

# STATEWIDE PUBLIC INVOLVEMENT PLAN



North Carolina  
Department of  
Transportation  
MARCH 2020

A resource for practical public involvement guidance to ensure quality, consistency, and compliance throughout NCDOT public involvement efforts





# Foreword

The N.C. Department of Transportation (NCDOT) developed the NCDOT Statewide Public Involvement Plan (PIP or Plan) to provide statewide public involvement guidance in accordance with federal and state environmental regulations. NCDOT facilitates compliance with the National Environmental Policy Act of 1969 and related federal and state laws and regulations that were enacted to avoid, minimize, and mitigate environmental impacts caused by transportation projects.

This Plan focuses on how NCDOT will meet the public involvement requirements of applicable laws and regulations while building a central resource for public involvement practices and procedures. The intended audience for this plan is the practitioners that are implementing public involvement as, for, or on behalf of NCDOT.

This Plan supersedes the NCDOT *Unified Public Engagement Process for Public Involvement and Local Official Consultation* (2016).



Southwood Memorial  
Christian Church  
"Go with Disciples..."  
Kinston,  
North Carolina

KINSTON BYPASS  
KIDS CORNER



# Acknowledgements

Numerous individuals within NCDOT provided knowledge, assistance, and insight throughout the process of developing this Statewide Public Involvement Plan. Contributions from everyone who participated are greatly appreciated.

Specific entities within NCDOT that participated in the planning process include the following:

NCDOT Communications Office

NCDOT Environmental Analysis Unit

NCDOT Transportation Planning Division

Consulting services were provided by **AECOM**



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# Acronyms and Abbreviations

ADA	Americans with Disabilities Act
CAC	Citizens Advisory Committee
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CIA	Community Impact Assessment
CO	Communications Office
CTP	Comprehensive Transportation Plan
CTSP	Community Transportation Service Plan
CWA	Clean Water Act
DEIS	Draft Environmental Impact Statement
DOT	Department of Transportation
EA	Environmental Assessment
EAU	Environmental Analysis Unit
EIS	Environmental Impact Statement
EJ	Environmental Justice
EPA	United States Environmental Protection Agency
FAQ	Frequently Asked Questions
FAST	Fixing America's Surface Transportation
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
IAP2	International Association for Public Participation
LARC	Language Assistance Resource Contact
LEP	Limited English Proficiency

**ACRONYMS AND ABBREVIATIONS**

L RTP	Long-Range Transportation Plan
MAP-21	Moving Ahead for Progress in the 21st Century Act
MCDC	Minimum Criteria Determination Checklist
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
NCDOT	North Carolina Department of Transportation
NCHRP	National Cooperative Highway Research Program
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOI	Notice of Intent
PICSViz	Public Involvement, Community Studies, & Visualization Group
PIP	Public Involvement Plan
PSA	Public Service Announcement
PTD	Public Transportation Division
ROD	Record of Decision
RPO	Rural Planning Organization
SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users
SEPA	State Environmental Policy Act
STIP	Statewide Transportation Improvement Program
TRB	Transportation Research Board
USACE	United States Army Corps of Engineers
U.S.C.	United States Code



# Chapter 1

## INTRODUCTION





# 1 Introduction

The North Carolina Department of Transportation (NCDOT) manages the state's transportation systems, including highway, rail, aviation, ferry, bicycle and pedestrian, and public transit needs. The agency is divided into 14 transportation divisions with a collective mission to connect people, products, and places safely and efficiently as a way to enhance the economy and vitality of North Carolina. To uphold this mission, NCDOT works to continuously improve and maintain its transportation systems while using public involvement to engage with the communities in which it serves. This commitment to public involvement supports the agency's decision-making process by acknowledging and addressing federal and state requirements and needs of the community members and stakeholders.

The NCDOT Environmental Analysis Unit (EAU) developed the Statewide Public Involvement Plan (Plan) to provide statewide public involvement guidance in accordance with federal and state environmental regulations. NCDOT facilitates compliance with the National Environmental Policy Act of 1969 (NEPA) and related federal and state laws and regulations that were enacted to avoid, minimize, and mitigate environmental impacts caused by transportation projects. This Plan focuses on how NCDOT will meet the public involvement requirements of applicable laws and regulations while building a central resource for public involvement practices and procedures.

## 1.1 IMPORTANCE OF PUBLIC INVOLVEMENT

NCDOT acknowledges the importance of its obligation to provide robust public involvement throughout the decision-making process for transportation projects across the state. The purpose of this Plan is to provide statewide guidance for project teams to successfully plan and execute public involvement efforts. These efforts, as directed by NCDOT, are intended to support collaborative decision making while sustaining mutually beneficial community outcomes and addressing a broad range of interests throughout the life cycle of

transportation projects. The Plan offers techniques and methods to effectively engage the public, address public involvement challenges, and incorporate public feedback into the decision-making process.

Specifically, the goals of the Plan are to provide design and implementation strategies. These include the following strategies:

- Describe and evaluate methods of public input that can be integrated into the decision-making process.

- Appropriately select and customize tools, strategies, and tactics to engage community members and address the requirements, needs, and unique circumstances of each project.
- Wisely allocate expenditures and help keep projects on schedule.

## 1.2 FORMAT AND USE OF THE STATEWIDE PUBLIC INVOLVEMENT PLAN

This Plan is intended for use by NCDOT staff, partner agencies, municipalities, public and private organizations and companies, and residents of North Carolina. This Plan replaces the previously used NCDOT *Unified Public Engagement Process for Public Involvement and Local Official Consultation* (2016). Those involved in the planning and development of transportation facilities at all levels of decision making are encouraged to use this Plan and the NCDOT Public Engagement Toolkit (NCDOT Toolkit), when public involvement is incorporated into NCDOT transportation projects.

This Plan contains the following chapters.

### Chapter 1: Introduction

Presents the introduction, goals, and intended audience of the Plan.

### Chapter 2: Public Involvement Overview

Includes the purpose and benefits of public involvement and stages of planning during which public involvement should be included or input solicited.

### Chapter 3: Public Involvement Throughout the Decision-Making Process

Offers guidelines for public involvement during each phase of the decision-making process.

### Chapter 4: Project Stakeholders

Identifies key partners and project stakeholders involved in public involvement and the decision-making process.

### Chapter 5: Public Involvement Implementation

Outlines documentation and communication techniques.

### Chapter 6: Media Relations

Focuses on the management of traditional and new media activities and communications.

### Chapter 7: Public Involvement Tools

Provides a list of standard public involvement tools and resources and their applications.

### Chapter 8: Project Records

Summarizes the documentation guidelines for public involvement activities and input.

### Chapter 9: Measures of Success

Describes metrics used for evaluating public involvement.

### Chapter 10: Federal and State Statutes, Regulations, and Executive Orders

Catalogs federal laws, regulations, and procedural requirements.

Users of this Plan are encouraged to read through each chapter in its entirety to become familiar with the function, scope, and resources provided as a whole. Upon additional use, individual chapters can be referenced as needed.

This Plan is an evolving document and will be revised periodically to provide updates and clarifications. NCDOT will provide notice on the NCDOT website when updates are ready for distribution. The Plan and relevant resources may be accessed online through the following website. Printed copies of the Plan are available from the Public Involvement, Community Studies, & Visualization Group (PICSviz).

### Useful Link: Connect NCDOT Business Partners Resources

<https://connect.ncdot.gov/Pages/Manuals-Handbooks.aspx>

# Chapter 2

## PUBLIC INVOLVEMENT OVERVIEW





# 2 Public Involvement Overview

Transportation is one of the most important assets to our communities; it connects people, goods, services and jobs that promote our health, safety and mobility. Transportation decisions may significantly influence the economic and social conditions of a community and can lead to beneficial and/or adverse impacts where people live, work, and attend school. For these reasons and others, public involvement is a core element of the NCDOT transportation decision-making process. Due to the importance of public involvement to NCDOT and the community, considerable effort is frequently required to convey that importance in NCDOT decision making and to obtain meaningful engagement from stakeholders and community members.

## Public Involvement

### What does Public Involvement Mean?

According to the International Association for Public Participation (IAP2), public participation (public involvement) means to:

- Involve those who are affected by a decision in the decision-making process;
- Promote sustainable decisions by providing participants with the information they need to be involved in a meaningful way; and
- Communicate to participants how their input affects the decision.

### When is Public Involvement Needed?

- When it is required by law.
- When public decisions have substantive impacts on communities and individuals.
- When the public has information, ideas, and/or concerns that should be considered by decision-makers who are serving as public representatives and have the responsibility to listen to their constituents and others before acting on their behalf.

Sometimes a lack of interest is attributed to apathy, but other reasons are more common. These reasons may include a lack of awareness, personal responsibilities and competing interests that limit availability to participate, and a lack of familiarity with key topics. Other reasons include public forums that are unfamiliar, event times that mismatch with schedules or that are unappealing to the public. Some participants may feel their involvement in a public meeting will not translate into an outcome that reflects time well spent.

The public meeting may appeal to one person, while social media may appeal to another. Consequently, each public involvement approach, and the overall set of selected approaches, must consider what it will take to reach a wide audience and make broad involvement worthwhile.

In addition, transportation professionals need to succinctly communicate key messages and then identify strategies and techniques to share those messages and capture the public’s attention. Key messages to generate public engagement may include the potential impacts, benefits, and costs of the decision at hand. These messages require efforts to clarify what is at stake, key terminology, process steps, decision-making parameters, who will make the decision, and most importantly, what is being asked of the participants. A project team often assumes participants know what is being asked of them, but the team should reiterate what is needed from them.

IAP2 developed the Public Participation Spectrum (Figure 2-1), which provides a summary of the different levels of involvement by the public that are possible. Materials and methods for public involvement activities should be crafted so that expectations for the level of involvement are clear.

**Figure 2-1: Public Participation Spectrum**

## IAP2’S PUBLIC PARTICIPATION SPECTRUM



The IAP2 Federation has developed the Spectrum to help groups define the public’s role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

		INCREASING IMPACT ON THE DECISION 				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

By engaging the public early in the transportation decision-making process, NCDOT makes public participation more accessible, builds relationships with key community members, maintains a dialogue, and gathers public input while satisfying federal and state requirements. Public

involvement creates the opportunity to maintain clarity and understanding by all those involved, as well as to provide insight on potential problems or concerns that may arise.

### Core Values for the Practice of Public Participation

- Is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Includes the promise that the public's contribution will influence the decision.
- Promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Seeks input from participants in designing how they participate.
- Provides participants with the information they need to participate in a meaningful way.
- Communicates to participants how their input affected the decision.

*International Association for Public Participation, <https://www.iap2.org>*

## 2.1 WHY IS PUBLIC INVOLVEMENT IMPORTANT?

Transportation decisions can result in changes in everyday lives and impact communities for years to come. The public should have the opportunity to be involved in the decisions that will impact them. Through an effective public involvement program, NCDOT will be able to deliver the following:

- Meet legal and procedural requirements;
- Provide stakeholders transparent and equitable access to decision making;
- Create and sustain a two-way flow of information that leads to improved understanding of the issues, concerns, alternatives, and procedures for providing public input;
- Allow the public to help define the problem and purpose and need and to identify solutions; and
- Assimilate public input in decisions and modify alternatives accordingly.

## 2.2 WHO IS THE PUBLIC?

The "public" may include anyone outside of the immediate project team and, most importantly, the population affected by a proposed plan or project. The public includes private citizens living and working around the proposed project or affected area; property owners; business owners; special interest organizations; municipalities; public agency representatives; elected/appointed officials; and any other individual or group impacted by or interested in the project.



## 2.3 PURPOSE OF PUBLIC INVOLVEMENT

The purpose of public involvement in the transportation decision-making process is to promote an understanding of transportation options and decisions by the potentially affected public and to gather public input that may influence the decision. While federal and state requirements specify programs and outreach methods to key stakeholders, NCDOT's public involvement exceeds baseline requirements. The basic purposes of the public involvement program are as follows:

- Educate and communicate.
- Build relationships.
- Gather input from affected citizens in order to influence transportation decisions.
- Meet federal and state requirements.

### 2.3.1 Educate and Communicate

#### Purpose

**To provide essential and objective information** about opportunities and roles for the public with regard to a problem or its alternatives.

Educating the public about details of the project, project process, and how the public can contribute to both project and process are critical first steps in public involvement. Increasing awareness and understanding for those affected by project activities helps generate interest and create meaningful and influential input, thereby enhancing the project's ability to address community needs and desires.

Information needs to be presented in a simple and easy to understand format for public use. Technical jargon should be avoided or explained if required. Frequently distributed, high-quality information is a hallmark of effective public education.

#### Purpose

**To establish a two-way, open dialogue** by providing a variety of effective approaches to share information and listen.

Being transparent requires establishing open lines of communication with stakeholders, local officials, and the general public. This open communication could be accomplished through a combination of regularly-scheduled meetings and emails, hot lines, direct mail, websites, and social media. It is important to make sure all targeted community members are aware of how project staff can be reached and how to receive project updates. This two-way communication establishes well-informed staff and community.

If progress on a project is slow or new developments are not ready for public review and comment, an update in the form of a web page update, video interview, newsletter, postcard, or short message will be appreciated by stakeholders. Letting the public know that NCDOT is still at work and cares is important for building trust and maintaining relationships with interested parties.

### 2.3.2 Build Relationships

#### Purpose

**To earn trust and acceptance** within local communities by working with both opponents and supporters to provide insight on community needs and concerns.

Building relationships within the community is another important element of the public involvement process. Credibility and/or trust may be limited or non-existent based on past experiences or other factors. It is critical to understand the basis for current conditions and to be inclusive and transparent throughout the entire project life cycle from the early planning stages through construction. Creating relationships with community members, stakeholders, local officials, and local organizations can create greater acceptance of projects and improve trust and credibility, while helping projects move forward smoothly. These relationships can be vital to minimizing conflict and litigation and resolving problems that may arise during development or construction of a project.

Some examples of how to earn the community's trust include the following:

- Use simple and easy to understand language to explain highly technical topics.
- Use consistent messages to maintain clarity.
- Meet with key community leaders over the course of the project.

- Participate in community events like festivals, fairs, and stakeholder group meetings.
- Treat all members of the community equally, with respect and dignity.
- Acknowledge and address potential errors or missteps from past efforts, if and when applicable.



### 2.3.3 Gather Timely Input

#### Purpose

**To educate project staff** about the public's concerns, support, and preferences, and to gain insight on the public's perception and understanding of project happenings.

Open communication is not just about actively relaying information to the public, but also about providing opportunities for timely input from those seeking to express concern, support, or preference. In many instances, public involvement is about engaging and then actively listening to the concerns and needs of the community.

The public is more likely to support and take ownership of project developments when given the time and opportunity to review information, share ideas and concerns, and observe their input being carried forward into project plans, decision-making criteria, or project outcomes.

Timely input is a crucial component of the planning process because it educates project staff about the needs and conditions of the community and provides insight on the public's perception and understanding. Often, a comment period is limited by federal or state regulation; 45, 60, or 90 days are generally accepted comment periods but the duration may vary depending on the project and/or agency requirements. Engaging stakeholders well before the clock begins (formal notice) can be essential. This can occur as a result of providing early communications to people and groups on the project contact list and by holding informal, small group meetings.

### 2.3.4 Meet Federal and State Requirements

#### Purpose

**To retain federal and state funding** that supports transportation projects and planning and conducting public involvement activities.

The objectives of federal and state regulations include the following:

- Early and continuous public involvement
- Inclusionary practices in activities and notification

- Consideration of the needs of the traditionally underserved
- Collaboration with other agencies, local governments, private sector transportation entities, and non-metropolitan planning organization (MPO) officials
- Convenient meeting times and locations
- Reasonable access to information
- Timely notice of public involvement activities including review and comment periods
- Acknowledgement and consideration of public comments

By creating an inclusive and transparent process using strategies listed in this Plan, all regulations can be met. Chapter 4 describes tools and methods for identifying and reaching a broad and diverse set of stakeholders. Chapter 10 describes applicable requirements for federal and state anti-discriminatory laws.

## 2.4 BENEFITS OF PUBLIC INVOLVEMENT

Having an effective public involvement process is vital to helping a project move forward smoothly and to achieving the goal of building an efficient transportation system.

### Benefits of Public Involvement

- Helps projects meet community needs and desires
- Builds trust, acceptance, and understanding within the local community
- Minimizes conflict and creates opportunity for productive conflict resolution
- Creates a sense of community and ownership for those affected
- Generates better decisions
- Reduces delays from previously unknown interests late in a project delivery process



# Chapter 3

## PUBLIC INVOLVEMENT THROUGHOUT THE DECISION-MAKING PROCESS





# 3 Public Involvement Throughout the Decision-Making Process

Transportation projects in North Carolina follow decision-making procedures that coordinate and are compliant with federal and state planning processes. From project initiation to final implementation, these phases of planning incorporate public involvement to engage stakeholders and gain input on proposed projects.

This chapter outlines procedural requirements for involving the public and other stakeholders in specific decision-making processes, and suggests methods for complying with these requirements. Figure 3-1 defines public involvement opportunities during planning and programming, project development, final design, and construction and operations and maintenance.

This Plan's primary purpose is to guide NCDOT staff, with or without public involvement experience, through the project development phase. To this end, implementation of public involvement is discussed in Chapter 5. Public involvement tools are discussed in Chapter 7. Public involvement requirements are summarized in Chapter 10.



## Document the Public Involvement Process

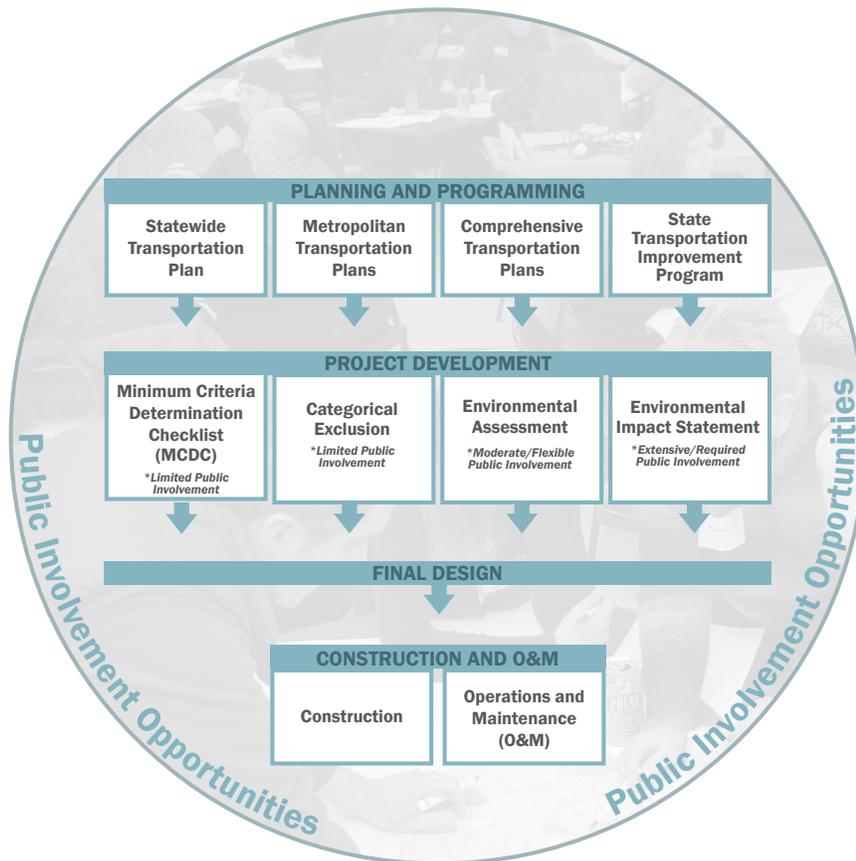
“Similar to the role of MPOs in metropolitan areas, State DOTs must have a documented process for the Statewide engagement of the public and stakeholder interests outside of metropolitan areas. Where appropriate, States may carry out their public involvement processes through, or in coordination with, Regional Transportation Planning Organizations. State DOTs should coordinate with MPOs to achieve effective public involvement across metropolitan, Statewide, and nonmetropolitan transportation planning processes, as well as for project-level planning for State projects in metropolitan areas.”

- *The Transportation Planning Process: Key Issues* 2017 Update by the Federal Highway Administration

### 3.1 PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

The process for transportation planning on the state level in North Carolina begins with the Statewide Transportation Plan and carries through to the State Transportation Improvement Program (STIP). Much of these statewide planning processes are mandated or guided by federal policy.

**Figure 3-1: Public Involvement Opportunities**



### 3.1.1 North Carolina Statewide Transportation Plan

The Statewide Transportation Plan provides a guideline for how the state’s transportation system should develop over a 30-year period. The plan is not project-specific, but outlines NCDOT’s primary transportation priorities while ensuring safety, preserving existing transportation systems, focusing on services and facilities statewide, and promoting economic opportunities.

23 Code of Federal Regulations (CFR) Subsection 450.210 requires NCDOT to develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points. There is a mandated 45 calendar day public review and comment period before any major changes or revisions to existing procedures can be adopted. In addition, the requirements specify the use of visualizations to describe the statewide transportation plan and supporting studies.

The current Statewide Transportation Plan, the *NCDOT 2040 Plan*, was developed using technical analysis

and public outreach over a two-year planning effort. Robust public involvement during this planning process was encouraged to incorporate a diverse stakeholder audience including local officials, community groups, and the public. Three rounds of surveys were administered as part of the planning effort to capture input from a diverse public to incorporate into the *NCDOT 2040 Plan*. NCDOT is currently in the process of updating its long-range transportation plan to help guide North Carolina’s future transportation policies and investments. Called *NC Moves 2050*, the plan provides a 30-year transportation blueprint for the state.

**Useful Links: NCDOT Statewide Transportation Plan**

**Statewide Transportation Plan (NCDOT 2040 Plan)**  
<https://www.ncdot.gov/initiatives-policies/Transportation/plan/Pages/default.aspx>

**NC Moves 2050 Plan**  
<https://www.ncdot.gov/initiatives-policies/Transportation/nc-2050-plan/Pages/default.aspx>

### 3.1.2 Long-Range Planning

Long-range transportation planning identifies anticipated deficiencies and needs for a time frame that is typically 20 to 30 years in the future. Long-range planning is a collaborative process with metropolitan planning organizations (MPO), rural planning organizations (RPO), and local governments working in partnership with NCDOT. Extensive public involvement programs are implemented to seek input from a variety of stakeholders, including the public, elected and appointed officials, and community groups throughout the state, during the development of long-range plans.

The Comprehensive Transportation Plan (CTP), in meeting state requirements (North Carolina General Statute 136-66.2), lays the groundwork for the long-range vision for the transportation system with specific consideration given to multimodal facilities. The CTP reflects the community's land use vision and context. The CTP serves as an "inventory" of potential projects that could be used to address network deficiencies for roadways, rail, transit, bicycle, and pedestrian infrastructures in North Carolina.

#### Useful Link: NCDOT Webpage on Comprehensive Transportation Plans

<https://connect.ncdot.gov/projects/planning/pages/comprehensive-transportation-plans.aspx>

The Metropolitan Transportation Plan (MTP), which was formerly referred to as a Long-Range Transportation Plan (LRTP), is required by federal law to address at least a 20-year time frame and must be financially constrained and meet other federal planning requirements (23 CFR 450.324). As such, the MTP serves as a subset of the CTP, where specific projects are first defined within financial constraints. In RPO areas, only CTPs are done, since MTPs are not required in non-MPO areas, so the STIP is considered the fiscally programmed portion of the plan. All project proposals, whether in a CTP or an MTP, are screened to ensure they are feasible or buildable from an environmental, engineering, and cost/benefit perspective. While a project may not be financially feasible within the MTP time frame, it may be needed to handle travel demand within the longer time frame of the CTP. MPOs and RPOs rank identified projects from their plans and submit them through the state's prioritization process for inclusion in the STIP.

MPOs are required by federal law to develop and use a documented Public Involvement Plan (PIP) to define the process by which stakeholders are provided reasonable opportunities to be involved in the MPO planning

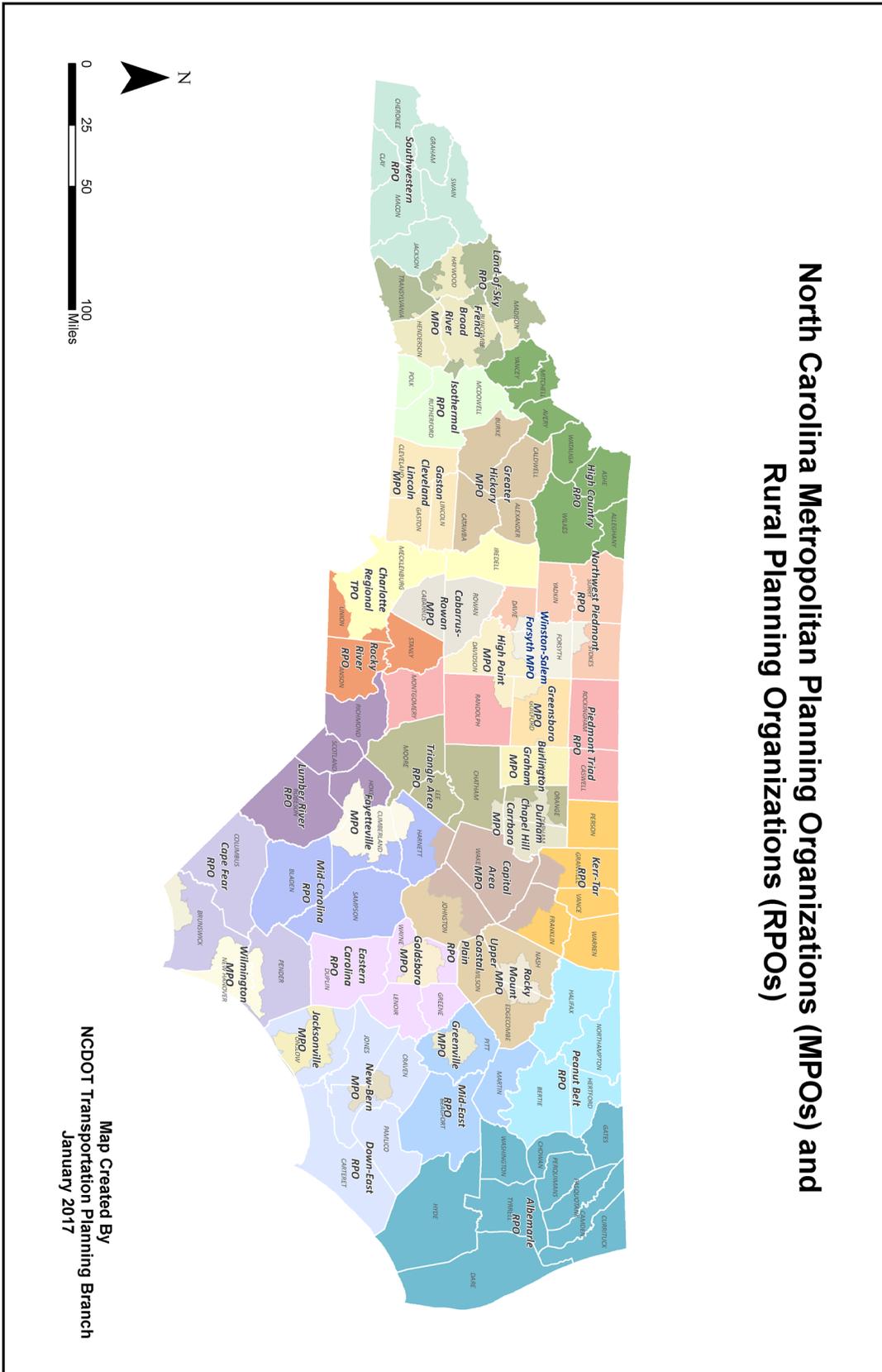
process, including development of the MTP. Similarly, NCDOT requires state-established RPOs to have PIPs as well. For reference, to determine which MPO and/or RPO may cover your specific geography, a map showing North Carolina's MPO and RPO boundaries is provided in Figure 3-2.

#### 3.1.2.1 Metropolitan Transportation Plan

In MPO areas, CTPs and MTPs are closely coordinated (or combined into a single document) to show the complete long-range transportation vision for the area. The state and federal requirements for long-range transportation planning include public consultation. Long-range transportation plans are also developed in consultation with local, state, and federal agencies and other interested parties. Further, MTPs in particular are required at a minimum to describe procedures, strategies, and desired outcomes for the following:

- Providing adequate and timely public notice of public participation activities and the time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed MTP
- Providing reasonable access to information about transportation issues and processes
- Employing visualization techniques to describe MTPs
- Making public information (technical information and meeting notices) available in electronically accessible format
- Holding public meetings at convenient times and accessible locations
- Demonstrating consideration of and response to public input received during the development of the MTP
- Gathering and considering the needs of those traditionally underserved by existing transportation systems (for more information, see Chapter 4 or Chapter 10)
- Providing additional opportunity for public comment if the final MTP 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 STIP public involvement and consultation processes

Figure 3-2: North Carolina MPO and RPO Boundaries



- Reviewing the effectiveness of the procedures and strategies, defined in the PIP, periodically to ensure a full and open participation process

The MTP is made available for public comment, typically for a period of 30 to 45 days in accordance with the PIP before an initial or revised plan is adopted by the MPO.

**3.1.2.2 Non-Metropolitan (Rural) Transportation Planning**

There are 18 Rural Planning Organizations (RPOs) in North Carolina (See Figure 3-2 showing North Carolina’s RPO boundaries). According to North Carolina law (North Carolina General Statutes 136-210 to 136-213), 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

The complete non-metropolitan transportation planning and rural consultation plan is outlined in the forthcoming document NCDOT Cooperative Process for Engaging Non-Metropolitan Local Officials in Statewide Transportation Planning.

CTPs are developed for small urban and rural areas by NCDOT, usually on a county level, in coordination with RPOs, counties, and incorporated municipalities. The CTP process typically includes opportunities for public input at the following steps:

- Defining the community vision, goals, and objectives
- Conducting a needs assessment to identify transportation deficiencies
- Analyzing alternatives and developing the draft CTP
- Finalizing the CTP

Public involvement for CTPs is tailored to each area based on the locality’s policies. A public hearing is recommended prior to the local government adopting the CTP.

**3.1.2.3 Tribal Consultation**

In preparing statewide transportation plans, federally

recognized tribal governments must be consulted. There is only one federally-recognized tribe that resides in North Carolina, the Eastern Band of Cherokee Indians; however, four additional tribes have expressed an interest in North Carolina transportation projects. These are Catawba Indian Nation, Cherokee Nation, Tuscarora Indian Nation, and United Keetoowah Band of Cherokee Indians. Tribal consultation occurs annually between the Federal Highway Administration (FHWA) and tribal governments. The Eastern Band of Cherokee Indians develops its tribal transportation improvement plan, which the state includes in the STIP. In addition, tribal governments are invited to participate in the development of CTPs. Tribal consultation procedures, including those required by Section 106 of the National Historic Preservation Act, vary from federal agency to federal agency and public involvement practitioners should contact the federal agency representatives early in the project planning process to ensure that all requirements are adequately addressed.

**3.1.3 State Transportation Improvement Program**

NCDOT publishes a federal- and state-required STIP that is a 10-year plan identifying the construction funding and scheduling of transportation projects throughout the state. Potential projects are prioritized by staff from NCDOT, MPOs, RPOs, and the public. The goals include improving safety, mobility, and infrastructure health based on crash data, congestion levels, pavement conditions, and other criteria. This process is called “Strategic Prioritization,” which enables NCDOT to apply limited transportation resources to the projects that will best meet NCDOT’s mission and goals. The STIP is generally updated on a two-year cycle, with public comment meetings held at the beginning of the planning process and reviews of the draft STIP by each of the 14 highway divisions. The first six years of the STIP is known as the “Delivery STIP” and the last four years cover what is considered the development period. Projects within the development period are intended to let the public know what NCDOT has started work on for the delivery portion of a future STIP.

Federal code (23 CFR 450, Subpart B - Statewide Transportation Planning) requires that states develop a STIP and provide opportunities for stakeholder input into the development of the plan.

The state is required to provide for local official participation and general public involvement in the development of the STIP and during points of key decision making. The process for incorporating local input is documented in the state’s PIP for the statewide transportation planning process.

**Useful Link: NCDOT STIP**

<https://www.ncdot.gov/initiatives-policies/Transportation/stip/Pages/default.aspx>

**3.2 PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT**

Once a project is defined and prioritized through the planning processes described in section 3.1, it moves into the NCDOT project development process. The goal of the project development process is to guide a project through preliminary design and authorization to proceed on the final design. Final design can begin after the National Environmental Policy Act (NEPA) process is completed. Comprehensive NEPA guidance applicable to NCDOT projects is provided in FHWA’s Environmental Review Toolkit.

**Useful Links: FHWA NEPA and Public Involvement Guidance**

<https://www.environment.fhwa.dot.gov/projdev/index.asp>

[http://www.fhwa.dot.gov/planning/public\\_involvement/index.cfm](http://www.fhwa.dot.gov/planning/public_involvement/index.cfm)

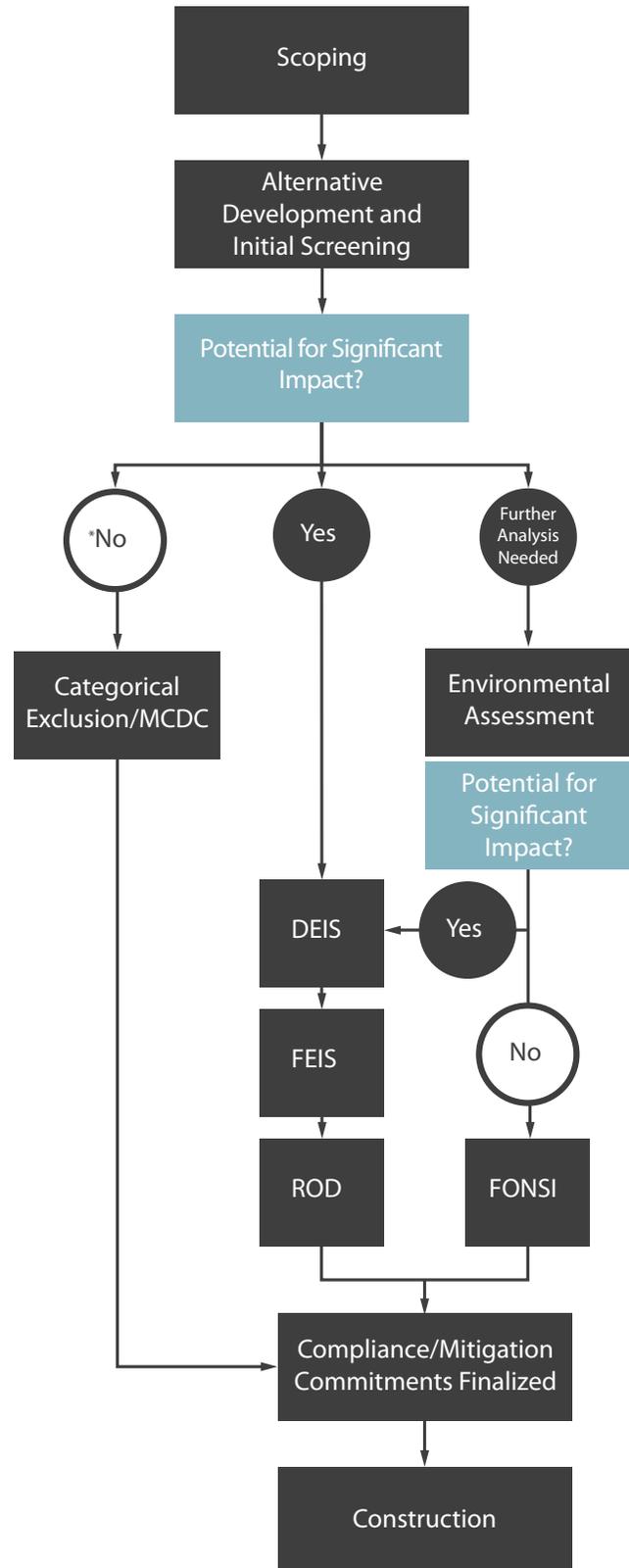
NEPA consists of a process that considers the potential environmental consequences of projects, documentation of the associated analysis, and making this information available to the public for comment prior to implementation. Figure 3-3 provides a summary NEPA process diagram for an Environmental Impact Statement (EIS). Public involvement occurs throughout an EIS process and plays a role in other NEPA efforts.

Public involvement is most extensive and well-defined during project development, but also extends into the final design, construction, and operation of some projects. In each case, public involvement is about both informing and gaining feedback from the public.

Public involvement requirements for federally-funded projects are described in Chapter 10. These stipulations generally depend on the scope of the proposed project and the level of environmental documentation being prepared to comply with NEPA.

Most members of the public are not familiar with NEPA and other federal and state environmental compliance requirements. With the right introduction and information, the public can provide valuable information about transportation needs, existing conditions, and resources that could be impacted by a proposed project, and provide ideas that can be incorporated into project decision making.

**Figure 3-3: Phases of NEPA**



\*A number of factors must be satisfied before pursuing a CE/MCDC

While public input is encouraged throughout the NEPA process, it is targeted at key points during major phases of NEPA. These key points include the following:

- Scoping (identifying issues, a project's purpose and need, and possible alternatives) ["Scoping" on Figure 3-3]
- Developing alternatives (refining and screening possible solutions and alternatives) ["Alternative Development and Initial Screening" on Figure 3-3]
- Evaluating potential impacts and mitigation measures ["Categorical Exclusion," "DEIS," "FEIS," and "Environmental Assessment" on Figure 3-3]
- Review of draft and final NEPA documents ["Categorical Exclusion," "DEIS," "FEIS," and "Environmental Assessment" on Figure 3-3]
- Determining the preferred alternative ["Categorical Exclusion," "DEIS," "FEIS," and "Environmental Assessment" on Figure 3-3]

Public involvement requirements and activities may vary in relation to the type of project and environmental document being prepared (see section 3.2.4). Specific statutes, regulations, and executive orders outline federal and state public involvement requirements during project development for NEPA documentation. See chapter 10 for information about specific relevant laws.

### 3.2.1 NCDOT 404 NEPA Merger Process

Compliance with the Clean Water Act of 1972 (CWA) and other federal laws often occurs as part of the NEPA process. In North Carolina, Section 404 of the CWA has been formally combined with the NEPA process through a "Merger" agreement. The Section 404 NEPA Merger Process (Merger) is used to coordinate and develop surface transportation projects with the United States Army Corps of Engineers' (USACE) responsibilities in relation to "Waters of the U.S." Waters of the U.S. include wetlands and surface waters formally determined to be within USACE's jurisdiction.

The Merger streamlines the project development, permitting practices, and agency consultation and coordination processes associated with NEPA and Section 404 of the CWA. The Merger has been agreed to by USACE, N.C. Department of Environment and Natural Resources, FHWA, and NCDOT and is supported by other stakeholder agencies and local units of government. The Merger provides a forum for agency representatives to discuss and reach consensus on ways to facilitate meeting the regulatory requirements of Section 404 of

the CWA during the environmental documentation and decision-making phase of transportation projects. The Merger is based on coordination and concurrence among the agencies at seven key milestones in the project development process, referred to as Concurrence Points.

Screening of projects to determine whether they will enter the Merger process is completed during the NEPA scoping process for a project. This is where the public has an opportunity to comment. The decision of whether or not to apply the Merger process involves considering the size and scope of a project and the likelihood of an individual permit being required under Section 404.

#### Useful Link: Section 404 NEPA Merger Process

<https://connect.ncdot.gov/resources/Environmental/Pages/Merger-Process-Guide.aspx>

### 3.2.2 Public Involvement Plan

Though not required, NCDOT usually develops project-specific PIPs at the beginning of projects. The PIP provides an outline of anticipated public outreach efforts for a project, and shows NCDOT's deliberate and conscious efforts to include the public in project decision making. Depending on the type and size of a project, the PIP can range from a brief summary to a full, stand-alone report. See chapter 5 for more information about PIPs.

Generally, PIPs address the following topics:

- Goals and objectives for outreach on the project
- Stakeholders and interested groups, including special populations
- Potential communication methods/outreach tools
- Key messages to be communicated to the public and any project-specific or potentially controversial issues
- Preliminary schedule for public involvement activities
- Measures for evaluating the success of the public involvement program

The PIP should be updated throughout the project development process to reflect changes in the project scope and schedule, stakeholders, and issues.



### 3.2.3 Scoping

The scoping process determines the scope of issues to be addressed for a planning project and identifies significant issues related to the proposed project. Specifically, it calls for early and consistent coordination with appropriate agencies and the public. Scoping also aids in determining the type of environmental review documents a federal action requires, the scope of the environmental review document, the level of analysis, and related environmental requirements.

At the beginning of the development process for a project, a scoping meeting is typically held involving NCDOT, FHWA, environmental agencies, the appropriate MPO or RPO, and local government staff. This meeting helps determine the purpose of and need for the project, key issues and topics, data needs, and action items for moving the project through the development process.

Also, early in the project development process, a list of contacts including key stakeholders, local leaders and officials, property owners, and others who may have an interest in the project should be created. These contacts are sent a letter, newsletter, or other announcement that the project study process has been initiated. The letter may also serve as a right-of-entry notification that surveys and other field work are anticipated on the recipients' property within the project study area. On some projects, a meeting with local officials, small group meetings, and/or a public meeting are held to introduce the project and obtain public input.

### 3.2.4 Public Involvement Requirements for NEPA Documentation

Federal projects subject to NEPA are evaluated in one of the following three types of documents:

- **Environmental Impact Statement (EIS):** Prepared for projects where it is known that the action will have a significant effect on the environment.
- **Environmental Assessment (EA):** Prepared for actions in which the significance of the environmental impact is not clearly established. If analysis determines the project will have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued.
- **Categorical Exclusion (CE):** Prepared for actions that do not individually or cumulatively have a significant effect on the environment.

The following sections outline legally-required public involvement for each document type. NCDOT typically conducts additional outreach beyond what is required. Table 3-1 provides a summary of the public involvement requirements for transportation projects during various stages of the NEPA process. The following discussions provide details about each plan, planning process, and associated public involvement requirements.



**Table 3-1: NEPA Public Involvement Requirements for Transportation Projects**

Public Involvement	FEDERAL & STATE			
	Categorical Exclusion (CE) / Minimum Criteria Determination Checklist (MCDC)	Environmental Assessment (EA)	Environmental Impact Statement (EIS)	
<b>PROJECT INITIATION</b>	Notice of Intent	NA	NA	■
	Scoping Notice(s)	▲	●	■ (30 days)
	Property Owner Notification	■	■	■
	Newsletter/ Postcard	▲	●	●
	Public Meeting(s)	▲	▲	■
	Public Website(s)	▲	▲	●
<b>ENVIRONMENTAL DOCUMENT</b>	Public Meeting(s)	▲	●	●
	Newsletter/ Postcard	●	●	●
	Local Officials Meeting	▲	●	●
	Public Hearing	▲	●	■
	Availability of Environmental Document for Review / Notice of Availability	▲	■ (30 days)	■ (Draft: 45 days; Final: 30 days)*
	Notice of Final Environmental Document	●	●	■

Note: \*The public comment period for a Draft EIS is 45 days with an option for 60 days or longer, if needed.

**SYMBOLS**

- Legally Required
- Recommended
- ▲ Optional
- NA Not Applicable

### 3.2.4.1 *Categorical Exclusion (CE)*

A CE is a category of actions that does not individually or cumulatively have a significant effect on the environment. If a CE is found, neither an EA nor an EIS is required. As a result, there are no federal public involvement requirements for a CE. However, coordination with stakeholders and the public may be beneficial, as it will inform the public and allow the project development team to obtain insight into key issues.

In some situations where a CE is found, compliance with other applicable regulations and/or Executive Orders may require public involvement. Public involvement activities such as scoping, newsletters, small group meetings, public meetings, and possibly a public hearing can be appropriate depending on the scope of the project and applicable regulations (see chapter 7). If these other requirements apply, the overall program may benefit from the development and implementation of a project-specific PIP.

### 3.2.4.2 *Environmental Assessment (EA)*

An EA is used for projects that are not expected to have significant environmental impacts or when the significance of the potential impact is uncertain. The EA process is complete when a decision is made to prepare an EIS for the project or a formal FONSI is made. Public involvement requirements for an EA and the FONSI process are defined in the following regulations:

- 23 CFR 771.119 (Environmental Assessments)
- 23 CFR 771.121 (Findings of No Significant Impact)

A Notice of Intent (NOI) is not required at the start of the project. However, the public must be notified of the availability of the EA for review and comment. This may be published in the newspaper or other written notification and the public must be given 30 days to comment on the project.

A public hearing is not mandatory, but NCDOT practice is to offer opportunity for a public hearing. NCDOT advertises the opportunity for a hearing for a period of two weeks. If a public hearing or meeting is held, then the same format used for an EIS project should be followed. All comments received during the comment period are included and addressed in the FONSI, and the completion of the FONSI is announced to the public. The FONSI is made available to the public upon request.

Additional public involvement activities during the NEPA process, including newsletters, small group meetings, and public meetings, should be outlined in a project-specific PIP developed in coordination with NCDOT Public Involvement staff.



### 3.2.4.3 *Environmental Impact Statement (EIS)*

Projects that are anticipated to have significant environmental impacts, such as large projects, projects on new location, or projects involving substantial controversy, are generally evaluated in an EIS. For projects being evaluated using an EIS, public involvement is outlined in the following federal regulations:

- 23 CFR 771.123 (Draft Environmental Impact Statements [DEIS])
- 23 CFR 771.125 (Final Environmental Impact Statements [FEIS])
- 23 CFR 771.127 (Record of Decision [ROD])

The first official notification to the public that preparation of an EIS is underway is the NOI. The NOI is published by FHWA in the Federal Register and announces that the agency is undertaking studies to prepare an EIS for a specific project. Because the Federal Register is not widely and regularly read by the general public, other forms of notifying the public of the start of the environmental process should be considered. Additional notice can be provided through various traditional media outlets (newspapers, radio, television), newsletters, and online mechanisms. Notice can also be incorporated into right-of-entry letters and other property owner and tenant communications. Outreach to traditionally underserved groups, including minorities, low-income populations, and limited English proficiency (LEP) populations, should be identified and included in the project-specific PIP (see chapter 4).

For large, multi-year projects, it is typical to hold public meetings and regularly communicate with the public prior to delivery of the DEIS. These interactions often focus on project status and schedule, alternatives development and analysis, and potential impacts and mitigation possibilities. While not required, these communications help to keep the public informed about the project and engaged in the process, and to gain valuable local information for use in developing and evaluating alternatives and their effects.

When the DEIS is ready for public circulation, a Notice of Availability (NOA) is published in the Federal Register. Again, more targeted announcements should be made to ensure that the interested and affected public is given the opportunity to review and comment on the document. This could include a mailing to residents of the study area (postcard or newsletter) and/or a notice in local newspapers. The DEIS should be made available on the NCDOT website and/or in locations within the project study area (local government offices, libraries, and NCDOT offices) where it can be easily accessed by the public.

The timing for the NOI, NOA, and required public hearing is prescribed to ensure adequate availability and time for the public to provide comment. The DEIS must be available for review for a minimum of 45 days from the date of the NOA. Within this review period, a public hearing must be scheduled to allow a formal opportunity for the public to provide comments. The DEIS must be available for a minimum of 15 days prior to the hearing. NCDOT generally provides a minimum of 30 days prior to and following the hearing for additional comments to be submitted.

At the public hearing, the NCDOT Hearing Officer will make a formal presentation to review the project's purpose and need; major design features; alternatives; social, economic, and environmental impacts of each alternative; avoidance, minimization, and mitigation measures under consideration; project schedule; right-of-way acquisition procedures, relocation assistance, and related programs; and procedures and deadlines for making comments for the record. Oral comments by the public are recorded and a verbatim transcript of the hearing is prepared. All substantive comments received during the comment period, written or verbal, become part of the project record and must be addressed in the FEIS or ROD.

The FEIS is also made available for public review with another NOA placed in the Federal Register. A minimum of 30 days is allowed for public comment. Although not required at this phase, it may be beneficial to hold a public meeting or hearing if there have been substantial changes in the project design or study area conditions since the DEIS.

The ROD is the final decision document and the formal approval of the proposed project. The ROD fully defines the preferred alternative that will be implemented and all the associated commitments, including mitigation. While there is no requirement for public involvement when the ROD is completed, an announcement to the public that a final decision has been reached is appropriate through a press release or other direct notification.



### 3.2.5 Public Involvement Requirements of the State Environmental Policy Act (SEPA)

Documents prepared to comply with the State Environmental Policy Act (SEPA) have similar but different public involvement requirements compared with NEPA. While there is more flexibility under SEPA for public involvement, state projects should generally follow the guidelines above for federal projects to ensure completeness and consistency across all NCDOT projects.

NCDOT makes a distinction between environmental documents and environmental documentation. "Environmental documents" are documents prepared depending on the classes of action, federal or state EA, EIS, or ROD, whereas "environmental documentation" is technically not a NEPA or SEPA document, but documentation of actions that do not individually or cumulatively have significant effects on the environment.

#### 3.2.5.1 State EAs, EISs, and RODs

SEPA requires a 30-calendar-day comment review period for State EAs and a 45-calendar-day review for State EISs. A 30-day comment period for scoping is also required at the start of the study. Scoping notices and NOAs of state environmental documents (State EA, State EIS, and State ROD) are published in the Environmental Bulletin by the State Environmental Review Clearinghouse, and copies are made available at the Clearinghouse for interested parties during the review period. A public hearing is not required, but may be held where significant public interest is expressed in the proposed activity or where a hearing would be helpful in increasing public awareness, clarifying the issues, and gathering additional public comment.

### Useful Link: State Environmental Review Clearinghouse

[www.doa.state.nc.us/clearing/ebulletin.aspx](http://www.doa.state.nc.us/clearing/ebulletin.aspx)

#### 3.2.5.2 MCDCs

For projects that meet NCDOT's minimum criteria, often referred to as minimum criteria determination checklist (MCDC), there is no requirement for public involvement. 19A North Carolina Administrative Code 02F provides a list of 29 types and classes of threshold of activities that qualify for MCDC documentation. More information on MCDC documentation can be found in chapter 10.

### 3.2.6 Public Involvement Requirements of Other Regulations

Regulations other than NEPA require implementation of public involvement activities. The following discussions summarize those regulations.

#### 3.2.6.1 US Department of Transportation Act of 1966, Section 4(f) (23 CFR 774)

Section 4(f) (23 CFR 774) states that FHWA and state DOTs cannot approve the use of land from publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent avoidance alternative to the use of that land and the action includes all possible planning to minimize harm to the property resulting from such use, or that the use will have a *de minimis* impact. Public involvement during the Section 4(f) process is prescribed in the following three instances.

- **Section 4(f) Statement:** An individual Section 4(f) evaluation is required when a project requires the use of Section 4(f) property. The evaluation must demonstrate that there is no feasible and prudent avoidance alternative and summarize the results of all planning to minimize harm. A draft evaluation must be circulated to the U.S. Department of Interior and shared with the official(s) with jurisdiction. The public may also review and comment on the draft evaluation during the NEPA process.
- **De minimis:** A *de minimis* impact is one that results in a Section 106 finding of no adverse effect or no historic properties affected on a historic property, or a determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). When a project qualifies for a *de minimis* finding, public notice and an opportunity for public review and comment are required in

accordance with 49 United States Code (U.S.C.) 303(d) (23 CFR 771.111(h)(2)(viii)). The official with jurisdiction over the Section 4(f) resource must provide documentation in support of the *de minimis* finding. Public notices, including the NOA for a DEIS, must state that FHWA is seeking public input on a proposed *de minimis* finding.

- **Temporary Occupancy:** Temporary occupancy results when Section 4(f) property is required for project construction-related activities but the property is not permanently incorporated into a transportation facility. Written agreement by the official(s) with jurisdiction over the property with respect to all the conditions of the temporary use is required.

#### 3.2.6.2 National Historic Preservation Act of 1966, Section 106 (16 U.S.C. 470 et seq.)

Section 106 applies if NEPA applies. Section 106 public involvement requirements are usually accomplished as part of the NEPA process (see section 3.2.6.1). In summary, Section 106 provides an opportunity for the public to examine the results of efforts to identify historic properties, evaluate their significance, and assess the project's effects upon them. Documentation made available to the public should include a note that no historic properties are present or historic properties are present, but the project will have no effect on them. When adverse effects are found, information must also be made available to the public about the project, its effects on historic properties, and alternatives to resolve the adverse effects. The public must be provided an opportunity to express its views on resolving adverse effects.

#### 3.2.6.3 Clean Air Act of 1970 (42 U.S. Code § 7401)

The Clean Air Act requires that, in areas experiencing air quality problems, transportation planning be consistent with air quality goals. This is determined through the transportation conformity process. Guidelines for determining conformity of federal actions to state or federal implementation plans are included in 40 CFR 93, Subpart A and require a public involvement process be implemented. This requirement can be satisfied through the MPO's public involvement procedures developed in accordance with 23 CFR 450.316. To receive federal approval for implementation, a proposed action must be included in a conforming MTP and Transportation Improvement Program.



**3.2.6.4 Clean Water Act of 1972, Section 404 (33 CFR 230)**

USACE is a cooperating agency on NEPA documents when they act on an Individual Permit under Section 404 of the CWA or take other substantive federal action. Federal regulations allow USACE to adopt another federal agency's EIS or EA/FONSI when considering permit applications. In these situations, the CWA public involvement requirements are met as part of the NEPA process. If the CWA is applicable to a particular action, the NEPA documents must also comply with USACE requirements, as set forth in 33 CFR 230, Procedures for Implementing NEPA (see section 3.2.1). USACE public involvement requirements for an Individual Permit require a public notice and 30-day comment period, and USACE may decide to hold a public hearing. As part of the public notice for an Individual Permit, the USACE is also required to notify adjacent landowners.

**3.2.6.5 North Carolina Agricultural Development and Farmland Preservation Enabling Act of 1985**

State legislation (North Carolina General Statute 106 Sections 735-743) allows counties to undertake programs to encourage the preservation of farmland. As a result, some counties have adopted voluntary agricultural district ordinances and enhanced voluntary agricultural district ordinances, many of which require public hearings for condemnation of lands within the district. In cases where a public hearing is held during the NEPA process, the hearing can be used to satisfy county requirements. In other cases, a separate public hearing may be required prior to right-of-way acquisition.

**3.2.6.6 Executive Orders**

- **Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”:** Requires that agencies provide meaningful opportunities for public involvement by members of minority and low-income populations (see chapter 4).

- **Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”:** Requires that agencies provide LEP individuals meaningful access to federally-funded activities. The project-specific PIP should include a process for seeking out and considering the needs of the LEP population (see chapter 4).

**3.3 PUBLIC INVOLVEMENT DURING FINAL DESIGN**

The final design phase of the project occurs after the planning and NEPA processes are completed. Final design involves refinement of preliminary (approximately 30 percent complete) designs that have been presented to the public during the NEPA process. Public input and commitments made regarding elements of the project's design during the NEPA phase will have been documented and should have been incorporated into the final design. The public should be informed of any substantial changes in design plans that occurred after the NEPA process was completed. If these changes require supplemental NEPA documentation or a reevaluation of the NEPA documentation due to the passage of time, additional public involvement or environmental requirements, and/or modified effects and/or mitigation, coordination with FHWA and NCDOT will be required along with a mutually agreed upon level of public involvement. Although not required, NCDOT recommends holding a design public hearing as a part of the EIS.

**3.3.1 Affected Property Owners**

One-on-one interactions with affected property owners will also occur during the final design phase, as right-of-way agents meet with property owners regarding property acquisition and easements. These right-of-way agents are often the public's primary contact with NCDOT; therefore, they should be provided with the latest project information with respect to design and schedule.



### 3.3.2 Noise as a Special Circumstance

Noise is a key issue of concern to the public for many transportation projects. Specifically, the public is interested in how much construction and operational noise will result from a project and where noise abatement measures, such as noise walls, will be constructed.

NCDOT has established policies and guidelines for traffic noise analysis and impact abatement, how and when the public should be informed about potential traffic noise impacts and abatement measures, and how public comment will be considered in decision making for implementing those abatement measures. These policies and guidelines are based on consultation and coordination with FHWA and FHWA's noise requirements.

During the NEPA process, a detailed traffic noise analysis is prepared for projects that could substantially affect the existing noise environment. This generally includes projects on new location or projects that add capacity to or make substantial changes to the vertical or horizontal alignment of existing routes.

The following results are included in the project environmental document:

- Noise abatement measures that are preliminarily determined to be feasible and reasonable
- Noise impacts for which no abatement measures are preliminarily determined to be feasible and reasonable
- Locations where noise impacts are predicted to occur, locations where noise abatement is preliminarily determined to be feasible and reasonable, and locations for which no abatement measures are preliminarily determined to be feasible and reasonable

In addition, the noise study areas showing likely noise barriers and/or proposed locations of any recommended noise barriers will be presented and discussed when holding public hearings and public meetings. Likely noise barriers are based on preliminary design traffic noise analysis and are described in environmental documents. Recommended noise barriers are based on final design noise analyses and are usually identified after the environmental document is completed.

During final design, a Design Noise Report is prepared that identifies the final feasible and reasonable noise abatement measures. Before noise abatement measures are implemented, NCDOT seeks the viewpoints of each property owner and resident who would benefit from the abatement measure by conducting a voting process.

Property owners and tenants who are being balloted for a recommended noise barrier are provided a visual of the noise barrier location prior to casting a ballot. Noise abatement measures recommended in the Design Noise Report are constructed unless a majority of opposing votes are received. Property owner and tenants that were involved in the voting process are notified of the final results of the balloting.

#### Useful Links: NCDOT Traffic Noise Policy & Traffic Noise Manual

<https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/2016%20NCDOT%20Traffic%20Noise%20Policy.pdf>

<https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/2016%20NCDOT%20Traffic%20Noise%20Manual.pdf>

### 3.4 PUBLIC INVOLVEMENT DURING CONSTRUCTION, OPERATIONS, AND MAINTENANCE

There are no federal requirements for public involvement during the construction, operations, and maintenance phases of a project, but there are often carryover requirements from the NEPA process and project commitments that are implemented in the later phases of a project. Construction is the most visible part of the project to the public and is likely to directly impact the highest number of people.

Communication with the public after final designs are complete (traditional construction: design, bid, then build) or during alternative delivery (design build, public private partnerships, and other) can be critical to ensure that a project stays on schedule and on budget. Key public issues during construction may involve schedules that relate to the duration and intensity of community disruptions. Examples of these disruptions include temporary and permanent changes in property access, travel time, and alternate routes (detours). Public communication during these phases is the responsibility of the NCDOT highway divisions in coordination with the NCDOT Communications Office (CO).

Resources for communicating with the public include media releases, the NCDOT website, social media, community group websites or LISTSERVs, and informational signs. Depending on the project, a range of resources may be needed to target local and/or regional travelers, affected property and business owners, and emergency services.

**Useful Links: NCDOT Project Delivery Examples**

<https://connect.ncdot.gov/letting/pages/design-build-resources.aspx>

<https://connect.ncdot.gov/letting/pages/design-build.aspx>

<https://connect.ncdot.gov/letting/Design%20Build%20Resources/02.%20Public%20Private%20Partnership%20Policy%20Adopted%2001-09-14.pdf>

**3.5 PUBLIC INVOLVEMENT FOR NON-HIGHWAY PROJECTS**

Non-highway projects are identified and included in the statewide planning process and STIP process, and require public involvement in the same manner as highway projects. However, implementation of non-highway federal requirements and projects is handled by other divisions of NCDOT, including the Rail Division and the Integrated Mobility Division. Requirements and procedures for public involvement on rail and transit projects are provided in federal and state legislation and are summarized in Sections 3.5.1 and 3.5.2. There are no state or federal requirements for public involvement on bicycle and pedestrian projects.



**3.5.1 NCDOT Rail Division**

The NCDOT Rail Division focuses on freight, passenger, and safety programs related to rail travel. The Rail Division is required to develop a state rail plan every five years in accordance with the Passenger Rail Investment and Improvement Act of 2008 and other Federal Railroad Administration (FRA) regulations. Guidance for developing these plans, including requirements for public involvement, is included at 49 CFR 266.15.

Federal NEPA requirements, including public involvement, are outlined in the FRA's *Procedures for Considering Environmental Impacts* (1999).

**Useful Link: FRA's NEPA Procedures**

<https://www.transportation.gov/FRA-Procedures-EnvironmentalImpacts>

**3.5.2 NCDOT Integrated Mobility Division**

The NCDOT Integrated Mobility Division administers Federal Transit Administration (FTA) and state transportation grant programs and provides planning and technical assistance for transit systems in all 100 North Carolina counties. PTD's *State Management Plan for Title 49 U.S.C. Sections 5310, 5311, 5316 and 5317* (2016) includes public involvement requirements for federal funding programs administered by the Integrated Mobility Division.

**Useful Link: Integrated Mobility Division's State Management Plan for Title 49 U.S.C. Sections 5310, 5311, 5316, and 5317**

<https://connect.ncdot.gov/business/Transit/Documents/State%20Management%20Plan%20NCDOT-PTD%20Final%2020160620.pdf>

Transit providers are required to develop a Community Transportation Service Plan (CTSP) every five years in order to qualify for federal and state grant programs. Public involvement is required throughout the development of the CTSP.

FTA NEPA procedures for transit projects are included in 23 CFR 771, and differ only slightly from requirements for highway projects.



# Chapter 4

## PROJECT STAKEHOLDERS





North Carolina Association of  
Metropolitan Planning Organizations

# 4 Project Stakeholders

This chapter outlines the processes and techniques for identifying populations affected by a project and describes the tools that may be used to research stakeholder groups within a project’s study area. In addition to a project’s core partners of state, county, and local governments, affected populations are critical stakeholders in planning and implementing a project.

A stakeholder, for the purposes of this Plan, is a person or group with an interest or concern in an ongoing or planned NCDOT activity or decision. Examples of stakeholders are presented in Table 4-1.

**Table 4-1: Sample List of Stakeholders**

<b>Examples of Common Project Stakeholder Groups</b>	
<b>Project Partners</b>	<b>Affected Populations</b>
<ul style="list-style-type: none"> <li>• NCDOT and appropriate divisions</li> <li>• MPO/RPO</li> <li>• Board of County Commissioners</li> <li>• City or Town Councils and Staff</li> <li>• Private Consulting Firms</li> <li>• Native American Tribal Governments</li> <li>• Federal Resource Agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Property Owners</li> <li>• Renters, Tenants</li> <li>• EJ and LEP Communities</li> <li>• Minority Populations</li> <li>• School Children/University Students</li> <li>• Elderly/Disabled</li> <li>• Transit-Dependent People</li> </ul>
<b>Local Organizations</b>	
<ul style="list-style-type: none"> <li>• Chambers of Commerce</li> <li>• Homeowners Associations</li> <li>• Historic Preservation Boards</li> <li>• Churches</li> </ul>	<ul style="list-style-type: none"> <li>• Community Centers</li> <li>• Local Schools, Universities, and Colleges</li> <li>• Special Interest Coalitions</li> <li>• Business Groups or Companies</li> </ul>

One common factor that qualifies a stakeholder is being part of an affected population. An affected population is one where a particular activity or decision would directly or indirectly impact the population. The effect may be positive or negative.

The task of identifying project stakeholders is a critical first step in engaging the public. A complete set of stakeholders will include individuals, special interest groups, public agency staff members, and public officials representing a broad and diverse range of perspectives and a full range of issues. The inclusion of key leaders may help to develop understanding and consensus. The identification of the right project stakeholders requires careful attention to the applicable legal requirements and an understanding of the setting and issues of a particular project.

This chapter addresses how to identify project stakeholders and describes readily accessible resources, tools, and methodologies to identify who must and/or should be a project stakeholder. It also lists helpful contacts to consider when creating a project contact list.

NCDOT already provides several policies for identifying and including stakeholders. This chapter explains those policies in greater detail and offers several user-friendly and effective methodologies and tools to follow these policies. Many of these policies and tools can be used for projects incorporating different transportation modes, such as roadway, bicycle and pedestrian, and rail.

## 4.1 WORKING WITH KEY STAKEHOLDERS

NCDOT projects affect communities and populations within study areas in different ways, so project teams should develop a customized list of stakeholders related to those effects. Stakeholders may include interested or affected groups and individuals. Interested stakeholders often include elected or appointed officials serving as representatives. They may not be impacted by a project, but could represent people and groups who are impacted. The effects on the stakeholders may be direct, indirect, or disproportionate, and could involve construction or post-construction impacts related to various environmental topics such as noise, air quality, real estate acquisition, business displacement or disruption, and/or eliminated or modified access or parking.

Federal regulations define some stakeholder groups in relation to disproportionate effects, but there are many other ways to identify stakeholders. NCDOT requires thorough research to ensure that outreach to affected populations occurs and that the potential for disproportionate impacts is analyzed. Sections 4.1.1 and

4.1.2 address populations linked to environmental justice (EJ) and LEP, respectively.

A core component of NCDOT's work includes following federal nondiscrimination requirements for affected populations, such as Title VI of the 1964 Civil Rights Act and Executive Order 12898 on EJ. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving financial assistance. NCDOT applies Title VI to all state projects whether or not it receives federal funding by promoting nondiscrimination and equal opportunity. Identifying and including EJ and LEP populations is critical to complying with Title VI. Executive Order 12898 is described in section 4.1.1. See Chapter 10 for additional information and resources on federal and state nondiscriminatory laws.

Other important stakeholders include individuals and/or groups who are transit dependent or provide important community services such as schools, libraries, and

### Useful Link: NCDOT Title VI Nondiscrimination Program

<https://www.ncdot.gov/initiatives-policies/access-for-all/nondiscrimination-program/Pages/default.aspx>

social services. Local government, regulatory agencies, community organizations, homeowners associations, and churches can also be important stakeholders because they may provide valuable insight into the local impacts of a project and the corresponding solutions.

### 4.1.1 Environmental Justice (EJ)

Executive Order 12898 went into effect Feb. 11, 1994, stating the following:

"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."



NCDOT applies EJ considerations to all of its projects. Minority populations are comprised of anyone who is non-white and includes white Hispanic populations. NCDOT outlines the following two thresholds for determining notable EJ presence within a community for public involvement purposes.

- “Any Block Group where 50% or more of the population is minority, or ‘majority minority,’ is considered to have a notable EJ presence” (NCDOT, *Community Impact Assessment*, October 2015).
- “Any Block Group with a minority population at least ten percentage points higher than the county average would also have a notable EJ presence” (NCDOT, *Community Impact Assessment*, October 2015).

NCDOT determines notable low-income populations by the following two criteria for public involvement purposes.

- “Any Block Group where the percentage of the population in any of the poverty categories—Below Poverty Level, Very Poor or Near Poor equals or exceeds 25% of the total population of that Block Group” (NCDOT, *Community Impact Assessment*, October 2015).
- “Any Block Group where the percentage of the population in any of the poverty categories—Below Poverty Level, Very Poor or Near Poor exceeds the county average by five percentage points or more” (NCDOT, *Community Impact Assessment*, October 2015).

Census data at the Block Group level provide screening of a large geographic area. Local knowledge and field observation are needed to locate smaller populations proximate to a project’s location. If any EJ presence is identified within a study area, project managers must provide appropriate targeted opportunities to generate meaningful dialogue and involvement. Outreach strategies appropriate for these and other purposes are described throughout this Plan. If an EJ presence as previously defined is not readily known as present within the community, NCDOT still recommends targeted outreach to identify and involve those groups.

See Chapter 10 for additional information and resources on EJ laws.

### 4.1.2 Limited English Proficiency (LEP)

Title VI mandates careful attention and accommodation for populations with LEP. Executive Order 13166, signed Aug. 11, 2000, requires federal agencies to examine



the services they provide, identify need for services to those designated as an LEP population, and develop and implement a system to provide services so that LEP persons can have meaningful access to them.

NCDOT defines LEP populations as those “who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English” (NCDOT, *Title VI: Limited English Proficiency*). LEP populations are entitled to language assistance in their primary language. Both federal and state policies apply to defining LEP populations within a study area and establishing the threshold above which written documents for public outreach must be translated.

#### Standard language to be included on all mailed communication for language assistance requests

Persons who speak Spanish and do not speak English, or have a limited ability to read, speak or understand English, may receive interpretive services upon request prior to the meeting by calling 1-800-481-6494.

Aquellas personas que hablan español y no hablan inglés, o tienen limitaciones para leer, hablar o entender inglés, podrían recibir servicios de interpretación si los solicitan antes de la reunión llamando al 1-800-481-6494.

The federal threshold for LEP populations in a project study area “is met when there is a language group that speaks English less than very well and that either has 1,000 adults or makes up 5% of the aggregate [study area] population” (NCDOT, *Community Impact Assessment*, October 2015). If this threshold is met, then vital public outreach information is required to be translated. NCDOT further addresses LEP populations at the Block Group



level when “more than 50 adults of a Block Group’s population within a language group speak English less than very well” (NCDOT, *Community Impact Assessment*, October 2015). When this threshold is met, a need for oral interpretation at meetings and media advertising in the appropriate language is warranted. However, the written translation of such public outreach documents is not required if this threshold is met or exceeded.

#### 4.1.3 Property Owners and Tenants

Property owners and their tenants within a project study area are critical stakeholders, especially if temporary or permanent use of their property is required or if they are subject to construction and/or post construction impacts.

The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or Uniform Act, protects those whose “real property” is acquired for a federally-funded project by ensuring they will be dealt with “fairly and equitably” and “receive assistance in moving” from their property. NCDOT administers a right-of-way program to follow the Uniform Act and acquire private property to implement a transportation project. The right-of-way program ensures appropriate notice is provided and the rights of property owners and tenants are protected during the planning, final design, and construction phases of a project.

NCDOT is legally required to notify property owners within a project’s route. The NCDOT Right-of-Way Unit appraises and negotiates with property owners to acquire the property necessary for the project and relocate property owners as needed.

The effects on property owners and tenants are often addressed in a Community Impact Assessment (CIA). The CIA requires investigation into individuals and communities whose mobility will be restricted or eliminated and consideration of impacts to how residents receive and access public services.

Examples of stakeholders associated with mobility considerations include the following:

- Cyclists, pedestrians, and transit riders who use existing routes and facilities that will be impacted by a project. Transit dependency, in particular, is a critical indicator and is often measured by zero-car households (refer to section 4.2.1).
- Children and the elderly who have limited mobility.
- Community centers, schools, low-income housing sites, and churches that depend on specific routes for community members to access their locations.

#### 4.1.4 Special Interest Groups

Special interest groups associated with the previously mentioned issues are frequently included as stakeholders if their resources are affected by a project, examples below:

- Environmental protection and enhancement
- Community resources such as open space and/or community gardens
- Recreation activities
- Housing availability and affordability

A full range of stakeholders should be considered to effectively address public participation.

## 4.2 METHODS TO IDENTIFY STAKEHOLDERS WITHIN A COMMUNITY

Section 4.1 defined specific individuals and groups who may need to be included as project stakeholders. In many instances early community outreach is required to fully identify interested agencies and community organizations. In some instances, identifying all the right stakeholders requires expertise, tools, and research to correspond with associated partnering organizations and agencies.

Some of the appropriate partners are divisions of NCDOT, the MPO or RPO, county and municipal governments, and Native American Tribal Governments. These authorities provide a foundation upon which the project team can mobilize resources to design and plan a project and identify affected project stakeholders. However, this topic is the focus of agency relations and involvement, rather than public involvement as addressed in this Plan.

NCDOT offers resources to find EJ and LEP populations within a study area. The CIA process required for many types of projects offers valuable information for identifying stakeholders. Finally, thorough field research and utilization of local information resources can help identify stakeholders who might not be observed by studying U.S. Census data. For the most effective results, it is best to use a combination of methods because individual sources and techniques such as those associated with U.S. Census data and field research are not always reliable or tell the complete story of a community.

The following sections describe several tools, studies, indicators and additional resources that may be used to identify and isolate affected populations for public involvement.

### 4.2.1 NCDOT Demographic Snapshot Tool

NCDOT offers an easy-to-use Demographic Snapshot Tool that allows users to access and summarize U.S. Decennial Census and American Community Survey data at the county, Census Tract, and Block Group levels. Users are able to quickly find demographic numbers that are useful to public involvement, which include information on poverty, race, Hispanic/Latino, minority, LEP, and the number of zero-car households.

Figure 4-1 is an output table example organized by Block Group, total population in poverty, and the percentage of population at different poverty levels.

**Figure 4-1: Sample Output from Demographic Snapshot Tool**

Poverty	Total Population for whom Poverty Status is Determined	Below Poverty Level		Very Poor: Under 50% of Poverty Level		Near Poor: Between 100% and 149% of Poverty Level		Meets NCDOT Thresholds	
		#	%	#	%	#	%	25%	5% over County
CT 2, BG 1	739	210	28.4%	110	14.9%	156	21.1%	TRUE	TRUE
CT 2, BG 2	686	87	12.7%	47	6.9%	74	10.8%	FALSE	FALSE
CT 3, BG 1	1,357	510	37.6%	164	12.1%	211	15.5%	TRUE	TRUE
CT 3, BG 2	837	105	12.5%	24	2.9%	9	1.1%	FALSE	FALSE
CT 4, BG 1	1,592	297	18.7%	149	9.4%	168	10.6%	FALSE	FALSE
CT 6, BG 2	1,392	341	24.5%	120	8.6%	156	11.2%	FALSE	TRUE
CT 9, BG 2	563	323	57.4%	130	23.1%	42	7.5%	TRUE	TRUE
CT 9, BG 3	1,588	642	40.4%	291	18.3%	261	16.4%	TRUE	TRUE
CT 10, BG 1	1,557	353	22.7%	159	10.2%	186	11.9%	FALSE	TRUE
CT 10, BG 2	2,054	766	37.3%	498	24.2%	99	4.8%	TRUE	TRUE
CT 11, BG 1	1,386	244	17.6%	36	2.6%	105	7.6%	FALSE	FALSE
CT 11, BG 2	1,710	80	4.7%	57	3.3%	134	7.8%	FALSE	FALSE
CT 11, BG 3	1,460	157	10.8%	61	4.2%	227	15.5%	FALSE	FALSE
CT 12, BG 5	1,004	264	26.3%	258	25.7%	172	17.1%	TRUE	TRUE
CT 14, BG 1	1,471	477	32.4%	66	4.5%	278	18.9%	TRUE	TRUE
CT 14, BG 2	908	103	11.3%	45	5.0%	525	57.8%	TRUE	TRUE
<b>DSA</b>	<b>20,304</b>	<b>4,959</b>	<b>24.4%</b>	<b>2,215</b>	<b>10.9%</b>	<b>2,803</b>	<b>13.8%</b>	<b>FALSE</b>	<b>N/A</b>
<b>Asheville city</b>	<b>84,309</b>	<b>13,696</b>	<b>16.2%</b>	<b>5,632</b>	<b>6.7%</b>	<b>9,718</b>	<b>11.5%</b>		
<b>Buncombe County</b>	<b>243,785</b>	<b>35,996</b>	<b>14.8%</b>	<b>13,651</b>	<b>5.6%</b>	<b>26,951</b>	<b>11.1%</b>		
<b>North Carolina</b>	<b>9,685,511</b>	<b>1,631,704</b>	<b>16.8%</b>	<b>709,029</b>	<b>7.3%</b>	<b>1,043,922</b>	<b>10.8%</b>		

Source: US Census Bureau, American Community Survey 5-year Estimates (2012-2016), Table C17002, "Ratio of Income to Poverty Level in the Past 12 Months."

### Useful Link: Demographic Snapshot Tool and Manual

<https://connect.ncdot.gov/resources/Environmental/PDEA%20Consultants/Forms/AllItems.aspx>

### 4.2.2 Existing Community Studies

The process through which NCDOT identifies and designs projects generates valuable information regarding study area community dynamics. The CIA is researched and drafted early in the process to obtain an accurate characterization of the community. These assessments provide an efficient way of not only understanding a study area but also identifying stakeholders. Access to project CIAs may be granted upon request to the NCDOT Project Manager or the PICSviz Group.



### 4.2.3 Field Research to Observe Community Indicators

When conducting a demographic analysis, particularly for EJ and LEP populations, field research supplements often use the Demographic Snapshot Tool and analysis of CIAs. The following indicators typically reveal the presence of EJ or LEP populations and can serve as important contacts to include stakeholders.

- Community resources for the elderly, individuals with disabilities, and minorities
- Places of worship serving minorities and/or non-English speaking individuals
- Social services
- Public housing
- Retirement communities
- Large presence of vacant or distressed structures
- Poor street/sidewalk infrastructure
- High levels of pedestrians
- Neighborhoods around transit stops
- Signage and media in languages other than English

### 4.2.4 Local Information Resources

Residents and municipal/county officials and community groups within a study area can provide many types of data and information on local demographics, property ownership, and community socioeconomic dynamics.

Local government officials not only offer extensive experiential knowledge of their communities, but also collect local data on demographics, public services and organizations, and property ownership. Many municipal and county websites use interactive databases and geographic information system maps that display information, especially parcel data that provide property ownership data on those properties that are within the study area and affected by the project. These websites sometimes offer shapefiles or a contact person who can provide shapefiles for project use.

If CIAs and field research indicate non-governmental organizations important to the community, particularly EJ and LEP populations, then the organization's leadership team should be contacted. For example, ministers of places of worship and directors of non-profits can provide vital information about the populations who will be impacted by a project. In addition, a local homeowners' association and Chamber of Commerce may also provide substantive information and data on community stakeholders and areas of concern.

Language assistance resource contacts (LARC) represent non-English speaking populations within a study area and provide information on the size of their communities, whether they are located near a project, and what language assistance they will need. LARCs come from their communities and can include organization leaders, social service coordinators, or school/family outreach coordinators. NCDOT uses a LARC Community Leader Input Form to guide project leaders in conducting interviews.

#### Useful Link: Community Leader Input Form

<https://connect.ncdot.gov/resources/Environmental/PDEA%20Consultants/Forms/AllItems.aspx>

# Chapter 5

## PUBLIC INVOLVEMENT IMPLEMENTATION





# 5 Public Involvement Implementation

The implementation of public involvement is best facilitated when goals are defined and steps are outlined. This is an essential part of creating outreach that is successful because it provides a clear set of expectations and steps for execution. NCDOT goals for public involvement should be used when developing a plan for implementation. The plan should be in the form of a Public Involvement Plan (PIP). A PIP is a document that guides public involvement activities, roles, and timing. The details in the plan must achieve NCDOT's goals and be customized for a particular project. For types of public involvement implementation tools and resources, see chapters 6 and 7.

The NCDOT's goals for public involvement should guide the formulation of a PIP. Those goals are listed below:

- **Education:** Enhancing awareness and understanding of the project and the project development process to enable informed involvement and meaningful participation.
- **Inclusion:** Engaging stakeholders representing a full range of interests, values, and opinions.
- **Transparency:** Providing information in a clear, open, and timely manner.
- **Accountability:** Being visible and accessible to the public and other project stakeholders and incorporating their input.
- **Responsiveness:** Responding to public inquiries in a timely manner.



### Implementation Tips

- Solicit public involvement as early as possible.
- Develop PIPs tailored to the affected parties and complexities of the project.
- Confirm that interested and/or affected populations are being informed of the proposed action and are involved in public input sessions. Populations that may require additional outreach and encouragement include low income, minority, seniors, people with disabilities (physical or learning), and transit-dependent.
- Update mailing lists. These lists may be composed of neighborhood associations; religious, civic, and cultural groups; environmental organizations; citizen advisory committees; employers; organizations or associations with special constituents; and others.
- Go where citizens go -- schools, retail stores, festivals, etc.
- Communicate with the public in a two-way, continuous, and consistent manner.
- Provide clear and timely information about how to comment and how public input ties into decision making by NCDOT and other entities like MPOs or federal agencies.
- Use smaller settings such as small group meetings and innovative tools such as images, visualizations, online engagement tools, online media, videos, or mobile device apps to communicate with the public.
- Document, in a thorough manner, public involvement efforts completed for each project including subsequent results in a detailed record catalog.
- Document all comments and concerns shared as part of the public involvement process for consideration during decision-making in a detailed record catalog.

## 5.1 PUBLIC INVOLVEMENT PLAN: LEVEL OF EFFORT

The level of public involvement needed on a project depends on a number of factors. These may include some of the elements listed below.

- Type, size, and duration of the project
- Complexity of the project and project site
- Significance of direct, indirect, cumulative, and disproportionate impacts
- Number of partners and sources of potential funding

By preparing and following a PIP, NCDOT staff, local partners, and contractors work in concert throughout a project to develop a broad understanding of whom in the community is potentially impacted by a project, what information should be exchanged between the stakeholders and NCDOT, and the best ways to engage the stakeholders and involve them in decisions. A PIP may be as short as one page or as long as necessary to capture the necessary program details.

For longer PIPs, it may be useful to include a brief definition of public involvement as shown below.

### What is public participation?

According to the IAP2, public participation (public involvement) means to:

- Involve those who are affected by a decision in the decision-making process
- Promote sustainable decisions by providing participants with the information they need to be involved in a meaningful way
- Communicate to participants how their input affects the decision

At the onset of a proposed project, the NCDOT project manager should incorporate public involvement into the timeline of project activities and make sure substantive public involvement steps occur early in the process. Project teams often think of public involvement separately

from other tasks, but each phase of the project should be appropriately linked to corresponding elements of the PIP.

The best PIP involves the public as active partners in, rather than reactive critics of, project development. To be effective, public involvement should disseminate project information in an effective and efficient manner and generate the type and amount of public input that is useful to the project team.

## 5.2 PUBLIC INVOLVEMENT PLAN OUTLINE

The PIP should serve as a strategy or roadmap for carrying out the required actions for public involvement. Recommended elements to generate a comprehensive PIP are shown in Table 5-1.

**Table 5-1: Sample PIP Table of Contents**

<b>Sample PIP Table of Contents</b>	
<b>INTRODUCTION: PROJECT OVERVIEW</b>	
Background and Related Projects	Issues, Concerns, and Challenges
Purpose and Need	Responsibilities
Process and Decisions to be Made	Milestone Schedule
<b>PUBLIC PARTICIPATION GOALS</b>	
Statement addressing Education, Inclusion, Transparency, Accountability, and Responsiveness	
<b>STAKEHOLDERS</b>	
Civic and Neighborhood Organizations and Social Service Providers	
Property Owners and Tenants	
Public Agencies:	
<ul style="list-style-type: none"> <li>• Local</li> <li>• State</li> <li>• Federal</li> </ul>	
Special Interest Groups: Environmental, Recreation, and Business Groups	
Traditionally Underrepresented Groups	
<b>PUBLIC INVOLVEMENT TOOLS AND TECHNIQUES</b>	
<b>Measures of Effectiveness</b>	
Quantitative Measures	
Qualitative Measures	
<b>PROPOSED DETAILED SCHEDULE</b>	
<b>Roles and Responsibilities</b>	
NCDOT Environmental Analysis Unit	NCDOT Division Staff
NCDOT Communications Office	Consultant
<b>PLAN UPDATES (when added)</b>	
<b>Appendices</b>	
Demographics	Stakeholders/Groups
Elected/Appointed Officials	Area Media
Community Organizations	Project Team Roster

A PIP written at the beginning of a project should be updated to reflect changes that may occur as a project proceeds. Unanticipated opportunities such as distributing surveys at a county fair may arise or new tools, venues, or timelines may be needed to ensure underserved populations are getting involved. For example, public outreach methods in a PIP may be updated to address (1) additional stakeholders and how to reach them, (2) changes in project scope or duration, or (3) new opportunities for public involvement.

## 5.3 ROLES AND RESPONSIBILITIES

### 5.3.1 Who Prepares the Public Involvement Plan

One or more individuals may draft the PIP, but all team members should be aware of the PIP. A project team member in an NCDOT divisional office, the public involvement professionals in the NCDOT EAU, and a contracted consultant and/or sub-consultants who are familiar with the project should collaborate to develop a list of appropriate stakeholders and be able to follow guidance for developing a PIP.

### 5.3.2 Who Approves the Public Involvement Plan

NCDOT is ultimately responsible for effective public involvement and an NCDOT project manager should review and approve the PIP. Hence, the NCDOT Public Involvement Group approves all PIPs, and will coordinate a review by the NCDOT Communications Office. The Public Involvement Group, if needed, will take the lead for developing, reviewing, and finalizing a PIP. The Public Involvement Group may also coordinate the concurrence of the PIP with a federal or local agency, MPO, and other partners on a project. If the project has a citizens advisory committee (CAC), concurrence and comments from the CAC can be requested to improve the quality and thoroughness of the PIP. A CAC may also facilitate finding residents and community leaders who will be involved in public outreach and public engagement.

A PIP should be flexible and be revised or refined under the direction of the EAU or the NCDOT project manager. Typically, the plan should be reviewed each year of the project, or as appropriate within the project timeline, and updated as needed.

### 5.3.3 Who Implements the Public Involvement Plan

The PIP should include roles and responsibilities clarifying who will do what and when. If the NCDOT project team is small (e.g., limited to the divisional engineer and one support staff), the PIP may be carried out locally with no outside support. On larger projects, the responsibility for carrying out a PIP may be directed to the project manager, the public involvement professionals in the EAU, or a consultant and/or sub-consultants reporting to the consultant. Use of a Gantt chart and/or timeline is highly encouraged to set, monitor, and ensure actions are completed in a timely manner.

### 5.3.4 When is the Public Involvement Plan Implemented

Implementation of the PIP is a continuous process often involving highly active and less active periods during the course of the project. Educating the public and accepting feedback is an ongoing practice. A well written PIP will use various tools such as a website, project newsletter, or video to continuously and regularly educate the public and receive public input about the project. Public involvement that builds trust and supports two-way dialogue between agencies and the public will foster improved transportation decisions.



# Chapter 6

## MEDIA RELATIONS





# 6 Media Relations

Media are all around us, providing entertainment, information, and perspectives. Traditional media (television, radio, newspapers, direct mail, and outdoor signs) and social media (websites, blogs, and other online applications) can amplify NCDOT’s message and influence public opinion, either in a positive or a negative manner.

The term “media relations” refers to the work involved in sharing department and project-specific news with the public through various traditional and online media channels. Unlike direct mail or project newsletters, media relations do not guarantee coverage, or positive coverage, of NCDOT’s work. Hence, this chapter discusses the relationship between public involvement and external relations (public information), various media sources, traditional tools for communicating with representatives of the media, and guidance on representing NCDOT and its projects in an accurate and positive manner.

While each NCDOT employee is a representative of the department in his or her daily work, for all interactions with the media, it is best practice for NCDOT employees to coordinate media requests with the Communications Office.

## 6.1 NCDOT COMMUNICATIONS OFFICE

### 6.1.1 Communications Office: Roles

NCDOT’s Communications Office (CO) oversees the strategic development, integration, and implementation of public relations activities. Led by the Deputy Secretary for Communications, the CO has Division Communications Officers assigned to each division. The CO maintains the NCDOT newsroom and video channel, issues news releases, handles media inquiries, governs the NCDOT website, promotes the department brand, and oversees promotion of strategic initiatives.



It is critically important that divisions, project managers, or public involvement specialists contact the CO early in project planning and development, so that the CO is aware of projects, issues, and messaging.

The ways in which the CO supports NCDOT public involvement include the following:

- Creating and maintaining project webpages
- Issuing official NCDOT news releases
- Managing media inquiries about transportation issues and projects
- Developing key messages
- Responding to media while project team members are in the field, addressing a project, or occupied with other community events such as a public meeting
- Creating and reviewing public education materials such as fact sheets and video
- Attending public meetings, especially if a project is high profile or if media are anticipated

The sayings that “all news is good news” and “no news is good news” may not always be the case, especially when it relates to NCDOT, state government, or large investments of public funds. Achieving factual media coverage requires a certain degree of knowledge and expertise to tailor messages that are factual and meet the media’s test for newsworthiness. It is important to formulate a clear, concise, and uniform message for the media from the onset of the project to reduce the chance of spreading misinformation.

Establishing a professional, one-on-one relationship with key reporters and editors who cover the transportation or government sectors is one of the best ways to ensure factual media coverage. This is why involving the NCDOT CO and the Division Communications Officer in public involvement efforts early in the planning process is important, as the Division Communications Officer is typically the individual with established relationships and a solid understanding of how and when to engage the media.

Another key to effective media coverage is the content of the message. The media are more likely to cover an issue if the information is delivered in a concise and accurate format that the general public can understand. This is where public involvement professionals and the Division Communications Officer can help craft a simple, easy-to-understand message. Personal experiences from members of the public or local government officials are

effective in highlighting the benefits the project may bring to the community or in explaining, in general terms, the need for the project.

### 6.1.2 Coordination with the Communications Office

**How should a project manager reach out to the Communications Office?** A project manager may call or email a Division Communications Officer or the CO in Raleigh. Contact names, phone numbers, and email addresses are kept up to date in the Department online directory.

**When should a project manager reach out to the communications officer?**

#### *At the Beginning of a Project*

- The Division CO should be invited to the internal scoping meeting, so they are aware of the potential project issues and can begin collaborating on messaging and the Public Involvement Plan.
- The CO may already be aware of local media representatives, NCDOT history, or related regional issues that have bearing on a new project.
- The new project may need a webpage created to host project plans, data, or public involvement materials. Conformity with NCDOT website templates and protocol should be considered.

#### *When a Public Information Session or Hearing is Being Planned*

- The CO will distribute to local or regional media department news releases about upcoming public information sessions and hearings.
- For higher profile projects, the CO staff may attend a public meeting to learn more about the project, serve as the department spokesperson, or monitor journalists’ questions and viewpoints.
- The CO staff will respond to media inquiries about departmental activities and monitor media for stories, comments, and social media comments about projects and policies.

#### *When a Member of the Media Requests Information or an Interview*

- If the project team member is not part of the CO or the project spokesperson, it is best practice to coordinate with the CO. Project staff may state on the phone or in an email that the request will be referred to the CO. The CO will need the following information:

- Reporter’s name
- Publication/media name
- Deadline for response
- Contact information
- Project staff may have notified the CO of a public meeting or public hearing by a request for a news release. Project staff may also want to invite the CO with an electronic calendar invitation, email or a phone call at least one week in advance of the meeting.
- If a project team member is unable to refer the question and must represent the project and the department, refer to the Tips for Addressing the Media on page 6-9.

## 6.2 MEDIA RELATIONS

### 6.2.1 Selecting the Right Media

It is important to understand the community characteristics of an affected area in order to select and diversify media resources to ensure all segments of the population are included. Some target audiences may be dependent on the internet, while others prefer reading a daily newspaper or rely on alternative language radio due to language barriers. NCDOT’s Public Involvement Group has insights on preferences and practices in the affected community.

A first step to establishing good relations with media serving a project’s region is developing a comprehensive and/or customized list of media contacts in coordination with the CO and reaching out before the project moves forward. The list and key contact records should be maintained throughout the life of the project. Including media contacts on the project mailing list is recommended along with making phone calls before a public meeting. These connections will garner early and additional understanding of the department’s plans or actions. The media contact list should include the name of the media source, its publication cycle (e.g., daily, weekly, monthly, etc.), its deadline, preferred method of receiving information (e.g., via email, news tips, webpage), and the print/digital quality standards for online and/or print formats.

Additional consideration should be given to media sources that better involve traditionally underserved communities (see chapter 4 for information about underserved populations). Reaching out to local leaders (elected official, religious leader, or neighborhood coordinator, for example) in these communities is a good

way to identify additional media sources and possibly even identify language or cultural translators. As minority media outlets are identified, it is important to share those contacts with the CO.

### 6.2.2 Ads versus Articles

Exposure in traditional media usually consists of paid media and earned media. Public notices and legal notices are often paid display ads that satisfy federal and state regulations for public notification.

Generating earned media coverage in the form of an article may not require an investment of financial capital, but it will require an investment of human capital. Articles gain more public engagement; are cut, copied, and shared (in hard copy and online); and are more likely to be prominently displayed. To generate earned media, a project team may hold a press conference, issue a news release and follow up with phone calls to local media, offer interviews or pitch a news story to local media about the project or plan an editorial roundtable as ways to offer information about a project, plan, or action. The project team should coordinate any of these actions with the CO.

#### Paid Media versus Earned Media

**Paid Media** is defined as display advertisements. **Earned Media** is defined as articles written by media staff based on news releases, interviews, or press conferences.

### 6.2.3 Media Sources

The following are examples of different media sources that NCDOT may use for transportation projects.



### 6.2.3.1 Print Media and Online News Publications

Print media outlets that may be used for promoting public involvement activities include daily or weekly general circulation newspapers serving the local community, community-specific newspapers, organizational newsletters or church bulletins, community-based magazines, and school-based publications. Posting a public notice in general circulation newspapers is a requirement (see chapter 10) and is considered a reliable resource for delivering project news and updates.

Additional options can also help to broaden the potential audience, including capturing participation of traditionally underserved communities. Smaller print media outlets such as homeowner association circulars, special interest or business community newsletters or bulletins, or school-based publications such as parent-teacher associations' newsletters or local college newspapers should also be considered. Volunteer-coordinated publications usually welcome articles prepared by the project team.

## Print Media

### Advantages

- Print media are a traditional way of sharing and consuming news.
- Businesses, libraries, and many households have some form of home delivery on a daily or weekly basis.
- Almost all print media have online presence and readership as well.
- Older people are more likely to be newspaper readers.

### Disadvantages

- Print media readership is declining by 5 to 10 percent every year in every market.
- Unless a display ad or public notice is posted online, printed news is rarely shared with other readers in its entirety.

Some communities also have local monthly or quarterly lifestyle magazines that are distributed without cost to area residents. These can be used for projects that have longer time frames or involve large geographic areas.

Posting meetings in the community calendar of events in newspapers and newsletters is also effective.



### 6.2.3.2 Television and Radio

Television remains a common media that reaches a wide audience. Television news channels are an effective way to reach a public audience. Interviews on news programs are also a way to deliver project information at key milestones throughout the life of a project. Municipal television can be particularly useful, as it costs significantly less than paid network advertising and may have a more local reach. However, the number of viewers is often low. Local cable channels offer news clips and interviews that can specifically cater to a particular project. Local television and radio stations often have community calendars to announce events like a project open house or public meeting.

In addition, radio segments and public service announcements (PSA) may be used to announce meetings, workshops, and milestones. News, music, university, and special interest radio channels have different practices about the timing and frequency of broadcasting PSAs.

LEP populations often have alternative language news hours hosted by an English radio station or have dedicated Spanish radio, as an example. Often, an English language news release may be translated by the radio announcers or editorial team.

## Television and Radio

### Advantages

- Television news is an excellent way to reach a large audience.
- Video is an effective way to convey NCDOT's message and facets of a complex project. The spoken word combined with visual images such as a map, a drawing, or a rendering convey information effectively in a 20-second ad or a news article (which are on average 140 seconds in length).
- Television and radio usually cover a metropolitan market including multiple towns and possibly counties.
- Drive-time radio is an appropriate way to reach stakeholders who use the transportation corridors being studied or impacted.

### Disadvantages

- Advertising on television is much more expensive than a display advertisement in print or online media.
- Getting television coverage of a project meeting can be harder than from a print publication.
- In each market, there may be a half dozen or more television stations and dozens of radio stations from which to select.



### 6.2.3.3 Websites

Typically a website is hosted by an organization to cover the overall activities of the organization and/or special projects and has many webpages within the website focused on specific topics. The homepage has the broadest level of information and provides a navigation menu from which the user can select more focused topics.

If an NCDOT project needs a separate website, the project manager or Public Involvement specialist should contact the CO to coordinate the creation and preparation of a new website. This process may take more than two weeks; plan with adequate time in mind.

A website is an effective method of communication that provides a central, consistent source of updates for a project, depending on the complexity of the project. Draft and final technical documents may be published online to solicit public comment or to present findings and decisions.

- A website is useful for engaging the public and keeping track of public interest in the project.
- Online surveys or polls may be conducted through the project website at critical milestones to efficiently gauge public opinion of the decision-making process.

- A website may provide a way to sign up for an email list, submit a comment, or request project materials or a speaker or presentation. Online comment forms usually mirror printed comment forms distributed at public meetings and should be considered an alternate method of engaging the public — not the sole channel for collecting comments.
- Website tracking analysis tools (e.g., Google Analytics) may be used to provide insight into which webpages and information are most popular with viewers. The number of visitors per month, before or after project events like an open house or public hearing, and number of unique visitors are typical metrics.

Even if a project website is not required or developed, using existing websites of partner agencies or affected municipalities to post information about the project and public meetings can be an effective means of notification. NCDOT requires the use of the department's hosting service and template developed for NCDOT projects.

After the initial launch of a website, be certain to update or refresh the website periodically, and remove obsolete materials, drafts, and contact names. Webpages that have been viewed more often than others tend to reach the top of web search results and must be updated frequently.

## Websites

### Advantages

- Useful for posting project resources and documents.
- May serve as a repository of project-related information including archived newsletters.
- Updating content is quicker than for printed media. Ability to provide content in multiple languages and even spoken translation for visually impaired.
- Website addresses may be shared digitally and printed quickly to disseminate information broadly.

### Disadvantages

- Only reaches those with access to internet or a mobile device.
- Information on the website must be clearly labeled as draft and with publication or posted dates as users may confuse current information with previous alternatives or plans.
- Websites must be frequently updated with latest copies of project materials or milestones.
- Only reaches those who know about/were directed to the website.
- Posting links and sharing links to the web page is critical to website usage.

#### 6.2.3.4 Other Online Media

Online media also includes blogs and vlogs (video logs) and social media. Blogs have enabled people of all backgrounds to self-publish opinions and experiences with or without a single theme and gain followers. Some bloggers gain a large number of followers and can help disseminate news, updates, or announcements on NCDOT policies or projects. Some bloggers express opinions and give an indication of public sentiment towards a project. Some blogs lack facts and context. It is important to monitor blogs and video logs for inaccurate statements that should be corrected.

Social media have become a cornerstone of effective communication in the past decade. Project webpages, Facebook pages, Twitter feeds, and Instagram are examples of online project communication tools. Mobile device applications (apps) are also increasingly being used to communicate project news updates. NCDOT has its own Twitter, Facebook, Instagram, YouTube, Flickr, and Snapchat accounts, and the CO can place notifications about project events and activities on these outlets. A project also may have its own webpage hosted by NCDOT (see section 6.2.3.3), and it may have Facebook, Twitter, and YouTube accounts depending on the size and needs of the project.

Project team members, stakeholders, and the general public can spread project information through their personal and professional online links. Special interest groups may be willing to share updates and notifications

about the project on their social media sites.

Comments made through social media are not included in the formal project records. Only comments submitted through officially sanctioned online engagement portals that have been set up for the purpose of receiving comments in addition to those received in writing at the public meeting or via the U.S. Mail will be considered a part of the project record.

Community members may appreciate a diversified public engagement strategy, one that includes print material, digital material, and the ability to speak with someone in person. However, it is important to keep in mind there will always be people who feel most comfortable with in-person interaction or a printed media that does not require a power source or internet connectivity.

#### 6.2.3.5 Geo-fencing and Geo-targeting

Geo-fencing is a process in which online ads or messages can be sent to people within a defined area. This can be done through the person's personal device (i.e., mobile smart phone or tablet location services) or through the IP address on a personal computer.

Geo-targeting is a process in which online ads or messages are targeted to people of a specific demographic group.

Geo-fencing and geo-targeting are effective tools for providing important project information or to soliciting feedback from the affected parties.



## Online Media

### Advantages

- Allows public voices to be heard in addition to department or municipal authorities.
- Low cost method to reach large audience.
- Keeps conversation about project and issues current.
- Project staff can moderate and monitor the conversation by reviewing social media posts.

### Disadvantages

- Only reaches people with access to the internet or a mobile device.
- Requires frequent posts to keep topics up to date.
- Unmonitored public comments may divert attention away from the main message.

### 6.2.4 Media Relations Tools

The following discussion defines common tools that are used to communicate with media and to prepare NCDOT internal staff for media opportunities. Transportation projects may not need every one of these media relations tools and may need to develop or update talking points for different milestones of a project. See Table 6-1 for media relation tools.



**Table 6-1: Media Relations Tools**

Item	Occasions for Use (All, Most, Some, or Few Projects)	Internal or External Use	Prepare Before or After Public Event
Key messages	All	Internal/External	Before
FAQs	All	Internal/External	Before or After
Talking points	Most	Internal	Before
Press releases / press kits	Some	External	Before
Roundtables for reporters	Few	External	Before or After
Press conferences	Some	External	Before
Letters to the Editor	Few	External	Before or After
Newsclips	Most	Internal	Before and After
Media relations log	Most	Internal	Before and After
Corrections/ errata	Few	External	Before and After

### Tips for Addressing the Media

- Stay calm and professional.
- Convey no more than three main messages. The messages may relate to one action or decision, one project or solution. Support your messages with the necessary details and background but always center on no more than three messages.
- Speak in plain language. Avoid jargon and acronyms. Keep sentences short and as simple as possible.
- Make no assumptions about the audience's knowledge, intentions, or outlooks on a process or project.
- Be truthful and accurate. If you do not know the answer, say so. And only make promises that you can keep.
- If a media representative asks a misleading question or makes an inaccurate statement, do not repeat the false statement. Instead state the correct situation or bridge to the main messages or what you wish to present.
- Recognize when people are speaking from emotion. It is best to acknowledge and show empathy. Do not dismiss or overreact.
- Nothing is truly off-the-record. Do not say anything you do not wish to hear repeated verbally or see printed in the newspaper.

#### 6.2.4.1 Key Messages

Public education and public involvement should focus on facts about a project, NCDOT action, or decision to be made. With transportation projects, the purpose and need should always be one of the key messages. The best practice when trying to communicate effectively is to focus on three fundamental ideas when developing key messages.

Key messages should be communicated to all project team members at the outset of public involvement efforts. When members of the media ask questions or divert attention to other unrelated issues, it is important to redirect the conversation to the right people and stick to key messages.

#### 6.2.4.2 Frequently Asked Questions (FAQ)

Frequently asked questions (FAQ) highlight common questions and agreed upon answers. FAQs ensure statements or responses to the media and to the public are consistent and accurate. FAQs are frequently prepared ahead of public engagements and augmented thereafter.

Posting FAQs on a project website or distributing printed sets at public meetings will help reduce questions and guide further inquiries. Updating FAQs periodically can help address inadequately communicated information and new issues raised by the public, and demonstrate that the project team is listening to the public.

#### 6.2.4.3 Talking Points

Talking points provide key messages and details to project managers or other individuals with authority to speak to the media and the public. Talking points may be distributed internally among the project team and accompany materials including slide presentations, exhibits (boards), maps, renderings, and visualizations.

#### 6.2.4.4 Press Release

A press release, also known as a news release, is a short, announcement or story written by a member of the CO and sent to targeted members of the media. Issuing press releases at milestones is common in major long-term transportation projects. Press releases should be clear and concise. In general, press releases should address the following five "Ws":

- **Who:** Identify the agency sponsoring the project and provide a contact name and phone number.
- **What:** Describe what is currently happening either with the project or at the public event.
- **When:** Indicate the timeline of the subject announced. If the press release is announcing a public meeting or workshop, be sure to include start times.
- **Where:** Identify the location of the public involvement activity, including the full street address with city, state, and ZIP code.

- **Why:** Explain why the public involvement activity or project milestone is taking place.

A press release should follow Associated Press formatting. If the project is being conducted in coordination with other agencies, these agencies should be recognized in the press release. This standard format for a press release can be used for a variety of media sources. All media materials should be coordinated with the CO and the news release will be written and distributed by the CO.

#### 6.2.4.5 Press Kits

Reporters typically look for ways to get a story out quickly and appreciate clearly written press releases and other prepared materials about the project. If appropriate, a media kit that includes facts about the project, a press release with quotations from key department representatives, information on future public involvement activities, whom to contact for more information, and photographs, graphics, or videos of the project should be prepared. All materials provided to the media should be carefully edited and checked to verify that facts such as dates, times, locations, and contact person(s) are correct. Incorrect or incomplete information will diminish the credibility of NCDOT with the media and the public.

#### 6.2.4.6 Roundtable for Reporters

A roundtable is a meeting called by NCDOT or other entity for a department spokesperson(s) to answer questions for media or reporters about an issue, policy, or a project. A roundtable may be held to provide news or updates, or to maintain positive media relations.

#### 6.2.4.7 Press Conference

A press conference is a meeting convening media representatives to hear an announcement or observe an action. Press conferences are often announced by a press release.

#### 6.2.4.8 Letters to the Editor

A letter to the editor may be written by a private citizen, head of an agency, or NCDOT (only in coordination with the CO) to express an opinion to a wide audience through the media channel.



#### 6.2.4.9 News Clips

News clips are written, audio, or video documentation of news coverage of NCDOT, a department, a project, or a team member. Formerly, news clips were mostly print news articles; today, news clips may be captured online with search engines or long-standing queries and can be rapidly distributed.

#### 6.2.4.10 Media Relations Log

A media relations log is an internal listing of communication with members of the media, date, subject, and follow-up actions. Public relations software or media intelligence tools (Babblar, Meltwater, Cision, etc.) have news clipping and search tools.

#### 6.2.4.11 Corrections/Errata

When a reporter, blogger, or any media publishes inaccurate information about NCDOT, a project, event, or person, the NCDOT CO may call by phone, email, or write a formal request to the media or press to correct the information for reprinting or reposting. The more rapid the correction is done, the better.

Finally, all public documents including press releases should follow the Federal Plain Language Guidelines.

### Useful Link: Using Plain English

[www.plainlanguage.gov/howto/guidelines/FederalPLGuidelines/TOC.cfm](http://www.plainlanguage.gov/howto/guidelines/FederalPLGuidelines/TOC.cfm)

# Chapter 7

## PUBLIC INVOLVEMENT TOOLS





# 7 Public Involvement Tools

The effectiveness of public involvement is based on many factors, but can be most successful when a tailored set of tools is utilized to reach a diverse stakeholder group. Public involvement tools may range from tactics used during face-to-face meetings or events, hard-copy materials such as flyers or postcards, digital content including emails or websites, or virtual public involvement techniques including online surveys, visualization, and telephone town halls. New tools for outreach are constantly being developed and are increasingly focused on real-time, collaborative interaction with the public. These types of methods for outreach may not be appropriate for some projects, but can be useful to identify and incorporate for large or long-term efforts while generating earlier public insights for incorporation into project planning. When selecting the types of public involvement tools used during a project, it is important to focus on how the tools can be used to most effectively and inclusively reach a wide audience.

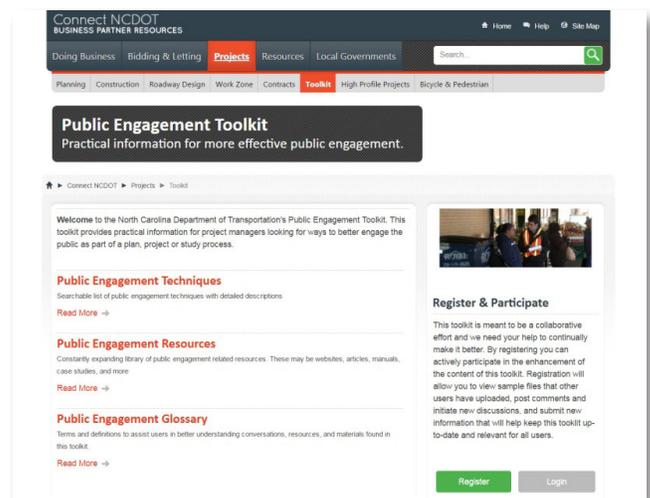
This chapter describes public involvement tools frequently used, but is not a comprehensive list. The function of each tool is described along with a general characterization of the associated cost, time, and skills required and the applicability of the tool to project phases. All materials should be used in coordination with the EAU PICSviz.

## 7.1 NCDOT ONLINE TOOLKIT

The online NCDOT Toolkit (see Figure 7-1) provides practical information for project managers looking for ways to better engage the public as part of a plan, project, or study process. Specifically, the NCDOT Toolkit covers:

- **Public Engagement Techniques:** Searchable list of public engagement techniques with detailed descriptions
- **Public Engagement Resources:** Constantly expanding library of public engagement related resources such as websites, articles, manuals, or case studies
- **Public Engagement Glossary:** Terms and definitions to assist users in better understanding conversations, resources, and materials found in the NCDOT Toolkit

Figure 7-1: NCDOT Toolkit Interface



To consistently evolve its public involvement approach and resources, the NCDOT Toolkit includes a registration portal. Registration allows users to view samples of files, post comments, initiate discussions, and submit new information that enhances an up-to-date and relevant toolkit for all users.

**Useful Link: NCDOT Toolkit**

<https://connect.ncdot.gov/projects/toolkit/Pages/default.aspx>

## 7.2 STANDARD PUBLIC INVOLVEMENT TOOLS

Public involvement tools should be based on the project audience, complexity, location, lead time, staff time and skills, and specific project needs. Technology is rapidly

changing the tools for public engagement. Virtual public involvement is the use of digital technology to engage individuals in the planning and project development process, or to visualize projects and plans.

Table 7-1 details the most frequently used public involvement tools. This is not a comprehensive list and many of these examples can be used individually or paired to most effectively and strategically reach intended audience(s). For a fully comprehensive list, the NCDOT Toolkit should be used.

**Useful Link: FHWA Innovations: Virtual Public Involvement**

[https://www.fhwa.dot.gov/innovation/everydaycounts/edc\\_5/virtual\\_public\\_involvement.cfm](https://www.fhwa.dot.gov/innovation/everydaycounts/edc_5/virtual_public_involvement.cfm)

**Table 7-1: Standard Public Involvement Tools**

Tool	Description and Function	Resource Needs		
		Cost	Time	Skills
<b>Information Distribution</b>				
Advertisements	Newspaper, display, or legal notice to distribute important project and/or meeting information	Low	Low	Low
Brochures	Information tailored to a specific aspect of a project or plan for the public to review as either hardcopy or electronically	Medium	High	Medium
Direct Mailers	Utility bill stuffers, surveys, newsletters, or progress bulletins to distribute important project and/or meeting information	Medium	Medium	Low
Email/Text Messages	Messages to large groups to distribute important project and/or meeting information	Low	Low	Low
Fact Sheets	Summary information to facilitate understanding and generate comments usually distributed during a meeting or online	Low	Medium	Medium
Frequently Asked Questions	Common questions and helpful answers used to clarify key aspects of a project and to reduce confusion in complex or controversial situations	Low	Low	Low
Flyers and Posters	Focused written and graphic items to convey information about key issues and/or upcoming meetings, events	Low	Medium	Low
Public Service Announcements	PSAs include announcements on the radio or television to distribute important project and/or meeting information	Medium	Low	Low
Signs	Signs posted along a roadway or on a project site typically used to announce a project and convey information about upcoming meetings and/or project events	Low	Low	Low

Tool	Description and Function	Resource Needs		
		Cost	Time	Skills
Social Media	Web-based technology platforms that encourage users to interact electronically with individuals, groups, and/or organizations. Popular social media platforms include Facebook, Twitter, Instagram, YouTube, and LinkedIn.	Low	Low	Low
Virtual Public Involvement	Web-based public involvement innovations reach a wider audience and gather relevant information for earlier project consideration: online surveys for home or mobile device use, telephone town halls, real-time polling during webinars or public meetings.	Medium	Medium	Medium
Web Announcements	Used on web platforms related to the project to post brief information about upcoming meetings, events, or important project details. See “Project Website” tool in this table, below.	Low	Low	Low
<b>Face-to-Face Interaction</b>				
Agency Advisory Committee	<p>Meeting to convene a group of individuals serving as singular representatives of various public agencies to address issues or provide overall guidance on project decisions.</p> <p><b>Useful when:</b> A project is contentious and there are several agencies from which input is needed.</p> <p><b>Target(s):</b> Key agency decision makers and/or resource managers.</p>	Low	Medium	Medium
Charrettes	<p>Interactive workshop tailored to engage the public and facilitate conversations about design issues, alternatives, and creative solutions.</p> <p><b>Useful when:</b> Addressing specific community concerns or issues requiring creative solutions.</p> <p><b>Target(s):</b> Key community representatives and stakeholders.</p>	Low	Medium	Medium
Community/ Technical Advisory Committees/ Working Groups	<p>Advisory groups made up of community representatives and stakeholders who provide input and guidance on a focused set of topics with a predetermined role and responsibilities.</p> <p><b>Useful when:</b> A project is contentious and there are several communities or stakeholder groups with different and important perspectives.</p> <p><b>Target(s):</b> Key community stakeholders.</p>	Medium	Medium	Medium

Tool	Description and Function	Resource Needs		
		Cost	Time	Skills
Interviews / One-on-One	<p>Direct dialogue to facilitate in-depth discussions between individuals.</p> <p><b>Useful when:</b> There are specific individuals who can provide insight about current conditions to help project staff make informed project decisions.</p> <p><b>Target(s):</b> Targeted meeting.</p>	Low	High	Medium
Open Houses	<p>Informal meetings that allow project-related materials to be displayed to the public. Allow project team members to answer questions and openly accept comments. Avoids “grandstanding” and formal public hearing testimony issues.</p> <p><b>Useful when:</b> Interaction between the public and the team; facilitates understanding.</p> <p><b>Target(s):</b> General public.</p>	High	Medium	Medium
Public Hearings	<p>Formal meetings designed to meet federal and state requirements, such as specific legal notifications, transcripts from a court reporter, and a designated, formal comment period. See section 7.2.2 for more information.</p> <p><b>Required when:</b> Public hearings are required when projects are financially supported by federal and state funds. See section 7.2.2 for more detail.</p> <p><b>Target(s):</b> Key stakeholders, general public.</p>	Medium	Medium	Medium
Public Officials Briefing	<p>Helps generate dialogue with decision-makers and provides accountability for public processes and expenditures.</p> <p><b>Useful when:</b> Project milestones are met and to provide project updates.</p> <p><b>Target(s):</b> Key public officials, local city councils, planning commission members, other local and regional decision makers.</p>	Low	Medium	Medium
Small Group Meetings	<p>Meetings with specific groups such as homeowner associations, special interest groups, civic associations.</p> <p><b>Useful when:</b> A project requires in-depth input from a particular stakeholder in a non-confrontational setting.</p> <p><b>Target(s):</b> Key community stakeholders.</p>	Low	Medium	Medium

Tool	Description and Function	Resource Needs		
		Cost	Time	Skills
Speaking Engagements	<p>May include sending speakers to conferences, community meetings, civic group meetings, schools, or other events to convey project information, encourage involvement, and obtain input.</p> <p><b>Useful when:</b> There is a need to disseminate information directly to stakeholder groups in settings convenient for their members.</p> <p><b>Target(s):</b> Key stakeholders.</p>	Medium	Medium	Medium
<b>Virtual Public Involvement</b>				
Project Website	Whether a host for project documents, information only, or interactive, a project website typically provides comprehensive, continuous, online access to the information about a specific program or project. It can be set up to receive and organize public comments and develop a project's key contacts lists.	Low	Low	Medium
Online Survey or Polling	Online surveys that duplicate or replace a paper survey can have broader reach. Today's online survey tools can include geographically coded answers, mapping tools. Usually survey responses provide a snapshot of public knowledge or sentiment. Sometimes, the survey questions alone disseminate project information without getting responses.	Medium	Medium	Low
Online Mapping				



Tool	Description and Function	Resource Needs		
		Cost	Time	Skills
Mobile App	An application developed for a mobile device (phone or tablet) makes web-based information easier to see, navigate, and respond to. Mobile apps can gather location-based information from commenters automatically if location services are included and turned on.	Medium	Medium	Medium
Do-It-Yourself Videos	Tablets and mobile phones allow project staff to record "do-it-yourself" videos to be posted to YouTube or shared by project websites and other social media. Personalized greetings or invitations, project descriptions, or visualizations and other digital content are more likely to be viewed by the public.	Low	Low	Low
Telephone Town Hall	A telephone town hall reaches stakeholders or the affected public via a phone number asking questions and recording responses.	Medium	Medium	Medium
Geo-fencing and Geo-targeting	Geo-fencing is a process in which online ads or messages can be sent to people within a defined area. This can be done through a personal device or through the IP address on a personal computer. Geo-targeting is a process in which online ads or messages are targeted to people of a specific demographic group.	Low	Low	Low
Facebook Live	Facebook can host a real-time video of an open house or public meeting, shot with a smartphone or higher quality video camera. Offering visuals of the exhibits and showing people at the public meeting can encourage the public to drop in as well as record public engagement. A recording of each exhibit explained or narrated by project staff offers a summary of information made available at the open house.	Low	Medium	Low
Social Media Posts during Events	Posting photos, recordings, staff observations, or the public's responses or sentiment during a public meeting garners additional public outreach and engagement.	Low	Medium	Medium
Visualization Artistic drawings, Infographics, and Computer Simulations/ Animations	Visualization techniques are methods used to show information in clear and easily understandable formats such as maps, pictures, or displays.  The results can be simple or complex and include graphs, charts, photo composites, photo-simulations, artist's renderings, wire-frame illustrations of three-dimensional forms, interactive maps, and animations that walk or drive through a project study area.	High	High	High

### 7.2.1 Public Meetings

Public meetings are the most common method of public outreach and can be conducted in many different formats. These formats can range from community advisory committees, public officials briefing, or charrettes (see Table 7-1). What differentiates these meeting formats is the intended audience, which may range from individuals or small groups to large community meetings, and the format of the information exchange that is desired.

Regardless of the format, public meetings are intended to share information about the project, solicit feedback to assess local issues and concerns, and facilitate collaboration and consensus as a way to work toward appropriate solutions and decision making. Table 7-2 outlines standard considerations when organizing a successful public meeting.



**Table 7-2: Public Meeting Considerations**

Public Meeting Considerations	
<b>Consideration 1 - Establish the Purpose</b>	
<p>Why is the meeting being held?</p>	<p>A successful public meeting plan helps a team reach intended project goals. Consider the following when planning a public meeting during any phase of a project:</p> <ul style="list-style-type: none"> <li>• What is the current phase of the project and how does that change the information to be shared, plus the meeting structure?</li> <li>• What project information needs to be shared with the public?</li> <li>• What information does the project/project staff need to obtain from the audience?</li> </ul> <p>Having an understanding of these key elements allows staff to move forward confidently in the planning process.</p>

## Public Meeting Considerations

Who needs to attend?

After defining the purpose of a public meeting, it is time to identify who needs to attend the meeting to accomplish the intended goal. These attendees may be local and state agency representatives, elected officials, special interest groups, community members, or others who may have special interest in the project.

To identify relevant stakeholders, consider the following:

- Who will be directly affected by the project?
- Who will be indirectly affected by the project?
- Who can affect the project?
- Who has the legal, moral, or political ability to affect the project?
- Who wants or needs to be involved?
- Who needs to be involved and is typically underrepresented?
- Who will be upset if they are not included?

See chapter 4 for additional information about involving appropriate stakeholder groups.

After the fundamental needs and attendees are identified, the format of face-to-face interaction can be selected. See Table 7-1 for options.

## Consideration 2 – Establish Targeted and Special Invitations and/or Meetings

Is there a need for targeted or special invitations and/or meetings?

Targeted or special invitations and/or meetings may be needed to provide the appropriate level of coordination with populations who may experience disproportionate or adverse impacts as a result of the project or may be underrepresented in the public involvement process.

See chapter 4 for additional information about who and how to include underserved populations.

Are there EJ and/or LEP issues?

**Environmental Justice (EJ):** EJ populations frequently involve groups of minorities and low-income persons in a given area.

**Limited English Proficiency (LEP):** LEP populations involve individuals who do not speak English as their primary language and/or those who have a limited ability to read, speak, write, or understand English.

See chapter 4 for additional information about involving appropriate stakeholder groups.

As part of legal requirements set forth by NCDOT, FHWA, and FTA, no person shall be excluded from participation or be denied the benefits of involvement in transportation decision making on the basis of race, color, national origin, or income.

Language or cultural barriers, a lack of trust as a result of historical precedence, conflicting work schedules, and other factors can create challenges with respect to diverse levels of public involvement, so additional efforts to encourage diverse involvement are required.

Targeted or special meetings designed to serve the specific needs of these communities can supplement efforts to involve traditionally underrepresented individuals and groups in general meetings, activities, and events.

For additional strategies on how to engage EJ or LEP communities, see section 7.1 for information about the NCDOT Toolkit and chapter 4 for additional information about who and how to include underserved populations.

### Public Meeting Considerations

Are there age and/or disability issues? Federal action prohibits the exclusion from participation or the denial of the benefits of transportation decisions on the basis of age or disability. Those populations that may be affected by a project, but have limited accessibility or mobility, can benefit from targeted or special meetings designed to serve their specific needs.

See section 7.1 for information about the NCDOT Toolkit and chapter 4 for additional information about who and how to include underserved populations.

Is real estate acquisition required? When conducting public involvement activities, it is important to identify and engage property owners affected by property acquisition (temporary or permanent use of land). Targeted or special meetings are advantageous to ensure property owners are informed about resources available to them and educated on the property acquisition process.

See the NCDOT Real Estate Acquisition Process brochure for more information:

<https://connect.ncdot.gov/business/ROW/ROWManualsandPublications/Right%20of%20Way%20Brochure%20-%20Single%20Page%20Layout.pdf>

Source: "Who Needs to Attend," adapted from the EPA's Public Participation Guide: Process Planning at <https://www.epa.gov/international-cooperation/public-participation-guide-process-planning>

### Top Ten Active Listening Skills

Active listening improves our understanding of others' perspective and promotes trust.

- Listen first. Don't interrupt. Stop talking. Give full attention to the speaker.
- Use non-verbal skills: Make eye contact. Nod if you hear and understand the other person. Tapping your foot, leaning or slouching is seen as disinterest and impatience.
- Be aware of the speaker's body language.
- Listen for emotional content. Often a speaker does not put into words the real issue(s).
- Ask clarifying questions.
- Summarize the speaker's main points in your own words to make sure you heard correctly.
- Focus on the main points.
- Show empathy. Even if you do not agree, understand the speaker's perspective.
- Respond to ideas and statements, but do not react to the person presenting them.
- Do not assume that someone who is not speaking agrees with you or the general conversation. Ask and listen carefully to the response.

### 7.2.2 Public Hearings

Public hearings are the official process of formally gathering public input and, depending on agency and/or environmental documentation requirements, may or may not occur at key milestones during federal or state-funded transportation projects. Environmental documentation that may or may not require public hearings includes EAs or EISs. Historically, public hearings were the only opportunity for the public to be actively involved in the

planning process and today are considered the baseline for involving the public. Public meetings (or outreach) are often used to supplement formal public hearings. Beyond meeting regulatory requirements, public hearings may also be scheduled as part of a project when faced with high levels of controversy or when there are substantial design changes. Public hearings have specific legal requirements that must be met to fulfill federal and state obligations (see Table 7-3).

**Table 7-3: Public Hearing Requirements**

<b>Public Hearing Requirements</b>	
<b>Requirement 1 – Objectives</b>	
What are the objectives?	The primary objective of a public hearing is to provide the public with the required formal opportunity to speak on the record about a project prior to a decision being made by the decision-makers. An effective public hearing provides sufficient, although often limited, time for interested community members to speak. Public hearing testimony is recorded and is made part of the decision-making process and formal project record. Comments and questions are addressed with formal responses to comments.
<b>Requirement 2 – Notification</b>	
What is included in the public notice?	<p>Some form of public notice is required for all public hearings. A formal notice must be published in a newspaper. In addition, the notice can be posted on or near the project site and/or be distributed online (website notice or message distribution).</p> <p>At a minimum, the notice should contain the following:</p> <ul style="list-style-type: none"> <li>• Purpose of the hearing</li> <li>• Meeting format</li> <li>• Project description</li> <li>• Date, time, and location</li> <li>• List of places, dates, and times where the project documents are available for public review</li> <li>• Non-discrimination statements, including statements in compliance with the Americans with Disabilities Act and how to request language assistance</li> <li>• How comments can be submitted</li> </ul>
<b>Requirement 3 – Meeting</b>	
What is included during the public hearing?	Public hearings may include a variety of materials but, at a minimum, should include a presentation and handouts or information boards for the public to appropriately convey project information. Should include project need, timeline, next steps and public testimony that is accurately recorded.
Presentation	<p>Public hearing presentations are usually slide presentations or a video that provides an overview of the project. The meeting is opened by a department representative, is followed by a project presentation. The presentation script should be prepared in advance for review and approval by department staff. In addition to the items listed in Table 7-1 on page 7-5, the following items are required to be included in the hearing presentation:</p> <ul style="list-style-type: none"> <li>• Project’s purpose, need, and consistency with the goals and objectives of any local planning efforts</li> <li>• Project’s alternatives and major design features</li> <li>• Social, economic, environmental, and other project impacts</li> <li>• Relocation assistance program and the right-of-way acquisition process</li> <li>• State highway agency’s procedures for receiving both oral and written statements from the public</li> </ul>
Handouts/ Presentation Boards	Project handouts and/or presentation boards should reflect the same information provided in the formal presentation and in most cases include additional supporting details.

## Public Hearing Requirements

### Requirement 4 – Recordkeeping

**Public Hearing Comments** The purpose of public hearings is to give the public opportunity to provide their comments before final decisions are made. Once the public hearing is held, the public must be allotted a comment period with a length determined by the agency/project team, but a minimum of 10 calendar days following the meeting.

During this time, the public can provide oral comments during the hearing or written comments during the designated comment period.

**Oral Comments:** When providing oral comments, attendees will often speak into a microphone and their statements will be recorded by a court reporter. Time restrictions may be required based on the number of people who plan to speak. If a time restriction is required, the moderator will disclose these limits at the beginning of the hearing.

**Written Comments:** For those who do not wish to provide oral comments, the option to provide written comments must be offered. Comments may be submitted on a comment form supplied at the meeting or via letter, email, or other prepared document.

### Elements of Recordkeeping

Speaker Registration Cards	Speaker registration cards allow a moderator/facilitator to keep track of the number of attendees wishing to speak and ensure an accurate record of names and organizations being represented.
Public Hearing Officer	All public hearings require a public hearing officer. The role of the public hearing officer is to communicate how and when public comments are being recorded.
Moderator/Facilitator	The moderator/facilitator organizes and runs the meeting to make sure the communication process meets applicable requirements and accomplishes intended objectives.
Microphone	A microphone is optional and, if needed, is used to ensure that attendees are heard by the public and that their comments are accurately recorded.
Court Reporter	The court reporter ensures comments are documented for consideration in the decision-making process.
Timer (if needed)	A timer will be used if needed: time restriction may be needed to provide each person an opportunity to speak.
Official Record	For an official record, all public hearing proceedings including the presentation and testimonies are recorded and transcribed into a verbatim written transcript. Once the public comment period closes, oral comments and written comments are included in the public record, along with all handouts and informational brochures used. Display materials, such as large boards and maps must also be readily available in project files if requested. Each of these items is required for state and federally funded projects.

Sources: [https://www.fhwa.dot.gov/planning/public\\_involvement/publications/pi\\_techniques/page03.cfm](https://www.fhwa.dot.gov/planning/public_involvement/publications/pi_techniques/page03.cfm);  
<https://www.environment.fhwa.dot.gov/projdev/tdmpubinv2.asp>

### How to Work through Conflict

- Pay attention to the emotional content. It is as important as the technical or procedural content of the issues that have been raised.
- Take time to understand all aspects of a conflict.
- Have participants agree on the problem before beginning to find a solution.
- Plan a careful strategy and give it a chance to work.
- Agree on a fair and transparent process to develop solutions.
- Work to establish and maintain communications with disputing parties.
- Work collaboratively to find a solution. Solutions should be based on the underlying interests of the parties.
- When developing solutions, consider possible unintended consequences, as well as stumbling blocks and resistance.
- Most importantly remain calm. There will be some upset citizens due to the history of the project. They are mad at who you represent, NOT you.

### Maintain a Customer Service Spirit

Use the many ways to provide better customer service throughout public involvement phases.

**During Planning:** Engage the public early. Listen to businesses, school districts, residents, and drivers/riders for their interests. Be responsive to changing needs. Notify the public of opportunities for involvement throughout the process. Balance open-ended questions for scoping purposes and testing general support with specific questions for which NCDOT needs answers.

**During Project Development:** Help the public understand the project development process and how public input is used. Be familiar with the department's policies and procedures regarding media relations.

**During Environmental Analysis:** Explain the NEPA process as a scoping, documentation, and mitigation process. Be responsive to concerns about the human and natural environment.

**During Construction:**

- Provide businesses, school districts, community service providers, residents, and commuters with timely information.
- Be patient and responsive to complaints.
- Let drivers know what to expect.
- Work with businesses to maintain access during construction.
- When possible, restrict construction to times that limit disruption as much as possible (i.e., non-peak traffic hours and when school is not in session).
- Complete work on time or ahead of schedule.

## Rules of Engagement

- Smile, it's your most powerful tool.
- Introduce yourself, wait and listen.
- Engage the attendees—draw them into a conversation.
- Use plain language.
- Talk to people—point to boards, but face the people.
- Don't assume that everyone can read.
- Don't guess—KNOW! Walk with the member of the public to the most knowledgeable person.
- Be mindful of seniors who may be standing too long, have hearing issues or lower vision, or are confused.
- Remember "People don't care how much you know until they know how much you care."  
—Theodore Roosevelt





# Chapter 8

## PROJECT RECORDS





# 8 Project Records

Maintaining current and detailed records for transportation projects allows staff to efficiently locate important documents and demonstrate ongoing compliance with applicable public involvement requirements and the details provided in a project's PIP. In addition, accurate project records must be included in a project's Administrative Record when one is required, and may be needed to address litigation and/or auditing if it occurs at any point during or after completion of a project.

In general, project records include all relevant materials, correspondence, and work products related to a planning process. Public involvement should have its own specific set and chronological series of records. Chapter 8 outlines standard practices for public involvement process documentation and preparation of project records. Section 8.1 focuses on documenting public input. Section 8.2 focuses on documenting public involvement activities. Section 8.3 provides details about the Public Involvement Activities Report.

## 8.1 DOCUMENTING PUBLIC INPUT

Public input in the form of comments is the primary goal of public involvement activities and provides important feedback that can be used in the decision-making process for transportation projects. Specifically, public input allows the project team to understand community issues, concerns, and needs. Accurate records of public input must be kept.

Figure 8-1 outlines the typical process for how public input is documented. Comments are collected, documented, analyzed, addressed, displayed, and finally incorporated into a public involvement activities report. The following discussions address these process steps.

### 8.1.1 Comment Collection

Comments can be collected throughout the life of the project using a range of tools. Best practice examples include the following:

- Testimony during public hearings or statements recorded by team members at an open house or other type of meeting
- Comment forms in print and/or electronic formats
- Questionnaires in print and/or electronic formats
- Surveys or interview summaries in print and/or electronic format
- Letters in print and/or electronic forms

NCDOT projects provide notice when public input is requested and accept public input during a defined public comment period. NCDOT typically applies a 45- to 60-day comment period with a closing date that provides two weeks after a public meeting for comments to be submitted. The delivery and receipt of comments can be accomplished through mail, email, public meetings or hearings, project websites, social media sites, or online applications. Practitioners should make sure to provide instructions to ensure comments are delivered in a timely manner and are submitted to the right place (return mailing address, specific email address, website link, etc.). A closing date for public comments should be specified and coordinated with applicable project milestones.

A systematic method for comment management should be defined early in a project process to ensure the team has the right tool to compile and track public input. Comment management tools can be simple or complex. Simple systems such as electronic or hard copy filing can handle relatively low quantities of comment forms and letters and other input. Table 8-1 provides a more detailed description of the suitability of each comment management tool. More complex systems such as a database or online platform allow for a high quality of comments and for teams to sort and manage comments into categories and efficiently manage response to comments (see section 8.1.2).

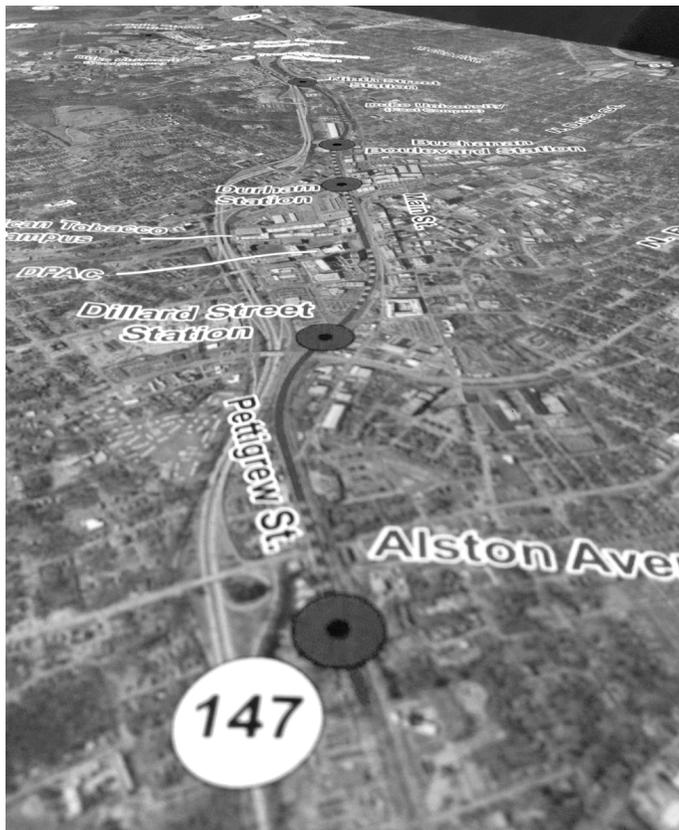


Figure 8-1: Comment Collection Process



**Table 8-1: Suitability of Comment Management Tool**

<b>Tool</b>	<b>Suitability</b>
Hard copy filing	Best suited for projects with little to no controversy, low quantity of public input, and short duration.
Digital filing (Microsoft Excel)	Can be used on projects that have a low to medium amount of controversy. Can categorize comments and provide other notes, etc.
Digital platforms (web applications)	Supports minimal flexibility. Best suited for projects with minimal controversy, medium quantity of public input, and average-moderate duration.
Database (Microsoft Access)	Provides relative flexibility. Best suited for controversial projects and/or those with an expected large quantity of public comments and a long duration.
Custom web database and online platform	Offers maximum flexibility for tailored comment input and management. Best suited for highly controversial projects and/or those projects with an expected large quantity of public comments and a long duration.

**What should be included in a Project’s Administrative Record**

The Administrative Record is the paper trail that documents the agency’s decision-making process and the basis for the agency’s decision. The Administrative Record consists of all documents and materials directly or indirectly considered by the agency decision-maker in making the decision. It is not limited to documents and materials relevant only to the merits of the agency’s decision. It includes documents and materials relevant to the process of making the agency’s decision.

Include the following:

- Documents and materials whether or not they support the final agency decision
- Documents and materials that were available to the decision-making office at the time the decision was made
- Documents and materials considered by, or relied upon, by the agency
- Documents and materials that were consulted by the agency at the time of the decision, even if the final agency decision-maker did not specifically consider them
- Documents and materials that are privileged and/or non-privileged
- All documents and materials prepared, reviewed, or received by agency personnel and used by or available to the decision-maker even though the final decision-maker did not review or know about the documents and materials
- Policies, guidelines, directives, and manuals
- Articles and books
- Information or data, results, survey information, engineering reports, or studies
- Decision documents
- Minutes of meetings and telephone records
- Communications the agency received from other agencies and from the public and any responses to those communications
- Documents and materials that contain information that supports or opposes the agency decision
- Generally, include all draft documents that were circulated for comment either outside the agency or outside the author’s immediate office if changes in these documents reflect significant input into the decision-making process.

Exclude the following:

- Documents and materials that were not in existence at the time of the agency decision.
- Internal “working” drafts of documents, whether or not they were superseded by a complete, edited version of the same document.

### 8.1.2 Comment Documentation and Management

After collecting all public comments, the input must be cataloged in an organized manner for ease of reference throughout the project. The way comments are catalogued may vary depending on potential duration of the project and projected quantity of comments. At a minimum, the following should be included:

- **Comment:** The comment either as a summary or transcription.
- **Date:** The date the comment was received is imperative in order to track development of the project and provide appropriate response times.
- **Name and contact information:** Many commenters choose to be anonymous, but where applicable, the name and contact information of those providing input should be documented.
- **Identification number:** This is generally used for larger projects that expect high volumes of comments and provides a consistent tracking method through the life of the project. Identification numbers may be a series of chronological numbers or dates may be incorporated as part of the number series.
- **Comment category:** This is optional, but can be advantageous as a way to sort comments into categories for analysis and retrieval purposes.

### 8.1.3 Comment Analysis

Comment analysis is an important task to characterize public input. The analysis determines whether a response is needed or not, how that response should be distributed, what new issues the comment raises, and how the comment should influence the public involvement process, project messages, and decision-making criteria. The analysis may identify gaps in what and how project information is being conveyed and/or identify key issues and/or trends. The ability of the team to recognize important issues early can help streamline project processes and increase the credibility of the public involvement process and overall project.

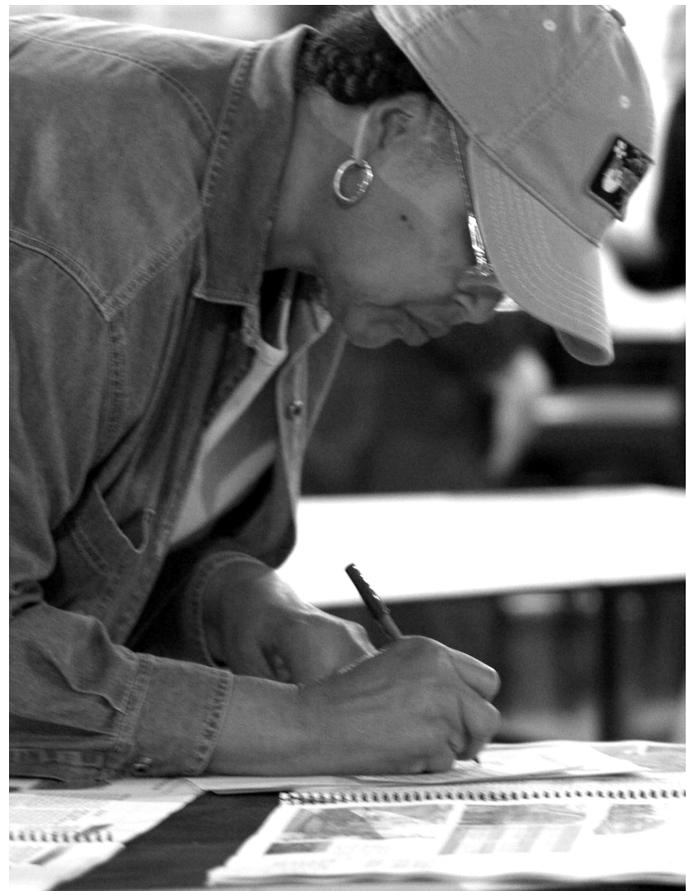
When large quantities of comments are generated, sorting them into categories is recommended. Basic categories may include the following:

- **General:** Comments related to the project that may not require a response or detailed response.
- **Procedural:** Comments related to the public involvement process or overall planning process.

- **Substantive:** Comments related specifically to the project and require either further analysis or a detailed response. Depending on the phase and type of project, these may include technical topics in subcategories such as noise concerns, right-of-way acquisition, or road closures.
- **Other:** Comments not directly related to the project but associated with other projects, NCDOT operations, or other topics that are beyond the scope and influence of the project and/or NCDOT.

Once comments are organized into categories, the materials can be efficiently analyzed and prioritized. Priorities may reflect areas where misunderstandings exist, where there are differences of opinion, and where strong opinions may generate valid or invalid controversy or may indicate comments that require an immediate response for project-specific reasons. Identifying priorities also allows the team to tailor upcoming outreach materials and their messages.

After all comments have been categorized and analyzed, it may be helpful to compile the results into a summary. The summaries provide important documentation of key issues over time.



### 8.1.4 Acknowledging and Responding to Comments

Comments should be acknowledged and/or responded to, as appropriate, as a way to show the public that their input has been viewed and considered and to facilitate future communication. Properly responding to comments often builds trust. Response to substantive comments may directly contribute to the decision-making process. Proper acknowledgement and responses should be directed to the person or group who submitted the comment and the comment and response should be shared with the appropriate NCDOT staff, key agency representatives, interested stakeholders, and the general public.

#### 8.1.4.1 Acknowledging Comments

Acknowledging comments is a way of letting the public know a comment was received. When acknowledgements are given or are required as part of the project, they should be completed in a uniform and prompt manner regardless of the nature or source of the comment. Suggested language for acknowledgement may be simple, such as “Thank you for your comment. Your comment will be added to the NCDOT Administrative Record.” For online comments, an automated email response should suffice. No specific promise about a response is necessary or appropriate. For comments received at public meetings or via postal mail, the sender’s address may not be available. If the address is known, a postcard or letter with the suggested language above may suffice.

#### 8.1.4.2 Direct Response to Comments

The level of detail associated with a direct response depends on various factors. Some key factors include the following:

- Importance of providing a complete response to the recipient
- Importance of answering a question or addressing an issue that may benefit a broad range of stakeholders and/or community members
- Relevance of the comment to decision-making considerations and criteria

Responses should be provided for comments that raise substantive issue or request additional information. NEPA and other project process requirements require consideration of substantive comments, especially those associated with potential environmental, social, and economic impacts and/or related mitigation. Responses should also be written in plain or non-technical language to the extent possible so that they can be understood by the general public.

One response to multiple comments with similar characteristics can be appropriate and helpful. Responding to comments individually can be time-consuming, but may be appropriate in some situations where clarity and responsiveness are critical. Individual responses may be sent directly to the person or entity who submitted a comment, but this is not always required or necessary. Individual responses to every public comment are not mandated by NCDOT, NEPA, or related regulations or guidance.

Verbal responses to a comment or a series of comments in a public meeting are possible and helpful, but may not be wise if the response is complex, requires careful consideration, or should be provided by a specialist who is not available. For example, responses to comments related to property impacts are best handled by an NCDOT specialist familiar with right-of-way issues and legal aspects of the Uniform Act (the Uniform Act establishes minimum standards for federally funded programs/projects that require acquisition of property or result in displacement).

#### 8.1.4.3 Demonstrating the Value and Influence of Public Input

The value of public input can be measured by its influence on the decision-making process and the outcome. When public input makes a valuable and/or influential contribution, this should be highlighted. One example is the suggestion of a new or modified alternative (different alignment or station location). Acknowledgement of this contribution is helpful, but not mandatory. One approach could be to update the public through correspondence or a website entry with a title such as “What NCDOT has heard so far,” or “How NCDOT has modified the project through public input.” Another approach could be through answers to FAQs. An appropriate acknowledgement characterizes the comment in terms of its importance, clarifies how it made a difference, and is broadly distributed.

### 8.1.5 Display of Comments and Distribution of Responses

The format of a group of responses to comments often involves summarizing comments rather than repeating them word for word. A comment summary often provides clarity and maintains the anonymity of the individual who made the comment. Summarizing comments should be done carefully to avoid changing the meaning of the original comment.

The display of public input helps to inform citizens that their comments are being recognized and helps to communicate broader trends occurring in reaction to the proposed project. These results can be distributed

through similar channels used during public involvement notification, including the project website, direct mail, email blasts, PSAs, web announcements, social media, or face-to-face meetings. It is common to circulate the display of comments after each major outreach event, or during one of three stages of the project: early in the project, at the midpoint, and near the final stages of planning.

Social media is a mechanism that makes comments highly visible to users of a particular platform such as Facebook or Twitter. This may be beneficial or it may create undesirable situations where inaccurate, irrelevant, and/or inappropriate content is distributed.

In instances when sharing comments with a public and/or stakeholder audience is not compulsory, a series of benefits and risks should be considered.

The benefits of sharing or displaying comments may include the following:

- Enhancing public awareness of a project
- Obtaining additional feedback to help continuously improve/incorporate changes to the procedural or substantive elements of the project

The risks of sharing or displaying comments may include the following:

- Potential for biases based on opposition that directs collective frustration to other areas of the planning process, such as a critique of public outreach
- Potential for biases in controversial projects that bring out more opposition groups than those who support the project

## 8.2 DOCUMENTING PUBLIC INVOLVEMENT ACTIVITIES

The documentation of public involvement activities during each phase of a project provides a detailed record for succeeding phases and becomes part of a project's Administrative Record. This continuity and recordkeeping is important because transportation projects often occur over a long period of time and personnel may change along the way. Accessibility to the record, both for the project team and public, is important to convey transparency and offers the public assurance that appropriate processes are being followed and that their input has been acknowledged and appropriately considered.

As outlined in chapter 5 the PIP is important to the success of outreach efforts for any transportation project and provides the methods of execution and documentation in reaching communities affected by the proposed project. PIPs are recommended for all projects that require public involvement and should include a section that specifies how comments will be documented, recorded, and addressed. It is best practice to include how public input will be synthesized in the form of a public involvement activities report.

## 8.3 PUBLIC INVOLVEMENT ACTIVITIES REPORT

The Public Involvement Activities Report differs from a PIP in that it regularly chronicles the results of public outreach efforts. This report may be part of regular project progress reports or be included in an overall public involvement process summary report. In NEPA documentation (e.g., EIS, EA, CE), these reports may help create the required public involvement discussions or be included in an appendix. While there is no formal policy for developing a Public Involvement Activities Report, it is recommended in the development of the STIP, MTP, and CTP and for larger transportation projects.

The report should be written in clear and common language and should compile and summarize all project activities and documents as they relate to public and stakeholder outreach efforts.



## Minimum Requirements for Public Involvement Activities Report

At a minimum, the following should be included in the report:

- Project information
  - Project history and demographics
  - Purpose and need
  - Study area written analysis and map
- PIP synopsis
  - Synopsis of PIP
  - Contact list and schedule as defined in the PIP
- Notification process
  - Formal notices
  - Contact list with details regarding individual(s) and method used to notify
  - Informational materials used including advertisements, brochures, direct mailers, email blasts, fact sheets, flyers/posters, or web announcements
- Public involvement activities
  - Dates and times of all public involvement activities
  - Types of meetings held (public meeting/hearing, community advisory meeting, etc.)
  - Types of activities held (presentation, open forum, workstations, etc.)
  - Samples of mailing lists, sign-in sheets, digital and print presentation materials (slide show presentations, boards, etc.), maps, handouts (fact sheets, comment forms, etc.), meeting minutes, and/or other relevant summaries as applicable
  - Quantitative and qualitative data collected including summary documentation such as news articles (digital and/or print) relevant to the project
  - Photo documentation, video, or live stream (e.g., Facebook Live), as applicable, of outreach events including meetings or hearings
- Results
  - Meeting notes
  - Public response to the project including overall perception such as gaps in understanding and/or general attitudes toward the project
  - Overview of how public comments have been addressed
  - Overview of public comment analysis in the form of a synthesis narrative



# Chapter 9

## MEASURES OF SUCCESS





EXIT

5

Pros	Cons
1) All 35 + 36, possible less impacts to community	1) Noise, traffic, environmental impacts
2) SSB less relocations	2) Impacts to cultural resources (school, church, etc)
3) Less interchange / road crossings	3) Negative economic impacts
	4) May not plan for future growth
	5) Impacts to prime farm land
	6) Potential access issues
	7) " " "
	8) " " "



# 9 Measures of Success

Legal and procedural public involvement requirements focus on performing specific tasks that align with involving community members in collaborative decision-making efforts. Details about what it takes to be effective and what constitutes adequate performance are not often provided in requirements or guidance material because measures of effectiveness should be project-specific rather than generic, and should not be associated with a formula or standard. However, measuring success is important.

## Why it is Important to Measure Success

- To validate and verify whether certain levels of effort and expenditures are effective and provide a reasonable benefit relative to the associated investments
- To learn from and improve techniques over time
- To demonstrate credibility and show value when and where it occurs

Public involvement success measures are established, monitored, and reported because they reflect the difference between simple procedural compliance and actual compliance with the intent of the law, regulations, guidance, and standard protocol. This difference is critical

for agencies seeking to establish the credibility of their efforts and is required to sustain community engagement. As a project proceeds, adjustments may be needed due to a lack of community interest or a higher than expected level of community interest.

Performance measures are now a familiar concept to state DOTs and MPOs, particularly since the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires MPOs to measure the performance of their transportation systems. An ongoing Transportation Research Board National Cooperative Highway Research Program (NCHRP) study called “Measuring the Effectiveness of Public Involvement in Transportation” (08-105) will add emphasis to this new direction.

This study provides transportation agencies with evidence-based guidance on how to measure the effectiveness of a public involvement campaign or program related to transportation planning and all phases of project delivery. The guidance will address how to develop public involvement performance measures, establish performance targets, and assess the effectiveness and/or success of a public involvement effort. Updated transportation legislation and emerging guidance, and the results of ongoing and future research, will be monitored and corresponding adjustments will be made to this chapter where appropriate.

This chapter explores a variety of measures and considerations to monitor and evaluate public involvement. The approach can be selected at the beginning of a public involvement process and adjusted as a project proceeds.

### The Ultimate Outcome of Public Involvement is Better Public Decisions

The process of evaluating measures of success should be focused on the overall intended outcome as a result of public engagement. That outcome is to develop better public decisions. All public involvement programs should keep this consideration at the forefront of the planning and delivery process.

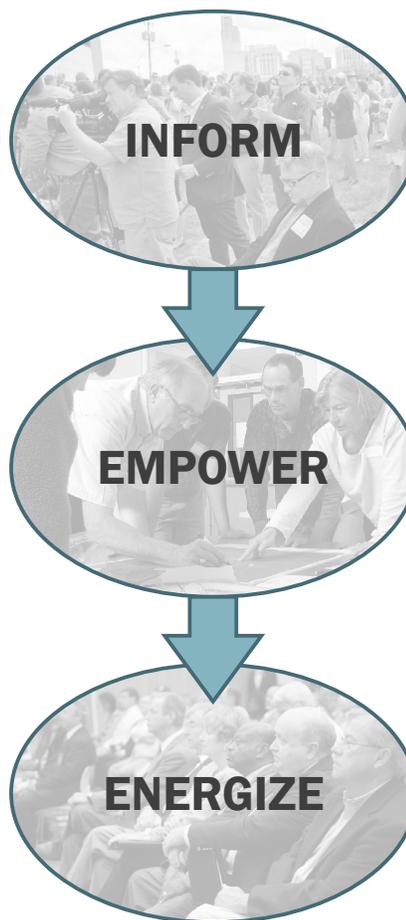
## 9.1 FUNDAMENTALS OF PUBLIC INVOLVEMENT PROCESS

As a first step, it is important to determine whether a team is measuring the success of the public involvement program or the success of the project. These may be different things and people may have varying interpretations about what constitutes success. For example, if a robust public involvement program stops a project, would that be considered a success or not? This chapter focuses on success as a measure of compliance with requirements and the intent of those requirements. Figure 9-1 illustrates some fundamental requirements of public involvement success.

Figure 9-1: Fundamentals of Public Involvement Success

### **FUNDAMENTALS**

- Collaborative, inclusive, transparent
- Proactive + responsive (Listen)
- Clarify key “areas of influence”
- Identify involvement goals
- Measure involvement effectiveness
- Adjust to achieve involvement goals
- Demonstrate influence



### 9.1.1 Qualitative and Quantitative Indicators of Public Involvement Success

There is no fixed formula for public involvement success, but it is clear when it does or does not occur. Indicators for success begin with meeting legal and procedural requirements, but real success goes beyond basic compliance and a lack of litigation over the public process. It includes a reasonable level of community engagement, a demonstrated ability to have listened to public input, and some level of positive influence exerted on the process that would otherwise not have occurred and made for a better decision or decisions.

Indicators of success can be qualitative or quantitative.

Qualitative indicators for public involvement success address general themes such as the following:

- Trust
- Influence
- Understanding
- Respect
- Flexibility
- Satisfaction

These indicators and others can be framed by questions that may be answered with metrics such as high, medium, and low, or strongly agree strongly disagree.

#### What Would it Look like to be Unsuccessful?

An unsuccessful public involvement effort would:

- Provide highly limited opportunities for participation resulting in lack of trust
- Only provide for a one-way flow of information
- Lack independent facilitation; fail to change when modifications are needed
- Continuously delay progress toward a decision
- Require an inappropriate amount of resources to implement
- Generate negative reactions about the opportunity to participate
- Leave the team and decision makers with a problematic path toward consensus and decision making

Quantitative indicators are briefly discussed in the following paragraphs and details are provided in section 9.2.

### 9.1.2 Public Involvement Performance Goals and Objectives

Goals and objectives are often used to set attainable (or unattainable) performance targets to inspire achievements that are important and require dedicated effort to reach. Public involvement goals and objectives for each project should be customized and agreed upon before a project begins. The goals and objectives do not need to be excessive or all-inclusive, but they should be reasonably aligned with a project's implications and the anticipated interest of community members, stakeholders, and public agencies. The following discussions elaborate on specific measures and related considerations.

### 9.1.3 Selecting the Right Measures of Success

Success measures can address factors such as the following:

- Overall number of participants
- Demographic characteristics of the study area or corridor
- Balance of viewpoints provided by actual participants
- Level of awareness and understanding of the participants and corresponding dialogue
- Project team's responsiveness to public input
- Adequacy of the team's approach relative to the project's needs and community's desire to be involved

Some measures of effectiveness are easy to obtain such as the number of people included in the project's master contact list. Other measures are more difficult to quantify or assess in a qualitative manner. One example of this is the public understanding based on survey or other public input results. The ability of a team to reliably monitor a specific measure is an important consideration before a measure is selected to gauge success.

Section 9.2 provides a more involved discussion of these measures and others.

### 9.1.4 Comparing Measures and Interactions

Various measures and interactions are not equivalent, so they are difficult to compare. Attendance at a four-hour project charrette is not equivalent to one website hit, so each measure should be a separate indicator of the quality and quantity of public interaction. Each can play a role in assessing the adequacy of a specific public involvement technique or help characterize the overall ability of the program to comply with the intent of public involvement requirements. This implies that an evaluator should consider the relative weight or importance of one measure over another, but this will inevitably introduce bias and debate. Consequently, each measure should stand alone because each is different, and an overview of the selected measures should be used to provide a reasonable assessment of overall public effectiveness.

A table of monthly goals and objectives can be compared with actual results to assess how well the process is going and which strategies, tactics, and tools are working well, and which ones may need to be adjusted. This reporting can be included in project progress reports. Additional details about this topic are provided in section 9.3 and in chapter 5.

## 9.2 MEASURES FOR EVALUATING PUBLIC INVOLVEMENT

Every project should consider customized measures for evaluating the effectiveness of the public involvement effort. These should be simple and straightforward for basic projects and more involved as project complexity and importance to the community increases.

The following discussion provides questions and considerations for developing customized measures and provides some examples for a hypothetical project. Measures derived from answering these questions and applying these considerations should fit the needs of a particular project. In some situations, one or more of these measures may be unnecessary and/or other measures should be added. For each project, measures that provide a reasonable basis for assessing public involvement effectiveness should be developed and monitored.

### 9.2.1 Number of Participants

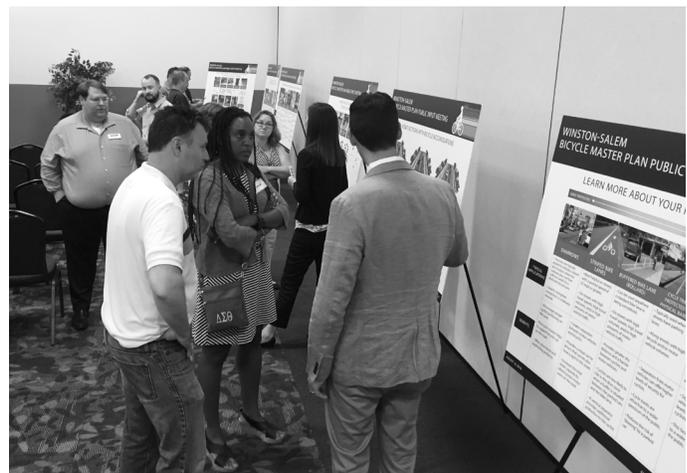
The number of participants is one measure of overall involvement/interaction. The following topics provide guidance for considering measures involving the number of participants in a public involvement effort. Participants may be individuals or stakeholders (special interest groups or public agencies). Chapter 4 provides details about identifying project stakeholders.

### 9.2.1.1 Scale of Project Outreach Efforts

This topic sets the stage for the basic scale of a project's outreach effort and includes populations within and near the geographic boundaries of direct or indirect project effects (also called beneficial or adverse effects from the proposed project). For a corridor project in an urban area or a project at the center of a small town, population statistics are readily available and are an indicator for setting a reasonable level of public involvement. There are no fixed rules or formulas that can be used to derive reasonable participant statistics, but projects impacting large numbers of people should have relatively high levels of participation.

### 9.2.1.2 Scope of Public Interest

This topic refines the scope of public interest and helps to define general public interest, specific stakeholders with interests, and public agencies with resource management and/or decision-making interests. This also includes neighborhood, community-wide, regional, statewide, or interstate issues that generate interest and/or participation beyond the public interest within a project's geographic boundary. If the project's issues are relatively narrow and there are only a few potentially interested parties, the measures of effectiveness and corresponding performance indicators should reflect a limited and focused level of public interest. If the project's issues are broad, careful consideration should be given to the measures and target levels of performance.



### 9.2.1.3 Level of Interest in Project

This topic expands on the previous section by exploring the level of interest in a particular project. Project-specific interests may include potential project effects and/or the potential for project interest and/or controversy. Some large projects may be highly controversial, while other large projects may have strong and consistent community support. Some communities may have a history of high levels of public engagement and/or controversy, while others have no signs of interest in community development.

issues or collaborative decision making. Each project should consider reasonable expectations for public interest and participation based on past involvement levels when selecting measures of effectiveness and quantities. However, limited engagement in the past may not be an appropriate indicator for what is at stake with a new project.

**9.2.1.4 Counting Participants**

The actual number of individual participants should be counted, while avoiding double counting. The number of individual entries (names) in a project’s master contact list is one simple method for counting participants. This works for counting individuals and can be used to count groups. Two measures may be appropriate to distinguish individuals from groups and include meeting attendees or online counts.

The total number of meeting attendees is another measure. This count should be obtained with a sign-in

sheet. Meeting attendance should be counted separately and stand alone as a performance measure. Double counting people who attend all of the meetings can be avoided by tracking involvement in the project’s master contact list.

Website hits, social media followers, video view counts, and other participant measures can also provide rough estimates for participation, but may not be precise. Despite their potential inaccuracy, they do provide a measure of public interaction and various tools can be used to refine the data associated with these measures.

**9.2.1.5 Engagement Measures**

Reasonable engagement measures involving the number of participants can be determined in a variety of ways. Table 9-1 presents a set of participant measures for a hypothetical corridor project and includes the framework and example data for planned and actual performance.

**Table 9-1: Number of Participants for a Hypothetical Project**

<b>Public Involvement Measures of Effectiveness: Insert Date Here</b>						
<b>Number of Participants (Individual Persons)</b>	<b>June Plan</b>	<b>June Actual</b>	<b>July Plan</b>	<b>July Actual</b>	<b>Planned Total</b>	<b>Actual Total</b>
Individuals in Project's Master Contact List	450	510	550	TBD	<b>1000</b>	TBD
Stakeholder Groups in Project's Master Contact List	15	20	20	TBD	<b>35</b>	TBD
Agencies in Project's Master Contact List	6	6	6	TBD	<b>12</b>	TBD
Public Workshop Attendees	50	65	0	TBD	<b>50</b>	TBD
Small Group Stakeholder Meeting Attendees	0	0	40	TBD	<b>40</b>	TBD
Public Comments: Online (Website/Email)	20	35	35	TBD	<b>55</b>	TBD
Public Comments: Hard Copy Comment Cards	40	35	10	TBD	<b>50</b>	TBD
Survey Participants - Online	30	25	25	TBD	<b>55</b>	TBD
Survey Participants - Other	35	40	0	TBD	<b>35</b>	TBD
Hotline Calls	20	4	10	TBD	<b>30</b>	TBD
Website Visits	300	450	300	TBD	<b>600</b>	TBD
Facebook Followers	50	60	65	TBD	<b>115</b>	TBD
Twitter Followers	50	35	40	TBD	<b>90</b>	TBD
YouTube Views - Video #1	0	0	250	TBD	<b>250</b>	TBD
<b>TOTAL (Individual Persons)</b>	<b>1066</b>	<b>1285</b>	<b>1351</b>	TBD	<b>2417</b>	TBD
<b>Meeting Dates</b>						
Website Live: May 15, 20XX						
Public Meeting: June 25, 20XX						
Video #1 Live: July 1, 20XX						
Small Group Meetings: July 14 - 18, 20XX						



### 9.2.2 Geographic Distribution of Participants

The previous discussion addressed the number of participants as a measure of effectiveness. The measure is critical, but it may not reflect “balanced” involvement. For a corridor project, participation levels may be high, but can reflect high levels of involvement in one portion of an overall corridor or reflect a bias with respect to urban versus rural input needs. This is a challenging aspect of public involvement because geographic balance and other aspects of “balancing” public input introduce intended or unintended bias, and because obtaining related data can be difficult.

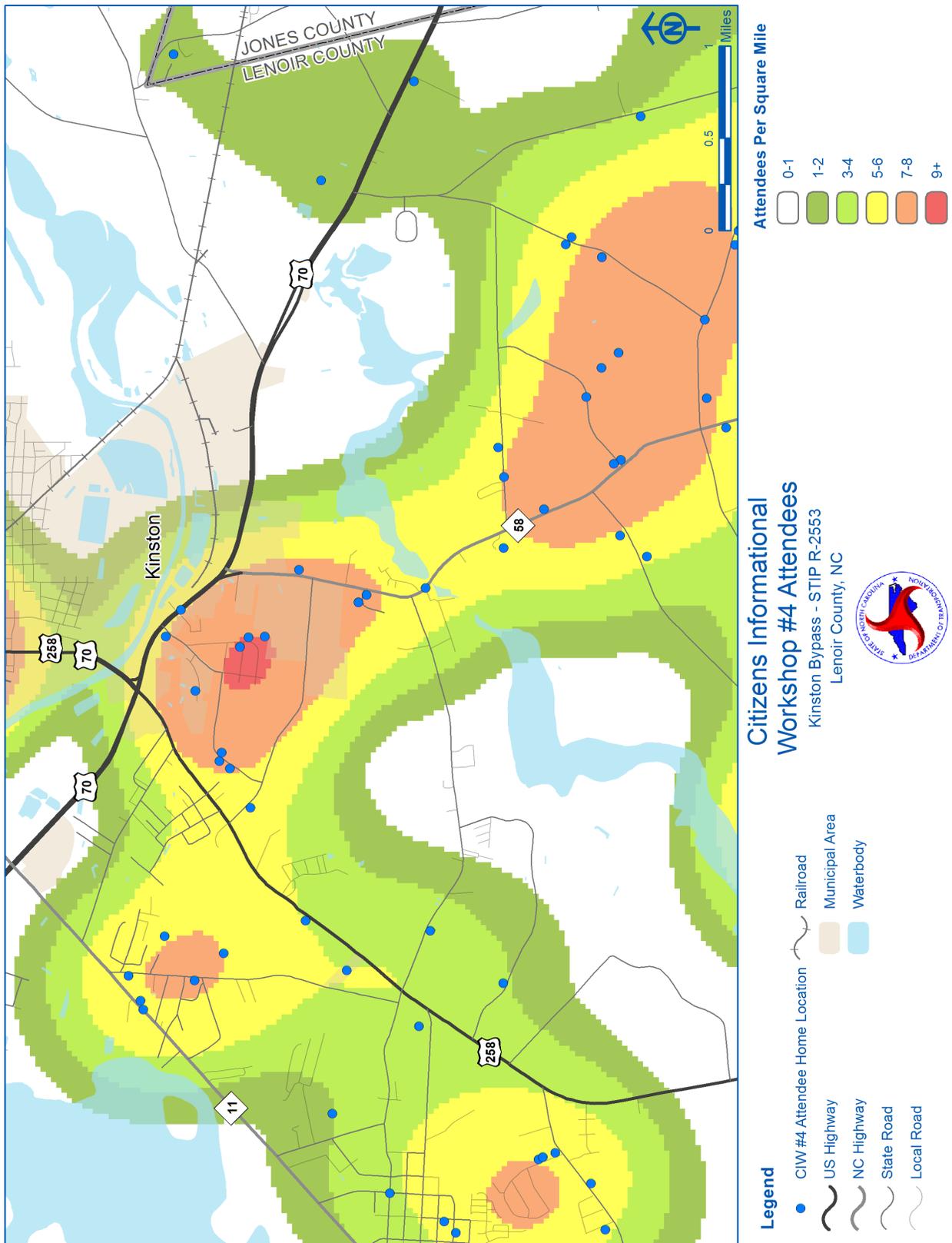
Various tools and techniques can be applied to obtain spatial data for participants, but this data should reflect home, work, school, and other factors to fully characterize a participant’s geographic interests and influence. Holding public meetings in more than one location is a common solution, but this may not be effective when substantial controversy exists because active groups may travel to wherever a meeting is held. Consequently, this is an important factor and measure of effectiveness, but it may not be precise. The questions for practitioners attempting to address this issue are outlined below.

Given the general geographic boundaries of direct and indirect project effects (beneficial and adverse) and the location where those effects are anticipated, the following questions apply:

- Are there anticipated differences in the spatial distribution of participants that should be considered when evaluating the balance of public input and participation?
- Are there specific issues in one or more sub-areas that need to be addressed separately and require participation by a particular set of participants?
- What levels of interest are anticipated and needed from specific sub-areas?
- What is the best way to divide the project area or corridor to ensure “balanced” involvement?

If this measure is not relevant for a particular project, it should not be included. If it is relevant, Table 9-2 provides some potential measures of effectiveness to consider. This information can also be mapped (see Figure 9-2).

Figure 9-2: Geographic Distribution of Participants for an Actual Project



**Table 9-2: Geographic Distribution of Participants for a Hypothetical Project**

Public Involvement Measures of Effectiveness: Insert Date Here					
Geographic Distribution of Participants: Project Zones 1-4	June Plan	June Actual	July Plan	July Actual	Total
Addresses of individuals in project's master contact list: Zone 1					
Addresses of individuals in project's master contact list: Zone 2					
Addresses of individuals in project's master contact list: Zone 3					
Addresses of individuals in project's master contact list: Zone 4					
Public meeting attendees at meetings in Zone 1					
Public meeting attendees at meetings in Zone 2					
Public meeting attendees at meetings in Zone 3					
Public meeting attendees at meetings in Zone 4					
Comments and surveys from individuals in Zone 1					
Comments and surveys from individuals in Zone 2					
Comments and surveys from individuals in Zone 3					
Comments and surveys from individuals in Zone 4					
Self-identified website input on mapping tool for Zone 1					
Self-identified website input on mapping tool for Zone 2					
Self-identified website input on mapping tool for Zone 3					
Self-identified website input on mapping tool for Zone 4					
<b>Total for Zone 1 (Individual Persons)</b>					
<b>Total for Zone 2 (Individual Persons)</b>					
<b>Total for Zone 3 (Individual Persons)</b>					
<b>Total for Zone 4 (Individual Persons)</b>					

### 9.2.3 Demographic Diversity of Participants

Demographic diversity of participants is a measure of Title VI and EJ compliance. As described in chapters 4 and 10, a project's public involvement program should address the demographic diversity of the participants and make special efforts to appropriately involve people who are traditionally underrepresented in public collaborative, decision-making processes.

The questions for practitioners attempting to address this issue and define appropriate measures of success are as follows:

- Are there substantive demographic differences within the defined project area?
- Are there concentrations of specific demographic groups?
- What specialized or unique topics and levels of interest are anticipated from the identified demographic groups?

- What special efforts can be made to engage traditionally underrepresented demographic groups?

Once these groups are described and understood, measures of effectiveness can be customized for an individual project.

Refer to chapters 4 and 10 for discussions that address identifying stakeholders and using tools such as the U.S. Census to evaluate project demographic conditions. Refer to Table 9-3 for related measures of effectiveness.

#### Key Question

What would it look like if this project appropriately reached out to specific demographic groups and obtained an appropriate level of involvement from them?

**Table 9-3: Demographic Diversity of Participants for a Hypothetical Project**

<b>Public Involvement Measures of Effectiveness: Insert Date Here</b>					
<b>Demographic Diversity of Participants: Project Zone 2</b>	<b>June Plan</b>	<b>June Actual</b>	<b>July Plan</b>	<b>July Actual</b>	<b>Total</b>
Attendees at senior housing complex meeting in Zone 2					
Attendees at minority community's meeting in Zone 2					
Non-English speaking participants who talked with project team translators					

**9.2.4 Level of Participant Awareness**

This measure of success evaluates the value and influence of public input through an assessment of the quality of the public comments generated and the quality of the communications produced by the project team.

This measure requires the team to evaluate whether public input is meaningful and helpful to the team as it moves through specific parts of the process or whether the input has limited value. This implies that the team should determine where the public can be influential prior to seeking input and should provide some guidance on what sort of input is helpful on most projects and more specifically on the actual project where involvement is being sought. This approach considers the “blank slate” and “tell all” strategies, finding the right balance for a particular project.

A key element of this effort is making sure that the project communications are clear and that adjustments are made if those communications are not effective when it comes to the nature of the feedback obtained from participants.

Efforts to track shifts in public perspective and understanding after new information is provided is a valuable method for determining the effectiveness of project communications. Noticeable changes in comments, survey results, and attitudes may result from a piece of direct mail, a news story, effective education and outreach campaigns, and one-on-one interactions between the public and project staff.

Social media dialogue can be evaluated to measure levels of public understanding and awareness, but is frequently polarizing and more negative than overall public opinion. However, monitoring this dialogue may have benefits when it comes to developing new project messages and obtaining useful input.

Refer to Table 9-4 for related level of awareness measures of success.

**Key Question**

Does public input reflect that the participants are adequately informed?

**The Blank Slate Strategy**

Many public involvement efforts begin with a “blank slate” approach where any and all input is welcome. An open process is appropriate, but it is often insufficient when it comes to generating valuable and influential input, primarily because no guidance is provided. The result can be vague and general input that is of little use and is ultimately disappointing for the project team and the participants. A blank slate strategy may be appropriate if engagement begins early enough in a program or project development process. In this situation, information and guidance is needed that will inform the public and direct their involvement and input.

**The Tell All Strategy**

Many public involvement efforts begin with a “tell all” approach where a full characterization of all of the issues, alternative(s), and considerations is fully developed and ready to go. A fully developed set of ideas is important, but has the potential consequence of making the process and decision making seem predetermined where the request for public input is simply procedural.

**Table 9-4: Levels of Awareness of Participants for a Hypothetical Project**

<b>Public Involvement Measures of Effectiveness: Insert Date Here</b>					
<b>Level of Awareness</b>	<b>June Plan</b>	<b>June Actual</b>	<b>July Plan</b>	<b>July Actual</b>	<b>Total</b>
Valuable and influential comments obtained as a result of specific public involvement activities					
Clarifying communications generated by the team (all types: breakdown, as needed)					
Media stories covering the project are accurate, focused on the right issues, and have positive effects on project understanding					

**9.2.5 Level of Responsiveness**

The level of responsiveness measures of success are about accountability and fulfilling the intentions of public involvement requirements. This measure should reflect how well the project team responded to inquiries with answers to questions, modified considerations and criteria being applied by the team, or modified results or project outcomes. These factors can be tracked and the influence of public input shared with participants.

The effort to evaluate this begins with defining the project’s response to comments policy. In some situations, but not all, every comment requires a response. However, a more common scenario involves the policy that every comment that deserves a response should get a response. For obvious reasons, this policy requires some clarity at the outset of a project and may need to be modified along the

way depending on project conditions and circumstances. If a project is without a response to comments policy, addressing this measure of success is not feasible.

A response to comments policy should provide a framework that is clear to team members and the public and include statements about the completeness, availability, and timeliness of responses. The use of documents that answer FAQs is one approach, but this technique does not always address important but infrequently asked questions.

One obvious measure of success is a lack of demonstrated public concern about a team’s responsiveness. Table 9-5 provides some possible level of responsiveness measures of success.

**Table 9-5: Level of Responsiveness for a Hypothetical Project**

<b>Public Involvement Measures of Effectiveness: Insert Date Here</b>					
<b>Level of Responsiveness (Individual Persons)</b>	<b>June Plan</b>	<b>June Actual</b>	<b>July Plan</b>	<b>July Actual</b>	<b>Total</b>
Specific responses provided via FAQ					
Specific responses provided via question and answer sessions at meetings					
Specific responses provided via other project communications: fact sheets, newsletters, videos, press releases, other					
Comments reflecting a lack of specific responses or untimely responses					
Modified considerations based on public comments					
Modified results/outcomes based on public comments					

### 9.2.6 Appropriate Scope of Work, Schedule, and Budget

Public involvement success requires compliance with applicable requirements and the intent of those requirements, but it also requires responsibility with respect to customizing the scope, schedule, and budget of a particular effort. If more is always better when it comes to measures of success, there would be no limit on what should be done. In every project, the team must assess the role of the public in the process and understand or share what their role is expected to be on that project. This context-building effort is needed to justify what is proposed and to know what is expected. Clear understandings of this nature will build immediate and long-term credibility as long as they are respectful of the public interest. In some instances, the public interest is expediency and cost effectiveness. In other instances, the public interest requires extensive and expensive deliberation and thoughtful dialogue. The tendency to provide too much public involvement or not enough public involvement is common. The need to customize carefully cannot be over-emphasized.

Key questions for practitioners include the following:

- Has the team defined the scope of work and addressed the issues and public interests for the project in a manner that appropriately anticipated public concerns, input and estimated the time it would take to meaningfully engage the public?
- If necessary, has the project scope, schedule, and budget been modified during the project to respond to unanticipated, substantive issues raised during the public involvement process? Or has it been reduced to reflect an appropriate reduction in anticipated interest?
- Has the project team responded to public controversy in a manner that addressed public concerns and interests without scope increases, schedule delays, and/or budget increases?

Table 9-6 provides some possible scope, schedule, and budget measures of success.

**Table 9-6: Scope, Schedule, and Budget for a Hypothetical Project**

Public Involvement Measures of Effectiveness: Insert Date Here					
Scope, Schedule, Budget	June Plan	June Actual	July Plan	July Actual	Total
Scope modifications (more effort/additional techniques or less effort/fewer techniques) to adjust to actual participation levels					
Schedule modifications (more time or less time) to address public input and associated requirements					
Budget modifications (more or less) to address the ability of the team to adequately manage public involvement					

### 9.3 SETTING PERFORMANCE GOALS AND OBJECTIVES, MONITORING PERFORMANCE, AND MAKING ADJUSTMENTS

As described in section 9.1.1 and shown in Table 9-1, quantified performance goals and objectives for measures of success can be set during the project planning phase and can be monitored relative to actual performance. While this is a new consideration and task for many practitioners, it is understood to be an initial estimate and should be limited to the measures selected for an individual project after careful consideration and approval of the project’s scope of work.

All estimates are subject to adjustment, but provide an initial and important benchmark for team members. The

monitor and adjust cycle drives the process of assessing the adequacy of the public involvement program and can be used in routine project progress reporting efforts. As clarified in section 9.1, performance goals and objectives must be quantifiable or assessable in some qualitative manner.

#### 9.3.1 Monitoring and Reporting Levels of Interaction

Monitoring should be a relatively easy task for measures of success. Measures of success with challenging data requirements should be avoided. Reporting formats

should also be simplified. Table 9-1 presents a relatively simple spreadsheet reporting framework. The data in this spreadsheet framework can be graphed to present a comparison between planned performance and actual performance.

### 9.3.2 Evaluating Planned versus Actual Performance

The task of evaluating planned versus actual performance is intended to optimize overall performance not rate a team's ability to predict public involvement or deliver precisely in a manner that meets expectations. Evaluating actual performance versus planned performance should allow the team to assess the adequacy of their estimates and determine whether modifications are needed to meet project goals and objectives.

### 9.3.3 Adjusting for Scope and Schedule Changes

Scope and schedule changes often occur to address administrative, technical, and/or procedural project requirements that develop during the course of a project. This is another reason to allow flexibility with the measures of success and reset performance targets as a project proceeds. It is tempting to avoid this but without doing so, compliance with the intent of public involvement requirements and achieving the benefits of a successful effort are difficult to evaluate. Performance targets should also be updated when project conditions require modifying the public involvement scope of work and/or schedule. These changes should be kept as simple as possible, but they may need to include new measures of success or removal of existing measures of success.

### 9.3.4 Coordinating Adjustments to Measures of Success

Internal and external coordination may be appropriate before measures of success are modified. This could be as simple as making proposed changes available for review or formalizing the process. An informal process is recommended in most situations. A formal process may be appropriate where substantial public controversy necessitates careful consideration of new tools and techniques or when new issues and constituencies add new dimensions to a project.

### 9.3.5 Modifying the Public Involvement Plan

Modifying the PIP can involve major and/or minor changes. Examples of minor changes include expanding the mailing list to add key individuals, stakeholders, and agency representatives; adding new outreach strategies; or modifying the schedule of activities. Examples of major changes could include addressing a modified project description that changes potential effects or the project's impact boundaries, or adding new approaches to address emerging controversy. The ultimate goal of the modification effort is the delivery of an optimized public involvement program, not having a perfect PIP. Efforts to modify the PIP should be simplified as much as possible so that the focus is on public engagement rather than editing.

### 9.3.6 Evaluating Measures of Success to Obtain Better Decisions

Evaluating measures of success should be focused on the overall outcome intended to occur as a result of public engagement. That goal is to develop better public decisions. All public involvement programs should keep this consideration at the forefront of the planning and delivery process.

### 9.3.7 Evolving and Emerging Best Management Practices

Research on what constitutes public involvement success has been performed for many years, but specific and generally accepted guidance is rarely adopted and applied. One helpful research study is *Measuring the Success of Public Involvement* by David Sale, Susan Safford, and Sandra Davis (2006).

#### Useful Link: Measure of Public Involvement

<http://www.ecoresourcegroup.com/pdf/Measuring%20the%20Success%20of%20Public%20Involvement%20IAP2%20PQ%2010-07.pdf>

The IAP2 and the TRB are two among many organizations that provide additional research on related topics.

The ongoing TRB NCHRP research mentioned at the beginning of this chapter is expected to provide new information and considerations involving measures of effectiveness. Updated transportation legislation and emerging guidance, and the results of ongoing and future research, will be monitored and corresponding adjustments will be made to this chapter where appropriate.

# Chapter 10

## FEDERAL AND STATE STATUTES, REGULATIONS, AND EXECUTIVE ORDERS





10

# Federal and State Statutes, Regulations, and Executive Orders

Public involvement is essential to inclusive planning practices and over time has increasingly been protected and required by federal and state oversight. These laws help provide guidance for when and how to include public involvement in planning processes and to ensure nondiscriminatory practices of those involved. This chapter provides an overview of federal and state laws, regulations, and procedural requirements as they pertain to public involvement requirements for transportation projects. Each citation should be reviewed and analyzed to obtain a complete understanding of applicable requirements.

The following federal and state statutes, regulations, and executive orders are summarized in Table 10-1 to characterize the range and extent of public involvement obligations associated with transportation projects:

- Federal and state statutes
  - Federal non-discriminatory and environmental statutes
    - Title VI of the Civil Rights Act of 1964
    - National Historic Preservation Act of 1966
    - NEPA of 1970
    - Clean Air Act of 1970
    - Clean Water Act of 1972
    - Age Discrimination Act of 1975
    - Americans with Disabilities Act (ADA) of 1990
  - Federal transportation statutes
    - Intermodal Surface Transportation Efficiency Act of 1991
    - Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005
    - Moving Ahead for Progress in the 21st Century Act (MAP-21)
    - Fixing America’s Surface Transportation (FAST) of 2015
  - North Carolina state statutes
    - North Carolina SEPA of 1971
    - North Carolina Agricultural Development and Farmland Preservation Enabling Act of 1985
    - North Carolina NEPA/404 Merger Process of 1997
    - 19A NCAC 02F.0102 of 2002
- Federal regulations
  - Title 23, United States Code (U.S.C.)
  - Title 23 - Highways, Code of Federal Regulations (CFR)
  - Title 40 – Protection of Environment, Code of Federal Regulations (CFR)
- Federal executive orders
  - Executive Order 12898 – Environmental Justice (1994)
  - Executive Order 13166 – Limited English Proficiency (2000)

**Table 10-1: Federal and State Statutes, Regulations, and Executive Orders**

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes</b>	
<b>Federal Non-discriminatory and Environmental Statutes</b>	
<p><b>Title VI of the Civil Rights Act of 1964</b></p> <p>(42 U.S.C. §2000d et seq.)</p> <p>Enacted as part of the national Civil Rights Act of 1964. Prohibits the exclusion from participation in, denial of the benefits of, or discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.</p>	<p>The statute guarantees that monetary and nonmonetary forms of federal remuneration are not to be used to support racial discrimination, indirectly or directly. This includes grants and loans of federal funds; grant or donation of federal property and interests in property; detail of federal personnel; sale and lease of federal property; and any federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.</p> <p>U.S. Department of Justice: <a href="https://www.justice.gov/crt/fcs/TitleVI-Overview">https://www.justice.gov/crt/fcs/TitleVI-Overview</a></p> <p>U.S. Department of Justice, Title VI Legal Manual: <a href="https://www.justice.gov/crt/fcs/Title-6-Manual">https://www.justice.gov/crt/fcs/Title-6-Manual</a></p> <p>NCDOT Title VI Administration: <a href="https://connect.ncdot.gov/business/SmallBusiness/Pages/Title%20VI%20Administration.aspx">https://connect.ncdot.gov/business/SmallBusiness/Pages/Title%20VI%20Administration.aspx</a></p>
<p><b>Age Discrimination Act of 1975</b></p> <p>(42 U.S.C. §6101-6107 et seq.)</p> <p>Prohibits the exclusion from participation in, denial of the benefits of, or discrimination on the basis of age in programs and activities receiving federal financial assistance. Modeled on the regulations issued under Title VI of the Civil Rights Act, the Act was introduced as part of the amendments to the Older Americans Act of 1965 and by 1975 had expanded to apply to people of all ages.</p>	<p>Guarantees that recipients of federal-aid funding will be ensured nondiscrimination in and improved access to all federal programs and activities despite age of recipient.</p> <p>U.S. Department of Labor: <a href="http://www.dol.gov/oasam/regs/statutes/age_act.htm">http://www.dol.gov/oasam/regs/statutes/age_act.htm</a></p> <p>NCDOT: <a href="https://www.ncdot.gov/about-us/board-offices/offices/civil-rights/Pages/equal-opportunity.aspx">https://www.ncdot.gov/about-us/board-offices/offices/civil-rights/Pages/equal-opportunity.aspx</a></p>
<p><b>Americans with Disabilities Act (ADA) of 1990</b></p> <p>(42 U.S.C. §12101 et seq.)</p> <p>Prohibits the exclusion from participation in, denial of the benefits of, or discrimination against individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. ADA, the “equal opportunity” law, defines a disability as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.</p>	<p>Guarantees that recipients of federal-aid funding will be ensured nondiscrimination in and improved access to all federal programs and activities despite disability of recipient.</p> <p>U.S. Department of Labor: <a href="http://www.dol.gov/general/topic/disability/ada">http://www.dol.gov/general/topic/disability/ada</a></p> <p>U.S. Department of Education: <a href="http://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html">http://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html</a></p> <p>U.S. Department of Justice, Civil Rights Division: <a href="http://www.ada.gov/ada_intro.htm">http://www.ada.gov/ada_intro.htm</a></p> <p>NCDOT ADA site: <a href="https://www.ncdot.gov/initiatives-policies/access-for-all/accessibility-program/Pages/default.aspx">https://www.ncdot.gov/initiatives-policies/access-for-all/accessibility-program/Pages/default.aspx</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes (continued)</b>	
<b>Federal Non-discriminatory and Environmental Statutes (continued)</b>	
<p><b>National Environmental Policy Act (NEPA) of 1970</b></p> <p>(42 U.S.C. §4321 et seq.)</p> <p>Ensures that all branches of government give proper consideration to the environment prior to undertaking major federal action that would have significant affects to the environment. The range of actions covered by NEPA includes making decisions on permit applications, adopting federal land management actions, and constructing highways and other publicly-owned facilities. Compliance with NEPA is on a sector-by-sector basis and includes agriculture, automotive, construction, electric utilities, oil and gas, and transportation. The environmental review under NEPA can involve three different levels of analysis and include CE determination, EA/FONSI, or an EIS.</p>	<p>Major responsibilities of agencies complying with the environmental review under NEPA are required to identify and invite the participation of interested persons. This involvement should take place prior to implementation of NEPA's policies and the making of final decisions. FHWA and FTA require that a state has public involvement/public hearing program procedures approved as a part of project efforts.</p> <p>Citizen's Guide to NEPA: <a href="https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf">https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf</a></p> <p>NCDOT: <a href="https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx">https://connect.ncdot.gov/resources/Environmental/Pages/default.aspx</a></p>
<p><b>National Historic Preservation Act of 1966, Section 106</b></p> <p>(54 U.S.C. §300101 et seq.)</p> <p>Section 106 provides an opportunity for the public to examine the results of efforts to identify historic properties, evaluate their significance, and assess a project's affects upon them.</p>	<p>Section 106 applies if NEPA applies. Section 106 public involvement requirements are usually accomplished as part of the NEPA process. Documentation made available to the public should include a note that there are no historic properties present or there are historic properties present, but the project will have no effect on them. When adverse effects are found, information must also be made available to the public about the project, its effects on historic properties and alternatives to resolve the adverse effects, and the public must be provided an opportunity to express their views on resolving adverse effects.</p> <p>FHWA: <a href="http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=62">http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=62</a></p> <p>National Historic Preservation Act: <a href="https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm">https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes (continued)</b>	
<b>Federal Non-discriminatory and Environmental Statutes (continued)</b>	
<p><b>Clean Air Act of 1970</b></p> <p>(42 U.S.C. §7401 et seq.)</p> <p>The Clean Air Act is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes the United States Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards to protect public health and public welfare and to regulate emissions of hazardous air pollutants.</p>	<p>The Clean Air Act requires that, in areas experiencing air quality problems, transportation planning be consistent with air quality goals. This is determined through the transportation conformity process. Guidelines for determining conformity of federal actions to state or federal implementation plans are included in 40 CFR 93, Subpart A and require a public involvement process be implemented. This requirement can be satisfied through the MPOs' public involvement procedures developed in accordance with 23 CFR 450.316. To receive federal approval for implementation, a proposed action must be included in a conforming MTP and STIP.</p> <p>EPA: <a href="https://www.epa.gov/laws-regulations/summary-clean-air-act">https://www.epa.gov/laws-regulations/summary-clean-air-act</a></p>
<p><b>Clean Water Act of 1972, Section 404</b></p> <p>(33 U.S.C. §1344)</p> <p>Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).</p>	<p>The U.S. Army Corps of Engineers is a cooperating agency on NEPA documents when they act on an Individual Permit under Section 404 of the CWA, or take other substantive federal action. Federal regulations allow USACE to adopt another federal agency's EIS or EA/FONSI when considering permit applications. In these situations, the CWA public involvement requirements are met as part of the NEPA process. If the CWA is applicable to a particular action, the NEPA documents must also comply with USACE requirements, as set forth in 33 CFR 230, Procedures for Implementing NEPA. USACE public involvement requirements for an Individual Permit require a public notice and 30-day comment period, and USACE may hold a public hearing.</p> <p>EPA: <a href="https://www.epa.gov/cwa-404/section-404-permit-program">https://www.epa.gov/cwa-404/section-404-permit-program</a></p>
<b>Federal Transportation Statutes</b>	
<p><b>Intermodal Surface Transportation Efficiency Act of 1991</b></p> <p>(H.R. 2950)</p> <p>Provides authorization and funding for highways, highway safety, and mass transit for a more economically efficient, expansive, and environmentally sound national intermodal transportation system.</p>	<p>The Act broadens participation in planning efforts of key stakeholders who previously have not been formally involved and requires a planning approach that is proactive and open to participation by all during all stages of the decision-making process. The Act also requires MPOs to adopt a formal public participation plan and include at least one meeting and ample opportunity for public comment during a transportation improvement program development process.</p> <p>National Transportation Library: <a href="http://ntl.bts.gov/DOCS/424MTP.html">http://ntl.bts.gov/DOCS/424MTP.html</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes (continued)</b>	
<b>Federal Transportation Statutes (continued)</b>	
<p><b>Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005</b></p> <p>(Public Law 109-59)</p> <p>SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance, while giving state and local transportation decision makers more flexibility for solving transportation problems in their communities. Areas of focus include improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, protecting the environment, and laying the groundwork for addressing future challenges.</p>	<p>An MPO is required to develop a participation plan in coordination with interested parties as a way for all parties to comment. The participation plan will be carried out through public meetings. These meetings must be conducted at convenient and accessible locations at convenient times; employ visualization techniques to describe plans; and make public information available in an electronically accessible format. The participation plan is to be published and made available electronically. Users of multi-modal transportation systems and disabled individuals are to be included in public participation and the planning process.</p> <p>FHWA: <a href="http://www.fhwa.dot.gov/planning/public_involvement/authorizing_legislation/#ftn1">http://www.fhwa.dot.gov/planning/public_involvement/authorizing_legislation/#ftn1</a> OR <a href="https://www.fhwa.dot.gov/safetealu/summary.htm">https://www.fhwa.dot.gov/safetealu/summary.htm</a></p>
<p><b>Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012</b></p> <p>(Public Law 112-141)</p> <p>MAP-21 creates a streamlined and performance-based surface transportation program and builds on many of the federal highway, transit, bicycle, and pedestrian programs and policies. MAP-21 is the first long-term highway authorization enacted since 2005. The Act provides needed funds and transforms the policy and programmatic framework for investments to guide the growth and development of the country's transportation infrastructure and challenges faced by the transportation system. These challenges include improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery.</p>	<p>MAP-21 ensures public involvement remains a hallmark of the transportation planning process. MAP-21 requires that interested parties be given a reasonable opportunity to comment on the proposed project plans, public meetings are held at convenient and accessible locations and times, and public information is available in a variety of accessible formats and means.</p> <p>FHWA: <a href="https://www.fhwa.dot.gov/map21/">https://www.fhwa.dot.gov/map21/</a></p>
<p><b>Fixing America's Surface Transportation (FAST) Act of 2015</b></p> <p>(Public Law 114-94)</p> <p>The FAST Act is the first federal law since 2005 to provide long-term funding for surface transportation infrastructure planning and investment. This includes funding for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, research, technology, statistics programs, and freight projects.</p>	<p>The FAST Act includes provisions from MAP-21 and both supports and enhances these reforms; including making public involvement a hallmark of the planning process (see MAP-21 above).</p> <p>FHWA: <a href="https://www.fhwa.dot.gov/fastact/">https://www.fhwa.dot.gov/fastact/</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes (continued)</b>	
<b>North Carolina State Statutes</b>	
<p><b>North Carolina Environmental Policy Act of 1971</b></p> <p>(Chapter 113A, Article 1 [SEPA])</p> <p>State environmental policy that generally coincides with NEPA and requires state agencies to review, report, and disclose most environmental impacts for a proposed action. The Act requires agencies of the state to consider and report environmental consequences of projects requiring public money or use of public land and how those monies will be implemented.</p>	<p>Agencies complying with the environmental review under SEPA are required to identify and invite the participation of interested persons. This involvement should take place prior to submitting any proposal to authorized state representatives or adopting an ordinance. A notice of public hearing(s) must be given at least 30 days before the date of the public hearing. FHWA and FTA require that a state must have public involvement/public hearing program procedures approved as a part of project efforts.</p> <p>North Carolina General Assembly: <a href="http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_113A.html">http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_113A.html</a></p>
<p><b>North Carolina NEPA/Section 404 Merger Process of 1997 (National Environmental Policy Act / Clean Water Act Section 404)</b></p> <p>(NEPA/404 Merger Process)</p> <p>Designed to improve the efficiency of the NEPA/404 process by using early and active interagency coordination to focus efforts on reaching an environmentally sound project. The NEPA/404 merger process was initiated to streamline and expedite project decision making on federal-aided projects. Both the NEPA and Section 404 processes involved the evaluation of alternatives, the assessment of impacts to resources, and the balancing of resource impacts and project needs. The process allows for active participation using “concurrence points.” Concurrence implies that each project team member and the agency they represent agrees to decisions made at these defining points in the project development process and in doing so pledges to abide by the decision made unless there is a profound changed condition.</p>	<p>Maintains public involvement as a critical component of project development activities and ensures public involvement throughout the process. Concurrence points are used to define and represent appropriate agencies and their respective involvement throughout project development.</p> <p>Throughout the NEPA/404 Merger Process, NCDOT coordinates with the USACE to ensure our public involvement processes meet the USACE public involvement responsibilities under the Clean Water Action Section 404.</p> <p>NCDOT: <a href="https://connect.ncdot.gov/resources/Environmental/Pages/Merger.aspx">https://connect.ncdot.gov/resources/Environmental/Pages/Merger.aspx</a></p>
<p><b>North Carolina Agricultural Development and Farmland Preservation Enabling Act of 1985</b></p> <p>(North Carolina General Statute 106 Sections 735-743)</p> <p>North Carolina state legislation that allows counties to undertake programs to encourage the preservation of farmland.</p>	<p>Counties that have adopted voluntary agricultural district ordinances and enhanced voluntary agricultural district ordinances may require public hearings for condemnation of lands within the district. In cases where a public hearing is held during the NEPA process, the hearing can be used to satisfy county requirements. In other cases, a separate public hearing may be required prior to right-of-way acquisition.</p> <p>North Carolina General Assembly: <a href="https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_106.html">https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_106.html</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal and State Statutes (continued)</b>	
<b>North Carolina State Statutes (continued)</b>	
<p><b>19A NCAC 02F.0102 Minimum Criteria</b></p>	<p>Types and classes of thresholds of activities at and below which environmental documentation under the North Carolina State Environmental Policy Act is not required.</p> <p>North Carolina Department of Transportation guidance: <a href="http://reports.oah.state.nc.us/ncac/title%2019a%20-%20transportation/chapter%2002%20-%20division%20of%20highways/subchapter%20f/19a%20ncac%2002f%20.0102.pdf">http://reports.oah.state.nc.us/ncac/title%2019a%20-%20transportation/chapter%2002%20-%20division%20of%20highways/subchapter%20f/19a%20ncac%2002f%20.0102.pdf</a></p>
<b>Federal Regulations</b>	
<p><b>Title 23, United States Code (U.S.C.)</b></p> <p>(§109; §128; §134; §135)</p> <p>Outlines the role of highways as defined in the United States Code. Specific focus includes federal-aid highways, other highways, general provisions, highway safety, research/technology/education, and infrastructure finance.</p>	<p><b>Section 109(h):</b> Ensures that possible adverse human and natural effects relating to any federally-aided system or project be considered and final decisions be made in the best overall public interest.</p> <p><b>Section 128:</b> Any state transportation department submitting plans for a federally-aided project or system is required to hold public hearings and to certify that those public hearings have been held. The focus of the public hearings should be to consider the economic and social effects of location, the impact on the environment, and consistency with the goals/objectives of the planning efforts (as defined earlier in the project development process) and the community.</p> <p><b>Section 134:</b> Requires public participation by interested parties in the development of statewide and metropolitan transportation planning.</p> <p><b>Section 135:</b> Requires public participation by interested parties in the development of statewide and nonmetropolitan transportation planning.</p> <p>FHWA: <a href="https://www.fhwa.dot.gov/map21/docs/title23usc.pdf">https://www.fhwa.dot.gov/map21/docs/title23usc.pdf</a></p>

Title and Summary Description	Public Involvement: Relevancy and Requirements
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Federal Regulations (continued)	
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**Title 23 - Highways, Code of Federal Regulations (CFR)**

(§450; §771)

Outlines the current regulations of the National Highway Traffic Safety Administration and the FHWA, USDOT issued under the CFR. Specific focus includes general management and administration, payment procedures, civil rights, national highway institute, planning and research, transportation infrastructure management, engineering and traffic operations, right-of-way and environment, public transportation, highway safety, federal land highways, procedures and guidelines for state highway safety programs, transfer and sanction programs, incentive grant criteria (various), and various procedures for participating in and receiving information from the National Highway Traffic Safety Administration.

**Section 450.324:** In carrying out the statewide transportation planning process, including development of the LRTP 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.

**Section 771.105-.111:** Defines procedures for compliance of public involvement with federal-aided programs, early coordination with appropriate agencies, and importance of public involvement throughout the environmental review (NEPA) process. These sections specifically require the following items:

- The planning process must be cooperative, inclusive and non-discriminatory, and carried out in the best interest of the community (§771.105).
- Public involvement must be maintained throughout the entire NEPA process and include the identification of social, community, economic, and environmental impacts. Public hearing(s) must be at convenient times and places for any project with substantial impact on the right-of-way, roadways or facilities, adjacent properties, or the social, community, economic, or environmental resources related to the project or action. There must be reasonable notice of public hearing(s). Explanation during public hearing(s) must be made for the project purpose and need, consistency with local plans, project alternatives, major features, project impacts, relocation assistance and right-of-way acquisition, and procedures for public comments. A public hearing transcript must be submitted to FHWA. Public involvement opportunities shall be made during the alternatives selection. Public notice and opportunity for review shall be available for Section 4(f) *de minimis* impact finding. Public notice shall be made for a FONSI, DEIS/FEIS documentation, and ROD (§771.111).

Electronic Code of Federal Regulations (ECFR): [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr450\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title23/23cfr450_main_02.tpl)

Government Publishing Office (GPO): <https://www.gpo.gov/fdsys/pkg/CFR-2012-title23-vol1/pdf/CFR-2012-title23-vol1.pdf>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal Regulations (continued)</b>	
<p><b>Title 23 - Highways, Code of Federal Regulations (CFR)</b></p> <p>(§774)</p> <p>Section 4(f) states that FHWA and state DOTs cannot approve the use of land from publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent avoidance alternative to the use of that land and the action includes all possible planning to minimize harm to the property resulting from such use, or that the use will have a <i>de minimis</i> impact.</p>	<p><b>Section 4(f) Statement:</b> An individual Section 4(f) evaluation is required when a project requires the use of Section 4(f) property. The evaluation must demonstrate that there is no feasible and prudent avoidance alternative and summarize the results of all planning to minimize harm. A draft evaluation must be circulated to the U.S. Department of Interior and shared with the official(s) with jurisdiction. The public may also review and comment on the draft evaluation during the NEPA process.</p> <p><b>De minimis:</b> A <i>de minimis</i> impact is one that results in a Section 106 finding of no adverse effect or no historic properties affected on a historic property, or a determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). When a project qualifies for a <i>de minimis</i> finding, public notice and an opportunity for public review and comment is required in accordance with 49 U.S.C. 303(d) (23 CFR 771.111(h)(viii)). The official with jurisdiction over the Section 4(f) resource must provide documentation in support of the <i>de minimis</i> finding. Public notices, including the NOA for a DEIS, must state that FHWA is seeking public input on a proposed <i>de minimis</i> finding.</p> <p><b>Temporary Occupancy:</b> Temporary occupancy results when Section 4(f) property is required for project construction-related activities but the property is not permanently incorporated into a transportation facility. Written agreement by the official(s) with jurisdiction over the property with respect to all the conditions of the temporary use is required.</p>

**Title and Summary Description** **Public Involvement: Relevancy and Requirements**

**Federal Regulations (continued)**

**Title 40 – Protection of Environment, Code of Federal Regulations (CFR)**

(§1500-§1508; §1506)

Outlines EPA regulations on protecting human health and the environment. Specific focus includes the regulations of EPA for air programs, water programs, Safe Drinking Water Act, pesticide programs, radiation protection programs, noise abatement programs, ocean dumping, solid wastes, superfund, effluent guidelines and standards, sewage sludge, energy policy, Toxic Substances Control Act, and air pollution controls. Title 40 is also applicable to all federal agencies for implementing the procedural provision of NEPA and includes the following agencies: Department of Justice, Council on Environmental Quality, Chemical Safety and Hazard Investigation Board, Department of Defense, Gulf Coast Ecosystem Restoration Council.

**Section 1500-1508:** Defines the implementation and procedural requirements of NEPA including participation in the scoping process; availability of environmental information and documentation; the process of inviting and documenting public comments; dissemination of environmental alternatives and documents; and interagency disputes, roles, and responsibilities.

**Section 1506.6:** Describes the public involvement requirements during the NEPA process. This includes provisions and timeline of the public notice for NEPA-related information, use of public hearings and meetings when appropriate, request for solicitation of public input for contribution in environmental documentation, disclosure of where NEPA or related environmental documents can be accessed or obtained, invitation for public review of all environmental documents, comments received or supporting documents, and legal requirements as appropriate or in accordance with related regulations.

The public notice of NEPA-related hearings, public meetings, and access to environmental documents or related documents should include the following minimal requirements as applicable: publish notice in the Federal Register (for actions of national concern), provide a direct notice to requesting parties, provide notice to state and area-wide clearinghouses, provide notice to Native American Tribes as applicable, follow the affected state's public notice procedures, publish notice in relevant local newspapers, publish notice through relevant local media, provide notice to potentially interested community organizations, publish notice in relevant newsletters, provide direct mailing to owners and occupants of affected property, and post notice both on and off the site.

ECFR: [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)

**Federal Executive Orders**

**Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations of 1994**

(Executive Order 12898)

Its purpose is to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.

Each federal agency is required to develop an agency-wide EJ strategy (which includes public involvement) that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The strategy must include details of how public participation (including notices, hearings, and public documents) are promoted, accessed and/or disseminated.

EPA Summary: <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

Federal Register: <http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

Title and Summary Description	Public Involvement: Relevancy and Requirements
<b>Federal Executive Orders (continued)</b>	
<p><b>Improving Access to Services for Persons With Limited English Proficiency of 2000</b></p> <p>(Executive Order 13166)</p> <p>Details federal actions to improve access to services for persons with LEP. Requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.</p>	<p>Each federal agency is required to develop plans and provide access and services to LEP applicants and beneficiaries in their federally-assisted programs and activities. This includes requiring recipients of federal funding to also provide “meaningful access.” Meaningful access is defined by the Department of Justice through a series of factors. These include:</p> <ul style="list-style-type: none"><li>• The number or proportion of LEP persons in the eligible service population;</li><li>• The frequency with which LEP individuals come in contact with the program;</li><li>• The importance of the service provided by the program, and the resources available to the recipient.</li></ul> <p>Department of Justice:</p> <p><a href="https://www.justice.gov/crt/executive-order-13166">https://www.justice.gov/crt/executive-order-13166</a></p> <p><a href="https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf">https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf</a></p>

Notes:

U.S. Code (USC): The United States Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is divided by broad subjects into 54 titles and published by the Office of the Law Revision Counsel of the U.S. House of Representatives.

- <http://uscode.house.gov/>
- <https://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE>

Code of Federal Regulations (CFR): The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to federal regulation.

- <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>
- <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>

