

# Public Involvement for Local Public Agency Projects

*Meeting Federal Requirements*

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## Public Outreach Responsibilities for Local Public Agency Projects

- ADOT Community Relations will manage public outreach for LPA projects with the following exceptions:
  - HURF-funded projects (via HURF exchange), which are not administered by ADOT
  - Certificate Acceptance Agency (CA) projects
    - Maricopa County, Pima County, Chandler, Mesa, Phoenix, Scottsdale, Tempe and Tucson
  - Non-CA Local governments that have ample resources to provide public outreach for the project.
- ADOT Community Relations will coordinate with the ADOT project team and communicate with LPA staff about public outreach efforts.

## Public Outreach Responsibilities for Local Public Agency Projects

- ADOT's position has been that a LPA should manage outreach if possible:
  - ADOT has limited community relations resources
  - The LPA knows its own community and its stakeholders the best
  - The project "belongs" to the LPA and is not on the state highway system.
- Some LPAs also lack sufficient community relations resources and want public outreach to be part of administering the contract.

## Public Outreach Responsibilities for Local Public Agency Projects

- Public outreach, and related costs, for HURF-funded and CA projects are the responsibility of the LPA/CA.
- Per FHWA regulations, public outreach must be completed in compliance with ADOT's Public Involvement Plan (PIP).
  - ADOT PIP is federally mandated, reviewed by FHWA & meets federal requirements.
  - ADOT Office of Community Relations can provide guidance on how to develop and implement public outreach activities in alignment with the ADOT PIP.
  - ADOT Civil Rights Office manages compliance with the ADOT PIP.

# ADOT Community Relations

## Design/Construction Project Support

- When ADOT conducts outreach for LPA design or construction projects, the following services will be provided with costs incurred by ADOT:
  - Develop a project communication plan
  - Establish and maintain a project webpage on [azdot.gov](http://azdot.gov)
  - Issue GovDelivery email alert updates
  - In cooperation with ADOT Govt. Relations, provide briefings to local elected officials and community groups
  - Respond to questions/comments via the hotline, email, etc.
  - Coordinate media relations and social media support when appropriate
  - Create and distribute project flyers as needed
  - Attend project meetings
- Additional public outreach will be the responsibility of the LPA.

# Federal Requirements

When using any federal funds, Local Public 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.
- Must be in-person for EIS, can be virtual for EA.
- Not required for Categorical Exclusion (CE)



# 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 populations**
  - **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

- 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.
- 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.
- 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.
- CE's to Submit Title VI plan to ADOT Civil Rights Office for review and acceptance.

# 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 Tools/Best Practices

**EJ populations typically have low participation in traditional public meetings.**

**Don't make people 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 ways for all to participate**

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





# Environmental Justice Public Meeting Best Practices

- Piggy-back public 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) Requirements

- Conduct LEP Four Factor Analysis to determine LEP needs in project area.
  - 1) # of LEP persons 2) Frequency of LEP persons encountering project 3) Project nature & importance 4) Agency resources
- 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
<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>	Conduct research through U.S. Census Bureau's "American Community Survey" for data on number of persons with disabilities
<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>	Develop contacts, mailing lists to communicate with persons with disabilities.
<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>	Conduct community interviews, including one-on-one meetings with disability advocacy groups.
<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>	Collaborate with local agencies, such as Arizona DES, which offers assistance/information for the aging and disabled communities.
<b>Submit an ADA Action Plan report to the ADOT Civil Rights Office (CRO) for review and acceptance by January 30.</b>	Engage health care facilities, senior centers or other community facilities to connect with persons otherwise unable to attend events.

## IAP2's Public Participation Spectrum



	Inform	Consult	Involve	Collaborate	Empower
<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?

