

# Public Involvement for Federal Aid Projects

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# Federal Requirements

Agencies must implement public involvement efforts in accordance with federal regulations/guidelines:

- National Environmental Policy Act (NEPA)
- Title VI of the Civil Rights Act
- Environmental Justice (EJ)
- Limited English Proficiency (LEP)
- Americans with Disabilities Act (ADA)



# National Environmental Policy Act (NEPA) of 1964

- Established a policy of environmental impact assessment for federal agency actions, federally funded activities or federally permitted/licensed activities that is termed "environmental review" or simply "the NEPA process".
- **Purpose of NEPA: Decision making process**
  - Identify and evaluate feasible alternatives
  - Determine impacts of the alternatives
  - Ensure public and affected stakeholders have input
  - Ensure that the decision maker is fully informed of the environmental aspects and consequences and receives public/agency input prior to making the final decision



# National Environmental Policy Act (NEPA)

## Environmental Impact Statement (EIS)

- Document required for certain actions "significantly affecting the quality of the human environment". Results in a Record of Decision (ROD).

## Environmental Assessment (EA)

- Determines whether a federal action would significantly affect the environment and thus require an EIS. Results in either a Finding of No Significant Impact (FONSI) or the initiation of an EIS.

## Categorical Exclusion (CE)

- Exempts certain actions from requiring an EIS, due to no significant impacts.

# ADOT NEPA Assignment

- **NEPA/CE assignment:** FHWA has MOUs with ADOT to assign FHWA's authority to ADOT for NEPA project-level decision making, determining and approving CE's and NEPA documents and ensuring NEPA requirements are met.
- CA Agency prepares the NEPA documentation and analysis for ADOT review and approval, including public involvement conducted.
  - The **level of public involvement will be commensurate with the proposed action and conducted in compliance with NEPA requirements** and the **CA Agency's public involvement guidelines**.
  - The ADOT Public Involvement Plan should be followed if a public hearing is conducted.
  - CAs lead and pay costs of the public involvement conducted.

# NEPA PI Requirements

- **Public & agency scoping**
  - Public and stakeholder involvement and consultation in **defining the purpose and need, alternatives** to be considered and the **identification of potential impacts** to be evaluated in an environmental document.
    - EIS requires full range of alternatives
    - EA only requires Build/No Build Alternative
    - CE does not require alternatives
  - No formal scoping requirements for an EA or CE.
  - However, consultation is **important in anticipating issues or concerns** to state/federal agencies & the public.
  - Can hold public & agency scoping meetings but not required.



# NEPA PI Requirements

## Public hearings

- Required for draft Environmental Impact Statement
- May be required for EA depending on the level of project impacts. Need to offer hearing if the proposed project:
  - Requires significant right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which FHWA determines a public hearing is in the public interest.
- Not required for Categorical Exclusion (CE)



# Public Hearing Requirements

- FHWA policy requires in-person hearing (Exception during pandemic for virtual hearings for EA but not for EIS)
- Held at convenient times/places
- Reasonable notice (Advertised in newspaper of largest circulation >14 days prior)



# Public Hearing Requirements

## At hearing

- Explanation of the purpose and need; consistency with local plans; project alternatives and major features; social, community, economic and environmental impacts; relocation assistance and right-of-way acquisition programs
- Procedures for receiving oral and written comments from the public
- **Opportunity for oral comments to a listening panel**
  - court reporter to transcribe
- Comments only
- Responses provided in Final EIS/EA



# Public Hearing Requirements

## After hearing, submit to ADOT

- Transcript of each public hearing
- Certification that a required hearing or hearing opportunity was offered
- Copies of all comments received during comment period



# EA/EIS Notification Requirements

- Notice of Intent to prepare an EA/EIS published in Federal Register
- Notice of Availability of Draft EA/EIS in Federal Register, opportunity to comment
  - 45-day minimum public review/comment period for a DEIS
  - 30-day public review/comment period for EA (15 days before hearing date)
  - Where document can be viewed (in person/online). Printed copies made available for review at repository locations, locations provided in ad.
  - How to submit comments on draft (email, mail, phone, other) and deadline
- Notice of Availability of Final EIS in Federal Register
  - 30-day public review period for a Final EIS (if not combined with a ROD) prior to ADOT final decision
- Notices published in newspaper of general circulation in area affected.

# NEPA PI Requirements

- Other than public hearings, FHWA *does not prescribe specific public involvement methods.*
- However, public involvement procedures must provide for:
  - **Public involvement activities throughout the entire NEPA process.**
  - **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.



# Title VI of the Civil Rights Act of 1964

- “No person shall on the grounds of **race, color** or **national origin**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any ADOT or ADOT-sponsored program or activity.
- Special consideration is given to **reaching and involving** the **traditionally underserved**, such as
  - **Minority, low-income, disabled, LEP**
  - **Other populations facing barriers** to information access
- Need for ongoing & proactive **public involvement** at **all stages of planning and project development**
  - Early & frequent engagement of affected parties during the transportation decision-making process.



# Title VI Requirements/Considerations

- Follow Environmental Justice (EJ) requirements:
  - Fair treatment and meaningful involvement of all people, particularly minority, low-income and indigenous populations, in the environmental decision-making process.
- Follow Limited English Proficiency (LEP) requirements:
  - Reasonable steps to provide LEP individuals with meaningful access to programs, activities & services.
  - Provide information in language(s) other than English based on assessments.
- Follow Americans with Disabilities Act (ADA) requirements:
  - Must involve people with disabilities in developing and improving public services.
  - Ensure materials are available in alternative formats, meetings accessible for those with disabilities.
- Submit Title VI program plan to the ADOT Civil Rights Office (CRO) for review and acceptance, and an Annual Goals and Accomplishment report by August 1.

# Environmental Justice (EJ) Requirements

- 1994, Executive Order to Address Environmental Justice in Minority Populations and Low-Income Populations.
- Environmental justice “is the **fair treatment** and **meaningful involvement** of all people, particularly **minority, low-income and indigenous populations**, in the environmental **decision-making process.**”
- All projects that include federal funding follow the NEPA process, which also includes requirements for **identifying and engaging EJ communities to increase equity in transportation** throughout the decision-making process.

# Environmental Justice Historical Perspective

- 1956 Interstate Highway Act created interstate system
- Major projects primarily placed in low-income and minority areas.
  - Less vocal/organized with less political influence than Whites
  - Less costly right of way/relocation
  - “Urban renewal” - getting rid of blight
- Long-lasting socioeconomic effects
  - Bisecting neighborhoods
  - Created disproportionate impacts for marginalized residents
  - Potential health effects
  - Disinvestment in neighborhoods
- ~16,000 people displaced from their homes for I-10, I-17 and Sky Harbor Airport.



# Environmental Justice Tools/Best Practices

**Don't make them come to you, instead meet them where already are.**

- Door-to-door canvassing of residents and businesses.
- Booths / surveys at grocery stores, parks, community centers, etc.
- Direct mailers.
- Partner with churches, community organizations
- Conduct interviews with community groups & leaders.
- Develop community contacts, mailing lists.

**Provide many ways to participate and provide input**

**Ensure methods are inclusive and allow all to participate**

- Can't assume everyone has Internet, a computer or smart phone



# Environmental Justice Public Meeting Best Practices

- Piggy-back your meeting onto an existing neighborhood meeting or event.
- Hold meetings in community locations where people already gather and can “pop-in” in an open house
- *Don't* hold at City Hall/other government building just for staff/elected convenience
- Ensure meeting locations are along a public transit route.
- If you hold a virtual meeting, offer a call-in option for those without Internet. Post the meeting on your website and share with community contacts for those who couldn't attend.
- Provide multiple ways to get info/participate besides attending a meeting.
- Hold meetings at times convenient for low-income working families with kids.
- Make it fun and interesting to participate.
- Notify people in ways they can't miss it – posters, banners, direct emails, mailers.
- Simplify information and avoid jargon.
- Offer refreshments if possible/allowed.

# Limited English Proficiency (LEP)

- Conduct LEP Four Factor Analysis to measure and document LEP needs in relation to the impacted project area. This analysis balances the following four factors:
  1. The number or proportion of LEP persons served or encountered in the eligible service population.
  2. The frequency with which LEP persons come into contact with the program.
  3. The nature and importance of the program, activity or service provided by the program.
  4. The resources available and costs to the recipient.

# Limited English Proficiency (LEP) Requirements

- Conduct research to **identify LEP persons**
  - U.S. Census Bureau’s “American Community Survey” and the Environmental Protection Agency’s EJ page tool, which report data on “language spoken at home” and Linguistically Isolated Households.
- Utilize the **Safe Harbor Threshold** as a guide to determine when written translation of vital documents for each eligible LEP language group is necessary.
  - Eligibility is met if the LEP language group constitutes **5% or 1,000 persons**, whichever is less, of total population of persons eligible to be served, likely to be affected or encountered, by program/activity.
- Conduct community interviews to determine LEP needs/expectations.
- Provide digital/printed materials in the language(s) of the identified LEP group(s).
- With reasonable notice, provide requested translation services at public meetings.

# Limited English Proficiency Tools/Best Practices

- Anticipate need for translation at meetings if study demographics warrant it
- Use United States Census Language Identification Flashcard during outreach efforts
- Maintain list of qualified vendor translators
- Use Google Translate on web pages
- Contact churches and community organizations serving LEP populations.
- Use visual images or simulation videos
- Ads in foreign language publications



# Americans with Disabilities Act (ADA) Requirements

- (ADA) stipulates that **people with disabilities be involved** in developing and improving public services.
- In highway/transportation planning, **collaboration with persons with disabilities is essential for developing access points beyond those that are required.**
- **All events** held for programs or projects with federal-aid funds and open to the public **must be made accessible to everyone,** including persons with disabilities.



Required	Best Practice
<p><b>Provide reasonable accommodations for persons with disabilities in all outreach activities and materials. Provide ADA notice on materials to request special accommodations, and provide accommodations.</b></p>	<p>Conduct research through U.S. Census Bureau’s “American Community Survey” for data on number of persons with disabilities</p>
<p><b>Provide effective communications using auxiliary aids (sign language interpreters, large print, or Braille text) so that individuals with hearing, visual, sensory, or cognitive impairments have access to programs, services, and activities.</b></p>	<p>Develop contacts, mailing lists to communicate with persons with disabilities.</p>
<p><b>Conduct programs, services, and activities in accessible facilities or provide alternative means of accessibility. Ensure meeting locations are accessible by ADA-compliant transportation options.</b></p>	<p>Conduct community interviews, including one-on-one meetings with disability advocacy groups.</p>
<p><b>Seek input from with persons with disabilities on transportation access issues. Establish the public involvement process by which the disability community will participate.</b></p>	<p>Collaborate with local agencies, such as Arizona DES, which offers assistance/information for the aging and disabled communities.</p>
<p><b>Submit an ADA Action Plan report to the ADOT Civil Rights Office (CRO) for review and acceptance by January 30.</b></p>	<p>Engage health care facilities, senior centers or other community facilities to connect with persons otherwise unable to attend events.</p>

# Public Involvement Documentation

- Public Involvement Plan
- Public hearing/meeting summaries/comment logs (transcripts for hearing)
- Title VI documentation



# Case Study: Grand-35 Study

- Environmental Assessment to evaluate grade separations (bridges or underpasses) at the intersection of Grand Avenue, 35<sup>th</sup> Avenue and Indian School Road in Phoenix



# Case Study: Grand-35 Study

- **High minority population: 72% of community**
  - 81% Hispanic (3,762 households); 4% Black; 2% Asian; 2% Native American; 4% 2 or more races
- **High % Spanish speakers: 60% of households**
  - 3,476 (17%) speak English “less than very well”
  - Spanish: 12,579 (60%); English (30%); Other 599 (3%)
- **Large low income population: 35% below poverty level**
  - Median household income of \$33,302 with an average household size of 3.8 people
  - 2,094 (35.3%) households below poverty level

# Grand-35 Study

- ADA population
  - 26% of households report one or more persons with disability
- Age
  - 68% under age 40
  - Only 14% 55 or older
- Internet/Mobile phone availability
  - 85% of households have a Smart Phone device
  - 72% use Smart Phone to access the Internet
  - 38% have laptop; 34% have tablet; 25% have desktop computer

# Grand-35 Study: Outreach Strategy

- **Held separate Spanish-only virtual public meeting with online/call-in option**
- Translated all study public meeting materials into Spanish: meeting notice ad, postcard mailer, presentation, Q&A, fact sheet, emails to community members
- Direct mailer to all households within 1 mile
- Spanish-language ad, article & radio interviews. English ad in Republic Wed issue (grocery ads)
- Conduct grassroots community outreach using bilingual PIO, hand-canvassing notice to businesses and apartments, outreach table at Ranch Market, notice to school district, asked churches and block watches to share information
- Google Translate feature on website to translate all information
- Provided other ways for community members to provide comments besides meeting: phone, mail, email, website

# Grand-35 Study: Spanish Outreach



# Grand-35 Study: Vietnamese Outreach

- Direct business outreach indicated need for Vietnamese translation
- Several Vietnamese-speaking businesses
- Secured Vietnamese translator for verbal/written translation
- Provided email notice for written translation and verbal script for translator to use when emailing/calling businesses



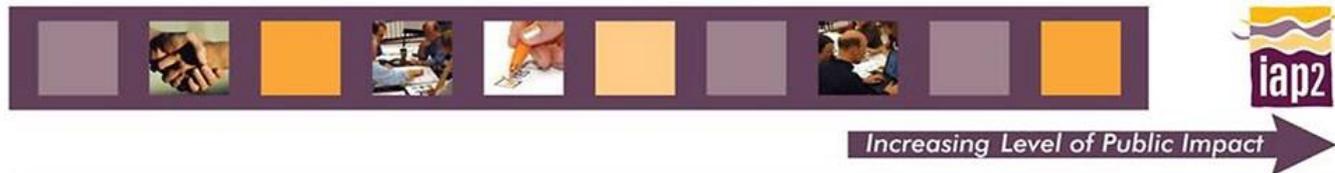
# Grand-35 Study: Online Outreach

## Study website

- Allowed user to select language when entering site (Google Translate)
- Interactive map comment tool
- Online survey of preference among potential alternatives
- Study information, materials and graphics

The screenshot displays the 'Grand-35 Study Interactive Comment Tool' interface. At the top, there is a language selection dropdown menu with the text 'Translate this site if other than English' and 'Select Language'. Below this, a red warning message reads: 'BEFORE WE BEGIN: Please sign in to access the Grand-35 Interactive Comment Tool. Personal information is voluntary and will only be used for study outreach purposes.' The sign-in form includes fields for 'Name' (split into 'First Name' and 'Last Name'), 'Email', and 'Zip Code'. A green 'Submit' button is located at the bottom of the form. At the very bottom of the page, there is a small text block: 'If you would like to participate in ADOT's voluntary, one-question self-identification survey, visit: <https://azdot.gov/title6survey>. The information collected on the self-identification survey is anonymous and enables ADOT to fulfill its federal reporting requirements from the Federal Highway Administration and helps ADOT evaluate its public outreach efforts.'

## IAP2's Public Participation Spectrum



	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
<b>Public participation goal</b>	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.
<b>Promise to the public</b>	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.
<b>Example techniques</b>	<ul style="list-style-type: none"> <li>■ Fact sheets</li> <li>■ Web sites</li> <li>■ Open houses</li> </ul>	<ul style="list-style-type: none"> <li>■ Public comment</li> <li>■ Focus groups</li> <li>■ Surveys</li> <li>■ Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>■ Workshops</li> <li>■ Deliberative polling</li> </ul>	<ul style="list-style-type: none"> <li>■ Citizen advisory Committees</li> <li>■ Consensus-building</li> <li>■ Participatory decision-making</li> </ul>	<ul style="list-style-type: none"> <li>■ Citizen juries</li> <li>■ Ballots</li> <li>■ Delegated decision</li> </ul>

# Questions?

