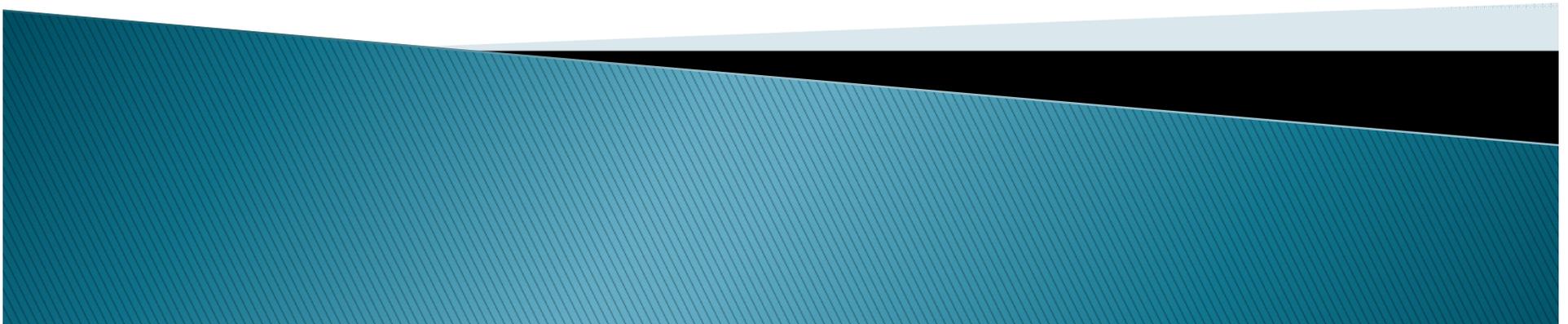


EJ and Pub. Involv.
(Insert tab here)

Nebraska Public Involvement Procedure

Sarah Kugler
Christopher Hassler



Federal Aid Requirements

- ▶ In accordance with 23 CFR 450.210, The Federal Highway Administration (FHWA) requires the statewide planning process be developed (www.fhwa.dot.gov/planning/public_involvement/orders/) using a documented Statewide Transportation Improvement Plan (STIP) public involvement process for public review and comment at key decision points.
- ▶ FHWA and other federal agencies implemented the National Environmental Policy Act (NEPA) of 1969 and FHWA environmental procedures in 23 CFR 771 and the Council on Environmental Quality implemented regulations outlining requirements for public input during the project development process. These regulations include publishing notices and providing the opportunity for public hearings to solicit input about transportation projects.



Federal Aid Requirements

- ▶ Executive Order 12898
- ▶ The Order calls for “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of” various State and LPA transportation projects to Minority and Low-income populations.

- ▶ Executive Order 13166
- ▶ Requires Federal agencies and their recipients to improve access to Federally-sponsored programs for persons with Limited ability to read, write, speak, and understand English.



Checklist

(Information required for completion of proper Civil Rights Analysis)

- ▶ DR Form 530 (Local) or DR 73/53 (State)
- ▶ Proposed location map
- ▶ Proposed detour map (If applicable)
- ▶ Purpose and Need
- ▶ Project Description



Civil Rights Analysis

- ▶ What questions will the CE Form ask?
 - How to use the Civil Rights Analysis to answer these questions
- ▶ How do the findings of the Civil Rights Analysis relate to Public Involvement?



Civil Rights Analysis

- ▶ What questions will the CE Form ask?
 - ▶ 1. Are protected populations in the study area?
 - ▶ 2. Will there be adverse effects to these populations?
 - ▶ 3. Will the adverse effects be potentially disproportionately high and adverse?
 - ▶ 4. Limited English Proficiency



Civil Rights Analysis

- ▶ EJ Population Analysis
- ▶ 1. Use census and other data as appropriate for the scenario.
- ▶ 2. Examine the area for minority and low-income residences that the census data might not show, e.g., trailer parks or predominantly minority apartment complexes.
- ▶ 3. Examine the area for businesses and organizations likely to be predominantly used by protected populations, e.g., community services or community centers.
- ▶ 4. If no population, the analysis is complete. Do not address anything further if you've found no populations.



Civil Rights Analysis

- ▶ Are there Adverse Effects to protected populations?
- ▶ isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- ▶ displacement of persons, businesses, farms, or nonprofit organizations
- ▶ destruction or disruption of the availability of public and private facilities and services
- ▶ the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities
- ▶ Common examples: Detours; ROW; Access Changes/closures



Civil Rights Analysis

- ▶ Potential Disproportionately High and Adverse Effects:
 - ▶ Disproportionately high and Adverse Effects are those that:
 1. are predominately borne by a minority population and/or a low-income population; OR
 2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.



Civil Rights Analysis

- ▶ Mitigation
- ▶ Properly applied, mitigation techniques can reduce “disproportionately high and adverse effects” to only “adverse effects”.
- ▶ Mitigation can vary widely from project to project. Many times, mitigation will simply be the use of additional public involvement methods.



Civil Rights Analysis

- ▶ Limited English Proficiency Analysis
- ▶ Performed at the census tract or locality level; doesn't track the environmental study area.
- ▶ NDOR thresholds for translation and interpretation are 5% or 1,000 persons.
- ▶ LEP person is one who speaks a language other than English and also speaks English "Less Than Very Well," as designated in the American Community Survey.
- ▶ Report findings in public involvement section of CE form.



Updated Checklist

(Information required for review of draft public involvement plan)

- ▶ Civil Rights Analysis
- ▶ DR Form 530 (Local) or DR 73/53 (State)
- ▶ Proposed location map
- ▶ Proposed detour map (If applicable)
- ▶ Purpose and Need
- ▶ Project Description



Public Involvement Plan

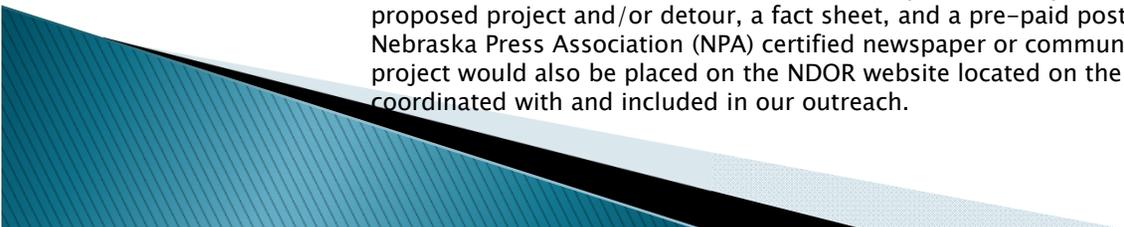
Include information on the following:

- ▶ Location of the proposed project.
- ▶ Scope of the proposed project.
- ▶ ROW impacts including the type and anticipated amount.
- ▶ Access restriction or closure.
- ▶ Wetland impacts.
- ▶ 4(f)/6(f)/Section 106 impacts.
- ▶ Average Daily Traffic (ADT)
- ▶ Traffic accommodations in detail (detour, lane restrictions, etc.)
- ▶ Explain proposed public outreach (per Public Involvement Procedure) based off the information above.

*Emphasize on public involvement considerations.



Public Involvement Plan Format

- Location →** Following a second review of the project, this 3R (Resurfacing, Restoration and Rehabilitation) project is proposed to resurface approximately 8.08 miles of Nebraska Highway 15 (N-15) located in Colfax and Stanton Counties. The project would start at Mile Marker (MM) 126+56, the junction of Nebraska Highway 91 (N-91) and N-15, and extend north to MM 134+64, just north of the Nebraska Highway 32 (N-32) and N-15 junction. Construction would begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. The purpose of the proposed project is to preserve the N-15 transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this project is based on the condition of the existing roadway and bridge. Bridge inspections suggested that a bridge replacement would be required.
- Scope →** The proposed improvements for this project consist of resurfacing the existing roadway, surfaced shoulders, existing surfaced drives, and intersections with asphalt. Permanent pavement markings would be applied to the resurfaced roadway. In addition to the resurfacing, the project would remove and replace the existing bridge, S015 13411, located over Maple Creek. Existing guardrail would be removed and replaced. Additional Right-Of-Way (ROW) would be required for the bridge replacement and for hazard mitigation. There would be an approximate 1.5 foot grade raise associated with the bridge replacement that would necessitate grading. Hazard mitigation would include but would not be limited to: culvert extensions, foreslope grading, tree and other obstacle removal, mailbox turnouts, and one driveway relocation.
- Impacts →** Based on the above described improvements, this project would require the acquisition of additional property rights including new ROW, and permanent and/or temporary easements (approximately 2.5 acres for the entire project). The need for additional property rights would include relocating a field entrance to avoid the new bridge and guardrail, culvert extensions, foreslope grading, hazard mitigation, bridge replacement, and general construction needs. Wetlands impacts are anticipated, approximately 0.4 acres, and would be mitigated on-site or at a local wetlands bank. Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements. No other impacts were identified.
- Traffic →** The removal and replacement of the existing bridge S015 13411 would require short-term detouring of N-15 Traffic (approximately five to six months); a designated detour would be provided, utilizing N-32, Nebraska Highway 57 (N-57), and N-91.
- Accommodations**
- ADT →** The current traffic count (ADT) for N-15, from MM 126+56 to MM 134+64, is approximately 1470 vehicles per day with thirty percent (30%) heavy vehicles. The resurfacing portion of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control. The designated detour itself may be lengthy, but it can be presumed that residents within the area will find more efficient paths to avoid the detour at the bridge location. The detour would not be in place for the entire construction length of the project, which is proposed to begin as early as fall of 2016 and be complete by fall of the following year. With a portion of this traffic being heavy truck traffic, the Nebraska Trucking Association (NTA) would be coordinated with and included in our public outreach.
- Outreach Proposal →** Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 3 Engineer, Kevin Domogalla, NDOR is requesting to utilize public involvement outreach with a Project Information Packet, with a 30-day comment period, to inform the public of the proposed project and solicit input regarding the project. This would involve a mailing packet to a database of citizens directly adjacent to N-15 between MM 126+56 and MM 134+64, as well as to businesses, stakeholders and other interested parties. The packet would include a cover letter detailing the project, a map of the proposed project and/or detour, a fact sheet, and a pre-paid postage comment form. A legal notice would be published in a Nebraska Press Association (NPA) certified newspaper or community newspaper within the project area. Information regarding the project would also be placed on the NDOR website located on the "Highway Projects" page. As mentioned above, the NTA would be coordinated with and included in our outreach.
- 

Level 1 CE

The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with:

- Detour
- Access restriction or closure
- Projects within or directly adjacent to federal land, a state park, or tribal land
- Nighttime work in a residential area

At a minimum the public will be engaged through a targeted mailer when:

- The detour must create less than 5 miles of adverse (out-of-direction) travel within an urban environment and less than 25 miles in a rural setting with access provisions for local traffic
- Direct access to a residential property or driveway is closed for no more than 5 working days, and complete access closure to businesses or emergency services cannot occur



Commonly Used Tools

Targeted Mailing

Public Notification

A Public Notification typically includes a project description, purpose and need, brief scope of work, right-of-way or easements, traffic or access disruption description, construction schedule, map (detour and location), accommodation of traffic, any other potential impacts, accommodation of information and/or materials for protected population, and agency contacts (including the Public Involvement Coordinator). This notification is distributed to contiguous property owners, business owners, and local officials. No comment period is required but, comments are accepted.

- ROW
- Detour
- Access Restriction
- Nighttime Work in Residential Area



Commonly Used Tools

Targeted Mailing (Continued)

Project Information Packet

A Project Information Packet is sent when a public information meeting is not planned. The Project Information Packet typically includes a cover letter, project handout/fact sheets (see Appendix B for example), a comment form, and/or any other displays/exhibits/handouts to summarize the project and agency contacts (including the Public Involvement Coordinator). A minimum 30-day comment period is required. The dates and methods to provide feedback must be included in the packet.

- ROW
- Detour
- Access Restriction
- Base Flood Elevation (Impacts to adjacent structures)
- 4(f) Impacts
- Historical Properties



Level 2 CE

The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with (in addition to Level 1 CE):

- Section 4(f) use in accordance with Section 4(f) Guidance Document
- Section 106 property, in accordance with Section 106 Guidance Document
- Adjacent property owner trail maintenance
- If LPA will require property owner assessment to assist in paying for a federal aid project

At a minimum the public will be engaged through a targeted mailer when:

- Direct access to a residential property or driveway is closed for no more than 10 working days, and complete access closure to businesses or emergency services cannot occur.
- If the project results in a Section 4(f) Impact
- When a new trail would be constructed adjacent to private property or if property owners are expected to maintain new trails based on local ordinance (shovel snow, mow area adjacent to trail)
- If property assessments would be used for the project financing



Level 3 CE

The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with (in addition to Level 1 & 2 CEs):

- ROW
Rise greater than 1-foot in the Base Flood Elevation (BFE)
- Type 1 Project criteria (in accordance with 23 CFR 772 and NDOR's Noise and Abatement Policy).
- When a new trail would be constructed adjacent to private property or if property owners are expected to maintain new trails based on local ordinance (shovel snow, mow area adjacent to trail).
- If LPA will require property owner assessment to assist in paying for a federal aid project.

At a minimum the public will be engaged through a targeted mailer when:

- ROW would be acquired:
 - If the project would require more than 2 acres per linear mile of ROW/easements
 - Removal of minor improvements
- If access restriction or closure of more than 10 days is anticipated

Any rise in a floodplain that impacts an adjacent structure, or in a floodway

If there is a determination of "adverse effect" on a historic property



Other Commonly Used Tools

- ▶ Official Legal Notice
- ▶ Public Information Meeting
- ▶ Website
- ▶ Media News Release
- ▶ Canvassing
- ▶ Temporary Highway Signs/DMS Signs

* Additional tools and examples may be found in the back of the Nebraska Public Involvement Procedure



Commonly Used Tools

Official Legal Notice

- ▶ Public Information Meeting and Public Hearing
 - 15 days prior to event (not counting the day of the event)
- ▶ Targeted Mailing of Project Information Packet
 - 30 days and 15 days
- ▶ Final Environmental Impact Statement/Record of Decision Public Availability
 - Refer to Federal Register

*Must be published in Nebraska Press Association Newspaper



Commonly Used Tools Official Legal Notice (Continued)

NEBRASKA DEPARTMENT OF ROADS NOTICE OF HIGHWAY PUBLIC MEETING

Thursday, February 5, 2015; 4:00 – 6:00 PM

Information Open House Public Meeting

Ak-Sar-Ben Aquarium, Schramm Park State Recreation Area
21502 Hwy 31, Gretna, Nebraska

RD-31-2(1014) Schramm Park South; C.N. 22302A

The Nebraska Department of Roads (NDOR) will hold a public information open house regarding proposed improvements of Nebraska Highway 31 (N-31) in Sarpy County. The meeting will be held at the Schramm Park State Recreation Area, Ak-Sar-Ben Aquarium, 21502 Highway 31, in Gretna, on Thursday, February 5, 4:00–6:00 P.M.

Identified as *Schramm Park South*, the proposed project would resurface approximately 1.17 miles of N-31 located in Sarpy County, beginning 4.18 miles west of the junction of Nebraska Highway 50 (N-50) and N-31, and extending northwest to approximately 0.18 miles southeast of the entrance to Schramm Park State Recreation Area.

The purpose of this proposed project is to preserve the N-31 transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this proposed project is based on the condition of the roadway.

The planned construction would include removing the existing pavement and subgrade, and then constructing a new stabilized subgrade, foundation course, and concrete pavement. Additional work would include the pavement of parking turnouts, shoulder work, and grading of existing drives and intersections.

Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements. No additional property rights are anticipated for this project.

Wetland impacts are anticipated and would be mitigated at a local wetlands bank.

Construction could begin as early as fall of 2016 and be complete fall of the same year. The proposed project would require detouring N-31 traffic; a designated detour would be provided, utilizing Interstate 80 (I-80), Nebraska Highway 370 (N-370)

and N-50. Details will be available at the public meeting.

This public open house meeting is being held to provide information regarding the project, currently in the design phase, and to receive the public's input. All interested persons are invited to attend and present relevant comments and questions. Design information will be displayed and personnel from NDOR will be present to answer questions and receive comments. The information "open house" format allows the public to come at any time during the advertised hours, gather pertinent information about the project, speak one-on-one with project personnel, and leave as they wish.

NDOR will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with Limited English Proficiency (LEP) will be made if the Department is notified by January 23, 2015. Notification should be submitted to: Sarah Kugler, Public Involvement Coordinator, Nebraska Department of Roads, P.O. Box 94759, Lincoln, NE 68509-4759; sarah.kugler@nebraska.gov; voice telephone 402-479-4871, Fax 402-479-3989.

Information regarding the proposed project will be made available on the NDOR website, the day after the meeting, at www.transportation.nebraska.gov/projects/ by clicking on the "Schramm Park South" link. For those without internet access, information may be obtained through the contact above or at NDOR Headquarters, 1500 Hwy 2, Lincoln, NE. For further information, contact Tim Weander, NDOR District Two Engineer, 402-595-2534, tim.weander@nebraska.gov.

Items for Public Involvement Review

(After review and approval of draft Public Involvement Plan)

When Applicable, please submit all draft versions of the following to be reviewed:

- ▶ Public Involvement Plan
- ▶ Legal Notice
- ▶ Distribution List
- ▶ Project Handout
- ▶ Public Notification
- ▶ Cover Letter
- ▶ Comment Sheet
- ▶ Sign-in Sheet
- ▶ Displays
- ▶ Any other material to be potentially distributed to the public



Checkpoints

1. Complete Civil Rights Analysis.
2. Submit P.I Plan for review/approval.
3. Submit public involvement materials per the approved P.I Plan for review/approval.
4. Carry out Public Involvement activities.
5. Project closeout (review/approval).



Project Closeout

- ▶ Draft Final Report
 - Documentation (Reports may vary depending on the type of public involvement event and may or may not include all of the components listed).

COVER PAGE

CERTIFICATE (signature date is same as close of comment period)

APPENDIX

PUBLIC INVOLVEMENT PLAN

Civil Rights Analysis
Public Involvement Memo
Additional Considerations

NOTIFICATION

Legal notice of public meeting
Request for publication of legal notice
Affidavit of publication of legal notice

Mailing
Public Notification
Sample letter
Distribution lists

Official news release/flyer
Order for temporary highway signs
Photos of temporary highway signs
Website page confirming project info posted online



Project Closeout (Continued)

VENUE (include name and address on divider)
Venue relative to project map
Aerial location map
Floor plan
ADA accessibility checklist
Photos of venue (exterior and interior)

SUPPORT MATERIALS

Handouts distributed to the public (include all languages)
Display/exhibit boards
Proposed project location map
Proposed detour route map
KMZ file (Google Earth) representation
Proposed typical sections
Proposed design mosaic map

ATTENDANCE

Sign-in sheets
Photos of public meeting

PUBLIC COMMENTS

Sample citizen comment sheet
Comment matrix
Written citizen comments
Participant notes
Written responses



What Questions will the CE Form Ask?

Public Involvement – Provide a summary of any completed and planned Public Involvement Activities:

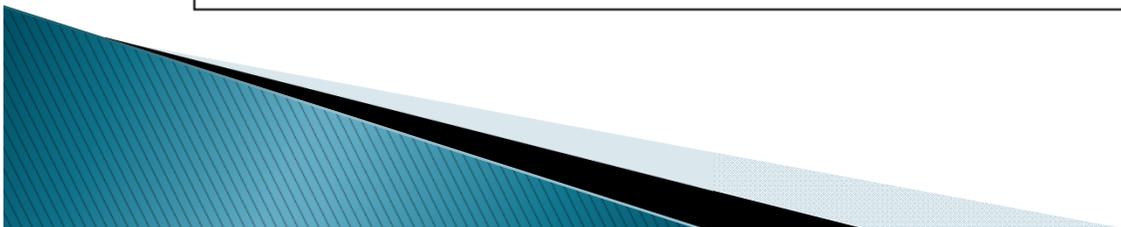
Public Involvement Mitigation:

Unresolved Controversy – Based on public involvement carried out per NDOR’s procedures, is there any known public or agency controversy on human, natural, or economic grounds associated with the action?

Yes No N/A

If Yes, coordinate with FHWA to determine the proper level of environmental review.

Unresolved Controversy Comments:



Project Closeout (Continued)

- ▶ Summary of Public Involvement for Environmental
 - Refer to original PI Plan and outreach completed
 - Comments/Responses (In matrix format)
 - Attach written comments/responses and mailing packet

To: NDOR Environmental
From: Sarah Kugler, Public Involvement Manager, NDOR
Date: 20 August 2015
RE: Public Involvement Summary Report, STP-15-3(115), N-91 North, CN 32132

Public Involvement Outreach Requirements for Public Information Packet: C.N. 32132, STP-15-3(115), N-91 North

Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 3 Engineer, Kevin Domogalla, NDOR utilized a Project Information Packet, with a 30-day comment period, to inform the public of the proposed project and solicit input regarding the project. A total of 121 mailing packets were sent to a database of citizens directly adjacent to Nebraska Highway 15 from Mile Marker (MM) 134+64 to MM 126+56. Mailing packets were also sent out to a list of 46 businesses, stakeholders, and other interested parties. Since a portion of this traffic included heavy truck traffic, the Nebraska Trucking Association (NTA) was included in our database. The packet included a cover letter detailing the project, a map of the proposed project and/or detour, a fact sheet, and a pre-paid postage comment form. A legal notice was published in the Colfax County Press and the Stanton Register, both Nebraska Press Association certified newspapers, on June 10, 2015 and June 24, 2015. Information regarding the project was also placed on the NDOR website located on the “Highway Projects” page. Additional information may be made available upon request.

NDOR Public Involvement received 7 comments during the specified comment period (June 10, 2015 – July 10, 2015), outlined below.

COMMENT	RESPONSE
Summarize each comment	Summarize each response

Contact Information

Sarah Kugler

NDOR Public Involvement Manager

(402) 479-4871

sarah.kugler@nebraska.gov

Christopher Hassler

NDOR Highway Civil Rights Specialist

(402) 479-3553

christopher.hassler@nebraska.gov

