

State of Nebraska
Department ♦ of ♦ Roads

Pursuing Solutions Through Public Involvement



- Addressing Highway Issues
- Seeking Public Input
- Involving Specific “Publics”

February 2009

Section A Background

In 1973, the Nebraska Department of Roads implemented an “Action Plan” setting forth certain principles, procedures and requirements. This document complied with PPM 90-4, the Federal Highway Administration’s directive for each state to develop a plan to be used and the process to be followed in the development of federal-aid highway projects. A large portion of the “Action Plan” was devoted to the development of guidelines designed to address possible adverse economic, social and environmental effects relating to proposed highway projects, and procedures and requirements provided for early public involvement.

In 1990, following the 1975 and 1981 revisions to the “Action Plan,” the Department created the “Department of Roads Systems, Techniques, Environment and Public” or “DORSTEP.” This document was a replacement to the “Action Plan” and perpetuated the process of outlining public involvement, environmental and other Department procedures.

Since that time, the Department has continued to carry out an effective public involvement program. Changes in requirements have continued to occur and recent federal legislation has required the Department to review its public involvement and public hearing programs. Creation of this document, “Pursuing Solutions Through Public Involvement” as the Department’s public involvement plan, will provide for the continuation of an effective public involvement process for the state and for local jurisdictions in compliance with current federal laws, requirements and guidelines.

Section B Purpose

This manual will provide guidance to the Department and for local agencies and other partner transportation agencies. As a single document, this manual will be twofold. First, it will identify the many facets of public involvement in the highway, road and street transportation development process. Secondly, it will give guidance/direction to accomplishing the various activities associated with the public involvement process.

In the development of this manual, the Department is committed to the principles of Context Sensitive Design/Context Sensitive Solutions whereby public involvement and environmental sensitivity are integrated into a project’s development. In addition, through the public involvement process, the Department and its other transportation partners will continue to make the public aware of transportation issues and will be a listener as citizens are given the opportunity to voice their concerns.

Section C Transportation Providers’ Mission

The Nebraska Department of Roads has the statutory responsibility for the construction, maintenance and administration of the state highway system which provides for a safe, reliable, affordable, environmentally compatible and coordinated statewide transportation system for the movement of people and commerce throughout Nebraska. Local public agencies likewise have similar responsibilities to insure that an adequate system of streets and roads is in place.

Section D Applicability

The Department is the established liaison between the Federal Highway Administration (FHWA) and the local public agencies responsible for planning of transportation projects. It is the Department's responsibility to assure compliance with all relevant federal requirements for federally-funded projects prepared by or for these local agencies. In this regard, all federally-funded highway, street and road projects will be processed in general conformance with the procedures and requirements of this document.

Section E Defining Public Participation

For the purpose of this document, public participation is the process a government entity or organization uses to gather information from the public when a transportation action is being contemplated. The comments provided by the public are then taken into consideration when evaluating the action.

Planning is a dynamic decision-making process that involves the ongoing evaluation and refining of transportation policies, programs and plans. Throughout this process, it is necessary to build a strong partnership with the citizens of Nebraska. A long-lasting, strong partnership with the general public, tribal governments, metro planning organizations, universities, local governments and other state government agencies is the goal.

For the purpose of this document the following terms are defined:

Design Public Hearing – An advertised meeting with the general public in the following formats:

- A. Presentational: This provides for a presentational setting with the hearing conducted by the Nebraska Highway Commission. Presentations are made by the Public Hearings Officer and the designers of the project. The public is given the opportunity to make recorded comments during the hearing or submit written comment sheets.
- B. Open House: This format provides for an open house setting consisting of stations within the hearing area where information concerning design, right-of-way, environmental, relocation assistance, etc. is available. This format provides the public the opportunity to have one-on-one conversations with staff and the Highway Commission. The public is given the opportunity to provide recorded comments during the hearing or to submit written comments.

Regardless of the format, a transcript of the hearing proceedings including the written comments will be produced. This transcript will become part of the project file and subsequent environmental documents.

Factors considered in holding a Design Public Hearing include:

- The project has a Class 1 or Class 3 Environmental Classification,
- Significant right-of-way acquisition having substantial adverse impact to abutting properties,
- The project includes business or residential relocation,
- There are significant impacts to the community which were not addressed at a previous public meeting,
- A request from the Highway Commissioner, the District Engineer, the Nebraska Department of Roads administration, or the FHWA.

Information Meeting – An advertised meeting held with the public in an informal, one-on-one format, to answer general questions and to gather information regarding a proposed improvement. An Information Meeting is not usually a recorded meeting but Citizen Comment Sheets are made available to the public.

Factors considered in holding an Information Meeting are similar to the factors listed for a Design Public Hearing. Additional factors for an Information Meeting include the following:

- The elapsed time since a previous advertised public meeting,
- A request from the Highway Commissioner, the District Engineer, the Right-of-Way Division, the Nebraska Department of Roads administration, or the FHWA.

An Information Meeting may be held for the following purposes:

- To solicit public input prior to putting proposed design features on a plan. This Information Meeting may be held on the same day as the plan-in-hand.
- To receive public input prior to proceeding with the final design process. This meeting could be held if the public has indicated interest in the project details. This may also be used when a public meeting is required to get input and comments associated with the environmental process. Public input is required if the project has adverse effects on a significant historic property and when Section 4 (f) impacts are identified. Public involvement is also required when Section 4(f) impacts are determined to be De Minimis.
- To update the public when there has been a significant change in the scope of the project.
- To meet with adjacent property owners and businesses concerning phasing and access.
- To answer questions regarding the project and the right-of-way acquisition process in a one-on-one informal format. This meeting is held after the right-of-way appraisal plans are complete and may be attended by representatives of the Right-of-Way Division. The meeting is generally referred to as a “Pre-Appraisal Information Meeting”.

Section F Monitoring and Review of the Public Involvement Plan

Public involvement activity may occur, as indicated in this document, at various times throughout the development and delivery of a highway project. From the early development and planning phases through construction and traffic engineering operations, public meetings and hearings allow for input by interested parties. Along with the many opportunities presented, the Department shall monitor on a continuing basis, the public involvement plan and review it at least every five years. These activities will be coordinated by the Department’s Public Hearings Officer who serves as the Department’s initial contact person for the public involvement program.

A public involvement monitoring process will begin in the early stage of a project’s development. The Department’s Public Hearings Officer will work with the Department’s Planning and Project Development Division staff during the Engineering Review or Location Study development stage to determine any special interest groups (i.e. persons with limited English proficiency, minority and low income) which may be most likely to be affected by the project. This identification will set the public involvement groundwork and monitoring of the process will continue through the preparation of environmental statements, and during the design, right-of-way and construction phases.

The review process will include an assurance that all current rules, regulations and guidelines, pertaining to the public involvement process as summarized in this manual, are being followed. Findings of any public meeting/hearing surveys received by the Department will also be included in the review. As a result of the review or as needed “Pursuing Solutions Through Public Involvement” may be revised.

Prior to the initial adoption of the public involvement plan, a 45-day review period will be in effect. Thereafter, at least every five years the plan will be reviewed. For the plan adoption and review, the manual will be available as follows:

- The draft manual and/or revisions will be posted on the NDOR website with instructions for submitting public comments.
- News releases will be sent to statewide media with instructions as to the availability for public comment, where it can be seen or ordered, and instructions for submitting any public comments.
- Copies will be available for public inspection at each of the Department's District Offices and at the Department's Communication Division Office.
- Comments will be received for a minimum of 45 days from the initial news release date.
- Comments received will be considered and summarized in the final manual.
- A final edition of the manual and/or revisions will be permanently posted on the NDOR website and copies will be available for public inspections at the Department's District Offices and at the Department's Communication Division Office.

Section G A Look Back at the History of NDOR and Public Involvement

The Nebraska Department of Roads has long been committed to the concept of public participation. The public hearing format was in use for over a decade before the federal government established public hearings as the required procedure for citizen input. The Nebraska State Highway Commission, created by the 1953 Legislature, was given, through state statute, the responsibility to "... conduct studies and investigations ... advise the public regarding the policies, conditions and activities of the Department ... hold hearings, make investigations" As a result of this directive, the Highway Commission and the Department have worked together to develop an effective public involvement process for specific projects which allow citizens of Nebraska to be involved in the development of highway improvements impacting them.

A public participation process has been developed which offers the citizens of Nebraska the opportunity to speak out on transportation issues and needs. The process provides for:

- Opportunities for early and continuing participation.
- Timely dissemination of information to the public and other interested groups.
- Reasonable public access to technical and policy information.
- Timely public notice and an adequate review period through this process.
- Consideration of the needs of those under-served (minority, low-income, persons with limited English proficiency, people with disabilities and American Indian Tribal Governments).
- Adequate public review of major project revision.
- Opportunity for review of proposed and final plans.
- Encouraging public comment.
- Documentation of public comments.

Using NDOR's original "DORSTEP" processes and procedures, the Department has continued to evaluate its public participation procedures in order for the public to be better informed when a transportation action is being planned. Hearing/meeting locations and times are determined to best meet the needs of the public. Addressing the requirements for persons with disabilities and limited English proficiency has and will continue to be a top priority. Such measures as physical accessibility to meeting locations, parking availability, rest rooms, providing sign language interpreters for persons with hearing impairment, and providing foreign language interpreters and hearing/meeting materials in other than English language will be accomplished as needed. Availability of information, in addition to transportation improvement project

information, via the Department's website, has provided easy and 24/7 access to the public. Significant technological improvements in presenting information to the public, such as video and audio presentations and enhanced clarity of large scale plans and other drawings, have provided easier interpretation of project information.

The 1991 Federal legislation, "Intermodal Surface Transportation Efficiency Act (ISTEA)" and the 1998 "Transportation Equity Act for the 21st Century (TEA-21)" enforced the need for strong public participation. Under ISTEA, a comprehensive transportation planning process to facilitate an efficient, affordable, safe, and environmentally sound transportation system was developed. Integral to this process was the development of a Statewide Long-Range Transportation Plan by the Nebraska Department of Roads.

It is a Department priority to have and maintain a public participation process that offers the citizens of Nebraska the opportunity to speak out and be heard on transportation issues and needs. Opportunities for early and continuing public participation are emphasized allowing for public review and input on planned transportation improvements.

Section H Current Regulations and Policies

Current public involvement processes described in this document have been developed by the Department as guided by federal laws, regulations and guidance documents including the following:

- **The National Environmental Policy Act of 1969 (NEPA).** This regulation requires the examination of potential impacts to the social and natural environment when considering proposed federal actions such as transportation projects. NEPA also requires that the transportation needs of the public be taken into account in reaching a decision that is in the best overall public interest. Public involvement activities are included in the process required for developing an Environmental Impact Statement (EIS).

Other regulations issued to assist in the implementation of the environmental policy include:

1. Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508).
 2. FHWA Environmental Impact and Related Procedures (23 CFR Part 771).
- **SAFETEA-LU, Section 6002.** This act requires the development of a coordination plan for all projects that require the preparation of an Environmental Impact Statement (EIS) under NEPA. The coordination plan is prepared to define the process to be used by the lead agencies to communicate information about the EIS, how information will be gathered from the public and agencies, and how information provided will be considered in the environmental review process. *Special Note:* The above regulation generally applies to various sections of this manual and in particular Section L, "Public Involvement for the Environmental Process."
 - **Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Population."** FHWA issued Directive Order 6640.23, December 2, 1998 for the same issue. These address avoidance of actions that can cause disproportionately high and adverse impacts on minority and low income populations. Provisions of this Order have been considered as the subject is addressed in Section O of this manual.
 - **Executive Order 13166, "Improving Access to Services for People with Limited English Proficiency."** USDOT Guidance "Limited English Proficiency" document, FHWA Report "Limited English Proficiency A Federal Interagency Website" and FHWA Report "How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decision-Making" address improving

access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency. Guidelines for addressing populations with persons with limited English proficiency are included in Section O of this manual.

- **Presidential Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” FHWA Guidance on Relations with American Indian Tribal Governments,” February 24, 1998, State of Nebraska Memorandum dated July 21, 2005 “Government-to-Government Relations with Native American Tribal Governments,” and B.I.A. - NDOR - Tribal Memorandum of Understanding, dated May 12, 2006, with the Omaha, Santee Sioux and Winnebago Tribes.** These directives call for the establishment of regular and meaningful consultation and collaboration with tribal officials in the development of policies that have tribal implications. Establishing effective relations with tribal governments can strengthen the United States and the State of Nebraska government-to-government relationships with Indian tribes, and lead to a better understanding of transportation needs, cultural issues, and resource impacts. Guidelines addressing public involvement with American Indian Tribal Governments are addressed in Section K of this manual.
- **American with Disabilities Act of 1990 (ADA), FHWA “Public Involvement Techniques for Transportation Decision-Making” and USDOT FHWA/FTA “Public Involvement Techniques for Transportation Decision-Making.”** These address requiring government programs to be accessible to people with disabilities. Section O of this manual discusses special needs relative to the subject issue.
- **Title VI Regulation 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.** This document effectuates the provisions of Title VI of the Civil Rights Act of 1964. Provisions of the Title VI Act cover a range of subjects which are included in Section O of this Manual.
- **36 CFR 800, Protection of Historic Properties, Section 800.2(c)(2). Consultation with Indian Tribes. (ii) Section 800.2(d), (iii) Section 106 of national Historic Preservation Act.** This regulation concerns Section 106 of the national Historic Preservation Act requiring Federal agencies to take into account the effects of their undertakings on historic properties and defines how Federal agencies meet the statutory responsibilities. See Section L of this manual which addresses public involvement with American Indian Tribal Governments.
- **23 CFR 450.210, “Interested Parties, Public Involvement and Consultation.”** This rule revises the regulations governing the development of metropolitan transportation plans and programs for urbanized areas and State transportation plans. Provisions of this regulation are noted in this manual to be used as a guide for metropolitan planning agencies, counties and cities.
- **23 CFR 772, “Procedures for Abatement of Highway Traffic Noise and Construction Noise” and Nebraska Department of Roads “Noise Analysis and Abatement Policy.”** These documents provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highway improvements pursuant to Title 23 U.S.C. Section L of this manual contains information relative to the development of environmental impact statements, which include noise studies.

Section I Public Involvement for Local Governmental Agencies

As noted earlier, counties and cities developing federal-aid roadway projects are obliged to follow the public involvement requirements of this document, in order to not jeopardize the use of federal funds.

The development of county and city road and street projects, including public involvement, will proceed using the guidance contained in 23 CFR 450.210(b) and 23 CFR 450.316(a). In the early planning phase of a project, if environmental statements are required, public meetings/hearings should be held as noted in Section L of this document. During the design phase, public meetings and hearings will also be held following the guidelines set forth in Section N of this document. Construction information meetings will be held as appropriate.

Contents of the public meeting/hearing notice, a determination as to the populations to be addressed, specific requirements relative to minority and low-income populations, persons with limited English proficiency and persons with disabilities must be addressed as well as meeting/hearing times and locations (see Section M). Audio-video presentations and other hearing material must be in understandable formats.

Guidance and other assistance with the public involvement procedures is available to local agencies through the Department's Local Projects Section.

Section J Public Involvement Opportunities

A substantial time period is required to complete many highway, street and road transportation plans. The opportunity for public involvement, however, is available at various times. The following list is representative of the activities where the public comment opportunity is available:

Planning Level

- **Long-Range Transportation Plan (LRTP).** The 20-year LRTP supports the Department's mission, providing the road map for future transportation development in Nebraska. It is a plan for all agencies involved in transportation to move Nebraskans safely and efficiently, strengthen Nebraska's competitiveness in the national and world marketplace, and improve our quality of life. Updates to the LRTP are performed every five years involving extensive outreach to citizens, and to transportation stakeholders consisting of elected officials, American Indian Tribal Governments, and transportation agency representatives from across the state. See Appendix B for LRTP diagram.
- **Statewide Transportation Improvement Program (STIP).** A federal requirement for the Department, this document includes Transportation Improvement Programs (TIPs) for the metropolitan areas (Greater Omaha, Lincoln and South Sioux City). This program identifies at least three years of major projects, including all federally funded transportation projects. The STIP projects are compiled from the Department's One- and Five-Year Highway Construction Programs and from the Metropolitan Planning Organization's TIPs (Transportation Improvement Programs). See Appendix B for STIP diagram.
- **Annual District Transportation Program Meetings.** The Department, and members of the Nebraska State Highway Commission, conducts annual District Surface Transportation Program meetings in each of the Department's eight field districts. The purpose of these meetings is to present the Department's One- and Five-Year Program, the State Transportation Improvement Program (STIP), and other topics of interest. These meetings are the principal forums for public involvement in state transportation planning issues. Public comments are invited on the presented topics, projects they would like to see in future programs, and any other transportation issues. Public comments are recorded and transcribed and are referenced when developing the subsequent program.

Citizens interested in transportation-related issues (i.e. transit and rail programs, local federal-aid programs, state highway improvement projects, enhancement programs, and trails and transportation funding) are encouraged to attend and provide their comments. Interested parties who cannot attend and wish to comment should contact their respective Highway District Engineer.

- **County and Municipality Projects.** A draft one- and six-year plan is developed at the local level with the local governing body reviewing and holding a public hearing on the plan. Following the hearing, the local government will consider the comments and make any appropriate revisions to the plan. A Resolution of Adoption of the one- and six-year plan is then passed by the local government.

Policy Level

- **Department Rules and Regulations Hearings.** Periodically, Department rules and regulations are added or revised. Prior to changing a rule or regulation, the Department must conduct a public hearing to present the changes and receive public comment of the changes. Public notice of the hearings and the opportunity to present testimony is provided through newspaper notices and news releases. *A transcript of each hearing is prepared.*

Project Level

- **Project Public Hearings.** Public hearings with formal or informal presentations are conducted to present to the general public information about the proposed projects and to gather public input. They are held for projects involving major impacts, such as roadway construction on shifted or new alignment, major right-of-way acquisitions, and operational changes such as road closures and detours. Public comments are recorded for the official record.
- **Public Information Meetings.** Throughout the year many transportation projects and their impacts are discussed at meetings such as:
 - Highway Corridor Study/Corridor Routes Meetings
 - Location and Design Meetings for Federal-aid Transportation Projects
 - Pre-Appraisal Meetings (Right-of-way property acquisition)
 - Noise/Air Studies Meetings
 - Historic Impacts
 - Section 4(f) De Minimis determinations

These meetings are held to provide information and answer citizen's questions about a specific highway project. All public comments received will be considered in the development of the overall project.

- **Construction Meetings.** Prior to the completion of a project's final design plans, and/or periodically during an urban construction project, Department staff may meet with individuals and businesses directly affected by the proposed construction. In addition, after a project is let for construction and during construction, the contractor and Department staff may meet with residents and/or businesses in the project area to provide information about activities that will take place during construction and when those activities will occur along with unforeseen concerns that may arise during construction.

Other Public Involvement Opportunities

- **Nebraska State Highway Commission.** The Nebraska State Highway Commission is a group appointed by the Governor that provides advice to the Department as requested. The Commission meets once a month to consider highway issues important to the State. As part of their duties, the Department provides location and design recommendations relative to specific highway projects. Commission meetings are open to the public and any individual or group may request to appear before the Commission via the Commission's Executive Secretary at (402)479-4530.

- **Nebraska Railway Council Meetings.** The Council is responsible for the administration of the Light-Density Rail Line Assistance Revolving Fund for the purpose of preserving and improving Nebraska's light-density rail lines. The Council meets when necessary, but at least once a year. Individuals and groups may address the Council at all meetings by contacting the Department's Rail & Public Transportation Division at (402)479-3797.
- **Local Rural Area Transit Programs.** These programs (local transit vans and intercity buses) originate with a local entity, either a county or a town. Most of these programs are ongoing and presented to the public only as a budget item. Any new programs or a program having a significant change in service must be presented at a public hearing.
- **Other Transportation Programs.** Currently, there are other programs such as Transportation Enhancement (trail, scenic, or related projects) which are eligible for federal funding. Public meetings are held to present project plans and receive public comments.
- **Department and Local Agency Websites.** Through the NDOR and many local agency websites, information can be obtained or submitted 24 hours a day, seven days a week. The Department's website is available online at www.transportation.nebraska.gov. The site contains information on current travel, highway projects, automated truck permit systems, upcoming meetings, news releases and maps. It also includes the 511 system which alerts drivers to road conditions throughout the state.

Section K Public Involvement in the Planning and Programming Phase

Several opportunities are available for public comment during the early planning of the Department's Transportation Program. Two examples with explanations given as to how the public is informed and the method by which they may comment are as follows:

- **Nebraska Statewide Long-Range Transportation Plan (LRTP).** The Department has a LRTP that provides direction for shaping the statewide surface transportation system that includes highway, rail and transit. The LRTP serves as a guide for the interaction of these modes. The LRTP is updated about every five years and involves a number of stakeholder groups, government agencies and the general public.

Public Comment on the LRTP

The Department solicits public comment on the LRTP in the following manner:

- a. Posting a draft of the LRTP on the NDOR website with instructions for submitting public comments.
- b. Sending news releases to news outlets in the state announcing that the draft LRTP is available for public comment. The releases list where the draft LRTP can be viewed, explain how copies can be ordered, and how public comments can be submitted.
- c. Making copies available for public inspection during regular business hours at the NDOR Central Office and at all NDOR District Offices.
- d. Comments on the LRTP may be submitted by transportation stakeholders and other interested persons by means of the Department's website at www.transportation.nebraska.gov. All comments will be addressed and responded to by the Department through the Planning and Project Development Division.
- e. Posting the final LRTP on the NDOR website with an explanation as to how copies can be obtained.

- **Annual District Planning Meetings.** These meetings are conducted to present the Department's One- and Five-Year Highway Program, the State Transportation Improvement Program (STIP), and other topics of interest. Public comments are recorded and transcribed and are considered when developing and planning the subsequent State Surface Transportation Program.

Public Comment on the Annual Surface Transportation Program

The Department solicits public input regarding the annual Surface Transportation Program in the following manner:

- a. A notice advising of the eight district meetings is sent to news media across the state and posted on the Department's website. The notice will also be mailed to State Senators, local government entities, and known interested individuals/ organizations. Submittal of the public notices will be two weeks prior to the first district meeting and again midway through the meeting schedule.
- b. Copies of the Nebraska Surface Transportation Program will be available on the Department's website and distributed at each district meeting. A recording of each meeting will be made and a transcript prepared. Comment sheets will also be available at each meeting and will be accepted at the Department's Central Headquarters for ten days following each meeting. Comments received during and following each meeting will be considered and addressed as the one-year program is finalized and future programs are determined.

• Public Involvement With American Indian Tribal Governments

The Nebraska Department of Roads supports the establishment of effective partner relations with tribal governments which will lead to a better understanding of the transportation needs, cultural issues and resource impacts. In this respect, the Department will promote interagency efforts to ensure that meaningful and timely input by tribal officials is received in the development of transportation issues which have tribal implications.

In Nebraska there are Winnebago, Sac and Fox, Santee Sioux, Ponca and Omaha Indian tribal governments which may be impacted by highway-related issues. Tribal governments are given the opportunity to submit input into the Department's Long-Range Transportation Plan (LRTP) and the Strategic Transportation Improvement Plan (STIP). Input opportunities to these programs are accomplished as follows:

Long-Range Transportation Plan (LRTP)

Prior to updating the LRTP (currently accomplished every five years), the Department will hold a public participation workshop to receive public input for finalizing the LRTP. Stakeholders, which include the respective tribal governments, will be invited to attend. Comments may then be submitted by the tribal governments by means of the Department's website at www.transportation.nebraska.gov.

Strategic Transportation Improvement Plan (STIP)

Each year the Department will send to the respective Tribal Governments a notice of those projects included in the STIP. At each of the Department's Annual District Transportation Program Meetings, the tribal governments are invited to attend and given the opportunity to comment on the STIP. Tribal government comments received will be considered and addressed by the Department following the program meetings.

Through the development of a partner relationship and active participation between the Department and Indian governments, effective consideration of environmental and cultural concerns of the tribal governments will be accomplished. Guidance from the Nebraska Commission on Indian Affairs and the Bureau of Indian Affairs is available to ensure good communication with the tribes and to understand the sensitivity of Native American cultures.

Section L Public Involvement for the Environmental Process

Classifications of Projects and Public Involvement

Proposals developed as federal actions must be in compliance with the National Environmental Policy Act (NEPA). Procedures governed by NEPA regulations require investigations of potential environmental impacts to determine the environmental process to be followed. Federal actions include highway construction projects proposed for Federal Highway Administration (FHWA) funding. It also includes approval of activities such as joint and multiple use permits, changes in access control, etc., which may or may not involve a commitment of federal funds.

Current Federal regulations state that public meetings will be held when there are Section 4(f) impacts that have been determined to be De Minimis; when there are significant adverse effects to historic properties; and when FHWA determines that a public meeting is in the best of interest due to project impacts.

Federal regulations provide three options or classes to determine the level of documentation and the environmental process. These classes categorize projects by their potential for impact on the environment. The level of public involvement varies based on the process followed. The three classes are:

Class 1 – These projects will significantly affect the environment and require preparation of an Environmental Impact Statement (EIS). A coordination plan to communicate information as set forth in the Federal regulation SAFETEA-LU, Section 6002 will be required. A new freeway or a new highway of four or more lanes on new alignment are typical Class 1 projects. These projects require public hearings.

Class 2 – These are projects with no significant affect on the environment based on past experience on projects with similar actions, and are identified as Categorical Exclusion (CE); i.e. projects excluded from the preparation of an EIS. They are divided into two groups. Group 1 CE actions normally require minimal National Environmental Protection Act (NEPA) documentation. Group 1 CE actions normally need little, if any public involvement. Group 2 CE normally require NEPA documentation. A public meeting may be held or the opportunity offered for one, subject to individual case judgment and based on public interest. The majority of roadway construction projects are Class 2.

Class 3 – These are projects for which the significance of environmental effect must be determined through the preparation of an Environmental Assessment (EA). A public hearing or the opportunity for a public hearing is required. If no significant impacts are documented, a finding of no significant impact (FONSI) is issued by the FHWA. If significant impacts are identified, and mitigation measures are applied, FHWA may determine that the preparation of an EIS is required.

Early in the development of a project, the Department performs an Engineering Review. This report, prepared for most major projects, accurately defines the project's scope, probable environmental impact, and estimated cost. Following the review, a NEPA Determination form containing a brief description of the proposed work, estimated cost, and a recommendation of the class of NEPA documentation that is needed is forwarded to FHWA for their concurrence. This concurrence then guides further project development through the appropriate procedures.

Public Involvement Requirements for NEPA Documents

Refer to Appendix A for appropriate flow charts.

NDOR performs the following public involvement opportunities, as appropriate, for the three classes of federal-aid environmental projects.

1. When preparing an environmental document for a Class 1 or Class 3 project, FHWA requires early coordination with those agencies involved in the preparation, comment and approval of the document. These document scope meetings are required for Class 1 and 3 projects and the NEPA/404 merger process.

2. For Class 1 or 3 projects, a combination project scoping and public information meeting will be held to present and receive comment on the project concept.
3. For Class 1 projects, the FHWA requires the agency in charge of project delivery to develop a Coordination Plan (Public Involvement Plan).
4. For Class 1 projects, public information meetings will be held at early stages to discuss and ask for input on the 'purpose and need' for a project. Typically, as alternatives are developed, public information meetings will be held to review alignments and receive comments.
5. Public meetings are required between draft and final steps in the development of EIS and EA documents.
6. To be considered valid for the purposes of the environmental document, public meetings must meet the following tests:
 - They are held at a time and place convenient to those whose input is requested.
 - Reasonable notice to the public of the planned meeting is provided.
 - An explanation of the project's purpose and need is provided.
 - Alternatives for construction of the project and major design features are provided.
 - The impacts of the project are presented.
 - The right-of-way acquisition and relocation program are explained.
 - A procedure for receiving both oral and written comments/statements from the public is provided.
7. The *Noise Analysis and Abatement Policy - May 1998*, requires a summary of the noise impacts associated with the proposed project be presented at a public meeting. If noise abatement is found to meet the tests of feasibility and reasonableness, there is a two-step process that is initiated: (1) a public meeting with the adjacent property owners; and (2) the property owners are then invited to vote either for or against the abatement proposed.

Public involvement procedures for each environmental class are as follows:

Procedure Number	Procedure	Environmental Class		
		1	2	3
1	Engineering Review	x	x	x
2	DR Form 333 (Program Document)	x	x	x
3	Environmental Assessment (EA)			x
4	Environmental Impact Statement (EIS)	x		
5	Information Meeting	x	(1)	(1)
6	Corridor/Location Hearing	(2)		(2)
7	Design Hearing	x	(3)	x

x = Required procedure for this class of project.

(1) = May be held if the Department feels this type of input is needed.

(2) = Required only if location of project is to be determined.

(3) = May be held if a review of the project (e.g. scope, R.O.W. requirements and other factors which create public interest) indicate it to be appropriate.

The public information requirements also extend to reevaluations of previous completed NEPA documents.

Section M Public Hearings

One of the methods of providing for the involvement of the public and other agencies is by conducting public hearings. These hearings are held in order to provide the proposals of the Department and to inform the public of the results of our studies on a project. It is also a forum through which we obtain views and local input on the project, both supportive and opposing.

The State Highway Commission is authorized by statute to hold public hearings throughout Nebraska to advise the public of Department policies and activities. Each of the eight commissioners presides individually at public hearings within their respective districts. Any interested person may appear or otherwise be heard at the public hearing. Following the presentation of information by Department representatives, the public may provide relevant comments and questions and the Department will respond.

After the public hearing, a period of at least 10 days is allowed for submission of additional public comments, questions and exhibits. A transcript of the hearing proceedings, including documents received during the extended comment period, is produced.

The following requirements and guidance pertain to the public hearings:

Notification of Hearing

1. When a hearing is to be held, a notice including the time and place of the hearing and a summary description of intent shall be *published twice* in all newspapers of legal standing having general circulation within proximity to the area involved. The first notice shall be published at least 31 days *prior to the hearing*. The second notice shall be published at least 7 days *prior to the hearing*.

The official notice will be published in a local newspaper serving ethnic or cultural minority populations, when available, regardless of the newspaper's legal standing in Nebraska. The notice shall be translated and published in the language of the community served by the newspaper.

A news release relevant to the proposed highway project shall be transmitted to all media in the general area of the project. Official notices, news releases and other project information shall be published on the NDOR website.

2. A mailing list will be maintained so that any interested agency, local official, group or individual who requests to be put on the mailing list may receive, by mail, notice of the hearing. Other means of notification may be appropriate and should be considered, such as the placement of signs within the project limits, posting of information flyers on community bulletin boards, and delivering notices or other project information documents directly to residents and businesses within the vicinity of the project.
3. At the time of the first publication, a copy of the hearing notice shall be sent to the FHWA.
4. The notice of public hearing shall furnish, as a minimum, the following information:
 - Describe the project purpose and need, including the project location.
 - Explain the project type, whether it is a location study, alignment development, preliminary design.
 - Indicate the meeting is being held to explain the proposed project and to seek public input, comments and questions.
 - Generally describe the proposed improvement, including number of lanes when completed, and identify highway numbers.
 - Explain the project limits of construction.

- Identify local reference points when describing the project.
- Describe proposed changes to the existing highway and local roads system such as intersection closures, roadway abandonment, realignments, addition of traffic signals.
- Identify segments of existing roadway that will be relinquished to local jurisdictions.
- Describe project's estimated ROW impacts.
- Identify any potential relocations of residents or businesses and the availability of relocation assistance for those displaced.
- Describe proposed encroachment on floodplains and wetlands, including estimated number of acres impacted, and proposed mitigation site.
- Describe proposed encroachment on waterways and whether stream relocation is required.
- Describe anticipated encroachment on 4(f) and 6(f) land and proposed mitigation, if any.
- Describe anticipated impact to historic properties and proposed mitigation, if any.
- Explain the availability of Noise Report Study, EA and EIS documents, if relevant.
- Include a statement about who to contact for ADA accessibility accommodation.
- Identify the location of preliminary plans available for public review at district and central offices.
- Include a map showing the project's location in relation to local reference points.

Conduct of Hearings

1. The hearing should be held at a time and place generally convenient for persons who may be affected by the proposed improvement.
2. A sign-in roster shall be used at public meetings. Information relative to Title VI provisions reflecting gender, race, and any disability of the attendee will be indicated on the roster.
3. Hearings for projects on the state highway system shall be conducted by the Nebraska Highway Commission. The Department will have persons who are knowledgeable of the project present to answer questions and make presentations. A representative of the FHWA will also be invited to answer questions on FHWA procedures or technical matters.
4. Hearings for local agency projects shall be conducted by the appropriate official with other knowledgeable persons present to answer questions and make presentations.
5. Each hearing should be opened by presenting the information contained in the notice of public hearing.
6. The following, as a minimum, shall be presented at the hearing:
 - Identification and availability of environmental study reports, including noise studies, pertaining to the specific project.
 - Information on the relocation assistance program for projects potentially causing relocation of persons or businesses.
 - Other appropriate information to assist the public in participating in the hearing.
7. The following, as a minimum, shall be discussed at the hearing:
 - The nature of the proposed improvement, the project's need, purpose, location, major design features, and if in urbanized areas, consistency with the local planning process.
 - A summary of the results of any social, economic or environmental studies made on the proposed improvement.
 - Information on any location or design alternatives still under consideration for the proposed improvement.
 - At a highway design hearing, the current estimated project cost, including local community cost-share, and the tentative schedule for right-of-way acquisition and/or construction. If applicable, the relocation assistance program and ROW acquisition process should be discussed.

- The method for presenting statements or exhibits at the hearing and for 10 days following the hearing, and their inclusion in the official transcript of the hearing.
 - A statement that the proceedings are being recorded and that a complete transcript of statements and questions will be made available following the hearing.
 - Any information developed in support of or opposition to the proposed highway location or design will be made available through the Department's district office and the central office in Lincoln for inspection and copying following the completion of the transcript.
8. Statements, exhibits or questions from anyone in attendance at the hearing shall be received and discussed or answered, as appropriate.
 9. No person shall be restricted in any way from presenting a statement or asking a question at any time. Where unusually large attendance is expected, procedures may be established to ensure all persons desiring to speak are offered the opportunity. These procedures may include methods such as restrictions on length of individual comment periods, or restriction on second comments until everyone has had an opportunity to speak.

Public Hearing Transcript/Certification

Following each hearing, the hearings officer of the Department shall prepare a written transcript of the proceedings. A copy of the transcript, together with copies of or reference to all data, statements and exhibits used or presented at the hearing or submitted within the allotted time following the hearing, shall be forwarded to the FHWA as soon as practicable following the appropriate NDOR offices and the Nebraska State Highway Commission as soon as practicable following the hearing. For federal-aid projects, a copy of the transcript will be forwarded to the FHWA. A certification to the holding of the hearing in accordance with all applicable rules and regulations shall accompany each copy of the hearing transcript.

Opportunity for a Public Hearing

If it is uncertain as to the need for holding of a public hearing, the opportunity for a public hearing may be offered. A newspaper notice and appropriate news releases will be prepared and sent. The notice, to be published for two consecutive weeks, will include a description of the project and procedures for requesting a hearing, including a submittal date for receiving requests.

Once the opportunity has been offered, a public hearing shall be held upon receipt of written requests. If no requests are received, the hearing may be considered unnecessary. In some instances, the request(s) may be rescinded when the request(s) can be satisfied by discussion between the requesting individual(s) and representatives of the Nebraska Department of Roads, city or county. By receipt of a hearing request withdrawal, a hearing may also be considered unnecessary.

Information Meetings

During the course of a project's development, the holding of public information meetings may be appropriate for projects with impacts to the local community. Flexibility does exist in certain areas of planning the meeting and the following guidelines should be considered.

1. Environmental studies normally would not need to be completed prior to the holding of an information meeting.
2. The meeting notice should contain the same type of information as a notice of public hearing.
3. The publication of the meeting notice shall follow public hearing guidelines, except to appear in newspapers 31 days prior to the meeting and at least 7 days prior to the meeting.

Section N Additional Public Meetings

The following information will apply to certain NDOR public meetings.

Roadway Location/Corridor Study

During the location/corridor study for a roadway project, location information meetings may be scheduled and held by NDOR staff. These meetings will be conducted to discuss our plans and receive public comments. Concurrent with these meetings, the project plans are documented and input is included into the appropriate draft environmental statement. At the conclusion of the study and at the time that a draft environmental statement has been approved, a location/corridor public hearing will be scheduled and held by NDOR. Publication of meeting and hearing notices and news releases will be coordinated by the Department's Planning and Project Development staff with the Department's Public Hearings Officer. Appropriate visual aids will be produced for use at the information meeting(s) and location public hearing.

Following the location public hearing, approval of the project location will be requested from the Nebraska State Highway Commission.

Roadway Design Public Meeting Guidelines

Information meetings may be held during the design phase of a roadway project. For a description of each meeting see Appendix D of this manual and the Public Meeting Checklist, Exhibit R of the NDOR Roadway Design Process Outline.

Section O Special Considerations for Public Meetings/Hearings

The planning process for transportation projects is designed to promote involvement by all levels of government, stakeholders, and the general public. This is accomplished through a proactive public involvement process. This process includes carrying out a mutual nondiscrimination Civil Rights Program which includes a process for seeking out and considering the needs of those who are traditionally ignored or underserved by existing transportation systems. Title VI of the Civil Rights Act of 1964 stipulates the "no person in the United States 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 program or activity receiving Federal financial assistance from the Department of Transportation". In the development of highway transportation programs and projects, each phase of work, must be accomplished with the assurance that no discriminatory actions occurred.

Questions and information concerning a nondiscrimination Civil Rights Program may be addressed to the Title VI Coordinator through the NDOR Human Resources Division

Under SAFETEA-LU legislation, state and metropolitan agencies are required to develop a Public Participation Plan which will ensure ongoing public involvement in the development and review of transportation plans, programs and projects. The plan is to be developed in consultation with interested parties that provides reasonable opportunities for all parties to comment. SAFETEA-LU identifies "interested parties" as citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, and representatives of the disabled. Implementation of the participation plan should include the following:

- Public meetings conducted at convenient and accessible locations at convenient times.
- The use of visuals to describe plans.
- Public information should be made available in an electronic accessible format (i.e. Internet).
- The participation plan should be published and made available electronically (i.e. Internet).

The public will participate in the development of the public involvement process, including the opportunity to review and submit comments before the public involvement procedures and any major revisions to existing procedures are adopted.

Proactive approaches in the development of the public involvement processes will provide adequate opportunity for minority populations to be involved in all aspects of the development of the processes. Transportation agencies will be sensitive to the following considerations which are key elements in the public involvement process:

- Are minority and diverse language media appropriately included in all notification processes for public meetings or public review of agency documents?
- Has there been appropriate contact with minority groups or leaders to identify information needs and planning/programming issues of concern?
- Is technical information available in formats and at places and at times conducive to review by minorities?
- Are persons traditionally underserved by transportation systems such as low-income, minorities or Limited English Proficiency persons actively sought out for involvement?
- Do meeting formats encourage participation by minorities or people with disabilities?

The following special considerations will be addressed by the Department in the preparation of environmental documents and scheduling and holding of public hearings and public information meetings.

A. Minority and Low-Income Populations

Effective public involvement programs enable transportation professionals to develop systems, services and solutions that meet the needs of the public, including minority and low-income communities. These groups must be identified and given increased opportunity for involvement in order to ensure effective participation. In this respect, two important principles must be addressed as follows: (1) The assurance given that full and fair participation by all potentially affected communities takes place in the transportation decision-making process, and (2) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Six categories for data on minority and low-income population are: Black, Hispanic, Asian, American Indian, low-income and Native Hawaiian or other Pacific Islander.

B. Improving Access to Services for People With Limited English Proficiency

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000, requires that recipients of federal financial aid must ensure that the programs and activities normally provided in English are accessible to persons with limited English proficiency. State and local transportation agencies will work through several steps in the process of determining and considering the needs of these populations.

1. Identification of the population(s) through processes which may include:
 - U.S. Census Information.
 - U.S. Department of Agriculture maps and special program information (i.e. food stamps).
 - U.S. Department of Education information.
 - County and local municipality's information.
 - Interviews with social service agencies, neighborhood associations, and education, religious and health officials.

2. Once identified, methods of outreach to contact limited English proficiency populations will include:
 - Calendar of events with location of project information where people gather.
 - Ethnic or mainstream radio/television/newspaper.
 - Schools, churches, grocery stores, social service centers, etc.
 - Local agencies, organizations and groups including community-based organizations.
 - Information bulletin boards at community businesses (i.e. grocery stores, etc.)
 - Personal interviews-use of person who knows the people and their cultures.
 - Transportation agency website.
3. Meeting times, locations and special needs will be determined by:
 - Consulting with residents and community-based organizations.
 - Avoiding locations where residents are not comfortable.
 - Considering small neighborhood meetings.
 - Providing interpreters.
 - Use of understandable printed or other visual aids.

C. Public Involvement for People With Disabilities

While addressing the requirements of Title VI of the Civil Rights Act of 1964, the Department will also comply with the provisions of the Americans With Disabilities Act of 1990 (ADA). Measures stipulated in this legislation provide for involving the community, particularly those with disabilities, in the development and improvement of services including rail transit and highway planning. Also, sites of public involvement activities as well as the information presented must be accessible to persons with disabilities.

The disabled community encompasses many people and can include persons with functional limitations (blindness, deafness, severe vision or hearing impairments, physical mobility limitations), developmental limitations, self-care limitations, and work limitations. In addition, many other persons are temporarily disabled during part of their lives.

ADA requires specific participation activities for:

- Outreach (developing contacts, making lists and other means of notification to participate with nursing homes, and other groups/organizations involved with the disabled community).
- Consultation with individuals having disabilities.
- Opportunity for public comment.
- Accessible formats.
- Public forums.
- Summaries of significant issues raised during the public comment period.
- Ongoing efforts to involve the disability community in planning, NEPA, operations and maintenance phases of transportation programs and projects.

All public meetings and hearings must be accessible. The Department, to the best of its ability, will arrange meeting and hearing facilities which will accommodate those persons identified as requiring special considerations.

- For those with ADA needs, meeting and hearing sites will have available parking. Ample circulation space for wheelchairs throughout the meeting or hearing room will also be provided.
- If requested, accommodations for specific needs, as an example listening assistance or sign language interpreters, will be provided.
- Other special considerations may include investigating accessibility of the meeting or hearing site by public transit/paratransit.

Section P Public Involvement Pertaining to Right of Way, Construction, Maintenance Operations and Traffic Divisions

The public involvement process during the above stated phases is important in order for all interested parties to be made aware of the planned activities.

During the development of a project, Right-of-Way representatives participate in design public hearings and public information meetings prior to the beginning of the Right of Way appraisal activity. Right-of-Way representatives will discuss and provide acquisition information and, if appropriate, relocation assistance information. The process for publication of the public hearing and information meeting notices is described in Section M of this document.

Project construction information meetings occur frequently during the actual construction period in order to provide interested parties the opportunity to learn of construction activities that will occur. These meetings may involve local officials, community groups and the public. Special concerns will be addressed during the meetings. Traffic control, such as detours and access for local residents, permanent or temporary access changes, project schedules, construction sequencing and the process for providing information to local residents of changes during construction which will affect them are among the major issues to be addressed. The distribution of project fact sheets and audio-visual aids can be helpful in presenting information.

Notice of and invitations to attend construction meetings are the responsibility of the appropriate Department District Office and/or the local governmental agency with assistance, *if requested*, by the Department's Hearings Officer. Publication of news releases concerning the meeting will be coordinated with the Department's Communication Division Office.

Public involvement meetings concerning maintenance operations do not occur on a regular basis. There are certain activities to be considered in order to advise the public of such issues as paving repair, shoulder work, and bridge repair which require detours or traffic delays. Periodic reports on statewide construction projects are made available to the public along with news releases on specific maintenance projects. Public meetings, while normally not required, may be scheduled in special circumstances.

Publication of news releases and meeting notices will be coordinated between the appropriate NDOR District Office and NDOR's Communication Division Office, or by the local governmental agency responsible for the project.

Another area where public involvement may occur is with traffic engineering operations. Meetings with local governmental officials and/or interested groups are held to discuss possible design modifications in high crash and/or congested traffic locations.

Traffic engineering information meetings will be coordinated by the NDOR Traffic Engineering Division and the NDOR Communication Division Office. Local governmental agencies may schedule public meetings as may be appropriate.

Appendix A NEPA Process Flow Charts

Determining NEPA Class of Action

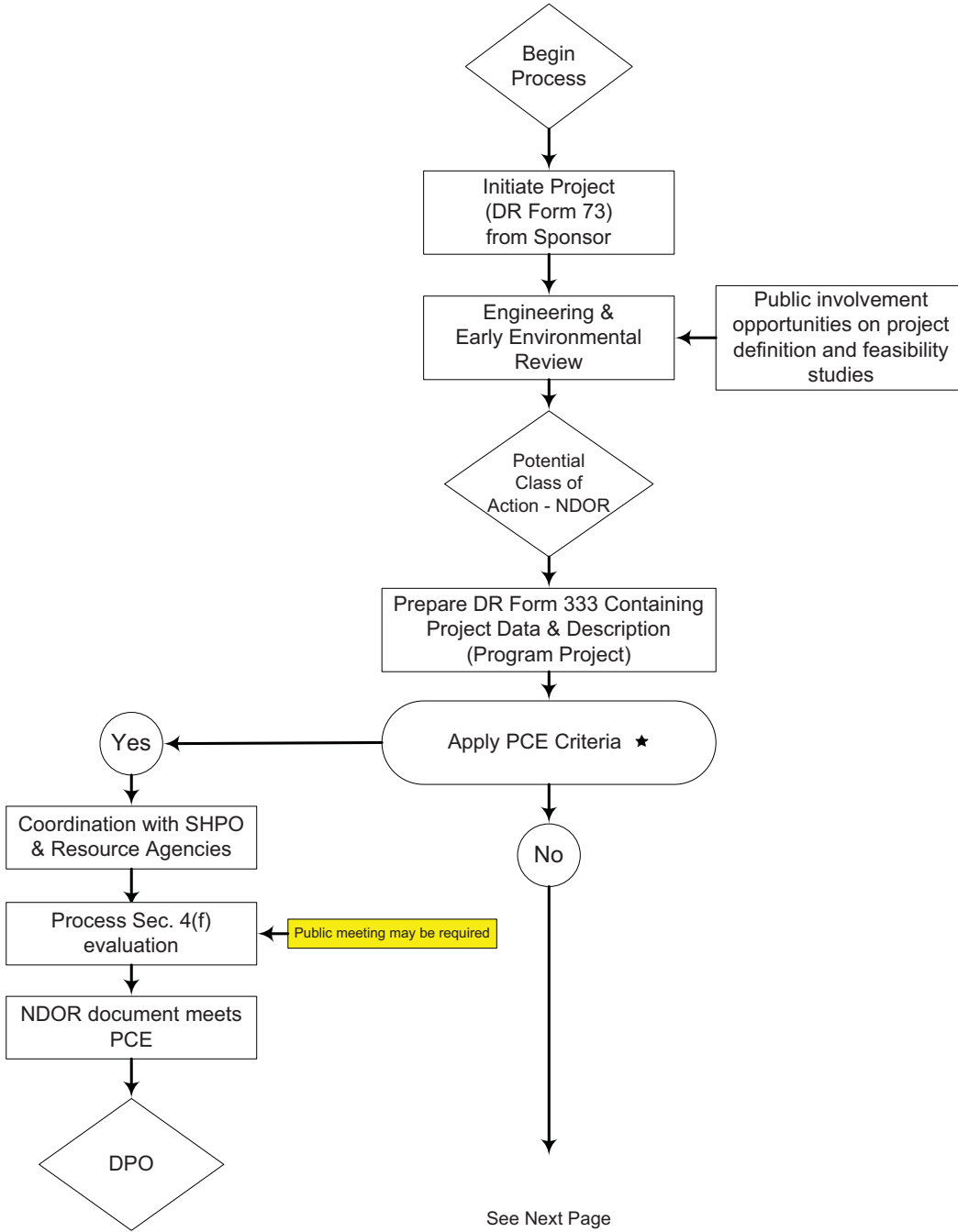
Environmental Assessments and Public Involvement

Environmental Impact Statements and Public Involvement

ROD or FONSI

Final Design

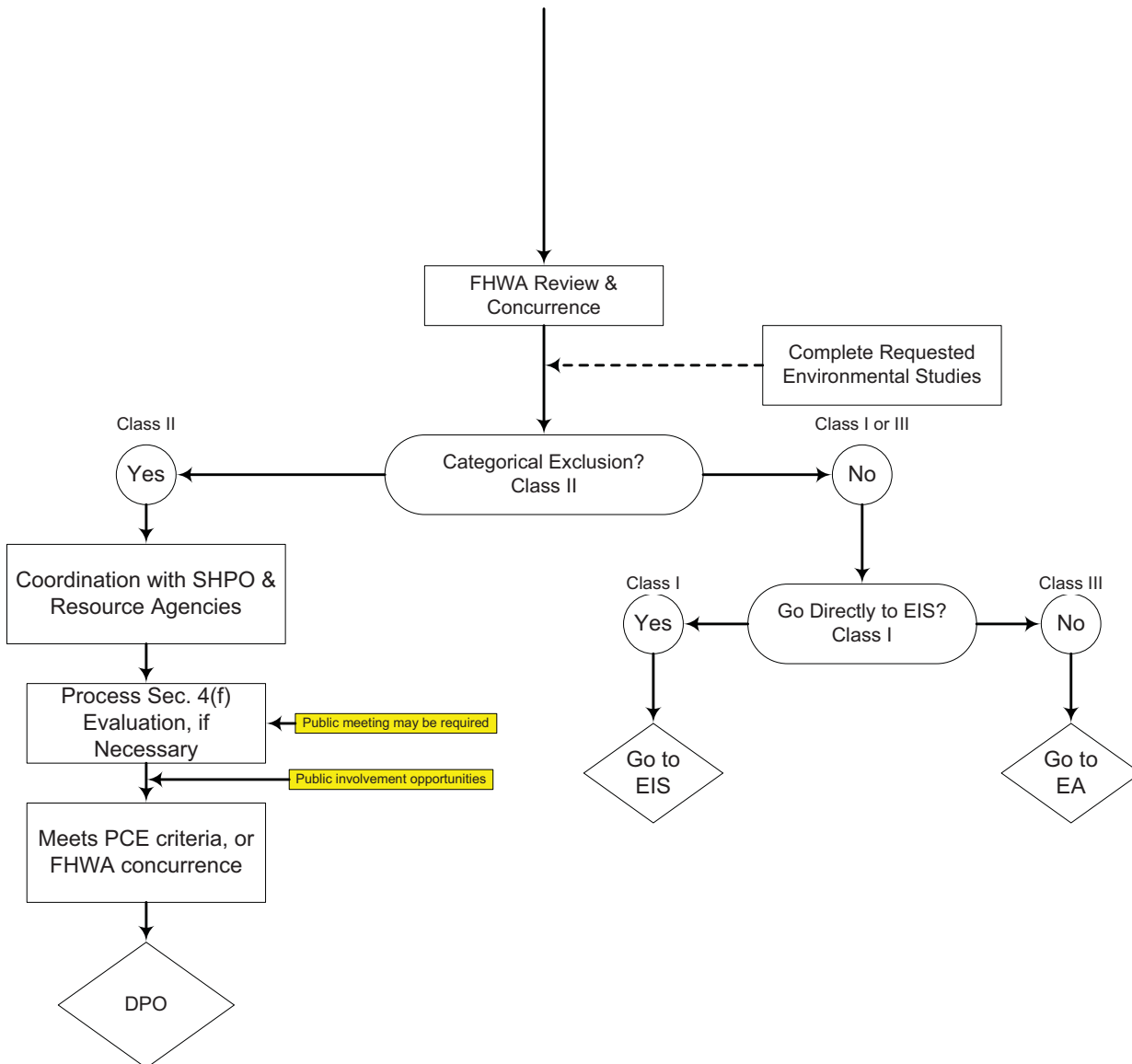
Project Development



★ Programmatic Categorical Exclusion

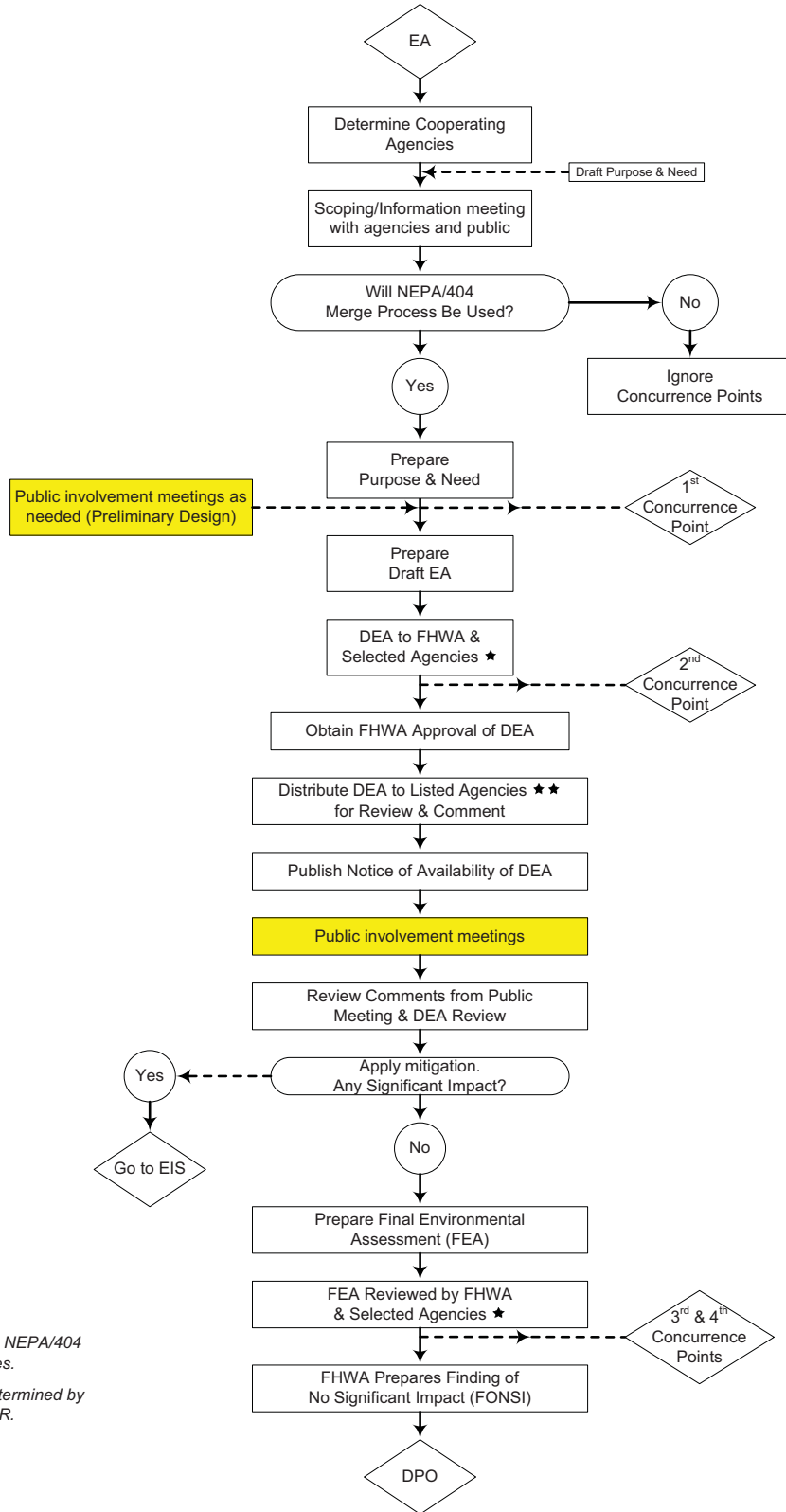
Project Development

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★ Programmatic Categorical Exclusion

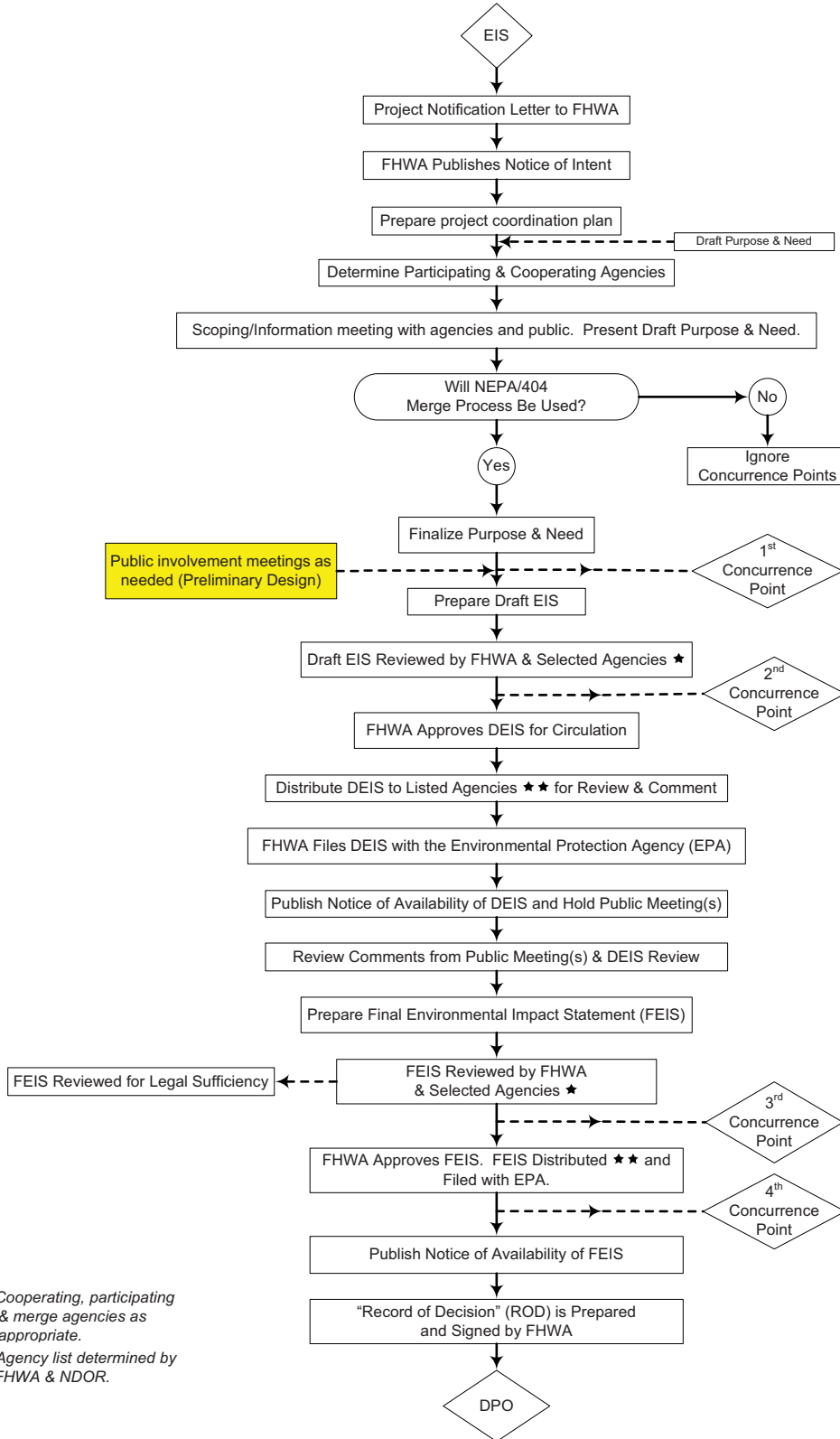
EA = Environmental Assessment



★ Cooperating & NEPA/404 merge agencies.
 ★★ Agency list determined by FHWA & NDOR.

Appendix A

EIS = Environmental Impact Statement

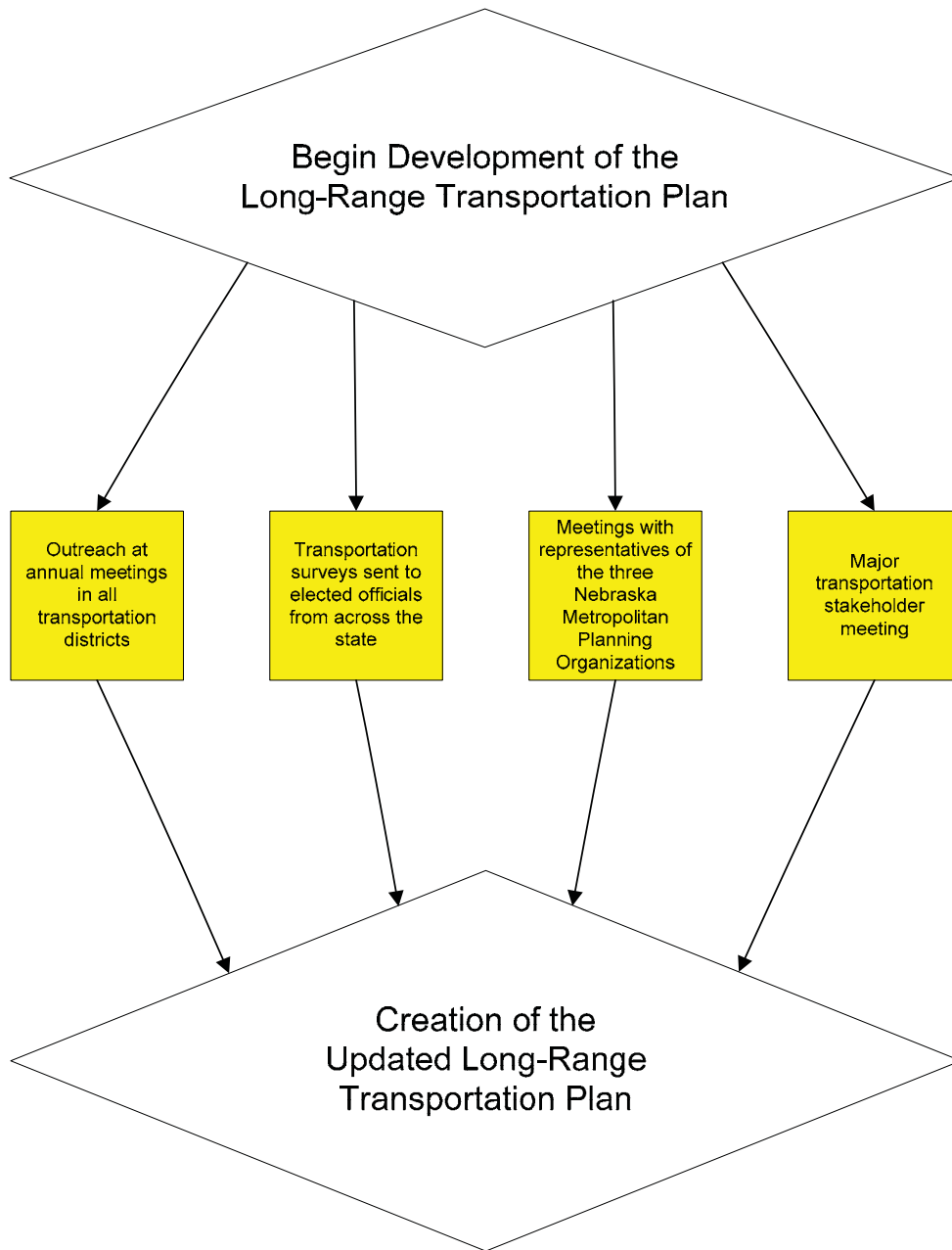


★ Cooperating, participating & merge agencies as appropriate.
 ★★ Agency list determined by FHWA & NDOR.

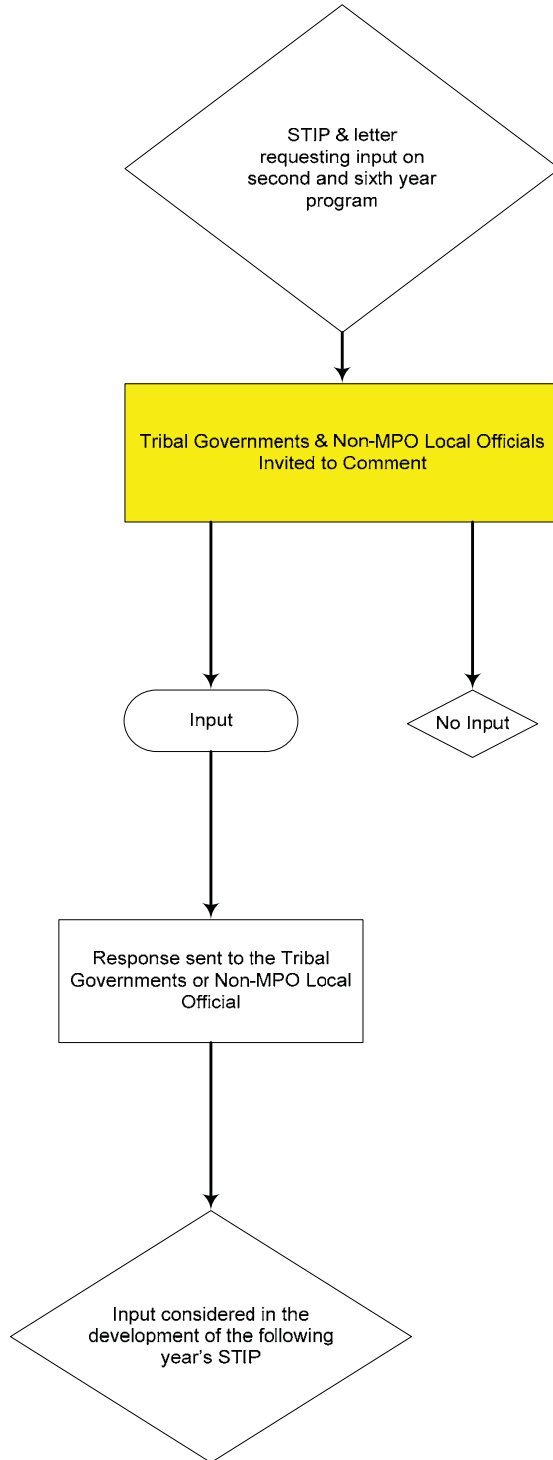
Appendix B

Long-Range Transportation Plan (LRTP) and Statewide Transportation Improvement Program (STIP)

Long-Range Transportation Plan Public Involvement



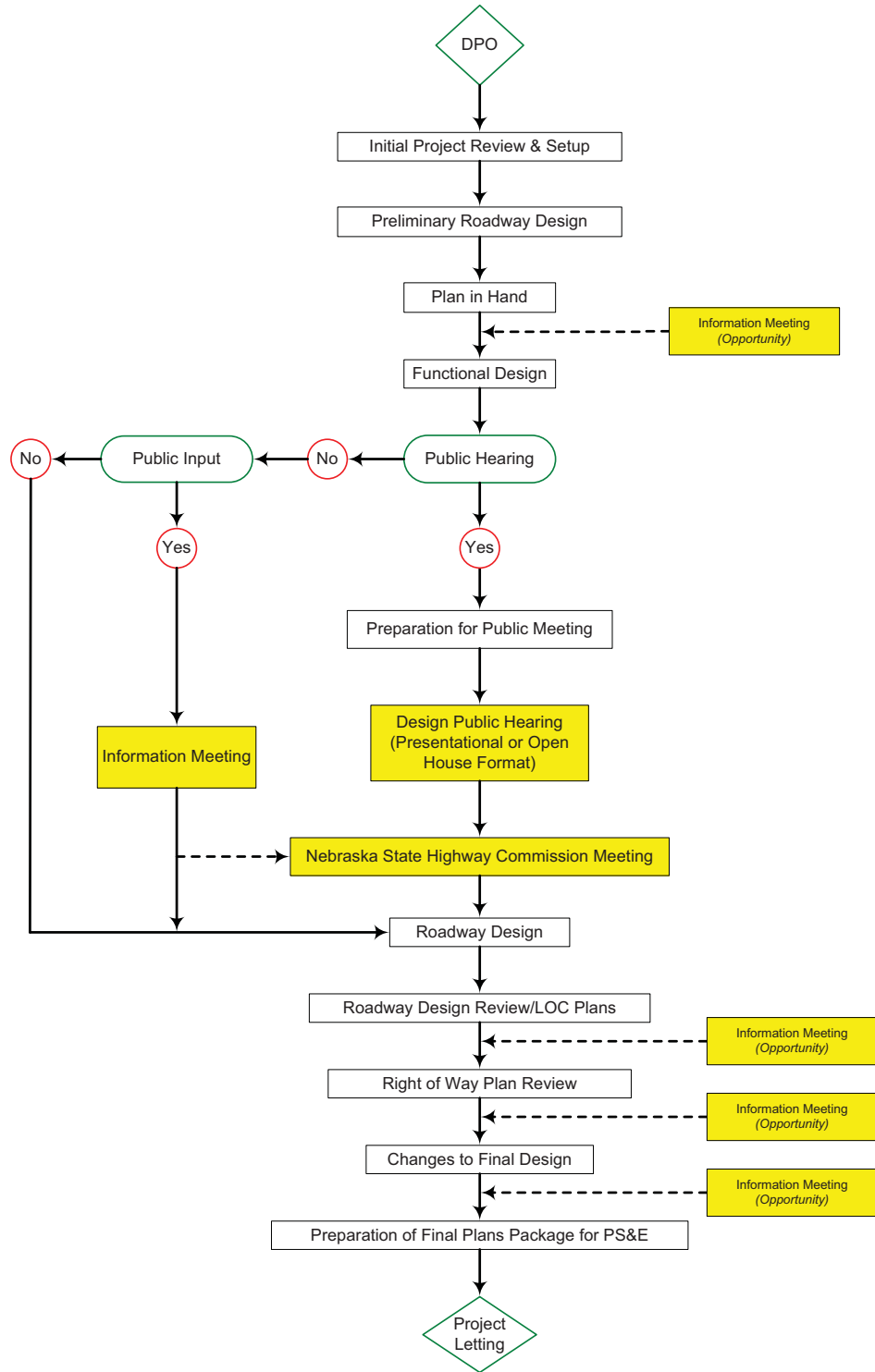
Statewide Transportation Improvement Program (STIP) Public Involvement



Appendix C

Design Process Outline

Design Process Outline (DPO)



Appendix D

Public Meeting Checklist

PUBLIC MEETING CHECKLIST

Instructions

1. The roadway designer shall complete this checklist near the completion of Preliminary Roadway Design (Activity 5307), before the Plan-In-Hand. Review this checklist with your Unit Head in order to determine which, if any, type(s) of advertised public meetings should be held for the project. This is to be reviewed and agreed to by the Assistant Design Engr. and the Roadway Design Engr.
2. Review this checklist after Roadway Functional Design (Activity 5316), Preliminary ROW Plan Review (Activity 5345), and at all major scope changes to the project.
3. If it has been 12-18 months since your last advertised meeting with the public, the project should be reviewed for an Information Open House or Pre-Appraisal Information Open House.

Meeting Descriptions:

- I. **Design Public Hearing** – An advertised meeting with the general public in the following formats:
 - A. Presentational: This provides for a presentational setting with the hearing conducted by the Nebraska Highway Commission. Presentations are made by the Public Hearings Officer and the designers of the project. The public is given the opportunity to make recorded comments during the hearing or submit written comment sheets.
 - B. Open House: This format provides for an open house setting consisting of stations within the hearing area where information concerning design, right-of-way, environmental, relocation assistance, etc. is available. This format provides the public the opportunity to have one-on-one conversations with staff and the Highway Commission. The public is given the opportunity to provide recorded comments during the hearing or to submit written comments.

Regardless of the format, a transcript of the hearing proceedings including the written comments will be produced. This transcript will become part of the project file and subsequent environmental documents.

Factors considered in holding a Design Public Hearing include:

- The project has a Class 1 or Class 3 Environmental Classification,
- Significant right-of way acquisition having substantial adverse impact to abutting properties,
- The project includes business or residential relocation,
- There are significant impacts to the community which were not addressed at a previous public meeting,
- A request from the Highway Commissioner, the District Engineer, the Nebraska Department of Roads administration, or the FHWA.

Appendix D

II. Information Meeting – An advertised meeting held with the public in an informal, one-on-one format, to answer general questions and to gather information regarding a proposed improvement. An Information Meeting is not usually a recorded meeting but Citizen Comment Sheets are made available to the public.

Factors considered in holding an Information Meeting are similar to the factors listed for a Design Public Hearing. Additional factors for an Information Meeting include the following:

- The elapsed time since a previous advertised public meeting,
- A request from the Highway Commissioner, the District Engineer, the Right-of-Way Division, the Nebraska Department of Roads administration, or the FHWA.

An Information Meeting may be held for the following purposes:

- To solicit public input prior to putting proposed design features on a plan. This Information Meeting may be held on the same day as the plan-in-hand.
- To receive public input prior to proceeding with the final design process. This meeting could be held if the public has indicated interest in the project details. This may also be used when a public meeting is required to get input and comments associated with the environmental process. Public input is required if the project has adverse effects on a significant historic property and when Section 4(f) impacts are identified. Public involvement is also required when Section 4(f) impacts are determined to be De Minimis.
- To update the public when there has been a significant change in the scope of the project.
- To meet with adjacent property owners and businesses concerning phasing and access.
- To answer questions regarding the project and the right-of-way acquisition process in a one-on-one informal format. This meeting is held after the right-of-way appraisal plans are complete and may be attended by representatives of the Right-of-Way Division. The meeting is generally referred to as a “Pre-Appraisal Information Meeting”.

Appendix D

PUBLIC MEETING CHECKLIST
CHECKLIST FOR ROADWAY DESIGN
“ADVERTISED” MEETINGS WITH THE PUBLIC

Project No.: _____ Control No.: _____
Project Location: _____
Designer: _____ Unit Head: _____
Date: _____ Letting Date: _____

Administrative Input

Request for an advertised public meeting from a Government Agency. (whom/ agency)
Local? _____ State? _____ Federal? _____
NDOR (District Engineer, Roadway Design Engineer, etc.)? _____

Project Impacts:

1. Access to property.

- _____ A. Is there a permanent modification of access to a property?
- _____ B. Will the modification of access cause a change in the use of the property?
Business or Residence and how impacted? _____

2. Traffic control during construction.

- _____ A. Is there a Detour? Length? _____ (miles) Traffic? _____ ADT(construction yr.)
Location? _____ (Load restrictions?) _____
What is the condition of alternate routes? _____
- _____ B. Will there be phasing of the project? Traffic? _____ ADT(construction yr.)
Phasing affects access to business, home, or agriculture? _____
What will be the length of time of inconvenience to the public? _____
At what time of the year will the construction be phased? _____
Are there local events which will be impacted by the phasing? _____
- _____ C. Will the project include a temporary road?
How long will the temporary road be needed? _____ (days/ months)
Is additional R.O.W. required for the temporary road? _____
- _____ D. Does the project affect emergency vehicle access?
Have you contacted local emergency services? _____
- _____ E. Does the project affect school crossings/ bus routes?
Have you contacted school officials? _____

Appendix D

3. Environmental Issues

- _____ A. Does the project have a NEPA Environmental Classification? (See DR Form 333 or contact the Environmental Section Manager)
Class (I, II, or III? circle one). Class I or III Environmental Classification requires a Design Public Hearing.
- _____ B. Are wetlands impacted? Area _____ acres, Type(s) _____
Channel change? Yes/ No: Length _____ feet.
- _____ C. Is there wetlands mitigation on the project? How much? _____ acres.
- _____ D. Does the project impact burial grounds?
- _____ E. Are there noise concerns?
- _____ F. Are there contaminated soils?
- _____ G. Does the project impact parklands, historic sites, or wildlife refuges?
- _____ H. Are there historical sites on the project?
- _____ I. Are there adverse effects on significant historical sites? (If yes, public involvement is required).
- _____ J. Does the project impact trees and/or landscaping?

Right-of-Way

1. Access Management

- _____ A. Are you buying Controlled Access?
(If yes, this requires Highway Commission and Governor approval.)

2. Acquiring Right Of Way (Yes / No)

If yes - How much? _____ (acres), # of tracts impacted? _____

3. Items that will require additional R.O.W.

- _____ A. Are you building additional lanes?
- _____ B. Are you building sidewalk or a bike path?
- _____ C. Adding traffic signal(s)? Where? _____
- _____ D. Lighting? (intersection or continuous)
- _____ E. Does the project include retaining walls?
- _____ F. Does the project include the construction of a drainage system?

4. Bridge overpass or underpass.

_____ Vehicular? _____ Pedestrian? _____ Railroad?
(Review all information from Planning & Project Development)

5. Relocations.

- _____ A. _____ (#) of Businesses (list) _____
- _____ B. _____ (#) of Residences _____
- _____ C. Sanitary System?
- _____ D. Well?
- _____ E. Center pivot/ irrigation impacted?

Appendix D

Project Location _____ Project No. _____ C.N. _____

Instructions: Your recommendation for each meeting requires an explanation, even if your answer is No.

The following type(s) of advertised public meetings should be held for this project:

Yes No

*** Information Meeting**

Explanation:

Yes No

*** Design Public Hearing**

Explanation: (yes, when Environmental Classification Class I or Class III)

Yes No

Presentation to Highway Commission

Explanation:

Yes No

*** Information Meeting (Pre-Appraisal)**

Explanation:

Yes No

No Advertised Meeting with the Public

Explanation:

* Mosaic's are normally placed on the internet. The timing as to when the information is made available on the internet is determined by the District Engineer and Assistant Design Engineer. Changes to the public involvement decision document shall be approved by Unit Head & Assistant Design Engineer.

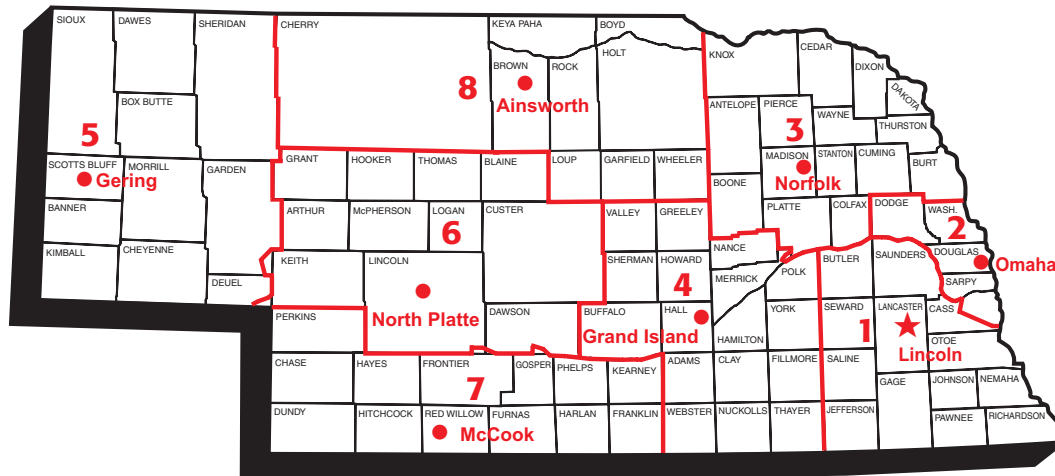
Recommended by: _____ / _____
Unit Head Date

Approved by: _____ / _____
Assistant Design Engineer Date

Approved by: _____ / _____
Roadway Design Engineer Date

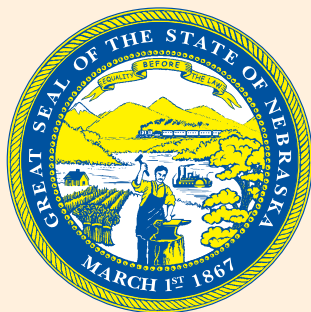
Approved by: _____ / _____
District Engineer Date
Coordinating w/ Hwy Commissioner

cc: State Highway Commissioner
Hwy. Commission Secretary
Public Hearings Officer



Contact Personnel for Meetings, Hearings and Information

Nebraska State Highway Commission	(402)479-4530
Nebraska Rail & Public Transportation Meetings	(402)479-3797
Annual District Surface Transportation Program Meetings (Contact District Offices)	
District 1 - 302 Superior St, Lincoln NE 68521	(402)471-0850
District 2 - 4425 S 108th St, Omaha NE 68145	(402)595-2534
District 3 - 408 N 13th St, Norfolk NE 68702	(402)370-3470
District 4 - 211 N Tilden, Grand Island NE 68802	(308)385-6265
District 5 - 140375 Rundell Rd, Gering NE 69341	(308)436-6587
District 6 - 1321 N Jeffers, North Platte NE 69103	(308)535-8031
District 7 - 619 Auditorium Dr, McCook NE 69001	(308)345-8490
District 8 - 736 E 4th St, Ainsworth NE 69210	(402)387-2471
Public Information Meetings/Hearings	(402)479-4512
Nebraska Statewide Long-Range Transportation Planning Meetings	(402)479-4417
Local Projects Section	
Secondary Roads (County Projects)	(402)479-4437
Urban - Off-System (City Projects)	(402)479-3845
General Information and Assistance	(402)479-4512
Department of Roads Website	www.transportation.nebraska.gov



**Nebraska Department of Roads
Communication Division Publication**

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