information about the project will be distributed at the beginning of the study or project
- Information disseminated throughout the study or project

**GOAL 2: PROVIDE FULL AND OPEN ACCESS ABOUT PROJECTS, PROGRAMS AND POLICIES TO ALL POTENTIALLY AFFECTED AND/OR INTERESTED PARTIES.**

#### ***Performance Measures:***

- Use multiple methods for disseminating information/communications.

- Provide multiple methods for the public to respond to ensure access among all populations
- At the beginning of each study/project develop a list of contacts that at a minimum includes key stakeholders, civic leaders, local officials, property owners, and others who may have an interest in the project.

**GOAL 3: PROVIDE REASONABLE ACCESS TO TECHNICAL AND POLICY INFORMATION.**

***Performance Measures:***

- Provide multiple methods used for obtaining information that are capable of allowing all populations to get information and offer comments
- Distribute project/study information when technical and policy information is available
- Provide technical and policy information in other languages as appropriate.

**GOAL 4: PROVIDE ADEQUATE PUBLIC NOTICE OF PUBLIC INVOLVEMENT ACTIVITIES AND TIME FOR PUBLIC REVIEW AND COMMENT AT KEY DECISION POINTS.**

***Performance Measures:***

- Provide Notice of meetings at least two weeks prior to meeting
- Provide Notice of available reports, surveys at least 30 days prior to the deadline for receiving comments

**GOAL 5: TO THE MAXIMUM EXTENT PRACTICABLE, ENSURE THAT PUBLIC MEETINGS AND/OR HEARINGS ARE HELD AT CONVENIENT AND ACCESSIBLE LOCATIONS AND TIMES.**

***Performance Measures:***

- Conduct public meetings at locations that are accessible to persons with disabilities
- Hold public meetings at locations along public transportation routes where service is available
- Conduct public meetings at times that consider the working hours of the residents of communities involved

**GOAL 6: EMPLOY WHEN POSSIBLE VISUALIZATION TECHNIQUES TO EXPLAIN PROJECTS OR PROGRAMS.**

***Performance Measures:***

- Information for all studies, programs or projects uses some type of graphics, simulations, or other two- or three-dimensional imagery to enhance or explain the information

**GOAL 7: MAKE PUBLIC INFORMATION AVAILABLE IN ELECTRONICALLY ACCESSIBLE FORMAT THROUGH THE NCDOT WEBSITE.**

***Performance Measures:***

- Key reports for all studies and projects available on the World Wide Web

**GOAL 8: INCLUDE PROCESSES FOR SEEKING OUT AND CONSIDERING THE NEEDS OF THOSE TRADITIONALLY UNDERSERVED BY EXISTING TRANSPORTATION SYSTEMS (SUCH AS LEP, LOW-INCOME, AND MINORITY HOUSEHOLDS) WHO MAY FACE CHALLENGES ACCESSING EMPLOYMENT AND OTHER SERVICES.**

***Performance Measures:***

- Develop contact lists for studies, projects or other efforts include organizations, agencies, and other groups that serve traditionally underserved populations

**GOAL 9: PROVIDE FOR THE PERIODIC REVIEW OF THE EFFECTIVENESS OF THE PUBLIC INVOLVEMENT PROCESSES AND ADJUST THE PROCESSES AS APPROPRIATE.**

***Performance Measures:***

- Review of UPEP processes every five years, including a survey of local government officials regarding the effectiveness of public involvement programs



**Appendix A**

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**Analysis of Current North Carolina Department of  
Transportation Public Involvement Practices  
(April 2011)**





# Appendix A

## Analysis of Current North Carolina Department of Transportation Public Involvement Practices

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### 1 INTRODUCTION

#### 1.1 PROJECT BACKGROUND

This report documents a review of public involvement practices currently conducted within 13 business units of the North Carolina Department of Transportation (NCDOT). The review was conducted as part of a broader effort to present a consolidated public involvement process for NCDOT, identified as the Unified Public Engagement Process (UPEP). The purpose of the UPEP is to ensure that NCDOT is in compliance with various federal and state statutes, regulations, and executive orders that direct public involvement processes in the delivery of federal and state surface transportation programs.

The technical approach used in preparing this report consisted of designing a survey instrument, conducting the surveys in person and by telephone with business unit managers, summarizing the results of the interviews, and providing conclusions.

#### Survey Design

A survey instrument with 54 open-ended questions was created that addressed the direct focus of the project and potential factors that influenced the quality of public involvement. This survey is in the attachment to the appendix. For the purpose of conducting the survey, questions were divided into the following seven areas of interest:

- Organizational structure
- Staffing
- Cost quantification
- Public involvement process
- Definitions of successful, effective, and cost-effective public involvement
- Measures of effectiveness
- Effective, cost-effective, and ineffective techniques

#### Survey Participants

Twenty-three staff members from 13 of NCDOT's business units participated in the survey. The following list identifies the individuals surveyed, the business units represented, and the date the surveys were conducted.

- Division of Aviation (February 2, 2011)  
Richard Walls, Director

- Bicycle and Pedestrian Division (February 3, 2011)  
Robert Mosher, Planning Program Manager  
John Vine-Hodge, Transportation Planner II
- Office of Civil Rights (February 2, 2011)  
Philip Bickham, Director
- Communications Office (February 2, 2011)  
Ted Vaden, Deputy Secretary for Internal and External Affairs
- Division of Highways (February 14, 2011)  
Jon Nance, PE, Chief Engineer Operations
- Ferry Division (February 3, 2011)  
Harold Thomas, Assistant Director Operations  
Lori Shadday, Administrative Secretary III  
Lucy Wallace, Ferry Communications Officer
- Governance Office (February 3, 2011)  
Mark Tyler, Director
- Public Transportation Division (January 31, 2011)  
Miriam Perry, Director
- Strategic Planning Office (February 2, 2011)  
Don Voelker, Director  
Alpesh Patel, Staff
- Transportation Planning Branch (February 3, 2011)  
Mike Bruff, PE, Branch Manager  
Travis Marshall, PE, Eastern Planning Unit Head  
Earlene Thomas, PE, Western Planning Unit Head  
Dan Thomas, PE, Technical Service Unit Head
- Program Development Branch  
Calvin Leggett, PE, Branch Manager (January 31, 2011)  
Al Avant, Assistant Branch Manager, TIP Development Unit (February 22, 2011)
- Project Development and Environmental Analysis Branch (February 22, 2011)  
Greg Thorpe, PhD, Branch Manager  
Drew Joyner, PE, Human Environment Unit Head  
Ed Lewis, Public Involvement/Community Studies Group Leader
- Rail Division (January 31, 2011)  
Pat Simmons, Director

## 1.2 ORGANIZATION OF THE REPORT

This report is organized as follows:

- Chapter 1 provides information relative to the project background, technical approach, and report organization.
- Chapter 2 summarizes the survey results by business unit for each of the seven areas of interest.
- Chapter 3 presents the survey conclusions.
- Attachment 1 lists the 54 questions in the original survey.

## 2 SURVEY RESULTS

This chapter summarizes the responses of each business unit to survey questions. As the surveys were taking place, it became clear that a limited number of business units actually have staff that perform public involvement tasks. These business units are:

- Bicycle and Pedestrian Division (BPD)
- Division of Highways (DOH)
- Project Development and Environmental Analysis Branch (PDEA)
- Strategic Planning Office for Transportation (SPOT) (this office has staff involved in public involvement, but not totally dedicated to public involvement)

Other business units that have public involvement responsibility rely on access to NCDOT customer service/public affairs/relations staff or rely on Metropolitan Planning Organizations (MPO), Rural Planning Organizations (RPO), or local governments to support their public involvement activities. These business units include:

- Division of Aviation (DOA)
- Ferry Division (FD)
- Program Development Branch (PDB)
- Public Transportation Division (PTD)
- Rail Division (RD)
- Transportation Planning Branch (TPB)

Finally, some business units do not have public involvement staff and do not rely on anyone for public involvement services; rather, they provide in-house support services to other business units. These business units include:

- Office of Civil Rights (OCR)
- Communications Office (CO)

- Governance Office (GO)

For this last set of units, many of the survey questions were not applicable because they do not have staff that performs public involvement tasks.

The sections below summarize responses to each question posed in the survey, to describe the state of current public involvement practice at NCDOT in broad terms. For each question, responses are grouped according to the level of direct involvement in public involvement activities:

- Business units with public involvement staff
- Business units that depend on others for their public involvement
- Business units that provide support services to other business units but do not do public involvement

## **2.1 ORGANIZATIONAL STRUCTURE**

### **2.1.1 Does your business unit have its own public involvement staff?**

Business units with public involvement staff:

- BPD has all seven staff members involved in the public involvement process at some point, but not on a full-time basis. One person is dedicated to a graphics Website.
- DOH's 14 divisions have staff members that provide part-time public involvement services that are generally project-specific or involve assisting other groups within NCDOT. DOH staff members attend public meetings for the Transportation Improvement Program (TIP) and for specific projects where they provide project details, technical and local knowledge, etc. As required by law, DOH staff members attend county commissioner meetings, which are open to the public. At these annual meetings, staff members present their division's paving dirt roads program and are available to answer questions. DOH also provides staff to speak before city councils, Rotary Clubs, and other interested groups.
- PDEA has staff members in their Public Involvement/Community Studies Group, a part of their Human Environment Unit, that are dedicated full-time to public involvement.
- SPOT has three staff members who do public involvement on a part-time basis. In addition, they rely on CO staff.

Business units that depend on others for their public involvement:

- DOA has a dedicated liaison from CO who assists them with press releases. They administer grants to local agencies that contract public involvement out to others, and the grantees are responsible for conducting public involvement work elements.
- FD staff is generally involved in customer service. The personnel operating their vessels work with the public on a daily basis, and the division's full-time liaison from CO is located nearby.
- PDB depends on the DOH representatives to provide local staff support for the State Transportation Improvement Program (STIP) meetings in each of NCDOT's 14 divisions.

- PTD administers grants to local agencies such as transit agencies, MPOs, and RPOs, and the grantee is responsible for conducting public involvement work elements. PTD also contracts with PDEA to provide public involvement services.
- RD has access to a part-time staff person from CO, but this person is not dedicated to them.
- TPB relies on RPOs for local input with their Comprehensive Transportation Plans.

Business units that provide support services to other business units but do not do public involvement:

- OCR reviews public involvement plans created by PDEA and assists other business units in meeting Title VI, Environmental Justice and Limited English Proficiency compliance requirements.
- The CO is thought of as public affairs or public relations, as opposed to public involvement. They are responsible for all external communications, media relations, press releases, speeches, a Website, and other ways to interact with the media.
- The GO provides guidance in planning and implementation of strategic initiatives approved by NCDOT's Strategic Management Committee.

### **2.1.2 Which business units are you aware of that have public involvement components?**

All business units are aware that the PDEA has a public involvement component, but beyond this, most business units are uncertain as to what other business units have public involvement staff.

## **2.2 STAFFING**

### **2.2.1 How many staff members are engaged full time in public involvement?**

- Only PDEA reported having staff members providing public involvement on a full-time basis; they have four full-time staff members that are engaged in public involvement.

### **2.2.2 Does your business unit use consultants to conduct public involvement?**

Business units with public involvement staff:

- BPD gives planning grants to towns, the towns hire consultants, and the consultants do the public involvement.
- DOH uses consultants with most being tied to project specific public hearings and in coordination their own Design Branch. DOH staff members attend the meeting, and the consultants are responsible for preparing parts of the presentation, answering questions, manning tables to share information, signing in members of the public, and taking comments.
- PDEA uses consultants.
- SPOT has used one consultant over the past six to nine months to facilitate outreach meetings.

Business units that depend on others for their public involvement:

- PDB rarely uses consultants.
- RD used consultants in preparing the Statewide Rail Plan.

- PTD uses consultants to conduct public involvement.
- TPB uses consultants for special studies, corridor studies, household travel studies, or external origin/destination surveys.

Business units that provide support services to other business units but do not do public involvement:

- CO has hired one consultant in the past two years.

### **2.2.3 How many bilingual and/or bicultural staff members does your business unit have, and what language(s) do they speak?**

Business units with public involvement staff:

- BPD has one bilingual staff member who speaks a Native American language.
- PDEA have two bilingual staff members who speak Spanish and one bilingual staff member who speaks Chinese.

Business units that depend on others for their public involvement:

- TPB has 11 bilingual staff members who speak one or more of the following languages: Spanish, Russian, Vietnamese, Bulgarian, Chinese, Hindi, Gujarati, Arabic, Hebrew, and French.

Business units that provide support services to other business units but do not do public involvement:

- OCR has two bilingual staff members who speak Spanish.
- GO has one bilingual staff member who speaks Spanish.

### **2.2.4 Do you use consultants to provide language access services during public involvement?**

Business units with public involvement staff:

- BPD uses consultants to provide language access services.
- DOH has used signers (those who communicate through sign language) on an as-requested basis. Special needs services are provided by NCDOT if requested by a member of the public.
- PDEA uses consultants to provide language access services.

Business units that depend on others for their public involvement:

- DOA has grantees that are responsible for conducting public involvement on specific projects.
- PDB has used signers (those who communicate through sign language) and translators on an as-needed basis. This service is provided by NCDOT if requested by a member of the public.
- PTD is not sure.
- TPB depends on their partners to alert them to a language access services need during development of their Comprehensive Transportation Plans.

Business units that provide support services to other business units but do not do public involvement:

- The CO uses other resources within NCDOT for their language access services needs and cannot remember any occasion when they have needed Language Access Service consultants.

### **2.2.5 Do you use any other method of providing language access services during public involvement?**

Business units with public involvement staff:

- BPD primarily uses focus groups.
- DOH has partnered with an MPO who provided these services.
- PDEA has partnered with MPOs and RPOs.

Business units that depend on others for their public involvement:

- FD has not needed to provide language assistance services, but it knows the appropriate organizations to turn to if the need arises.
- PDB is relying more and more on MPOS or RPOs to be conduits to the public as the process evolves with the addition of SPO.
- PTD uses steering committees members and transportation advisory boards members. The steering committee and advisory board for each transportation system are required to include a member of the major minority population in their service area.
- RD has used NCDOT's on-call language consultants and coordinates closely with the Federal Railroad Administration's Office of Civil Rights to ensure that they are in compliance with requirements.

Business units that provide support services to other business units but do not do public involvement:

- The OCR encourages and recommends the use of groups like faith-based organizations.

## **2.3 PUBLIC INVOLVEMENT PROCESS**

### **2.3.1 What technical studies/reports for public involvement does your business unit prepare that address social and community issues?**

Business units with public involvement staff:

- BPD prepares a public involvement report as part of all bicycle and pedestrian studies because a public involvement element is required in each study.
- PDEA produces Community Characteristics reports, Community Impact Assessments, and some Environmental Justice technical memos that supplement earlier Community Impact Assessments.

Business units that depend on others for their public involvement:

- DOA's grantees are responsible for these efforts.

- RD said they were in compliance with the Federal Railroad Administration’s NEPA requirements. NEPA generally requires an examination of these issues, although they do not require a formal technical report or memorandum.
- TPB prepares a report as part of a Comprehensive Transportation Plan for each of their non-MPO areas. These reports are for the general public, are placed on their Website, and have limited distribution in paper. They are produced in English only.
- PTD produces a community transportation services plan for each rural area, which addresses social and community issues from a public transportation perspective.

Business units that provide support services to other business units but do not do public involvement:

- OCR does not develop reports; however, it reviews reports generated by other business units within NCDOT.

### **2.3.2 How does your business unit identify and segment the various “publics” you will target for public involvement?**

Business units with public involvement staff:

- BPD identifies “publics” for public involvement through focus groups and steering committees with no formal written process.
- PDEA does this generally from demographic data from the U.S. Census and input from local Language Assistance Resource Contacts. Publics are also identified from staff field investigations. They look at language, culture, shift work, and the community in identifying publics and share this information with DOH.
- SPOT relies on their planning partners, the 17 MPOs, the 20 RPOs, and the 14 division engineers to help them shape and give feedback to the prioritization process. These planning partners provide local input and present it through their Transportation Advisory Committees (TAC) and Technical Coordinating Committees (TCC).

Business units that depend on others for their public involvement:

- DOA targets commercial clients (pilots and/or mechanics) for activities such as continuing education outreach and works with the Federal Aviation Administration (FAA) to provide assistance with sponsoring speaking seminars.
- PDB depends on local community, town, city, MPO, and RPO staffs to make them aware of that.
- PTD knows the TPB identifies church bulletins, local Public Service Announcements, various strategies that can be used to inform the public that a study is being conducting and the public’s input is needed. Some of the communities do better than others in getting the word out.
- TPB does not have a process for doing public involvement for a Comprehensive Transportation Plan; rather, they follow the local jurisdiction’s or county’s plan and their public involvement plan and try to adopt this rather than trying to do it within the branch. They are in a transitional stage with the



Comprehensive Transportation Plan. They have identified several parts of the process, places where they need to engage the public and where they need to have steering committee meetings. They are using a document titled *Best Practices and Tools for Public Participation in Comprehensive Transportation Planning and Project Development*. They have a process and have set up a steering committee. There are certain meetings that they hold at the beginning with the public as far as getting public input on efficiencies, and they go back to them when there is a draft plan and at the end when a workshop is held. The actual adoption process is owned by the municipality or county who is the one responsible for holding the official public hearing. TPB has a recently adopted a public involvement tool kit that includes a recommendation that tells how they engage now and what a better process would be. They are trying to develop a continuous public involvement process with milestones where things are combined.

Business units that provide support services to other business units but do not do public involvement:

- OCR thinks that groups are targeted for public involvement on a project-by-project basis using U.S. Census demographics.
- CO said that this type of information would be in a marketing plan.

### **2.3.3 How does your business unit make decisions about how to tailor your public involvement to the various population segments you have identified?**

Business unit with public involvement staff:

- BPD tailors public involvement efforts on a case-by-case basis with coordination between the project managers and consultants. They maintain a list of typical groups that they pre-consider when tailoring public involvement efforts and forward these to steering committees.
- PDEA has guidance in place regarding limited English proficiency outreach. Based on data collected in their Community Characteristics Reports, Language Assistance Resource Contacts, local NCDOT staff, local elected officials and staff, etc., PDEA develops a public involvement plan.

Business units that depend on others for their public involvement:

- DOA relies on mailings, Website updates, and occasionally paper advertisements for its commercial client outreach because the primary audience they are trying to reach are mechanics and pilots. They provide some funding assistance to a summer aviation camp that has its own dedicated Website. The camp has used print ads and once held a special camp for young women.
- PDB feels this is an MPO or RPO request.
- PTD wants to complete a four factor analysis to help them tailor their public involvement efforts.
- RD makes decisions about how to tailor public involvement based on the project. For example, if the project is within a railroad right-of-way and the project has independent utility, it is the authority of the railroad company to make this change or determination. The railroad may not inform the public that track is being straightened in the public's backyard or adjoining property; however, the railroad company does let the public know when the project will be undertaken. They have a series of points

they make people aware of the project. For bigger projects, every property owner within a quarter mile of either side of the right-of-way would be notified. They reach out to agencies of record and make sure they are aware of the project and they work with local governments, the RPOs, MPOs, TACs, TCCs, county staff or city, and elected officials. When there is the potential an adjacent property will be impacted, the property owner is sent a notice.

- TPB doesn't know if they really tailor public involvement that much. The tailoring is typical for the number of meetings and the makeup of the committees.

Business units that provide support services to other business units but do not do public involvement:

- CO primarily tailors it geographically. They are not really trying to reach certain kinds of populations as they are just trying as extensively in a specific area. They do video primarily through their Website and use 8th grade reading level for information so they can reach the low-literate population.

#### **2.3.4 How do you provide education to the public to better equip them [the public] to provide meaningful input to your business unit?**

Business units with public involvement staff:

- BPD asks the public to write positive and negative comments on maps as an education tool to receive meaningful input regarding the individual studies.
- DOH is trying to match their own communication methods with those they see being used by the general public: using social media and email, being proactive with press releases and interviews with the media rather than waiting for the stories and then trying to address questions, and being linked to NCDOT's one call number (1-800-DOT-4YOU).
- PDEA feels their most productive efforts occur when doing the following:
  - Keeping the public informed at major milestone events so they can provide input
  - Providing the public with avenues (contact information, Websites, newsletters, etc.) that talk about the project development process and more importantly lets the public know who, how, and when to contact a person
  - Including the public's input in the documentation and showing how it was used (documents, post-hearing meeting minutes, Website updates, press releases, etc.)

PDEA feels that they are most successful with their project development efforts if they do not surprise the public and the public does not surprise them. To them, effective communication is critical throughout the process. PDEA feels they have several tools available for their use in their public involvement toolkit.

Business units that depend on others for their public involvement:

- DOA provides education to its commercial clients through seminars that it sponsors for continuing education.
- FD deals with any email that comes through their Website.

- PTD does speaking engagements and is willing to go anywhere, anytime to talk about public transportation and its benefits. They have a canned PowerPoint they are providing across the state and by the end of 2011, they hope to have addressed every Board of County Commissioners and the City Councils in the urbanized areas. They also go to advocacy groups, MPOs, RPO, conferences and other venues to talk about public transportation.
- TPB uses games and exercises as part of corridor studies and the statewide plan. The public is given so much money and how to spend it. They have also used visioning, but most of the time they make presentations to a small group.

Business unit that provide support services to other business units but do not do public involvement:

- OCR acts as a partner to the lead business unit conducting the study within NCDOT.
- CO gets information about a program or project by putting together a marketing or promotion plan that delineates media avenues to use and the geographic area to cover, as well as who are they trying to hit, and are they trying to hit them.

### **2.3.5 What are your business unit's goals for public involvement?**

Business units with public involvement staff:

- BPD has not spelled out its goals for public involvement; however, a constant effort is conducted.
- DOH's goals are to be proactive in their communication efforts, make people aware of what was coming, keep people informed about emergencies and emergency response, and respond to concerns raised by citizens, the media, and elected officials.
- PDEA had no specific goals for public involvement. They aspire to the NCDOT mission statement ("connecting people and places in North Carolina—safely and efficiently with accountability and environmental sensitivity"), which points to doing their job with environmental sensitivity and being accountable to their customer. NCDOT's values include "customer service—we respond to our customers, both internally and externally, in an open, professional and timely manner."
- SPO's goals are to:
  - Receive feedback from the public, whether it is positive or negative, that someone at least acknowledges the prioritization process.
  - Produce materials, presentations, publications of the work they are doing to try and help educate and solicit from the general public, and the state's vested stakeholders who have probably more awareness and knowledge of transportation because they are in it every day.

Business units that depend on others for their public involvement:

- DOA's goals are to work with the local communities on land use planning around air facilities. They do not have anyone specifically designated for this goal because the grantees conduct planning efforts on a case-by-case basis.

- FD states that their goal is to improve their ability to provide information immediately to the public through broadening their Twitter customer base, posting information immediately to their Website, and creating a Facebook page. They are working to increase their Twitter customer base by creating posters and putting these on the boats and in the terminals so they can get more people to sign up.
- PDB's goal is to find a way to increase interest in the STIP.
- PTD's goal is to seek the public's input by going out and talking to various groups to get as much input from the local community, those who owned the system. They feel this should be done on an ongoing basis, on an annual basis, not just once every 5 years.
- RD's goals are to provide easy access to information on what they were doing and making sure that they touch those that are nearby and include them.
- TPB thinks that maybe specific goals are set up for each study in terms of what needs to be accomplished, or who needs to be contacted, or kept informed. These are done for the MPOs and the RPOs, but are not formalized as part of working with these organizations.

Business unit that provide support services to other business units but do not do public involvement:

- OCR's public involvement goals are to maintain contact and be given opportunities to partner with other business units within NCDOT throughout the planning process.
- The CO said that they have two goals:
  - To provide citizens with information they need to effectively travel on the transportation system that NCDOT provides and operates.
  - To be as open and transparent as can be about what NCDOT is doing in terms of policy making, project selection, decision-making by making information accessible by Web and targeting the use of media.

### **2.3.6 How is input from the public integrated into the business units' decision-making process?**

There is no well-defined process identified by any of the business units. Most said they do not have a process or it is the responsibility of another agency, local community, or commission.

### **2.3.7 How do you demonstrate to the public that their input has been integrated into the project?**

Business units with public involvement staff:

- BPD notes that the best way to identify that public input is integrated into their projects is by looking at the specific elements of the work plan.
- DOH responds to email, specific requests, and comments from communities by using email, letters, and telephone calls. They hold special meetings when a group has a specific issue, attend county commissioner meetings in response to a concern, and if requested, have their managers, supervisors, and project inspectors hold side meetings with property owners, communities, and elected officials to discuss issues.

- PDEA says that through their public outreach (Web pages, newsletters, public meetings, and public hearings), they point out instances where the public's input has guided their decision making.

Business units that depend on others for their public involvement:

- DOA is not responsible for the integration of public input into the decision-making process of projects; the local agency, such as individual airports and county commissions, are responsible for this.
- PDB feels they demonstrate that the public's input has been heard by going into an area and presenting information.
- PTD says that changes that result from input demonstrate that the public's input has been integrated into the project.
- TPB usually starts out with a survey at the beginning of the Comprehensive Transportation Plan process. They take comments and see what is needed or what the public would like to see communities look like. It is probable that the comments would document the feedback they get from the public. They would not necessarily address each of those comments. The results of the comments might be seen in the final plan. There are occasions where, based on public feedback or input, the plan might be changed and a second public workshop might be needed.

Business units that provide support services to other business units but do not do public involvement:

- OCR is a partner to the lead business unit conducting the study and is not responsible for demonstrating to the public that input is integrated. However, they act as an advocate on the project team to ensure that public comments are addressed and identified in areas where community outreach is deficient.

### **2.3.8 How are public/agency commitments/permit requirements/etc. tracked by your business unit?**

Business units with public involvement staff:

- BPD tracks involvement of identified population segments that should remain involved throughout the project.
- PDEA passes these commitments from the environmental documents to the "plan sheets" and into the construction contracts. They often use what they call "green sheets," which capture special environmental or project commitments.
- SPOT is not sure how many hits they get.

Business units that depend on others for their public involvement:

- DOA reviews public comments on projects conducted by grantees with an internal goal of concurring on grantee/local agency decisions. The final decision is ultimately the responsibility of the grantee.

- PTD thinks on the planning side this would be through the actual recommendations that were made to enhance the transportation system. Whether these recommendations actually are implemented remains to be seen, but at least they get into the recommendations portion of the document and become the basis for future applications. The plans are not fiscally constrained because neither NCDOT nor the local governing body can really commit funding beyond the current or following year.
- TPB only tracks public involvement and does not make commitments in the long-range plan. Their commitments are that they will visit the commitment again in the NEPA process.

Business unit that provide support services to other business units but do not do public involvement:

- OCR finds it difficult to track commitments made in planning projects on behalf of other business units.
- GO uses an internal tracking tool that tracks emails and letters and their responses to those.

## **2.4 DEFINITION OF SUCCESSFUL PUBLIC INVOLVEMENT**

### **2.4.1 How do you define public involvement, successful public involvement, effective public involvement, or cost-effective public involvement?**

Business units with public involvement staff:

- BPD defines public involvement as a way to ensure the community is involved in the commitments and activities of the division and agency.
- DOH defines public involvement as being proactive in communications outward, soliciting input from in the public, identifying the public's desires and concerns, and focusing better on matching the communities' desire.
- PDEA says public involvement is two-way communication with the public that informs them about the project, offers the opportunity to provide input, and uses that input to inform project decision making. PDEA feels there has to be a balance between the money, time, and effort spent on public outreach and its effectiveness.
- SPOT defines successful public involvement as the following:
  - A session is held and well attended.
  - The session is engaging; it is not just the moderators talking for 50 minutes and then leaving 5 minutes to the audience to comment, but it is a back and forth exchange of dialogue.
  - The comment, the input, the solicited feedback that comes in are captured accurately.
  - As much feedback as is reasonably possibly is incorporated in their processes like the Mobility Fund or Strategic Prioritization.

Business unit that depend on others for their public involvement:

- DOA defines public involvement as community outreach that explains project impacts on the community and the resulting dialogue from the community as to how it feels it is being affected.
- PDB thinks that public involvement is for anybody to be heard and understood.
- PTD defines public involvement as everyone having an opportunity to provide input into a project and having that input taken into consideration and impacting the project's outcome.
- TPB said from the Comprehensive Transportation Plan perspective, they are trying to get feedback and also educate the general public as well as local officials on transportation planning and the relationship with their local plans and corridor studies. For something like the Statewide Transportation Plan, the audience may not be the general public as much as it should be more officials and our transportation partners. For Comprehensive Transportation Plans, as well as Statewide Transportation Plans, TPB looks at environmental agents as additional partners. They don't have any written performance measures for successful public involvement. When they get to the end of the study, they can pretty much tell based on the plan they have and the people and public hearing. They define cost-effective public involvement as free, but they didn't think they have ever thought of it in that manner because in most cases it is not a significant enough part of the process to really make that determination.

Business unit that provide support services to other business units but do not do public involvement:

- GO says that public involvement is how they engage the public in providing feedback to either the policies or practices that are related to transportation and how these ultimately affect their communities.

## **2.5 MEASURES OF EFFECTIVENESS**

### **2.5.1 What are the outcomes you expect from your public involvement efforts?**

Business units with public involvement staff:

- BPD thinks the outcomes expected from public involvement efforts depend on the type of meeting that is conducted by the division.
- DOH expects people to be satisfied, value what DOH does, or understand the reasons that DOH does what it does.
- PDEA defines expected outcomes as input that informs decision making, builds trust with the local community, and understanding by the community of the project and their role in the process.
- SPOT does not have any explicit measures of effectiveness, but listens when going out to a TAC meeting for a MPO or RPO presentation and receives feedback. Multiple times through their personal relationships the MPOs and RPOs have said they are really excited about what NCDOT is doing and the direction in which it is going. The results of TPB's annual RPO survey specifically pointed out the work of prioritization has been excellent and brought a lot of credibility and accountability to what NCDOT does. This is just a different media that SPOT uses to get feedback and gauge success.

Business units that depend on others for their public involvement:

- DOA has no metric measure for the outcome of public involvement efforts.
- PTD says they expect the outcomes to be fairness and equity.
- RD expresses outcomes in numerics, the number of people attending a project meeting, the number of comments received, the number of formally submitted documents, but they are unsure as to how effective that number is relative to the populations. Is it the right number, too many, or not enough?
- TPB expects outcomes to be feeling like you have a public that has been engaged in the process. They know what long-range planning is. They know what TPB is trying to do. They know what the product is. The same thing is true with the public officials. They know in the end whether or not they have done their job and whether or not they have been effective in dealing with the public.

Business units that provide support services to other business units but do not do public involvement:

- GO expects outcomes such as our message is clear and understood, and people generally are not frustrated or confused by the message when you finished.

**2.5.2 Have you developed quantitative/qualitative measures for the effectiveness of your public involvement or do these measures include equity or inclusiveness?**

Business units with public involvement staff:

- BPD has not developed qualitative/quantitative measures, however, observations are done and adjustments are made to tailor public involvement efforts.
- DOH thinks the answer to this question depends on the person being asked. They rely on surprise reaction and the number of positive comments they receive.
- PDEA has not developed any formal measures. They are continuing to develop and have begun implementing criteria/processes for involving populations, traditionally underserved populations, such as those with limited English proficiency and potential Environmental Justice concerns.

Business units that depend on others for their public involvement:

- DOA notes that generally the grantee is responsible for measuring the outcome of public involvement efforts. However, they are trying to develop a metric to address quantitative/qualitative measures.
- PDB consistently measures head counts. How many people showed up? How many people spoke? But this is not measured against how many people are in the study area or things like that.
- PTD has not developed any measures, but they think they know it is effective when the end result has changed. Whether it is the service that is operated 7 days a week versus 5 days a week as a result of the public saying they need to be able to go to the grocery store on Saturday or they still have transportation needs on Sunday. It is getting those recommendations into the plan and having local support for the service.



- TPB says MPOs put more emphasis on measure of equity or inclusiveness from a federal standpoint. But from their standpoint, unless it is brought up in their interaction with the local planner, they don't know that it is really something that they have to deal with.

Business units that provide support services to other business units but do not do public involvement:

- CO says that they do not measure cost effectiveness. They measure the number of website hits, the number of unique website hits. They monitor newspapers and TV, not radio, in the state every day for anything that has the words "Department of Transportation" in it. They put out releases to those on their statewide media list and get great pick up on it.
- GO uses a tracking tool, but don't know if it addresses under-represented groups specifically. They understand the importance of having meetings in a forum that is easily and readily accessible by anyone who wants to come.

## 2.6 COST QUANTIFICATION

### 2.6.1 Have you quantified the cost of doing public involvement in your business unit?

Business units with public involvement staff:

- BPD has not quantified the cost of public involvement efforts on a project basis. They issue grants to projects are included with and assigned to tasks, but never reviewed.
- DOH says they don't budget that. They don't quantify that. It is just part of what they do.
- PDEA is not aware that they have done this.

Business units that depend on others for their public involvement:

- DOA does not expect quantified costs from grantees. They note that whenever an Airport Operations Plan (APO) needs updating, a public involvement element is required. The AOP is conducted on an as needed basis, with the only requirement being approval by the local land commission or similar governing body.
- FD puts together an annual budget, but does not quantify the costs.
- PDB knows what they spend on their meetings and on advertising, but it is not a huge price tag. But, holding 14 meetings around the state and trying to advertise across the state to the vast majority of people is expensive.
- TPB does not know, but it seems to be an expensive thing because it is just time consuming.

Business units that provide support services to other business units but do not do public involvement:

- OCR is not aware of a quantitative element to public involvement components in planning documents.
- The GO thinks it would be difficult to quantify, but would include salaries/benefits, consulting, printing, mailing, newspaper ads, radio spots, development/maintenance, social networking, etc.

There is a large number of very diverse staff members that develop materials, set up events, and participate in working with the public.

## **2.7 EFFECTIVE AND INEFFECTIVE TECHNIQUES**

### **2.7.1 What specific public involvement techniques have you found to be most effective?**

Business units with public involvement staff:

- BPD identifies the most effective techniques vary by project; however, steering committees help to reach the most people. The use of focus groups and surveys conducted as part of the planning process are also effective.
- DOH says “face-to-face” encounters are the most effective public involvement technique because they help to diffuse the situation and be responsive to someone.
- PDEA says “face-to-face, one-on-one” conversations are the most effective public involvement technique. They also feel that direct mailing of newsletters and/or flyering neighborhoods followed by a public hearing are effective.
- SPOT feels that Citizens Connect, a social networking site they used for the development of the Mobility Fund, worked pretty well although there were probably only about 30 some comments. SPOT feels that the three webinars they have held across the state were effective, as well as getting to know the traffic reporters who work for the *Raleigh Observer* and other newspapers and write about the project in their local columns.

Business units that depend on others for their public involvement:

- DOA identifies their website as being there most effective technique. They also use one-on-one meetings and constantly network with local community members.
- FD finds Twitter offers the most potential.
- PDB thinks that steering committees are most effective when they act as a sounding board to bounce things off of and made recommendations to the planning board.
- PTD says “face-to-face” encounters are the most effective technique. They also use flyers, work with advocacy groups and let them carry the message to their constituents, and seek the input of those who are transit dependent and those who represent environmental groups.
- RD says the most effective thing they do is stay in the news cycle.
- TPB uses Survey Monkey because it is cheap and it has given them lots of success and better response. But they realize access is limited because it is web based.

Business units that provide support services to other business units but do not do public involvement:

- OCR identifies their website as the most effective public involvement technique. As a partner to the lead business unit conducting the study, their presence is leverage.
- GO says “face-to-face” encounters are the most effective public involvement technique.

### 2.7.2 What specific public involvement techniques have you found to be most ineffective?

Business units with public involvement staff:

- BPD notes that successful techniques used for one meeting may not work at another meeting.
- DOH identifies sending boilerplate response letters that sounded like regimented engineering speak to the public.
- PDEA says newspaper legal ads are the most ineffective public involvement technique.

Business units that depend on others for their public involvement:

- DOA notes that an ineffective technique that they have used in the past is simply not participating with local communities before meeting with county commissions to discuss airport planning projects.
- FD says newspaper legal ads are the most ineffective public involvement technique.
- PTD says single public hearing notices and newspaper legal ads are the most ineffective public involvement techniques.
- RD thinks that newspaper legal ads are such an ineffective technique, they put a notice to request a public hearing in the paper, and if no one requests a public hearing they do not hold one.
- TPB identifies holding workshops that have no local support and are poorly attended.

Business units that provide support services to other business units but do not do public involvement:

- CO identifies broad-based press releases and their attempts at online interactive communications such as Citizens Connect. They have done several projects with it, but the response has been underwhelming. Part of the challenge is getting it out there in front of people so they know about it and getting them interested in it. They are convinced it can be a very effective tool, but they have not mastered it yet. They will be conducting public engagement campaigns on their Policy to Projects program between February and June 2011 to get public input and part of it will be an open source web-based citizen forum. They think there is a lot of potential to engage the public that way, but they have not figured out how they are going to do it.
- GO identifies holding public meetings as ineffective because very few people show up.

## 2.8 OTHER THOUGHTS

**BPD:** The use of press releases, steering committees, bicycle clubs, health advocates, and running clubs adds leverage to their public involvement efforts. They also note that public involvement conducted through their division has a point person identified to contact for education materials.

**DOH:** They feel they have become much more pro-active in the last couple of years and more focused on going outward with information rather waiting for the question or accusation or the news story to break before they tried to respond to it.

They think using social media have been helpful. It has allowed them to put information on YouTube about salt brine for the rock slide in the western part of the State. Also, they have been putting out interviews and informational messages, and a two-minute video clip on YouTube.

They are now holding some of their meetings in locations outside of their division facilities which are more convenient for the public. They also think that hiring more staff in the past couple of years has paid dividends and led to more acceptance and a better understanding of what DOH does.

They feel moving individuals formerly in their construction wing to CO has been effective, putting a public information officer physically in Division 10 (Charlotte) has been effective, and assigning a specific person in CO to cover a specific group of divisions has improved area and personnel familiarity.

**SPOT:** There are three main areas in the last two years that they have stood up:

- The Strategic Prioritization process that helps govern the scoring for projects in the TIP, as well as the five non-highway modes;
- A separate urban loop prioritization process which governs 25 TFU projects and 10 areas in the State that are eligible for loop projects; and
- The Mobility Fund.

CO provides space on their website, tools, and the forms by which to disseminate the information. SPOT is the source of creating information and actually doing the public involvement or stakeholder outreach and getting the input. Their staff has been out on the street multiple times in the last two years through a series of listening sessions during November 2010 in four cities when staff spent 2.5 - 3 hours at each meeting hearing from stakeholders and the public about the prioritization process and how it could be improved. The results of these meetings were released through 30-day comment periods on the website and through forums where the results were released on the scoring of the project. Last February 2010, another three meetings were held statewide and everyone was shown the results and how their input made a difference in the projects' scores. SPOT feels that through this process they have heard directly from individual people and directly from staff and elected officials.

**DOA:** They work with local agencies to gain leverage for public support to get airports to address land use planning issues and have land use plans. They would like to encourage airports to have land use plans through their grant administration.

**FD:** They survey passengers on specific runs to determine how the public could be impacted by scheduling or run changes. In addition to sending out press releases, their CO liaison can immediately use Twitter and update their 1-800 number message at will.

**PDB:** They feel that their electronic communications has improved and the TIP is on the web and can be accessed at any time by anybody.

**PTD:** They partner with other state agencies like the Department of Health and Human Services (HHS) who sends information out through HHS local programs. PTD also has used state government radio and spots on WPTF during peak hour to talk about public transportation and make the public aware of

information available on NCDOT's website (ncdot.org) about public transportation availability in local areas.

**RD:** They have a website (train.org) and have placed blue road signs along major highways that provide their toll free telephone number (1-800-BY-TRAIN).

**TPB:** For the conformity process, they rely on the MPOs. For areas outside the MPOs, they rely on the MPOs' public involvement process to serve the non-MPO area.

**CO:** Over the past few years, the CO has staffed a one-call number (1-800-DOT-4YOU) customer service telephone line for the public. Within 48 hours of making a call, the public can get a response to their question or be given the expectation of a time in which they will get their answer. This service has been instrumental in helping NCDOT respond quicker to the public.

### 3 SURVEY CONCLUSIONS

While there is no universally agreed upon definition of public involvement, it is widely accepted as the involvement or participation of the public or in most cases a number of diverse publics in two-way communication that leads to broad acceptance and consensus in the decision-making process which results in a better product than anticipated. Although many think public involvement is just an event, it is much more than that. It is a continuous process that begins at project conception and continues through implementation and into maintenance and operations, often over a period of years. Public involvement should not be mistaken for public relations or public information; for it is neither. *Public relations* is the art or science of establishing and promoting a favorable relationship with the public. *Public information* is passive one-way communication of specific information by an agency to the public. From the survey results presented in the previous section, the following general conclusions have been drawn:

- At NCDOT, each business unit either directly or indirectly receives help from the CO in terms of press releases, or other media services.
- Each business unit is aware that PDEA has a public involvement component, but beyond this most business units are uncertain as to what other business units may or may not have public involvement capabilities.
- Only PDEA, in their Public Involvement/Community Studies Group, has staff members dedicated full time to public involvement activities.
- BPD, PDEA, TPB, OCR, and GO have staff members who speak another language other than English. Each of these business units has at least one staff member who speaks Spanish.
- Each business unit defines its public involvement goals somewhat differently as:
  - Being proactive in communication
  - Making people aware of what was coming
  - Receiving feedback from the public regardless of if it was positive or negative
  - Seeking the public's input

- Providing easy access to information.

One business unit did not have any specific goals and another adopted NCDOT's mission.

- None of the business units articulates either a well-defined process for integrating public input from the public into decision-making or a well-defined process for demonstrating to the public that their input is integrated into the project.
- Only PDEA defines a way of tracking commitments and that is with "green sheets."
- In general, the business units define public involvement as:
  - Making sure everyone has the opportunity to be heard and understood
  - Having input that is taken into consideration and impacts the outcome of the project
  - Ensuring two-way communication
  - Listening/being educated and talking/educating

The business units expect the following outcomes from their public involvement efforts:

- Having the public satisfied and valuing what they do
- Receiving positive feedback from the media
- Feeling like the public is engaged in the process
- Getting input that informs decision-making
- No business unit has qualitative/quantitative measure of effectiveness for public involvement.
- No business unit quantifies the cost of doing public involvement.
- More business units list face-to-face encounters as their most effective public involvement technique, with using the website the second most frequently identified technique..
- More business units list newspaper legal ads as the most ineffective public involvement technique.
- Following the completion of the surveys and the analysis of their results, it is apparent that all of the business units support the need for public involvement efforts; however, many appear to be unsure of what this means in terms of:
  - A defined process
  - Commitment in time, staff effort, or financial resources
  - Implementation strategy

The survey also shows that there appear to be three levels of public involvement participation among the 13 business units: direct, indirect, and support services. Each business unit provides one or more different level of participation as defined below.

- Direct Participation occurs when a business unit has staff that actively engages the general public, stakeholders, and public officials in face-to-face activities. This engagement may be at meetings, focus groups, webinars, and individual conversations. Business units in this category include:
  - BPD conducts focus groups and surveys.
  - DOH provides local support staff at PDEA project meetings, STIP meetings, and county commissioner meetings.
  - PDEA provides contracted services for other business units, and conducts public involvement for NEPA projects.
  - SPOT engages MPOs, RPOs, League of Cities, Metro Mayors, Association of County Commissioners, and the Council of Governments at prioritization webinars.
- Indirect Participation occurs when a business unit does not have public involvement staff, but relies instead on others such as MPOs, RPOs, and grantees to engage the general public, stakeholders, and public officials directly, or contract work with other business unit within NCDOT to undertake direct participation for them. These business units often serve in an oversight role, or become involved on an as-needed basis. They are often given information collected and approved by the MPOs, RPOs and grantees, or contracted to others. Business units in this category include:
  - DOA lets their grantees collect and provide information.
  - FD depends on CO staff.
  - PDB STIP meetings are supported by staff members from the 14 division offices.
  - PTD lets the grantees collect and provide information.
  - RD lets the grantees collect and provide information.
  - TPB lets the RPOs provide information for Comprehensive Transportation Plans and about local conditions.
- Support Service occurs when a business unit does not actively engage the public, stakeholders, and public officials in face-to-face activities or allow others to engage the general public, stakeholders, and public officials in face-to-face activities on their behalf. Rather, they perform support services for those business units that directly and indirectly participate in the public involvement process. Business units in this category include:
  - OCR provides regulatory oversight, reviews NEPA documents and oversees Title VI compliance.
  - CO provides access to external media for business units.
  - GO provides guidance in planning and implementation of strategic initiatives.

Those business units involved in direct participation are solely responsible for documenting their public involvement process and insuring that it meets regulatory requirements. In comparison, those business units involved in indirect participation depend on grantees, MPOs, and RPOs for documenting their public involvement process and may experience difficulty in receiving documentation or meeting regulatory requirements.

## **ATTACHMENT 1**

### **PUBLIC INVOLVEMENT SURVEY QUESTIONS**

#### **Contact Information**

What is your name and title?

- What is your phone number, and email?
- Where is your office physically located (is this different from your mail address)?
- Where are you located in the organizational structure (copy of organization chart)?
- How often do members of the public access this location for the purposes of obtaining information and/or doing business with your business unit?

#### **1 Organizational Structure**

- Does your business unit have its own dedicated public involvement staff?
- Where are they located in the organization chart?
- What business units are you aware of that have public involvement components
  - Policy development
  - Systems planning
  - Project planning
  - Environmental
  - Design
  - Right-of-way
  - Construction
  - Operations and maintenance

#### **2 Staffing**

- How many staff members are engaged full time in public involvement?
- What is the total full time equivalent (FTE) staff positions devoted to public involvement?
- What are the qualifications (academic training, experience), professional designations (e.g. registered engineer), memberships in professional organizations (AICP, APA, IAP2, TRB), etc. of these full-time staff members?
- What training have these full-time staff members received in Community Impact Assessment (CIA), Environmental Justice (EJ), Public Involvement (PI), and Context Sensitive Solutions (CSS)?
- How long has each full-time staff member been in their current position?



- What was their previous position in your business unit or another organization?
- Do you use consultants to conduct public involvement?
- What certification or pre-qualification requirements do you have for consultants to conduct public involvement?
- How many bilingual and/or bicultural staff members do you have?
- Which language(s) do they speak?
- Do you use consultants to provide language access services during public involvement?
- Do you use any other method (community organization partnerships or volunteers, personal relationships, etc.) of providing language access services during public involvement?

### **3 Public Involvement Process**

- What technical studies/reports for public involvement do you prepare that address social and community issues?
- How do you identify and segment the various “publics” you will target for public involvement?
- How do you make decisions about how to tailor your public involvement efforts to the various population segments you have identified?
- How do you make decisions about whether, when, and where along the Public Involvement process that language access services are deemed necessary?
- What process do you use to develop a public involvement plan?
- How are decisions made about the level of effort to devote to public involvement at each level of decision making (number of staff and time, use of consultants, budgets for publications, websites, marketing, etc.)?
- How do you provide education to the public to better equip them to provide meaningful input to the agency (e.g. strings and ribbons)?
- How do you determine the time of day/night, the day of week or weekend, and the location for public involvement events?
- Did you contact NCDOT’s OCR at any time during 2009 or 2010?
- If yes, what was the reason(s)?
- What written documentation do you have related to the following topics and where can these be found? (Public involvement, Environmental Justice, Limited English Proficiency, Context Sensitive Solutions – Manuals, Policies, Guidance, and Plans)
- What are your agency goals for public involvement?
- How were those goals developed?
- How is input from the public integrated into your business unit’s decision making process?

- How do you demonstrate to the public that their input has been integrated into the project?
- How are public input/business unit's commitments/permit requirements/etc. tracked by the agency through each phase of the project?

#### **4 Definitions**

- How do you define *public involvement*?
- How do you define successful public involvement?
- How do you define *effective public involvement*?
- How do you define *cost effective public involvement*?

#### **5 Measures for Effectiveness**

- What are the *outcomes* you expect from your public involvement efforts?
- Have you developed quantitative/qualitative measures for the effectiveness of your public involvement?
- If yes, what are these measures of effectiveness?
- Do these include measures of the equity or inclusiveness of your public involvement to assure that your efforts target groups that are traditionally underrepresented in the decision making process and underserved by transportation facilities?
- Have you contacted NCDOT's OCR in 2009 or 2010 to solicit technical assistance with determining measures of equity or inclusiveness in your public involvement efforts?
- How do you measure the *cost effectiveness* of your public involvement activities?

#### **6 Quantifying the Cost of Doing Public Involvement**

- Have you quantified the cost of doing public involvement in your business unit
- If yes, how have these costs been quantified (% of project cost, cost per person in the project study area, others)
- How are those costs allocated (staff salaries/benefits, consultant costs, marketing expenses, website development/maintenance, etc.)

#### **7 Techniques**

- What specific public involvement techniques have you found to be most effective?
- What specific public involvement techniques have you found to be most cost effective?
- What specific public involvement techniques have you found to be most ineffective?

- What techniques do you employ to engage the following populations:
  - Limited English proficiency
  - Low literate
  - Elderly/disabled
  - Transportation dependent
  - Second/third shift workers
  - Single mothers with children
- How do you notify limited English proficient persons of their right to ask for language access services (interpretation and/or translation) whenever they access public involvement events?

**8 Other Thoughts?**



## **Appendix B**

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# **Federal Requirements for Public Engagement**



## Appendix B

# Federal Requirements for Public Engagement

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The following are the federal requirements for public engagement that guided the development of this Unified Public Engagement Process:

### ***Statewide Planning and STIP Development***

Title 23 of the United States Code (U.S.C.), Sections 128 and 135, and the Code of Federal Regulations (CFR) 23 Part 450 contains laws and regulations related to surface transportation. The following is the text of the applicable sections of Part 450.

#### **450.208 Coordination of planning process activities.**

- (a) In carrying out the statewide transportation planning process, each State shall, at a minimum:
  - (1) Coordinate planning carried out under this subpart with the metropolitan transportation planning activities carried out under subpart C of this part for metropolitan areas of the State. The State is encouraged to rely on information, studies, or analyses provided by MPOs for portions of the transportation system located in metropolitan planning areas;
  - (2) Coordinate planning carried out under this subpart with statewide trade and economic development planning activities and related multistate planning efforts;
  - (3) Consider the concerns of Federal land management agencies that have jurisdiction over land within the boundaries of the State;
  - (4) Consider the concerns of local elected and appointed officials with responsibilities for transportation in non-metropolitan areas;
  - (5) Consider the concerns of Indian Tribal governments that have jurisdiction over land within the boundaries of the State;
  - (6) Consider related planning activities being conducted outside of metropolitan planning areas and between States; and
  - (7) Coordinate data collection and analyses with MPOs and public transportation operators to support statewide transportation planning and programming priorities and decisions.
- (b) The State air quality agency shall coordinate with the State department of transportation (State DOT) to develop the transportation portion of the State Implementation Plan (SIP) consistent with the Clean Air Act (42 U.S.C. 7401 *et seq.* ).
- (c) Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities under this subpart related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective. The right to alter, amend, or repeal interstate compacts entered into under this part is expressly reserved.

- (d) States may use any one or more of the management systems (in whole or in part) described in 23 CFR part 500.
- (e) States may apply asset management principles and techniques in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.
- (f) The statewide transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.
- (g) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, 5316, and 5317, should be coordinated and consistent with the statewide transportation planning process.
- (h) The statewide transportation planning process should be consistent with the Strategic Highway Safety Plan, as specified in 23 U.S.C. 148, and other transit safety and security planning and review processes, plans, and programs, as appropriate.

**450.210 Interested parties, public involvement, and consultation.**

- (a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.
  - (1) The State's public involvement process at a minimum shall:
    - (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;
    - (ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;
    - (iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;
    - (iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;
    - (v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;



- (vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;
  - (vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;
  - (viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and
  - (ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.
- (2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.
- (b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process(es), copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.
- (1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.
  - (2) The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan local officials or their associations.
- (c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal

government and the Secretary of Interior. States shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Federal land management agencies in the development of the long-range statewide transportation plan and the STIP.

**450.212 Transportation planning studies and project development.**

- (a) Pursuant to section 1308 of the Transportation Equity Act for the 21st Century, TEA–21 (Pub. L. 105–178), a State(s), MPO(s), or public transportation operator(s) may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide transportation planning process. To the extent practicable, development of these transportation planning studies shall involve consultation with, or joint efforts among, the State(s), MPO(s), and/or public transportation operator(s). The results or decisions of these transportation planning studies may be used as part of the overall project development process consistent with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq. ) and associated implementing regulations (23 CFR part 771 and 40 CFR parts 1500–1508). Specifically, these corridor or subarea studies may result in producing any of the following for a proposed transportation project:
- (1) Purpose and need or goals and objective statement(s);
  - (2) General travel corridor and/or general mode(s) definition (e.g., highway, transit, or a highway/transit combination);
  - (3) Preliminary screening of alternatives and elimination of unreasonable alternatives;
  - (4) Basic description of the environmental setting; and/or
  - (5) Preliminary identification of environmental impacts and environmental mitigation.
- (b) Publicly available documents or other source material produced by, or in support of, the transportation planning process described in this subpart may be incorporated directly or by reference into subsequent NEPA documents, in accordance with 40 CFR 1502.21, if:
- (1) The NEPA lead agencies agree that such incorporation will aid in establishing or evaluating the purpose and need for the Federal action, reasonable alternatives, cumulative or other impacts on the human and natural environment, or mitigation of these impacts; and
  - (2) The systems-level, corridor, or subarea planning study is conducted with:
    - (i) Involvement of interested State, local, Tribal, and Federal agencies;
    - (ii) Public review;
    - (iii) Reasonable opportunity to comment during the statewide transportation planning process and development of the corridor or subarea planning study;
    - (iv) Documentation of relevant decisions in a form that is identifiable and available for review during the NEPA scoping process and can be appended to or referenced in the NEPA document; and

- (v) The review of the FHWA and the FTA, as appropriate.
- (c) By agreement of the NEPA lead agencies, the above integration may be accomplished through tiering (as described in 40 CFR 1502.20), incorporating the subarea or corridor planning study into the draft Environmental Impact Statement or Environmental Assessment, or other means that the NEPA lead agencies deem appropriate. Additional information to further explain the linkages between the transportation planning and project development/NEPA processes is contained in Appendix A to this part, including an explanation that is non-binding guidance material.

**450.214 Development and content of the long-range statewide transportation plan.**

- (a) The State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption that provides for the development and implementation of the multimodal transportation system for the State. The long-range statewide transportation plan shall consider and include, as applicable, elements and connections between public transportation, non-motorized modes, rail, commercial motor vehicle, waterway, and aviation facilities, particularly with respect to intercity travel.
- (b) The long-range statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system. The long-range statewide transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the State's transportation system.
- (c) The long-range statewide transportation plan shall reference, summarize, or contain any applicable short-range planning studies; strategic planning and/or policy studies; transportation needs studies; management systems reports; emergency relief and disaster preparedness plans; and any statements of policies, goals, and objectives on issues (e.g., transportation, safety, economic development, social and environmental effects, or energy) that were relevant to the development of the long-range statewide transportation plan.
- (d) The long-range statewide transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects contained in the Strategic Highway Safety Plan required by 23 U.S.C. 148.
- (e) The long-range statewide transportation plan should include a security element that incorporates or summarizes the priorities, goals, or projects set forth in other transit safety and security planning and review processes, plans, and programs, as appropriate.
- (f) Within each metropolitan area of the State, the long-range statewide transportation plan shall be developed in cooperation with the affected MPOs.
- (g) For non-metropolitan areas, the long-range statewide transportation plan shall be developed in consultation with affected non-metropolitan officials with responsibility for transportation using the State's consultation process(es) established under §450.210(b).

- (h) For each area of the State under the jurisdiction of an Indian Tribal government, the long-range statewide transportation plan shall be developed in consultation with the Tribal government and the Secretary of the Interior consistent with §450.210(c).
- (i) The long-range statewide transportation plan shall be developed, as appropriate, in consultation with State, Tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This consultation shall involve comparison of transportation plans to State and Tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.
- (j) A long-range statewide transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the long-range statewide transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with Federal, State, and Tribal land management, wildlife, and regulatory agencies. The State may establish reasonable timeframes for performing this consultation.
- (k) In developing and updating the long-range statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall, to the maximum extent practicable, utilize the public involvement process described under §450.210(a).
- (l) The long-range statewide transportation plan may (but is not required to) include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available.
- (m) The State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (l) of this section.
- (n) The long-range statewide transportation plan shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.210(a).

- (o) The State shall continually evaluate, revise, and periodically update the long-range statewide transportation plan, as appropriate, using the procedures in this section for development and establishment of the long-range statewide transportation plan.
- (p) Copies of any new or amended long-range statewide transportation plan documents shall be provided to the FHWA and the FTA for informational purposes.

**450.216 Development and content of the statewide transportation improvement program (STIP).**

- (a) The State shall develop a statewide transportation improvement program (STIP) for all areas of the State. The STIP shall cover a period of no less than four years and be updated at least every four years, or more frequently if the Governor elects a more frequent update cycle. However, if the STIP covers more than four years, the FHWA and the FTA will consider the projects in the additional years as informational. In case of difficulties developing a portion of the STIP for a particular area (e.g., metropolitan planning area, nonattainment or maintenance area, or Indian Tribal lands), a partial STIP covering the rest of the State may be developed.
- (b) For each metropolitan area in the State, the STIP shall be developed in cooperation with the MPO designated for the metropolitan area. Each metropolitan TIP shall be included without change in the STIP, directly or by reference, after approval of the TIP by the MPO and the Governor. A metropolitan TIP in a nonattainment or maintenance area is subject to a FHWA/FTA conformity finding before inclusion in the STIP. In areas outside a metropolitan planning area but within an air quality nonattainment or maintenance area containing any part of a metropolitan area, projects must be included in the regional emissions analysis that supported the conformity determination of the associated metropolitan TIP before they are added to the STIP.
- (c) For each non-metropolitan area in the State, the STIP shall be developed in consultation with affected non-metropolitan local officials with responsibility for transportation using the State's consultation process(es) established under §450.210.
- (d) For each area of the State under the jurisdiction of an Indian Tribal government, the STIP shall be developed in consultation with the Tribal government and the Secretary of the Interior.
- (e) Federal Lands Highway program TIPs shall be included without change in the STIP, directly or by reference, once approved by the FHWA pursuant to 23 U.S.C. 204(a) or (j).
- (f) The Governor shall provide all interested parties with a reasonable opportunity to comment on the proposed STIP as required by §450.210(a).
- (g) The STIP shall include capital and non-capital surface transportation projects (or phases of projects) within the boundaries of the State proposed for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53 (including transportation enhancements; Federal Lands Highway program projects; safety projects included in the State's Strategic Highway Safety Plan; trails projects; pedestrian walkways; and bicycle facilities), except the following that may (but are not required to) be included:
  - (1) Safety projects funded under 23 U.S.C. 402 and 49 U.S.C. 31102;

- (2) Metropolitan planning projects funded under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), and 49 U.S.C. 5339;
  - (3) State planning and research projects funded under 23 U.S.C. 505 and 49 U.S.C. 5305(e);
  - (4) At the State's discretion, State planning and research projects funded with National Highway System, Surface Transportation Program, and/or Equity Bonus funds;
  - (5) Emergency relief projects (except those involving substantial functional, locational, or capacity changes);
  - (6) National planning and research projects funded under 49 U.S.C. 5314; and
  - (7) Project management oversight projects funded under 49 U.S.C. 5327.
- (h) The STIP shall contain all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded with 23 U.S.C. Chapters 1 and 2 or title 49 U.S.C. Chapter 53 funds (e.g., addition of an interchange to the Interstate System with State, local, and/or private funds, and congressionally designated projects not funded under title 23 U.S.C. or title 49 U.S.C. Chapter 53). For informational and conformity purposes, the STIP shall include (if appropriate and included in any TIPs) all regionally significant projects proposed to be funded with Federal funds other than those administered by the FHWA or the FTA, as well as all regionally significant projects to be funded with non-Federal funds.
- (i) The STIP shall include for each project or phase (e.g., preliminary engineering, environment/NEPA, right-of-way, design, or construction) the following:
- (1) Sufficient descriptive material (i.e., type of work, termini, and length) to identify the project or phase;
  - (2) Estimated total project cost, or a project cost range, which may extend beyond the four years of the STIP;
  - (3) The amount of Federal funds proposed to be obligated during each program year (for the first year, this includes the proposed category of Federal funds and source(s) of non-Federal funds. For the second, third, and fourth years, this includes the likely category or possible categories of Federal funds and sources of non-Federal funds); and
  - (4) Identification of the agencies responsible for carrying out the project or phase.
- (j) Projects that are not considered to be of appropriate scale for individual identification in a given program year may be grouped by function, work type, and/or geographic area using the applicable classifications under 23 CFR 771.117(c) and (d) and/or 40 CFR part 93. In nonattainment and maintenance areas, project classifications must be consistent with the "exempt project" classifications contained in the EPA's transportation conformity regulation (40 CFR part 93). In addition, projects proposed for funding under title 23 U.S.C. Chapter 2 that are not regionally significant may be grouped in one line item or identified individually in the STIP.

- (k) Each project or project phase included in the STIP shall be consistent with the long-range statewide transportation plan developed under §450.214 and, in metropolitan planning areas, consistent with an approved metropolitan transportation plan developed under §450.322.
- (l) The STIP may include a financial plan that demonstrates how the approved STIP can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the STIP, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted STIP if reasonable additional resources beyond those identified in the financial plan were to become available. The State is not required to select any project from the illustrative list for implementation, and projects on the illustrative list cannot be advanced to implementation without an action by the FHWA and the FTA on the STIP. Starting December 11, 2007, revenue and cost estimates for the STIP must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the State, MPOs, and public transportation operators.
- (m) The STIP shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the STIP shall be limited to those for which funds are available or committed. Financial constraint of the STIP shall be demonstrated and maintained by year and shall include sufficient financial information to demonstrate which projects are to be implemented using current and/or reasonably available revenues, while federally-supported facilities are being adequately operated and maintained. In the case of proposed funding sources, strategies for ensuring their availability shall be identified in the financial plan consistent with paragraph (l) of this section. For purposes of transportation operations and maintenance, the STIP shall include financial information containing system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).
- (n) Projects in any of the first four years of the STIP may be advanced in place of another project in the first four years of the STIP, subject to the project selection requirements of §450.220. In addition, the STIP may be revised at any time under procedures agreed to by the State, MPO(s), and public transportation operator(s) consistent with the STIP development procedures established in this section, as well as the procedures for participation by interested parties (see §450.210(a)), subject to FHWA/FTA approval (see §450.218). Changes that affect fiscal constraint must take place by amendment of the STIP.
- (o) In cases that the FHWA and the FTA find a STIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced (i.e., by legislative or administrative actions), the FHWA and the FTA will not withdraw the original determination of fiscal constraint. However, in

such cases, the FHWA and the FTA will not act on an updated or amended STIP that does not reflect the changed revenue situation.

### ***Metropolitan Planning Organization Requirements***

The following is the text from 23 CFR 450.316 which stipulates the actions that must be taken by Metropolitan Planning Organizations relative to public involvement for long-range planning and development of Transportation Improvement Programs.

#### **450.316 Interested parties, participation, and consultation.**

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
  - (1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
    - (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
    - (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
    - (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
    - (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
    - (v) Holding any public meetings at convenient and accessible locations and times;
    - (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
    - (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
    - (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which



- interested parties could not reasonably have foreseen from the public involvement efforts;
- (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
  - (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
  - (3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.
- (b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
  - (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
  - (3) Recipients of assistance under 23 U.S.C. 204.
- (c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- (d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

### ***Project Development Requirements of the National Environmental Policy Act (NEPA)***

FHWA, FTA and other federal agencies have requirements to comply with the National Environmental Policy Act (NEPA) [42 U.S.C. 4321 et seq.], which was signed into law in the early 1970s. FHWA environmental procedures (23 CFR 771) outline those actions that must be taken for public input during the project development process.

#### **23 CFR 771.111 Early coordination, public involvement, and project development.**

- (a) (1) Early coordination with appropriate agencies and the public aids in determining the type of environmental review documents an action requires, the scope of the document, the level of analysis, and related environmental requirements. This involves the exchange of information from the inception of a proposal for action to preparation of the environmental review documents. Applicants intending to apply for funds should notify the Administration at the time that a project concept is identified. When requested, the Administration will advise the applicant, insofar as possible, of the probable class of action and related environmental laws and requirements and of the need for specific studies and findings which would normally be developed concurrently with the environmental review documents.
  - (2) The information and results produced by, or in support of, the transportation planning process may be incorporated into environmental review documents in accordance with 40 CFR 1502.21 and 23 CFR 450.212 or 450.318.
- (b) The Administration will identify the probable class of action as soon as sufficient information is available to identify the probable impacts of the action.
- (c) When both the FHWA and FTA are involved in the development of a project, or when the FHWA or FTA acts as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis.
- (d) During the early coordination process, the lead agencies may request other agencies having an interest in the action to participate, and must invite such agencies if the action is subject to the project development procedures in 23 U.S.C. 139. Agencies with special expertise may be invited to become cooperating agencies. Agencies with jurisdiction by law must be requested to become cooperating agencies.
- (e) Other States and Federal land management entities, that may be significantly affected by the action or by any of the alternatives shall be notified early and their views solicited by the applicant in cooperation with the Administration. The Administration will prepare a written evaluation of any significant unresolved issues and furnish it to the applicant for incorporation into the environmental assessment (EA) or draft EIS.
- (f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:
  - (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

- (2) Have independent utility or independent significance, i.e. , be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
  - (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.
- (g) For major transportation actions, the tiering of EISs as discussed in the CEQ regulation (40 CFR 1502.20) may be appropriate. The first-tier EIS would focus on broad issues such as general location, mode choice, and area-wide air quality and land use implications of the major alternatives. The second tier would address site-specific details on project impacts, costs, and mitigation measures.
- (h) For the Federal-aid highway program:
- (1) 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 139 and CEQ regulation.
  - (2) State public involvement/public hearing procedures must provide for:
    - (i) Coordination of public involvement activities and public hearings with the entire NEPA process.
    - (ii) Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
    - (iii) 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.
    - (iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive orders, and regulations.
    - (v) Explanation at the public hearing of the following information, as appropriate:
      - (a) The project's purpose, need, and consistency with the goals and objectives of any local urban planning,
      - (b) The project's alternatives, and major design features,
      - (c) The social, economic, environmental, and other impacts of the project,
      - (d) The relocation assistance program and the right-of-way acquisition process.

- (e) The State highway agency's procedures for receiving both oral and written statements from the public.
- (vi) Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public, both submitted at the public hearing or during an announced period after the public hearing.
- (vii) An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in 23 U.S.C. 139.
- (viii) Public notice and an opportunity for public review and comment on a Section 4(f) de minimis impact finding, in accordance with 49 U.S.C. 303(d).
- (3) Based on the reevaluation of project environmental documents required by §771.129, the FHWA and the State highway agency will determine whether changes in the project or new information warrant additional public involvement.
- (4) Approvals or acceptances of public involvement/public hearing procedures prior to the publication date of this regulation remain valid.
- (i) Applicants for capital assistance in the FTA program achieve public participation on proposed projects by holding public hearings and seeking input from the public through the scoping process for environmental review documents. For projects requiring EISs, an early opportunity for public involvement in defining the purpose and need for action and the range of alternatives must be provided, and a public hearing will be held during the circulation period of the draft EIS. For other projects that substantially affect the community or its public transportation service, an adequate opportunity for public review and comment must be provided, pursuant to 49 U.S.C. 5323(b).
- (j) Information on the FTA environmental process may be obtained from: Director, Office of Human and Natural Environment, Federal Transit Administration, Washington, DC 20590. Information on the FHWA environmental process may be obtained from: Director, Office of Project Development and Environmental Review, Federal Highway Administration, Washington, DC 20590.

**Council on Environmental Quality (CEQ) Regulations: 40 CFR 1506.6 Public involvement.**

Agencies shall:

- (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.
- (b) Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.
  - (1) In all cases the agency shall mail notice to those who have requested it on an individual action.

- (2) In the case of an action with effects of national concern notice shall include publication in the Federal Register and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor. An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.
- (3) In the case of an action with effects primarily of local concern the notice may include:
  - (i) Notice to State and area wide clearinghouses pursuant to OMB Circular A-95 (Revised).
  - (ii) Notice to Indian tribes when effects may occur on reservations.
  - (iii) Following the affected State's public notice procedures for comparable actions.
  - (iv) Publication in local newspapers (in papers of general circulation rather than legal papers).
  - (v) Notice through other local media.
  - (vi) Notice to potentially interested community organizations including small business associations.
  - (vii) Publication in newsletters that may be expected to reach potentially interested persons.
  - (viii) Direct mailing to owners and occupants of nearby or affected property.
  - (ix) (Posting of notice on and off site in the area where the action is to be located).
- (c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:
  - (1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.
  - (2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).
- (d) Solicit appropriate information from the public.
- (e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.
- (f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to

be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual costs of reproducing copies required to be sent to other Federal agencies, including the Council.

### ***State Rail Plans***

The section of regulations that stipulate what public involvement must be conducted for a state rail plan is found in 49 CFR 266. The following is the text from this regulation.

#### **Sec. 266.15 Requirements for State Rail Plan**

- (a) State planning process. The State Rail Plan shall be based on a comprehensive, coordinated and continuing planning process for all transportation services within the State and shall be developed with an opportunity for participation by persons interested in rail activity in the State and adjacent States where appropriate. At a minimum, the State shall hold a public hearing if, on the basis of reasonable public notice appearing in the press, there is sufficient public interest to justify a hearing. Public notice shall be given, in accordance with applicable State law and practice concerning comparable matters, that a draft of the State Rail Plan is available for public inspection at a reasonable time in advance of the hearing. The State shall enable local and regional governmental bodies to review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

## **Appendix C**

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### **Summary**

# **Best Practices and Tools for Public Participation in Comprehensive Transportation Planning and Project Development Comprehensive Technical Memorandum (October 2009)**





## Appendix C

# **Summary of *Best Practices and Tools for Public Participation in Comprehensive Transportation Planning and Project Development Comprehensive Technical Memorandum* (October 2009)**

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The North Carolina Department of Transportation (NCDOT) initiated an effort in 2004, with a grant from the Federal Highway Administration (FHWA), to look for better ways to plan, design, and build projects. The goal was to develop an integrated process where information and decisions from long-range planning could be transmitted to, upheld, and used in project development.

Eight linkages are identified where similar issues are discussed in both the long-range planning and project development processes. One of those linkages is public participation. NCDOT developed a public participation toolkit to help ensure that proper techniques are used at the appropriate steps in the process to maximize the information flow between long-range planning and project development and create continuity for the public. The public participation toolkit provides:

- A well-defined process for when to conduct public participation during the comprehensive transportation planning and project development processes, including purpose and outcomes for public participation
- A list of decision-making criteria that can be used to guide the selection of appropriate public participation techniques
- Updated techniques for effective public participation
- Guidance on developing an integrated public participation process that takes into account the particular needs of specific communities as well as decision makers
- Best practices and suggested methods for continuous feedback to the public to let them know how their input is being used to shape the project or plan

The toolkit document is divided into three sections. “Public Participation Techniques” identifies new public participation techniques and innovative uses of existing techniques. “Selecting the Appropriate Technique” explains the use of four matrices developed to guide project managers in selecting and using appropriate techniques to engage the public. “Special Considerations” provides best practices for enhancing public participation procedures to better engage specific communities and decision-makers and for evaluating the participation process. A summary of each section is below.

### **Public Participation Techniques**

A wide range of public participation techniques covering seven areas are identified in the toolkit. These techniques range from newer high-tech tactics and traditional low-tech approaches.

- **Strategic Partnerships.** In public participation, strategic partnerships can be formed with organizations that have greater access to various segments of the population and are well known and trusted in the community, including community organizations, libraries, schools, religious institutions, and others.
- **Youth Outreach.** Student outreach encompasses activities and methods for involving students in transportation issues. Students are an important, but often neglected constituency. Decision in the planning process affect the quality of their lives, and their relationship with transportation will shape the future of transportation systems. Techniques discussed for youth outreach include education programs, competitions, model organizations, and activity books.
- **Radio and Phone Message Systems.** Radio and phone message systems inform the public about projects and programs by broadcasting messages to people over either broad or specific geographic areas. Techniques include Highway Advisory Radio (broadcast on specific AM frequencies within a limited range) and Out Dialer systems (one-way automated calling system that uses telephone databases to deliver pre-recorded messages).
- **Interactive Analysis.** Interactive analysis includes tools and methods that allow the public and stakeholders to explore data, assumptions, and outputs. Users of these tools can manipulate inputs such as location, size, and design and see the costs and impacts of different variable inputs. Public participation Geographic Information Systems (GIS) is one example of an interactive analysis tool.
- **Visualization.** Visualization tools, such as renderings, sketches, computer modeling, or physical models, strengthen participation in the planning and project development process by assisting the general public in understanding project proposals.
- **Real-time Feedback and Interaction.** Technology-driven public meetings use innovative technological methods to enhance traditional public meetings and improve the participatory experience. The general principle behind these meetings is to provide attendees with an opportunity to voice their thoughts through keypads and other means and to report back to the attendees with responsive questions and real-time results.
- **Internet Technologies.** Internet technologies used for public involvement include audiocasts/podcasts, blogs, social networking sites (e.g., Facebook), video sharing (e.g., YouTube), and online collaboration.

### Selecting the Appropriate Techniques

Understanding when and how to use specific public participation techniques is fundamental to the creation of a successful public input process. Four matrices were developed to assist project managers with this task. The first three matrices link project development process steps, project/community characteristics, and agency resources to specific techniques. The fourth matrix identifies specific community characteristics that would influence how the techniques are applied.

### **Special Considerations for the Effective Use of Public Participation**

The effective use of public participation demands a deep understanding of the community—its members, needs, concerns, issues, and historical context. It requires adapting techniques and processes to fit the context in which participation will occur. This section of the technical memorandum discusses certain types of community involvement that may be needed to address specific issues related to Environmental Justice, Community Impact Assessment, and Context Sensitive Solutions. This section also identifies best practices for engaging disadvantaged and underrepresented populations, and discusses the challenges and importance of involving decision-makers in the public involvement process, creating feedback loops with the public, and evaluating public participation processes.



## **Appendix D**

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### **Summary of the Public Survey and Comments**



## Appendix D

# Summary of the UPEP Public Survey and Comments

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### Unified Public Engagement Process Survey

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| <b>#1. In the past, how many public involvement activities have you participated in as part of NCDOT's transportation planning process?</b> |                         |                       |
|---|-------------------------|-----------------------|
| <b>Answer Options</b>   | <b>Response Percent</b> | <b>Response Count</b> |
| 0   | 17.9%                   | 10                    |
| 1-5   | 33.9%                   | 19                    |
| 6-10  | 10.7%                   | 6                     |
| More than 10  | 37.5%                   | 21                    |
| <i>answered question</i>  |                         | <b>56</b>             |
| <i>skipped question</i>   |                         | <b>1</b>              |

| <b>#2. How could NCDOT improve your opportunities for getting involved?</b>   |
|---|
| Shorter travel distance   |
| Continue to hold input sessions within the NCDOT Districts  |
| Webinars, updates via email   |
| Use more than just a public meeting notice in the newspaper. Work with the local media outlets to better inform the citizens of the need for their input and how it will impact the plan.   |
| Better communication.   |
| Just keep doing what they are doing.  |
| Need more staff available that is dedicated to providing Public Involvement services. If we are going to employ more visualization as part of our projects (which we have used and they are highly effective) we need more staff available there also as consultant services can be rather expensive and do not always yield the quality of Enterprise Visualization. |
| Don't stop in Morganton...come up the mountain to Asheville   |
| Doing ok  |
| For key projects figure out ways to better notify the public of upcoming input meetings.  |
| More user-friendly website  |
| Better publicity, providing a variety of avenues for public input   |
| Enhanced opportunities for meaningful MPO consultation at the methodology formulation stage.  |
| More of these on-line surveys   |
| More timely notification  |
| More webinars, web surveys, etc.  |
| Advertising   |
| More ads online   |
| More advertising regarding the opportunities. Distributing Spanish speaking materials would also be helpful.  |
| Consider using standard English vs. "engineer" or "planner" speak.  |
| Get the word out. I have not heard much about the transportation planning process   |
| Schedule activities at NCDOT auditorium. Have more meetings presented via webinar, with a moderator   |

|  |
|--|
| and option to ask questions  |
| Notifying employees about public involvement activities, perhaps through email or some kind of online bulletin board.  |
| That depends on what DOT wants. If they just want to check off a box this works. If they actually intend to listen to the system owners then step 1 would be to put the public involvement process in a more prominent place on their website.<br>Step 2 would be to actually engage the public in determining what the problems are along with possible solutions.                      |
| Making sure the meetings are local and that the information is bilingual. Also getting community leaders involved so everyone is aware of the plans.   |
| Make a specific effort to include municipalities in the process and not rely on MPO's to make that contact. I learn of most public meetings NOT thru the MPO.  |
| Better notification, newspaper articles.<br>Presentations at local government meetings to increase awareness.  |
| Reduce the number, increase the simplicity, and reduce the number of steps to action.  |
| Not sure - very difficult to get people to show up until well into the process, especially for roads.  |
| Formats that include working hours and after-hours are good (4pm to 7pm) for example. Solicit comments online for long windows of time, for time periods when those comments can affect actions decided. For open-house style hearings, offer refreshments, safety tokens, or other incentives to attend. Advertise with large on-premise signing in advance and the day of the hearing. |

### #3. Overall, how effective are existing public involvement activities at helping you make informed decisions about rural transportation?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| excellent                | 13.0%            | 7              |
| good                     | 40.7%            | 22             |
| fair                     | 38.9%            | 21             |
| poor                     | 7.4%             | 4              |
| <i>answered question</i> |                  | <b>54</b>      |
| <i>skipped question</i>  |                  | <b>3</b>       |

### #4. Do you have suggestions for improving how NCDOT interacts with the public?

|  |
|--|
| Better advertisement of meetings   |
| Give plenty of notice  |
| Continue to hold educational/input sessions within the NCDOT Districts.  |
| More interaction with local media rather than press releases.  |
| Need to be more concise in presenting the facts and allow community input earlier in the meeting.  |
| We need to focus more on informing the public and soliciting ideas and information rather than telling them what is going to happen. I have had meetings whereby actual projects have changed based on neighborhood input. They went from antagonistic to supportive. Granted it took an extra workshop and a couple other meetings but the outcome was a win for almost everyone. |
| Go to local events-first Fridays or whatever the local flavor is. (As opposed to having folks come to a DOT event)   |
| Try to get beyond formalistic explanations. Explain policies and procedures in a way people can  |



|  |
|--|
| understand. The noise abatement policy is an excellent example of the difficulty of this problem.  |
| TV ads   |
| More ads online on NCDOT webpage   |
| More visibility, more materials...possibly through direct mail   |
| Talk less, Listen more. Less arrogance.  |
| Get to know the public that needs to be interacted with at a particular time, and then plan the public involvement to support their customs.   |
| Newsletters by Division -- sent to elected bodies, RTCC and RTAC   |
| Give the public some idea of what the problems actually are. The process seems structured to solve the problems of the 1960s rather than to identify and solve today's problems.   |
| NCDOT should reach out to all groups, that make up a community; flyers, marketing materials or just plain information in readable details would be great.  |
| Involve local officials more   |
| Conduct design charettes, include other modes of transportation. Involve the community in the area affected.   |
| Dot is out of touch with the general public  |
| Fewer and less complex   |
| There should be more visual presentations of projects and less 'lectured' meetings with more chance for attendees to ask questions. Everyone is frustrated when they do not get to ask questions and also hear others' questions.                                    |
| Responses I've seen just say why the suggestion or input can't be done, usually in engineering language. Take every comment; seek to understand the objective, and respond (in writing, with all comments given) with both the pros and the cons of the suggestions. |
| Give more control to regional organizations like the RPO to make decisions about funding, work, etc.   |

#### #5. Overall, how would you rate NCDOT's current public engagement process?

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| excellent                | 7.7%             | 4              |
| good                     | 36.5%            | 19             |
| fair                     | 46.2%            | 24             |
| poor                     | 9.6%             | 5              |
| <i>answered question</i> |                  | <b>52</b>      |
| <i>skipped question</i>  |                  | <b>5</b>       |

#### #6. What methods of communication would strengthen the public engagement process?

|   |
|---|
| TV, radio and news announcements  |
| Public information sessions are good, informal setting to answer questions  |
| Better engagement with local media outlets.   |
| Good and more press releases about DOT projects.  |
| We need to have members of the Department attending who listen and engage the public in conversation for input rather than just attend the meeting. |
| Getting out to local events; presenting to local civic groups   |
| Hire outreach coordinators that excel at facilitating public dialogue (as opposed to policy-focused staff)  |

|   |
|---|
| Communications are far better now than under the Tippet regime. Continue the current approach and the openness to MPO consultation and it can get better still (and it can get institutionalized) |
| These on-line surveys, mailings to homes  |
| Radio, TV, and news papers  |
| Direct mail, phone calls, printed materials (in English and Spanish, and other languages) social media  |
| The process should be more visible.   |
| More webinars. Broadcast forums on government channel   |
| I've seen some really good YouTube videos done by NCDOT district offices.   |
| Just plain details, I have not seen anything in regards to plans I here bits and pieces about changes but not much.   |
| Better info sessions more often. Current processes seem like NCDOT is just checking off a checklist rather than really seeking input  |
| Joining with municipalities to get out the word of a meeting.   |
| Most people have no interest in being engaged in the process. They are busy trying to survive.  |
| Ditto above and boil down stakeholders.   |
| By having all proposed plans on the NCDOT web-site (if not) whereby the public could go and review.   |
| see previous answer   |
| Advertise commercially. The message and information are good, but I rank overall as "poor" because almost no one tunes in and offers comments.  |
| Spread the word more effectively.   |

**#7. NCDOT relies on the Metropolitan Planning Organizations (MPOs) in large urban areas and the Rural Transportation Planning Organizations (RPOs) in all areas outside of the MPOs to assist in carrying out its Public Engagement Process. How effective is your MPO or RPO in facilitating this communication?**

| Answer Options           | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| excellent                | 22.0%            | 11             |
| good                     | 38.0%            | 19             |
| fair                     | 32.0%            | 16             |
| poor                     | 8.0%             | 4              |
| <i>answered question</i> |                  | <b>50</b>      |
| <i>skipped question</i>  |                  | <b>7</b>       |

**#8. How do you think this communication [between MPOs, RPOs, and the public] could be improved?**

|   |
|---|
| Craig is wonderful  |
| More direction on specifically how NCDOT wants MPOs and RPOs to do with information it sends out (disseminate to our committees, to local governments, to interested citizens, to local media, etc.), and provide us with advance notice of things on the horizon when possible |
| Informal sessions are good, enables detailed particular questions to get answered   |
| Our RPO seems to have had a rather high rate of senior planner turnover. It is hard for RPO staff to get to know the local dynamics and how best to engage the public with high turnover.   |
| More community meetings about projects.   |
| I work statewide so it depends on the area. Some are more engaged then others. Inclusion of them  |

|  |
|--|
| more in the scoping and stakeholder process, perhaps almost making them a "partner".   |
| More staff; less required reporting and hoops that use existing staff time   |
| MPOs and RPOs should spend more time talking about the work they are doing in local media outlets: newspapers, nightly news, etc. They simply do not do enough outreach.   |
| MPOs and RPOs seek public input, sometimes deftly and sometimes ineffectively. Either way, the issue remains of how NCDOT processes the input gained by the MPO or RPO. I'd recommend looking more closely at how to incorporate input collected by these organizations.   |
| Be more visible to the community - radio spots, newspaper ads  |
| Earlier engagement of the MPOs and RPOs in NCDOT's processes   |
| TPB coordinators could be more senior employees who have more authority to speak for NCDOT. MPOs do extensive public involvement. If NCDOT is relying on this, they should make sure that they always participate in MPO meetings and respect the MPO process.   |
| None of the players have any expertise or training in getting information to and from the public. Some folks on staff at NCDOT (specifically TPB, Program Development, and SPOT) with training in Public Involvement would be a good start. Spending some money on public involvement would also be a good idea. |
| Getting information out to people who will be using the transportation or driving on our highways.   |
| MPOs do not always receive all info from NCDOT   |
| It rarely to never happens in our MPO. Have a direct process with the municipalities.  |
| The elected officials that attend the meetings represent the will of the taxpaying public.   |
| Reduce cacophony.  |
| Don't  |
| See answer #4 [question 4 is on how NCDOT communicates with the public]  |
| Same response as for DOT. Good message, but no one is listening. Advertise.  |
| Both the RPO and MPO in Cumberland County do outstanding jobs in communicating Public Engagement opportunities.  |

**#9. Have you been involved with any public involvement activities associated with the following Transportation Planning activities (please check all that apply):**

| Answer Options                               | Response Percent         | Response Count |
|--|--------------------------|----------------|
| Statewide Transportation Plan (2040 Plan)    | 34.3%                    | 12             |
| Comprehensive Transportation Plan (CTP)      | 60.0%                    | 21             |
| Project Prioritization                       | 71.4%                    | 25             |
| Statewide Transportation Improvement Program | 68.6%                    | 24             |
| Project Development                          | 60.0%                    | 21             |
|  | <i>answered question</i> | <b>35</b>      |
|  | <i>skipped question</i>  | <b>22</b>      |

**#10. If you selected any of these [Transportation Planning activities with the public], please describe your level of involvement and experience for each. If not, please go to the next question.**

I've actually led public involvement activities on a CTP. I have only sat in on/observed the STP and STIP activities.

|   |
|---|
| Participation through our local RPO   |
| Survey response, steering committee, development of priority needs list, commented on projects  |
| MPO TAC   |
| Local meetings.   |
| I am a member of the WPCOG transportation group and was involved in plans and Prioritization.   |
| I am the project manager on a number of projects throughout the state of varying sizes. I prepare/supervise preparation of materials for presentation, determine the types of public involvement tools we use for the individual projects, coordinate with the PDEA public involvement staff, organize and lead post hearing meetings.  |
| Lead staff person for 2 RPOs and one MPO over last decade. Particular emphasis on prioritization. Served on SPOT 2.0/Mobility Fund stakeholder group  |
| As a staff for the MPO I helped write the CTP for the region and I attended committee meetings as a representative for my Towns. As a representative to the TCC for my Towns we recommended to the TAC how projects should be ranked in the region.   |
| Very involved and experienced for all of these.   |
| The level has varied from slight to moderate  |
| 2040 Plan - answered survey; CTP - participated in meetings; Project Prioritization and STIP - coordinated efforts by my MPO; Project Development - coordinated efforts by my MPO   |
| project coordinator   |
| Attended public hearing. Seemed disorganized; milling about looking at maps only.   |
| Over the years I've been involved at some level with each category. I think the Project Development folks probably do the best job. The other levels tend to follow the Decide Anounce Defend paradigm of public involvement. This is especially true of the STIP and project prioritization. Project prioritization is especially bad because when you ask a question of them they do a disorganized data dump that only answers the question if you have a couple of years to sort through a thousand projects or so. |
| I serve on the RPO for the High Country   |
| As vice-chair of the MPO, I think the MPO is not involved early and enough.   |
| Internal staff  |

*\*\*\*The responses to question #11 are included in the comment section of this appendix\*\*\**

|  |
|--|
| <b>#12. Are there any other transportation issues facing your area that have not been identified in this survey? Please list them and rank their priority (1) high to (5) low.</b>   |
| 1. Bike/Ped improvements per the GUA Bike/Ped Master Plan  |
| 1. Maintaining current roads<br>2. Bridge maintenance<br>3. Alternative transportation methods   |
| 1. Safe routes to school should be a top priority<br>2. Maintenance of current roads<br>3. Enhancement of current roads<br>4. Access roads for EDC purpose<br>5. All interstate should have a separate lane for Tractor/Trailers paid for by higher taxes on such vehicles |
| 1. Safe bicycling zones<br>2. Avoiding pedestrian and bicycling injuries/deaths<br>3. Cultivating multi-use neighborhoods  |

## Summary of the Public Survey and Comments

|   |
|---|
| 4. Increasing use of traffic-calming measures in residential neighborhoods<br>5. Stop the over-use of signage   |
| 1. Henderson city limits – Dabney Drive issues<br>2. Henderson city limits – Graham Ave/Ruin creek intersection<br>3. Henderson city limits – Hwy 39/Vicksboro Road intersection  |
| 1. Metro type system that goes to the airport   |
| 1. No good transit  |
| 1. Light rail (what's the plan, schedule)<br>2. High speed rail (what's the plan, schedule)<br>3. Bike & Ped (adoption of Complete Streets, what's the plan, schedule)<br>4. Plan for bridge maintenance since so many deficient bridges              |
| 1. Hurricane evacuation routes<br>2. Rain event flooding  |
| 1. Funding<br>2. Excessive Project Lead Time<br>3. STIP inflexibility<br>4. STIP reliability<br>5. Project Mix  |
| 1. Getting to Raleigh<br>2. Pollution<br>3. There is a need for mass transit  |
| 1. Funding for plans and projects<br>2. More transportation choices   |
| 1. Congestion on Hwy 421<br>2. Secondary road maintenance<br>3. Infrastructure maintenance<br>4. Pedestrian and bike trails<br>5. Needless spending on landscape project that do not make our system more efficient                                   |
| 1. Walking/biking trails on one side of all major highways<br>2. Statewide congestion of highways by overbuilding   |
| 1. Cost of gasoline<br>2. Cost of engine idling from delay (time and fuel)<br>3. Choose safety over mobility, mobility over access<br>4. Need alternatives to car travel (transit, walk, bike)<br>5. Policy overhaul regarding what is transportation |

| <b>#13. What area do you represent?</b>          |                         |                       |
|--|-------------------------|-----------------------|
| <b>Answer Options</b>                            | <b>Response Percent</b> | <b>Response Count</b> |
| Municipality                                     | 17.1%                   | 7                     |
| County   | 17.1%                   | 7                     |
| Metropolitan Planning Organization (MPO)         | 17.1%                   | 7                     |
| Rural Transportation Planning Organization (RPO) | 14.6%                   | 6                     |
| General Public                                   | 24.4%                   | 10                    |
| Other (please specify)                           | 9.8%                    | 4                     |
| <i>answered question</i>                         |                         | <b>41</b>             |
| <i>skipped question</i>                          |                         | <b>16</b>             |

### NCDOT Unified Public Engagement Process Comments

| No. | Source | Comment  | Response  | Additional Comments           |
|-----|--------|--|---|-------------------------------|
| 1   | SPOT   | Edits to Chapter 4, Project Programming to add an explanation for investment summits.  | Edits incorporated  | Comments have been addressed. |
| 2   | PDEA   | Edits to Chapter 5, to clarify that NCDOT public involvement programs vary depending on the effort, and to expand the explanation of public involvement and the Merger process.  | Edits incorporated  | Comments have been addressed. |
| 3   | FHWA   | The UPEP does not appear to be unified in that there FAA and FRA and potentially some FTA requirements are not included.   | Document is intended to meet SAFETEA-LU requirements and may be expanded in the future to address FAA and FRA requirements. | Comments have been addressed. |
| 4   | FHWA   | This document seems to mainly focus on the FHWA.   | Document is intended to meet SAFETEA-LU requirements and may be expanded in the future to address FAA and FRA requirements. | Comments have been addressed. |
| 5   | FHWA   | Considering NEPA the UPEP does not at this time adequately address 23 CFR 711.11   | PDEA will continue to use the Highway Action Plan   | Comments have been addressed. |
| 6   | FHWA   | PDEA currently follows the signed Highway Action Plan (HAP) for public involvement. This document has been signed by both NCDOT and FHWA and it is not referenced in the UPEP.<br>Does the UPEP take the place of the HAP? | Comments addressed.   | Comments have been addressed. |

## Summary of the Public Survey and Comments

|    |      |  |   |                               |
|----|------|--|---|-------------------------------|
|    |      | Are the partners expected to sign the UPEP?<br>Will UPEP be strengthened to meet Federal requirements for NEPA?  |   |                               |
| 7  | FHWA | How are the different business units linked/roles/responsibilities to the UPEP?  | The UPEP was prepared to document existing public outreach in transportation planning. The document may be expanded in the future to address public outreach in other business unit activities.   | Comments have been addressed. |
| 8  | FHWA | The NCDOT website should probably always be the appropriate vehicle to meet the requirement for “electronically accessible format”   | Language has been updated.  | Comments have been addressed. |
| 9  | FHWA | In order for the Rural Consultation requirement to be met the following information is needed: Survey for non-metropolitan elected officials, detailed information regarding the comments received for the rural process, disposition of the comments, & changes being recommended as a result of comments | A survey was distributed to non-metropolitan officials. This matrix includes the detailed comments on the UPEP, the disposition of comments and the changes to the UPEP that have been made because of the comments. Section 1.2 will be expanded to specify distribution of the survey, responsive to the regulations. | Comments have been addressed. |
| 10 | FHWA | It might be a good idea to include the Statewide regulations in 23 CFR 210 much like you did for the MPOs.   | Statewide regulations are included in Appendix B; both references are included in Chapter 1. 1 and 1.2.   | Comments have been addressed. |
| 11 | FHWA | Pg. 9 Chapter 3 – the MPOs are completing CTPs based on State law, the same as the RPOs. Should that be reflected in this document?  | Introductory text in Ch. 3 has been modified.   | Comments have been addressed. |
| 12 | FHWA | Pg. 9 – how did you narrow down the public involvement groups to 5 – refer to comment No. 10   | Keeping the public involvement groups to 5  | Comments have been addressed. |
| 13 | FHWA | 3.1.4 Metropolitan: The Federal requirement is “coordination” with the MPOs and that should be clearly explained before requesting that they become a conduit for NCDOT PI efforts. Who is the “MPO liaison” listed here?  | “Cooperation” has been changed to “coordination,” and “liaison” has been changed to “staff.”  | Comments have been addressed. |
| 14 | FHWA | 3.2.2 Again the MPO and CTP question.  | Text modified to reflect that CTPs are developed within MPO planning areas.   | Comments have been addressed. |

## Summary of the Public Survey and Comments

|    |               |  |   |                               |
|----|---------------|--|---|-------------------------------|
| 15 | FHWA          | 3.2.4 Should read, the tribe should be consulted on any projects that may impact their Tribal boundaries.  | Text revised as noted.  | Comments have been addressed. |
| 16 | FHWA          | Chapter 7: There is nothing that can be measured.<br>How are the measures listed in this chapter linked to the goals listed in chapter 2?<br>How often will the plan be reevaluated?   | Chapter 7 rewritten to incorporate goals and performance measures | Comments have been addressed. |
| 17 | Public Survey | On page 25, please clarify what you mean by meetings with the RPOs and MPOs following the release of the draft STIP. Would this be individual one-on-one meetings?<br>Additionally, section 3.3 is a little bit squishy with regard to what the responsibility of NCDOT is and what is the responsibility of the RPO, and who should have the lead role on that public involvement? This may have been purposeful, to allow flexibility, but if there could be clarification it might help.  | Comment noted   | Comments have been addressed. |
| 18 | Public Survey | Learning this process through our local RPO is very helpful  | Comment noted   | Comments have been addressed. |
| 19 | Public Survey | In section 3.3.4. Resource Agency Involvement. Get resource agencies involved more definitively during the "alternatives" development of a CTP, not just the "middle" of the project. The public needs to know during the alternatives development stage of the CTP how the resource agencies may see their alternatives/designs. DOT then needs to help the public understand if a locally preferred alternative/ route will not score out against other alternatives resulting in DOT choosing to fund a secondary or tertiary alternative that was locally suggested, but not well supported. It's best to give the public the chance to make a decision with as many variables in mind as possible.<br>DOT should involve the local planning office staff in developing a solid public involvement plan as the very first item of business associated with a CTP as it is the roadmap for the entire project. Then DOT | Comment noted   | Comments have been addressed. |



## Summary of the Public Survey and Comments

|    |               |  |   |                                      |
|----|---------------|--|---|--------------------------------------|
|    |               | <p>needs to make that public involvement plan very public early on in the process and keep it updated so people can choose where they want to participate in the process and how the project is progressing.</p> <p>Thank you for the chance to offer these comments...just wish the comments box and text was much bigger...not sure if this is ADA compliant being so small.</p>   |   |                                      |
| 20 | Public Survey | <p>The Rail Division is in the process of completing their evaluation of their TSS process. One of the items presented is the Public Involvement Toolkit, however it is presented in tabular format and is much more comprehensive than what is in the UPEP. I also noted the reference in the UPEP to guidelines for managers to determine which strategies/items to utilize from the toolkit but did not see anything that detailed that. I would like to see further development of that.</p>   | <p>Comment noted; the UPEP is not intended to provide direction on specific strategies or activities, but is intended to set the overall framework for public involvement responsive to federal regulation.</p> | <p>Comments have been addressed.</p> |
| 21 | Public Survey | <p>If you are looking for local staff input, the current process does well enough. To engage the public, an NCDOT-centric event will draw special interests and activists.</p>   | <p>Comment noted</p>  | <p>Comments have been addressed.</p> |
| 22 | Public Survey | <p>Tribal consultation section is incorrect. EBCI = Eastern Band of the Cherokee Indian is their correct name, but they are not the only recognized tribe with whom we consult. EBCI is the only tribe with tribal land in NC but we must also consult with others as per Section 106. In fact the ACHP website states "Agencies are required to consult with Indian tribes at specific steps in the Section 106 review process. A common misunderstanding is that tribal consultation is only required for undertakings on tribal lands, when, in fact, consultation is also required for undertakings that occur off tribal lands. Tribal consultation for projects off tribal lands is required because the NHPA does not restrict tribal consultation to tribal lands alone and those off tribal lands may be the ancestral homelands of an Indian tribe or tribes, and thus may contain historic properties of religious and cultural</p> | <p>Text revised to be more expansive in terms of activities subject to consultation.</p>  | <p>Comments have been addressed.</p> |

## Summary of the Public Survey and Comments

|    |               |  |   |                               |
|----|---------------|--|---|-------------------------------|
|    |               | significance to them." Others tribes without land in NC, but have sites of interest include Iroquois (Tuscarora) and Catawba. Perhaps the Lumbee one day.  |   |                               |
| 23 | Public Survey | I felt the draft UPEP provides a good basis for public input, RPO consultation and MPO cooperation. If it is fully followed in good faith (which means careful listening, dialog (in the context of consultation/cooperation), and thinking about what you here), than I think it should be highly effective. One caveat will be ensuring that it is widely understood and observed in the department ranks.   | Comment noted   | Comments have been addressed. |
| 24 | Public Survey | There are some misleading and inaccurate statements that need to be changed  | Can only address if specifics provided.   | Comments have been addressed. |
| 25 | Public Survey | More ads online  | Comment noted   | Comments have been addressed. |
| 26 | Public Survey | Yes, You've pointed out survey results. However, there are no recommendations or commitments to improve the overall process e.g., set measures of effectiveness or targets, coordinate efforts vs. by program, track costs (use WBS element?).   | Individual planning efforts should identify performance measure targets to evaluate the effectiveness of their public involvement efforts<br>Possible performance measures have been identified in the UPEP document. Comments have been catalogued and responded to in Appendix D. | Comments have been addressed. |
| 27 | Public Survey | The UPEP is 90 pages long it is not the work of a 'moment' to review it and provide comments. The UPEP is pretty well hidden on your website at the moment. So how about getting this thing moved to a video on the DOT News part of the website. It reads as though someone ate a copy of the federal regulation and spewed the results back out. The basic change seems to be that NCDOT says it will meet every federal requirement although NOWHERE does the document say how it will meet the requirements 'DOT will use a variety of methods...' really isn't very useful. WRITE IN LANGUAGE THAT REGULAR FOLKS CAN UNDERSTAND. This means at or below | Comment noted. The UPEP document has been edited in some areas to enhance understanding.  | Comments have been addressed. |

## Summary of the Public Survey and Comments

|    |               |  |  |                               |
|----|---------------|--|--|-------------------------------|
|    |               | the 9th grade level. I don't know what grade level this beast is written at but it feels like MS or PHD level. A lot of folks in NC function at the eighth grade level. Spend some time thinking about the criteria for translating documents into second languages. Not all documents need to be in Spanish but some do. There are rules for deciding how to make the cut.                                  |  |                               |
| 28 | Public Survey | I don't know what UPEP plan is and have never heard about it.  | Comment noted  | Comments have been addressed. |
| 29 | Public Survey | Why is there no reference to CTPs within MPO areas?  | Text has been revised to reflect preparation of CTPs within MPO planning areas.  | Comments have been addressed. |
| 30 | Public Survey | There seems to be a lack of desire to really meet with the public. They do not hold it in affected areas and seem to be unwilling have smaller community meetings.   | Comment noted  | Comments have been addressed. |
| 31 | Public Survey | Too many projects, not enough funds. I am not sure there is an answer that can address the massive problems we face in NC in terms of transportation needs. I would suggest that the political nature of DOT continues to be reduced and that objective planning be the primary focus on a state level.  | Comment noted  | Comments have been addressed. |
| 32 | Public Survey | Why is there a Spanish language version?   | Can't respond until it is known to what document to which the question refers.   | Comments have been addressed. |
| 33 | Public Survey | It is too wordy to keep track of what the process actually is. Perhaps putting the necessary parts in a chart would help and eliminating the duplication from one dept. to the next by just stating that there is really one process which appears to be substantially the case. There SHOULD be one process for every type of project and then perhaps the public would learn what to expect and watch for. | Comment noted. NCDOT has determined that the organization and possible repetition noted by the commenter is needed to meet regulatory expectation. | Comments have been addressed. |
| 34 | Public Survey | Public Service Announcements, Billboards, saying that it's your plan, what do you want it to say? What we decide today will affect our children. Plan with purpose; be intentional.  | Comment noted.   | Comments have been addressed. |