

Indiana Department of Transportation Current and Upcoming Public Involvement Procedures

*Presented by Rickie Clark for
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Introducing the INDOT Mission

- The mission of the Indiana Department of Transportation is: "To provide our customers the best transportation system that enhances mobility, stimulates economic growth, and integrates safety, efficiency, and environmental sensitivity."

INDOT Mission

- To fulfill this mission, INDOT undertakes long-range and intermediate planning for transportation facilities, assigns budgets and schedules to projects through the program, complies with federal and state laws and regulations regarding transportation decision making, and designs, constructs, maintains, and operates transportation facilities.

The Purpose of Our Mission

- A key component of fulfilling the INDOT mission is keeping the public informed about INDOT activities and eliciting the needs and views of the public related to prospective INDOT decisions.

INDOT's Public Involvement Policy

- INDOT recognizes the importance of involving the public in information exchange when providing transportation facilities and services to best meet the state's transportation challenges. Therefore, it is INDOT's policy to promote public involvement opportunities and information exchange activities in planning, developing, designing, construction, operations, and maintenance of transportation projects.

Why is Public Involvement Important?

- INDOT's public involvement procedures and practices give Indiana citizens an important role in shaping the transportation decisions that will affect their communities.

How would you define public involvement?

- INDOT's Public Hearings Section defines public involvement as two-way communication aimed at incorporating the views, concerns, and issues of the public in the transportation decision making process.

Timing is Everything

- By involving the public early in the transportation planning process and throughout the development and implementation of projects, INDOT will deliver a statewide transportation system that meets the needs of its customers, and builds credibility with the citizens of Indiana.

The Public Involvement Manual: Policies, Procedures, & Handbook

- INDOT's Public Involvement Manual consists of two primary parts: Policies, Procedures and a Handbook.
- The Policies and Procedures section lays out INDOT's fundamental requirements for public involvement, established by Federal and State law and by INDOT policies.

Public Involvement Policies & Procedures

- Laws and regulations provide only minimal prescription for implementation.
- Methods of implementation vary depending on type of project and phase of project's development.
- Sets forth the base requirements for public involvement: "The bare minimums".

INDOT Public Involvement Handbook

- The handbook provides assistance to INDOT staff and consultants as they choose how to best implement the requirements and the intent of federal and state laws.
- The handbook reflects the range of INDOT practices that extend beyond the baseline requirements in engaging the public.

Who Should Read this Manual?

- This manual is addressed to INDOT staff and their consultants who will carry out INDOT's public involvement activities.
- Manual is intended to provide the interested public reader with information regarding INDOT's commitment to public involvement.
- How, When, and Where can the public become involved with a transportation project.

Federal Law as a Foundation for Public Involvement Requirements

- 23 U.S.C. Sec. 109 (Full consideration of possible adverse effects relating to any federal-aid transportation project.....)
- 23 U.S.C. Sec. 128 (Public Hearings and offering opportunities for such hearings for federal-aid transportation projects.....)
- 23 U.S.C. Sec. 134 (Metropolitan Planning Organization's / develop their on public involvement procedures.
- www.access.gpo.gov

Federal Law as a Foundation for Public Involvement Requirements

- 23 U.S.C. 135 (To provide citizens, affected public agencies, freight shippers, users of public transit, etc opportunities to comment on proposed transportation plans.....)
- www.access.gpo.gov

Federal Law as a Foundation for Public Involvement Requirements

- Code of Federal Regulations, including: 49 CFR 1.48(b), 29 CFR 24, 23 CFR 771, 40 CFR 1500-1508, 23 CFR 450, CEQ 40, FHWA Planning 23 CFR 450, EPA Conformity 40 CFR 93, ACHP Historic 36 CFR 800.
- Highlights include: 23 CFR 771 "Actively involving the public and agencies in a process that is Open, Cooperative, and Collaborative.

Public, Stakeholders, Partners, and Customers

- 40 CFR 1506.6 Describes this group as Non-governmental organizations (NGOs), Environmental, health, citizen organizations.
- Traditionally underserved communities such as low-income, minorities, persons with disabilities.
- Residents of affected geographic areas

Public, Stakeholders, Partners, and Customers

- Transportation & environmental professionals
- Government agencies – Federal, State, Local
- There are many types of publics, it is INDOT's challenge to provide avenues in which each public can become involved in the transportation decision making process.

Federal Laws pertaining to Public Involvement

- Transportation Reauthorization Bills: ISTEA and TEA-21
- Works in coordination with NEPA to encourage and facilitate the development of transportation systems that are compatible with the environmental goals of our nation.

Federal Laws pertaining to Public Involvement

- National Environmental Policy Act (NEPA), which directs agencies to encourage and facilitate public input into decisions that affect the quality of human environment. (www.fhwa.dot.gov/environment).
- Title VI of the Civil Rights Act of 1964, which declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color or national origin.
- www.fhwa.dot.gov/environment/title_vi.htm

Federal Laws pertaining to Public Involvement

- Americans with Disabilities Act – which requires reasonable efforts be made to accommodate citizens with disabilities who wish to attend public meetings. (www.fhwa.dot.gov/environment)
- Executive Order 12898 on Environmental Justice
- Department of Transportation Order On Environmental Justice

Federal Laws pertaining to Public Involvement

- FHWA Order on Environmental Justice
- FHWA/FTA Interim Policy on Public Involvement
- FHWA/FTA Questions and Answers on Public Involvement in Transportation Decision Making
- No shortage of Federal Regulation regarding Public Involvement

State Laws Governing Public Involvement

- Indiana Code 8-23-2-17 Public Hearings
- Sec. 17. (a) As used in this section, “public hearing” means an assembly or a meeting by the department for the purpose of:
 - (1) providing information early in the decision making process.....
 - Considering economic, social, environmental, other effects of a highway project or proposal.

State Laws Governing Public Involvement

- (b) Whenever the department holds a public hearing, the department shall allow any person an opportunity to be heard in the presence of others who are present to testify.
- The department, through the commissioner or the commissioner’s designee, may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.
- INDOT Legal to recommend additional laws be added (Open doors laws, public document disclosure, etc).

Public Involvement in the Planning and Programming Process

- 23 CFR 450 – MPO’s conduct their own public involvement activities.
- Full public access to key decisions
- Timely information disseminated to public
- Reasonable access to technical & policy information
- Adequate public notice of public involvement activities and time for review

Public Involvement in the Planning and Programming Process

- A process for demonstrating explicit consideration and response to public input
- Process for seeking out and considering the needs of traditionally underserved
- Periodic review of the effectiveness of the public involvement process

Planning & Programming

- INDOT is required to have a documented process for consulting with non-metropolitan local officials with responsibility for transportation that provides an opportunity for their participation in the statewide transportation planning process and development of statewide transportation improvement program.

Planning and Programming

Distribution of Program Summary Report. INDOT Programming Section collects/considers comments.	"Call for New Projects" proposals reviewed, considered, and evaluated. Public involved primarily via elected officials.	External Consultation on Revised Draft Program Update Report	Review of Full Project List by MPO's.
		Directory of State Highway	For review to public
		Public Involvement as a Republic.	Distribution of Final INSTIP
District Area Early Coordination/ Consultation Meetings	On-going consultation with MPO and Non-MPO Local Officials	Annual Public Review Meetings	On draft INSTIP. "District Meetings"

Project Development Process or NEPA phase of Development

- The National Environmental Policy Act enacted in 1969. This process involves striking a balance among many different factors:
 - Mobility needs
 - Economic factors
 - Health and environmental protection
 - Community and neighborhood preservation
 - Quality of life for present and future generations

Levels of Environmental Analysis

- Categorical Exclusion (CE) – smaller scale projects where the level of impact to the natural or human environment is minimal. (a large percentage of INDOT's projects fall into this category).
- Environmental Assessment (EA) – prepared when the level of impact is unclear.

Levels of Environmental Analysis

- Environmental Impact Statement (EIS) – prepared when the level of impact will be significant to the natural or human environment.
- Our work and the level of public involvement is a directly connected to the type of environmental document prepared.

Categorical Exclusion

- Public Hearing Section will offer the opportunity or hold a hearing when:
- Proposed project requires more than one-half acre of permanent right-of-way
- Proposal substantially changes layout or function of connecting roadways or of the facility being improved
- Proposal has a substantial adverse impact on abutting property

Categorical Exclusion

- Proposal has a significant social, economic, environmental or other effect
- Proposal is determined by the Federal Highway Administration, in consultation with INDOT, to warrant a Public Hearing
- Proposal involves impacts to resources in or eligible for inclusion in the National Register of Historic Places, wetland impacts, floodplain approaches

Public Involvement Activities for CE's

- Three types of public notices
- Legal Notice of Planned Improvement: Notice publish to inform public of proposed project and to extend an opportunity to request a public hearing.
- Notice is published in local paper(s), mailed to property owners in project area, design plans, environmental documents, made available for public review.

Public Involvement Activities for CE's

- (NEW) Acquire space on INDOT website where each notice will be posted.
- (NEW) Electronic Notification of Planned Improvements
- Depending on the number of public hearing request we receive a public hearing may be held or individual concerns will be handled independently.

Public Notices associated with CE's

- Legal Notice of Planned Improvement – Opportunity to request hearing.
- Legal Notice of Public Hearing – once it is determined a hearing will be held.
- Legal Notice of Intent – once hearing has been held, public hearing transcript reviewed, and Final Design Approval has been granted.
- Each notice published in newspaper(s) and mailed to property owners in project area.
- (3) notices for CE's. Clearly stated deadline date to request hearing or submit concerns.

Public Notices associated with EA's

- Environmental Assesment (EA) – Currently just one type of legal notice required.
- Must either offer the opportunity for a public hearing or hold a hearing.
- In almost all cases INDOT would hold a public hearing.
- Legal Notice of Public Hearing published and mailed to solicit comments on EA.
- (NEW) electronic notification & INDOT website posting.

Public Notices associated with EA

- (NEW) Hearings Office will publish notices when the Finding of No Significant Impact (FONSI) is issued by FHWA.
- Notice will inform public of availability of document.
- As the project progresses into Design Phase, a notice of intent will be issued once design approval is granted.
- (2) notices for EAs with a third notice being added in new procedures.
- 30 day minimum comment period

Public Notices associated with EIS's

- Environmental Impact Statement (EIS) – Currently two types of notices published.
- Notice of Draft Environmental Impact Statement (DEIS) availability and Public Hearing
- Notice of Final Environmental Impact Statement (FEIS) availability
- (NEW) Publish notices when Record of Decision (ROD) is issued by FHWA.

Public Notice associated with EIS's

- 45 day minimum public comment period.
- Electronic notification & INDOT website posting
- In all three (3) notices to be published during EIS phase
- Once project progresses into design phase, additional Notice(s) of Intent are issued when design approval is granted.

Additional Information to Approved Environmental Document

- Public Notice is issued informing the public
- Notices are mailed to mailing list
- (NEW) notice is posted onto INDOT website / electronic notification
- For CE's, EA's, and EIS's
- Make document available for public review
- Lists contacts for additional information

Diagram of public involvement during EA phase

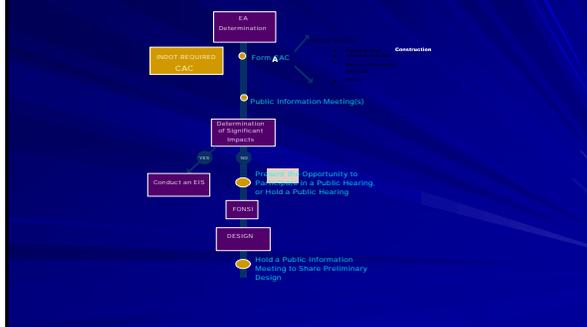
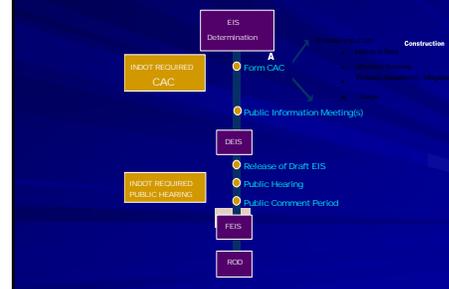
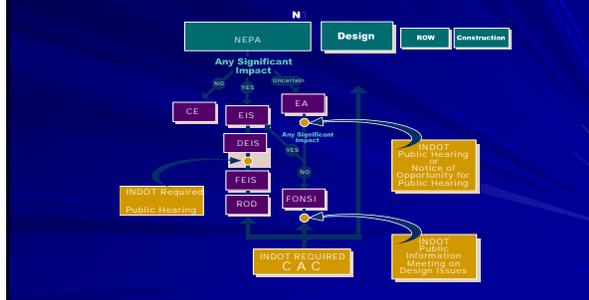


Diagram of Public Involvement during EIS phase



Public Involvement during NEPA process



New public involvement requirements

- Community Advisory Committee – Required on all EIS's and EA's. No additional requirements other this group must be formed.
- Convened at earliest possible stage of EA/EIS development
- Public Involvement Manual will list suggestions as to best facilitate and develop this group.
- “Slippery Slopes” – Differentiation between CAC and a public meeting.

New public involvement requirements

- Additional public notices being published by hearings office
- Legal Notice of Planned Improvement
- Notice of Public Hearing
- Notice of Intent
- (NEW) Notice of Additional Information to Approved Environmental Document
- Notice of Public Hearing/Availability of DEIS

New public involvement requirements

- Notice of FEIS availability
- (NEW) Notice of FONSI availability
- (NEW) Notice of ROD being issued
- Each notice to be posted to INDOT website and electronic notification will be implemented.

Additional public involvement requirements

- Noise Impacts: When a noise analysis is performed, public meetings will be held to discuss findings of analysis.
- Particularly interested in the views of the “affected receivers” smaller meetings may be held with these groups.
- Public comments reviewed, evaluated, and considered prior to a decision regarding the placement any noise barrier.

Electronic availability of Documents

- (NEW) Make the following documents available via INDOT Website or link to project specific website.
- All public meeting/hearings Transcripts
- Final Design Summaries (once design approval has been granted)
- Projects with EIS's or EA's usually have their own website where documents can be made available.

2004 Public Involvement Procedures Manual

- Expected to have completed Draft this summer (2004)
- Draft must be in circulation for public review and comment for at least 45 days.
- Public Meetings will be held to present document to public and receive comment.
- INDOT & FHWA must sign off on procedures.
- Final approval of document will probably occur by late 2004.

Contact Information

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