Chapter Twenty-one

REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS

BUREAU OF LOCAL ROADS AND STREETS MANUAL

Chapter 21
REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS - Federal Funds

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Chapter Twenty-one
REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS - Federal Funds

21-1 REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS

Section 128 of Title 23 of the *United States Code* specifically requires:

> *Any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.*

In accordance with the FHWA Regulations on Environmental Impact and Related Procedures (23 CFR 771), each State must have procedures approved by FHWA to carry out the required public involvement/public hearing process. These procedures must provide for:

1. coordination of public involvement activities and public hearings with the entire NEPA process;

2. early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts as well as impacts associated with relocation of individuals, groups, or institutions;

3. one or more public hearings or the opportunity for hearing(s) to be held at a convenient time and place for any Federal-aid project that:

   - requires significant amounts of right-of-way;
   - substantially changes the layout or functions of connecting roadways, or of the facility being improved;
   - has a substantial adverse impact on abutting property;
   - otherwise has a significant social, economic, environmental, or other effect; or
   - FHWA determines that a public hearing is in the public interest.

4. reasonable notice to the public of either a public hearing or the opportunity for a public hearing, provided that the notice indicates the availability of explanatory information and provides information that is required to comply with the public involvement requirements of other laws, executive orders, and regulations; and

5. an explanation at the public hearing of the following information, as appropriate:

- the project's purpose, need, and consistency with the goals and objectives of any local urban planning;
- the project's alternatives and major design features;
- the social, economic, environmental, and other impacts of the project;
- the relocation assistance program and the right-of-way acquisition process; and
- the State highway agency's procedures for receiving both oral and written statements from the public.

21-2 DEFINITION AND APPLICATION

The following Sections provide guidance on the application of public involvement programs. When there is a question as to whether a public hearing is required, a determination should be obtained from the Central BLRS and FHWA. This may be done at a district coordination meeting.

21-2.01 Significant Right-of-Way

When a project is planned for new location, it will involve a significant amount of right-of-way and may have considerable impact on the area in which it is located. For those projects that use the existing alignment with minor relocations or require additional strips of right-of-way, the district/local agency must consider several factors in determining whether or not acquisition is significant. When it is determined to be significant, a public hearing must be held.

21-2.01(a) Quantity

The first factor to consider is the quantity of land to be acquired. The significance of the quantity will vary depending upon the character of the surrounding land. In rural areas, the acquisition of several acres (hectares) per mile (kilometer) for a project may be insignificant. In urbanized areas, acquisitions involving less than 1 acre (0.5 ha) might be significant if high-cost properties will be affected. In suburban areas each location must be evaluated separately considering the density of population, the remaining open space available, and the impacts on improvements that might be located on any of the properties affected.

21-2.01(b) Number of Property Owners

The number of property owners involved can also be a factor in determining the significance of the right-of-way taking. There is no specific number of affected property owners above which a public hearing is required; however, the number does affect the type of public involvement activity to be held. At a minimum, the local agency must contact individual property owners from whom land will be acquired during the project development stage. At some point, it is practical to hold one meeting rather than to separately contact all of the property owners involved. Generally, separate contacts of 10 or more property owners are not as cost effective as offering a public hearing or holding an informational meeting.

21-2.01(c) Usage

The use of the property to be acquired can result in a significant impact even if the number of owners involved is small. If a property proposed for acquisition is used as a recreational area or wildlife refuge, or if it is part of a historic site, it may be protected by Federal law. Other effects

that might be considered significant are acquisitions that will impact improvements on the property. A typical example is the taking of storage tanks or pumps from service stations at intersections. Although the property taking might be minimal, the impact on the business, and perhaps on the neighborhood, may be considered significant. Other situations might involve water supplies or power supplies feeding particular communities or neighborhoods, or small takings along a street, which might affect a neighborhood or community commercial area.

21-2.02 Changes in the Layout or Function

Projects that change the layout of a facility or the layout of the roads and streets that connect to it could have considerable impact upon abutting properties and users of the facility. Generally, changes in layout will involve the acquisition of additional right-of-way, and the local agency should consider the factors discussed in Section 21-2.01. Projects that cause adverse travel and that affect service to abutting properties, including change in access, usually result in considerable public interest. The development of a public involvement program is warranted to address these impacts and, if substantial changes will occur, a public hearing is required.

Changes in the function of a street or highway, especially when not accompanied by the acquisition of additional right-of-way, result in more subtle impacts to abutting property owners and other citizens. These impacts, whether real or perceived, may create considerable public interest in a particular highway project. The district and local agency should carefully consider this when determining the need for a public involvement program or public hearing.

There are several changes, which are sufficient to cause a change in the function of a facility or of connecting roads and streets. These changes do not necessarily require the acquisition of additional right-of-way, but rather alter the character of use (e.g., changing from local access to through traffic). The following is a list of typical actions that are considered changes in function:

- change from two lanes to four or more lanes,
- change from no median or a flush median to a raised median,
- changing to a one-way couple that involves a street not previously carrying through traffic,
- road closures, and
- removal of on-street parking.

The reverse of these actions also constitutes a change in the function.

Changes in function can result in a number of impacts that may create considerable controversy or public interest. The following are typical impacts that may result from the changes in the function of a facility or its connecting roads and streets:

- changes in traffic volumes;

- changes in the type and character of traffic (e.g., volume of trucks, local or through traffic, low- or high-speed traffic);
- change in commercial or residential development affecting the neighborhood character;
- change in property values;
- change in pedestrian accessibility;
- change in accessibility to abutting properties; and
- changes in travel patterns.

The following projects will not normally require the holding or offering of a public hearing as a result of 23 USC 128:

- upgrading an existing road or street to current design criteria for 20-year traffic including the acquisition of additional right-of-way, but not including additional through traffic lanes;
- intersection improvements including signals, throat widening, adding turn lanes, and other channelization;
- widening less than a one-lane width and resurfacing, with or without additional right-of-way;
- changing from open ditches to closed drainage; and/or
- projects in rural areas that do not pass through or bypass a city, town, or village.

21-2.03 Social, Economic, and Environmental Effects

See Section 19-2 of the *BDE Manual* for guidance in determining if a public hearing may be warranted based on social, economic, and environmental effects caused by a project.

21-2.04 General Public Interest

Public interest in a project, especially public controversy, may be sufficient enough to warrant a public hearing not otherwise warranted under Sections 21-2.01 through 21-2.03.

21-3 DESIGNING PUBLIC INVOLVEMENT PROGRAMS

An effective public involvement program can consolidate overall public support and contribute significantly to the early completion of projects with the additional benefit of a positive attitude towards IDOT and the local agency. Providing advance notice and a public forum for the citizenry to receive information about a project and to comment where appropriate can avert much controversy or antagonism.

Because Federal requirements do not specify the exact number, format, or timing of the public hearings, the local agency in consultation with IDOT may determine when public hearings are held and the hearing format. Other public involvement activities may be used where hearings are not specifically required by law or in addition to public hearings. This *Manual* does not provide a fixed format or schedule of public involvement activities because a tailored approach is recommended to fit each project and achieve maximum effectiveness. The program may range from personal contacts with affected property owners to a series of formal public hearings.

There is sometimes a delay from the time public involvement activities have taken place to the time land acquisition or construction begins. When a project again becomes active, the project area should be reviewed to ensure that any new development or new property owners affected by the project are aware of the proposed improvement. It may be necessary to issue a press release or individually contact the new property owners. In some cases, an additional public involvement activity should be held.

21-3.01 Requirements

If a project meets the criteria discussed in Sections 21-1 and 21-2, the local agency must include the holding or offering of at least one public hearing in the public involvement program. On all other Federal-aid projects several options for obtaining public involvement are available.

For those projects that involve additional right-of-way including the use of temporary easements, the local agency will have the following options available:

1. Contacts with Individual Property Owners. This option is generally suitable when the project involves acquisition of minimal right-of-way from a small number of property owners (e.g., less than 10). Under this option the local agency will contact each property owner from which right-of-way will be acquired and provide them with an opportunity to comment on the project. A representative of the local agency can make personal contact or the local agency may contact owners via certified mail with return receipt. Document personal contacts in a memorandum to the file. If certified mail is used, the letter should describe:

    - the reason for the contact,
    - policy on public involvement,

- property affected,
- scope of project,
- reason the right-of-way is needed,
- scheduling of the project,
- how to comment,
- options for commenting,
- where to get more information, and
- acquisition procedures.

See Figure 21-3A for a sample letter. The local agency should send two copies of the letter (i.e., one original and one copy), with an exhibit showing the property and proposed taking, by certified mail with a return receipt requested and a self-addressed stamped envelope for returning comments. Make a record of any comments from the property owner, whether contacted in person or by certified mail, and inform the owner of any actions taken to resolve any objections or suggested changes.

2. Involvement Activity Open to the Public. This option is generally suitable when the project involves acquisition of more than minor amounts of right-of-way, involves the taking of improvements on affected properties, or involves known controversy, organized opposition, or potentially significant impacts. Under this option, the local agency will schedule and hold an involvement activity open to the general public and advertised in advanced.

3. Public Hearing or Public Hearing Offer. This option is appropriate when the FHWA, IDOT, or the local agency determines that the project involves sufficient public interest or organized opposition to warrant a public hearing.

On those projects which involve no additional right-of-way and for which no public involvement activity is planned, the local agency should determine what information will be released to the news media to inform the public of the project.

(Project Identification)

(Date)

(*Property Owner Identification*)

Dear _____:

The purpose of this letter is to notify you that (*local agency*) is presently in the preliminary engineering phase of a study of the improvement of *(identify project and termini*). This project is tentatively scheduled for construction in (*date*).

It is the policy of the Illinois Department of Transportation (IDOT) and *(local agency*) to provide all interested persons an opportunity to become acquainted with highway proposals of concern to them and to express their view at those stages of a proposed project when the flexibility to respond to those views still exists. Our current practice is to contact each affected property owner directly when a project does not have major impacts and does not require a large amount of right-of-way.

Based on a review of the tax record of (*county name)* County, you are identified as the owner of the property located *(description)* as shown on the attached *(aerial photograph or drawing).*

The proposed improvement generally consists of *(project description).* The proposed right-of-way that is to be acquired from your property for this improvement is indicated on the enclosed preliminary plan sheet. The right-of-way acquisition is needed to (*give reason).*

At the end of this letter is an area where you can indicate your comments, if any. You may also request further discussions with us, either via the telephone or a personal meeting. Please indicate the appropriate response and return one copy to us in the enclosed self-addressed envelope. We would appreciate receiving any comments by *(date).*

Upon completion of our study, a report will be prepared describing the proposed work and submitted to IDOT for approval. After approval is received, we will proceed with the plan preparation and land acquisition phase. In that phase, a representative of *(local agency)* will contact you regarding any necessary acquisition.

Please note that your response or lack thereof will in no way influence the amount of compensation you will receive for your property if acquired as part of the project.

SAMPLE PROPERTY OWNER CONTACT LETTER
(Sheet 1 of 2)

Figure 21-3A

If after reviewing this letter, you have any questions or wish to arrange a meeting to discuss this improvement in more detail, please contact *(local agency representative, email address, and phone number*).

Very truly yours,

(*Local Agency Representative*)

Check the appropriate response:

_____ I have no comments at this time

_____ I have noted my comments on the back of this page

_____ I would like to discuss this further in a telephone conversation.

_____ I will call you.

_____ Please call me. (Include telephone number and preferred day and time.)
_____

_____ I would like to have a personal meeting to discuss this project.
Please call to arrange a date, time, and location.
(Include contact person and telephone number.)
_____

_____ _____
Signature of Owner Date

SAMPLE PROPERTY OWNER CONTACT LETTER
(Sheet 2 of 2)

Figure 21-3A

21-3.02 Format Options

Public involvement activities may use a number of formats to provide information to the public and receiving public input. The local agency should select the format for an activity according to the situation. Many people prefer one-on-one contact, which does not require speaking before large groups. The following provides a description of the more common formats. Other formats are discussed in Section 19-3 of the *BDE Manual*:

1. Open House. An open house offers the public an opportunity to meet with local agency representatives at a time and place that is reasonably convenient to discuss a proposed project. Appropriate members of the local agency will be available to discuss the project with the public and answer questions.

2. Informational Meetings. Informational meetings are informal public gatherings that blend the individual discussions of an open house with the group interaction of public hearings. They include an informal one-on-one discussion period characteristic of an open house, a formalized presentation, a group question-and-answer period and, if questions still remain, another informal discussion period. Generally, a transcript of the meeting is not recorded unless there is organized opposition. However, notes on the question and answers are kept.

3. Formal Public Hearings. Formal public hearings are proceedings conducted by appropriate officials in the more traditional public hearing format to inform the public of proposed projects or programs, to explain the options under consideration, and to receive and document public reaction. This format generally has a speaker addressing a large audience. Members of the audience in turn have an opportunity to address the speaker. Because of the size of the audience, the program must be structured allowing for very little informal exchange of information. The *United States Code* requires that, if a public hearing is held, a transcript of the proceedings must be recorded. This transcript can be advantageous because it eliminates conjecture and interpretation. Recording the proceedings may be by court reporter or electronic means. A variety of governmental agencies have extensively used the formal public hearing format, and the public is generally familiar with the process and the role expected of them.

4. Open House Public Hearings. The open house public hearing format is an alternative to the formal public hearing format and may be used wherever a public hearing is required or appropriate. It is necessary to have appropriate representatives present and provide explanatory project information, to provide for the receipt of oral and written statements, and to prepare a transcript of the proceedings. The open house public hearing format provides for a continuous flow of visitors over a period of hours in contrast to a formal public hearing that attracts a large crowd at a fixed time. The smaller number of visitors present at any given time at an open house public hearing allows personalized service through staff discussions with individuals. The open house hearing format is less intimidating to participants and offers a more workable option for conducting hearings for very large audiences. FHWA has recognized the benefits of this format and encourages

its use as an effective public involvement method that meets the hearing requirements of the *United States Code*.

21-4 NOTIFYING THE PUBLIC

After the format of the public involvement program has been determined, the local agency must decide how to transmit information to the public so it will be aware of the opportunities for involvement in project development.

The following Sections briefly discuss these topics. For a more detailed discussion, see Section 19-4 of the *BDE Manual.*

21-4.01 Announcements of Involvement Activities

Generally, activities to which the public is invited (e.g., open houses, informational meetings, public hearings) should be advertised via the news media, mailing lists, and other media as needed. General announcements are not typically advertised for presentations to specific groups and other activities that the general public is not expected to attend; instead, a group requesting a presentation will arrange for attendance.

21-4.01(a) Timing and Number

Public involvement activities can take place at any stage of project development. For projects that are being processed as categorical exclusions, any required public hearing should be held after environmental studies and the preliminary design have been completed, but before categorical exclusion concurrence is given. A Draft Environmental Impact Statement or Environmental Assessment must be approved and available for review a minimum of 15 days before the public hearing is held.

Each public involvement activity will be the subject to a minimum of 2 notices to the public. More than 2 notices may be published if a special effort is needed to ensure an adequate public response or if there is considerable public interest in the project.

The first notice of a public hearing on a project requiring an EIS must be published at least 30 days in advance of the hearing. The first notice of a public hearing on a project requiring an environmental assessment or being processed as a categorical exclusion and the first notice for all other public involvement activities must be published at least 15 days in advance of the hearing/activity. In all cases, the second notice must be published 3 to 7 days before the activity.

21-4.01(b) Distribution

Before steps are taken to notify the public, the local agency must determine which groups or sectors will be contacted and what means or media are most appropriate. When identifying groups to be notified, consider several general categories:

- those who live in the geographic area of the project and may be affected,
- groups who are known to be, or are likely to be, directly affected by property acquisition, and
- potential users of the facility.

Once the proper recipients of project information have been identified, the next action is to determine the most appropriate means of announcing the involvement activity to the general public. It is not necessary to publish legal notices of upcoming activities. Paid advertisements in newspapers and on radio and television are acceptable and frequently more effective. Where local news media are reluctant to carry these advertisements, a legal notice may be one means of ensuring verbatim publication and specific timing. It may also be necessary to advertise notices in more than one newspaper or on more than one radio or television (including cable) station to provide adequate coverage.

21-4.01(c) Content

For an announcement in a newspaper to be effective, it must be strategically located and of sufficient size to attract attention. The announcement should state the type of activity, the purpose of the activity, and the time and location. It should state that all interested persons are invited to attend and participate, and should also state that personnel will be present to receive input, provide information, and answer questions. The announcement should include a description of the proposed improvement. When individuals or businesses will be relocated, the notice must state that right-of-way acquisition and relocation assistance information will be available. It should further indicate the name, address, and telephone number of the person to contact to obtain additional information. As practical and economically feasible, a map should be included to further define the area affected by the project. Announcements also must contain information on accessibility for persons with a disability.

Figure 21-4A presents an example of an announcement for an informational meeting or public hearing.

21-4.01(d) Offer of Public Hearing

When regulations require a public hearing but other activities have apparently satisfied the need for public involvement, or when there is no apparent adverse impact or interest in a project, the regulations may be satisfied by publishing a notice in a newspaper offering an opportunity to request the local agency to hold a public hearing. The local agency should publish the notice of the offer at least twice, approximately one week apart. Publish the notice in at least one newspaper of general circulation in the vicinity of the project. The deadline for requesting a public hearing must be at least 21 days after the notice announcing the offer first appears in a newspaper.

Informational Meeting (Public Hearing)
Scheduled by
(Local Agency)
For Improvement of *(Location)*

(Local agency) will hold an Informational Meeting (Public Hearing) concerning the proposed improvement of *(project location).* The informational meeting (public hearing) will be held at *(location)* on *(date)* at *(time).* All persons interested in this project are invited to attend this meeting. Persons with a disability planning to attend this meeting should contact the individual listed below by *(date).* If special accommodations are required, the contact person should be informed at the time of contact. The meeting room is accessible to persons with a disability.

The meeting will be conducted on an informal (formal) basis. A brief presentation on the status of the project, the proposals under consideration, and the decisions to be made will begin at *(time).* Representatives of *(local agency)* will be available from *(time)* until the presentation and also after the presentation to discuss the project. Representatives will answer individual questions and record comments offered by those in attendance. Verbatim comments will (not) be recorded. The presentation will address topics such as the need for the project, the design alternatives under consideration, right-of-way acquisition and relocation assistance, and the tentative construction schedule. Preliminary reports, including environmental documents (EIS or Environmental Assessment, when applicable) and an engineering analysis with drawings, maps, and aerial photography, will be available for inspection and viewing during the entire time. The same material is currently available for review and inspection at *(location).*

For more information, contact *(local agency representative, address, email address, and telephone number).*

MEETING ANNOUNCEMENT EXAMPLE

Figure 21-4A

The notice offering a public hearing should state that a public hearing will be held if sufficient interest is demonstrated. The local agency, in consultation with the district and Central BLRS, will make the determination of sufficiency. If sufficient interest is not demonstrated, each requestor will be contacted by a local agency representative or by certified mail with return receipt and informed of the lack of sufficient interest. The local agency will also advise the requestor that comments are welcome. If a personal contact is made, record all comments during the contact. If the contact is by certified mail, include a stamped, self-addressed envelope for returning comments and the name and telephone number of a contact person.

A legal notice in the legal notice section of the newspaper need not announce the offer of a public hearing. Public hearing offers can be announced by use of paid advertisements in newspapers. Legal notices may be used as a means to ensure verbatim publication and specified timing. Public hearing offers should normally contain the following information:

- proposal and project description;
- information concerning the preparation and availability of EIS's and EA's;
- an invitation to the public to request a hearing;
- the name and address where requests should be sent;
- the time limit available to submit a request;
- an announcement that data is available for viewing and inspection including the name, address, and telephone number of the person to be contacted for arranging to view that information and to obtain other information desired; and
- as practical and economically feasible, a map showing the location of the improvement.

Figure 21-4B presents an example of a typical offer of a public hearing.

21-4.02 Mailing Lists

Each local agency should develop and maintain mailing lists for distributing information. A general mailing list should include agencies, organizations, and appropriate individuals that are generally interested in being advised of all highway projects scheduled under the jurisdiction of a local agency. A specific mailing list should include specific lists for individual projects. These project-specific lists include the general mailing list and any additional individuals or groups that are interested in specific highway projects.

Public Hearing Offer

(Local agency) is proposing to improve *(project location).* The project will consist of *(project description).* (An Environmental Assessment/Environmental Impact Statement has been prepared for this project.) *(When applicable.)*

Any interested person who believes a public hearing should be held for this project may request that a hearing be held by contacting *(contact name, address, and telephone number).* To be considered, requests must be received by *(date not less than 21 days from date of first notice).* A hearing will be held if the public response demonstrates sufficient interest.

Maps, drawings, aerial photography (*environmental document*, *when applicable),* and other information are available for viewing and inspection by the general public at *(location).* If additional information is desired, contact *(local agency representative).*

PUBLIC HEARING OFFER EXAMPLE

Figure 21-4B

21-5 PLANNING THE MEETING

The local agency must carefully prepare and develop public involvement activities not only to attract and hold the public's attention, but to create a pleasant atmosphere for discussion of highway projects.

This Section briefly discusses the process for planning an individual activity, whether it is an open house, an informational meeting, or a public hearing. See Section 19-3 of the *BDE Manual* for a more detailed discussion on planning a public meeting.

21-5.01 Pre-Meeting Activities

During the course of developing a public involvement program, the local agency generally will have gained some insights on the profile of the potential audience. The knowledge of which public sectors are most likely to attend, what they are likely to expect, and their likely positions may be helpful in selecting a format for the involvement activity that will be most effective.

After the meeting site has been selected and the timing of the activity has been set, an inspection of the site should be performed to ensure all the necessary equipment can be accommodated.

21-5.02 Preparing the Meeting Site

When all personnel have reached the site and set up the equipment, perform a final check to ensure that all equipment, especially that which is furnished at the site, is operational. Set up a table at each entrance. Assign personnel to each table to handle the registration and to direct attention to the available handout materials. Entrances not used for the meeting should be locked and signed. Place other signing determined necessary at the meeting location. Set up displays and orient them with the North arrow in the same direction on each. Ensure that all the necessary steps are taken to facilitate the presentation information to all the attendees (e.g., non-English speaking persons, visually impaired persons).

21-5.03 The Presentation

21-5.03(a) General Requirements

Public participation and attitudes may depend on how well the personnel conducting the activity understand and react to the public's viewpoints and reasons for participation. With the proper approach, both the public and the local agency can use the involvement activity to benefit its interests.

21-5.03(b) Content

Generally, the format of the presentation should be as follows:

- opening remarks,
- introductions,
- presentation of project design,
- tentative project schedule,
- right-of-way acquisition, and
- formal comment period.

The selected approach may vary somewhat, and the exact nature of the data presented may vary from activity to activity depending upon the anticipated participants. The presentation should describe the project in appropriate detail. If the purpose of the meeting is to collect data, the description should briefly outline the work that is proposed and then describe the type of information that is desired from the participants. If the project is further advanced and the participants are expected to offer information concerning the development of alternatives, the description should include a discussion of some of the work completed to date. If the involvement activity occurs when the project is in an advanced stage and the purpose is to provide information that will facilitate a choice among alternatives, provide more information to indicate the status of the improvement and the scope of the options or alternatives that remain.

21-5.04 Post Activity Follow-Up

Those who attend a public involvement activity are normally interested in the results of the input provided. This includes the follow-up to questions for which answers were not available at the time of the activity. The public may determine the success or failure of a public involvement activity based on the actions taken after the activity. Therefore, the follow-up is a significant action to minimize opposition and create a positive relationship with the public.

21-6 RECORDS AND REPORTS

21-6.01 Public Comments

The local agency must record all comments received on a given highway improvement and maintain these comments in the project file. Encourage all commentors to put their comments in writing and include their name and address. This relieves personnel from the responsibility of interpreting the meaning of the commentor's spoken word in recording their input. Consider providing a Comment Form that commentors may complete and return. Include on the form the date by which the form should be returned.

Not all comments must be recorded verbatim. There will not be a transcript of most informal involvement activities, and local agency representatives therefore must ensure that all non-written comments are properly noted and recorded. The recorder of comments may use small pocket tape recorders, or each representative may carry a note pad and record comments during his/her conversations with the public. Two-person teams may be formed – one to interact with the public and one to record comments. Take notes during the receipt of comments to ensure that none are overlooked. Attempt to obtain the name and address of those persons offering comments so that a response can be provided later.

Record comments when they are received, whether or not they were received as a part of an involvement activity. For example, if an individual visits or calls the local agency and comments on a project, record that comment in the project files. All comments received should be addressed.

21-6.02 Transcripts

A transcript is required for all formal and open house public hearings. Transcripts also may be useful for other meetings and activities, especially if critical discussion or input is anticipated. This might include meetings with organized opposition or officials of agencies likely to be impacted by the project. These transcripts can be obtained by tape recorders or certified shorthand reporters. In this manner, important meetings can be recorded exactly and there is no summary or interpretation to be questioned.

For open house public hearings, the transcript will consist of a copy of the handout, the attendance list, all written comments received, a written copy of the narrative from the general presentation, and a written copy of the verbal comments recorded by the official recorder.

21-6.03 Reports

All comments must eventually become a part of the project files and summarized in the Project Development Report. If a transcript of a public involvement is available, it should be included with the Project Development Report package and provided to the FHWA with the environmental documents. It must be included for public hearings. If a transcript is not

available, prepare a summary of the substantive comments that have been received from the public and include this in the report. In either case, the report should also contain a response to each of the comments included in the transcript. If a comment is addressed in the body of the report, it is not necessary to repeat that information in the responses. Instead, refer to the applicable pages of the report. The results of the public involvement activities should also be summarized in any ECAD Document, Environmental Assessment, or Final Environmental Impact Statement.

21-6.04 Responses

The local agency should acknowledge in writing all written comments received from the public, including individuals, private organizations, or government agencies.

The acknowledgment should thank them for their input and provide a response to their questions or comments. If an answer will not be available for some time, acknowledge receipt of the comment with an indication that a final response will be forwarded at a later date. Verbal comments should also be acknowledged and responded to when the name and address of the commentor is available.

To reduce the workload of responding to comments after scheduled public involvement activities, forward copies of the summary of comments and responses prepared for inclusion in the Project Development Report, with a letter thanking them for their participation, to all who attended the activity. Separate responses need not be prepared.

The local agency should acknowledge and respond to comments received from other governmental agencies. These responses are likely to eliminate the repetition of those comments in subsequent formal contacts such as through clearinghouse coordination or the circulation of environmental documents. Agencies indicate that they repeat comments previously given because they have received no indication that their comments were received or addressed by the local agency.

21-7 CONTEXT SENSITIVE SOLUTIONS (CSS)

CSS principles place emphasis on the importance of an effective stakeholder involvement process for identifying the transportation and community concerns and values that need to be considered on each project. CSS also highlights the need for appropriate flexibility in the application of design criteria to accommodate the development of innovative solutions that effectively respond to the identified concerns and values. If a local agency decides to use CSS, the procedures outlined in BDE Procedure Memorandum 48-06 should be used.

While CSS is a local agency option on most of their projects, the District may require a local agency to use CSS under certain circumstances. The District should use department CSS eligibility criteria for determining if CSS should apply to local projects meeting the following criteria:

- A local agency project on a highway under department jurisdiction;
- A project initiated by the local agency to be completed by the department; or
- A project initiated by the department to be completed by the local agency.