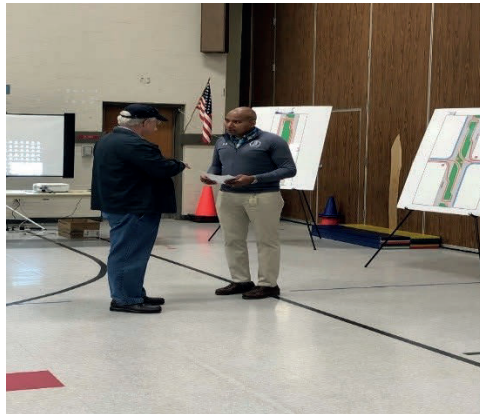




Indiana Department of Transportation



2021

Project Development Public Involvement Procedures Manual for projects receiving federal aid as part of the funding mechanism

The INDOT Project Development Public Involvement Procedures Manual (PIPM), developed with significant federal coordination, sets public involvement policy, provides guidance, exceeds minimum requirements, and promotes timely customer engagement.



Project team member explains design details.



Open house session for area residents.



Community members gather prior to the start of a Public Hearing.

INDOT PROJECT DEVELOPMENT PUBLIC INVOLVEMENT PROCEDURES MANUAL

INTRODUCTION TO INDOT PROJECT DEVELOPMENT PUBLIC INVOLVEMENT PROCEDURES

The purpose of the Indiana Department of Transportation (INDOT) Project Development Public Involvement Procedures Manual (PIPM) is to provide policy, guidance and instruction to those performing public involvement during the project development and delivery phases, specifically outlining public involvement procedures during the National Environmental Policy Act (NEPA) phase, educating and raising the public's awareness of activities, requirements and opportunities for participation and engagement related to public involvement as part of a comprehensive transportation decision-making process.

This document is primarily addressed to INDOT project teams that will carry out public involvement activities for their respective projects. In addition, this document provides guidance to project development and delivery partners at the local level as they conduct public involvement for their respective projects. The purpose of this document is to also educate the public in understanding how public input and participation fit into the INDOT project development and delivery processes. The Project Development PIPM also may be used by transportation officials at both the state and local levels when thinking of ideas on how to implement their own public involvement programs. In addition, this document is intended to provide the interested public reader with information about INDOT's commitment to public involvement and about how and where the public can become involved in project development processes. INDOT has two public involvement manuals one for planning and one for project development. This manual is the INDOT Project Development PIPM which was developed in accordance with 23 CFR 771.111 and 40 CFR 1506.6. The other manual is the INDOT Planning Public Involvement Plan which was developed in accordance with 23 CFR 450.210. The most current version of these manuals can be found at the INDOT Public Involvement website (<http://www.in.gov/indot/2366.htm>)

INDIANA DEPARTMENT OF TRANSPORTATION PROJECT DEVELOPMENT PIPM

- **Sets policy, provides guidance**
- **Procedures exceed minimum requirements**
- **Significant coordination with the Federal Highway Administration (FHWA)**
- **Procedures last updated in 2012**
- **Promotes timely engagement of INDOT customers**

The INDOT Capital Program Management Division (CPMD) is responsible for the policy implementation and execution of INDOT's decentralized public involvement process which involves close coordination between Project Managers (PMs), Environmental Services Division (ESD), Consultant Services Management (CSM) and consultant teams. Project teams bring creativity, increased staff and access to tools, techniques and best practices in enhancing public participation, involvement and engagement.

INDOT’s Public Involvement webpage (<http://www.in.gov/indot/2366.htm>) will be utilized to provide information on public involvement approaches and methods employed by INDOT to inform and engage the public. Since INDOT uses a range of activities to fulfill its goal of providing proactive, open, and continuous public involvement, the webpage will provide a menu of options to assist INDOT team members, including project managers, engineers, communications and customer service staff — as well as consultants — as they choose how to implement the requirements and the intent of the law, regulations, and policies on planning and project initiatives. The webpage will reflect the range of INDOT practices that extend beyond the baseline requirements in engaging the public.

The 2021 INDOT Project Development PIM provides guidance regarding the following:

- **ADA and Title VI – How INDOT incorporates guidance into project planning, development and delivery**
- **Public involvement per Indiana Code**
- **Public involvement activities required during project development process**
- **Expanded public involvement criteria used during project development process**
- **Public involvement post-environmental document approval – communicating project decisions**
- **Expanded LPA public involvement requirement – requires action in communicating project decisions**

INDOT Project Development Public Involvement Policies and Procedures lays out INDOT’s fundamental requirements for public involvement, established by federal and state law and regulations and by INDOT policies. The Policies and Procedures have been approved by the Federal Highway Administration (FHWA) on July 7, 2021. INDOT and FHWA have a Stewardship and Oversight Agreement on Project Assumption and Program Oversight. The agreement outlines the roles and responsibilities of FHWA and INDOT, including FHWA’s review and approval of state public involvement procedures in accordance with 23 CFR 771.111(h) and 23 CFR 450.210(a)

Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1)) states: “Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program.” 23 CFR 450.210(a)(ix) states: “Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.”

During emergencies or deviations from “standard practice,” INDOT coordinates with FHWA in providing virtual public involvement guidance <https://www.in.gov/indot/4039.htm>.

Travis J. Underhill

Indiana Department of Transportation



JERMAINE R HANNON

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Date: 2021.07.07 15:40:52 -04'00'

Indiana Division, Federal Highway Administration



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INTRODUCTION TO INDOT PROJECT DEVELOPMENT PUBLIC INVOLVEMENT POLICIES AND PROCEDURES

- **The Mission of INDOT**
- **The INDOT Public Involvement Policy**
- **Benefits of Public Involvement**
- **INDOT Implementation of the Public Involvement Policy**

THE MISSION OF INDOT

The mission of INDOT is to collaboratively plan, build, and maintain safe and innovative transportation infrastructure that enhances quality of life, drives economic growth, and accommodates new modes of transport.

To fulfill this mission, INDOT undertakes long-range and intermediate planning for transportation facilities; assigns budgets and schedules to projects through the transportation program; complies with federal and state law and regulations regarding transportation decisions making; and designs, constructs, maintains, and operates transportation facilities. A key component of fulfilling the INDOT mission is keeping the public informed about INDOT activities and eliciting the needs and views of the public related to prospective INDOT decisions. The success of INDOT's mission depends on identifying and addressing public needs, in coordination with transportation partners, including other government agencies, local jurisdictions, community residents and businesses, interest organizations, and transportation facility users. While these procedures apply to those INDOT and Local Public Agency (LPA) projects receiving federal aid, it is INDOT's sincere hope that these procedures will be used as a template for all projects.

The purpose of the INDOT Project Development Public Involvement Procedures Manual (PIPM) is to provide policy, guidance and instruction to those performing public involvement during the project development and delivery phases, specifically outlining public involvement procedures during the National Environmental Policy Act (NEPA) phase, educating and raising the public's awareness of activities, requirements and opportunities for participation and engagement related to public involvement as part of a comprehensive transportation decision-making process. INDOT is responsible for constructing and maintaining interstate highways, U.S. routes and state roads in Indiana, including adjacent overpasses, ramps and traffic-control devices, including signs and traffic signals, on these roadways. Local cities, counties and towns are responsible for Indiana roadways that are not interstate highways, U.S. routes, or state roads.

INDOT also administers federal highway funds provided to cities, towns and counties, and supports and provides financial assistance to public transit systems, freight and passenger rail and port facilities. INDOT also encourages and assists in the development of airports, landing fields, and other aviation navigation facilities.

INDOT has six district offices that handle day-to-day operations such as construction and detours, traffic-signal operations, permits, and maintenance operations, including repairing potholes and plowing snow, along with various other responsibilities <https://www.in.gov/indot/2337.htm>.

THE INDOT PUBLIC INVOLVEMENT POLICY FOR PROJECT DEVELOPMENT

Indiana citizens have an important role in shaping the transportation decisions that will affect their communities. Residents rely on the transportation system to move around in their communities and through the state for work and pleasure. Visitors rely on the system to reach their destinations and return safely home.



Businesses rely on the system to move products and materials. A solid transportation system is an important driver for economic development. In addition to their reliance on the system to meet transportation needs, all these users have a stake in transportation decisions because they are taxpayers.

INDOT recognizes the importance of involving the public in information exchange when providing transportation facilities and services to best meet Indiana's transportation challenges. Therefore, it is the policy of INDOT to promote public involvement opportunities and information exchange activities in planning, developing, designing, construction, operations, and maintenance of transportation projects. The INDOT public involvement procedures provide opportunities for early and continuing involvement of the public in developing transportation plans, programs, and projects and provide complete public information, timely public notice, and public access to key decisions.

INDOT defines public involvement as two-way communication aimed at providing information to the public and incorporating the views, concerns, and issues of the public in the transportation decision-making process. The public provides input on transportation needs, community concerns, and environmental considerations. INDOT uses this input to help make decisions. By involving the public early in planning transportation projects

and throughout the development and implementation of projects, INDOT will deliver a statewide transportation system that meets the needs of and is supported by its customers, the citizens of Indiana.

INDOT has two public involvement manuals one for planning and one for project development. This manual is the INDOT Project Development Public Involvement Procedures Manual (PIPM) which was developed in accordance with 23 CFR 771.111 and 40 CFR 1506.6. There are additional procedures for the planning process that are not discussed in this manual.

The other public involvement manual is the INDOT Planning Public Involvement Plan which purpose is to educate the general public and stakeholder groups in the transportation planning and programming processes, provide a resource for INDOT staff and transportation and programming processes, public involvement tools and techniques and why public involvement is important. The plan was developed in accordance with 23 CFR 450.210. The most current version of both manuals can be found at the INDOT Public Involvement website. (<http://www.in.gov/indot/2366.htm>)

A public involvement process should be proactive in nature and function as a revolving door in which information and input are continuously exchanged during all phases of project selection, development and delivery.

THE BENEFITS OF PUBLIC INVOLVEMENT

The two-way communication process between INDOT and the public that results from proactive public involvement assists INDOT in:

- Enhancing decisions and creating a better final product, including context-sensitive solutions, because the public can provide valuable information and perspective throughout the process. Effective public involvement enhances sound engineering. It promotes fuller exploration of community needs, communications on objectives and trade-offs, and application of engineering judgment to the full range of alternatives.
- Obtaining funding and support for INDOT programs facing increasing competition for economic resources and ensuring effective use of limited financial resources. When project impacts on the community can be minimized while transportation is improved, then stakeholders (traveling public, community, and taxpayers) benefit from cost-effective projects.
- Complying with regulations, such as national transportation authorization acts and the National Environmental Policy Act.
- Increasing customer satisfaction, public trust, and public acceptance which can reduce project re-design and delays. When people feel their concerns are addressed, they refrain from challenges to transportation plans and projects which may lead to costly project modifications. Procedural delays increase project costs while safety and congestion problems remain unsolved.

- Enhancing INDOT's credibility and public perception as a responsible public works agency that is a leader in public and transportation issues.
- Achieving as a final product a transportation system that meets the transportation needs of Indiana and its visitors.
- Educating INDOT's constituents on the various intricacies of project selection, development, delivery and maintenance.

INDOT IMPLEMENTATION OF THE PUBLIC INVOLVEMENT POLICY

These policies are implemented through INDOT procedures summarized below and described further in this manual. The INDOT Best Practices in Public Involvement document provides examples of how public involvement can be practiced throughout the agency. The INDOT Public Involvement webpage (<http://www.in.gov/indot/2366.htm>) contains examples of various forms, templates, and informative materials that are intended to serve as resource tools.

Other methods of implementing public involvement, which are not required but are used by INDOT to supplement the required procedures, will vary depending on the type of project, the phase in the planning and project development process, and local needs. Each public involvement program for planning or a project may incorporate a variety of techniques. Every plan or project that will potentially affect the public has this in common under INDOT policy: There will be some level of public involvement. This may range from simple public notification of a proposed transportation improvement to conducting formal Public Hearings. It may also include extensive outreach and engagement through informal Public Information Meetings, dissemination of public information materials, and use of community advisory committees as well as a spectrum of possible public involvement opportunities and options along the way. Many optional public involvement activities are described in INDOT Best Practices in Public Involvement document <http://www.in.gov/indot/2366.htm>.

DECENTRALIZATION OF PUBLIC INVOLVEMENT AT INDOT

INDOT has transitioned to a decentralized public involvement process whereas the Capital Program Management Division (CMPD) Project Managers (PM) are responsible for public involvement for their respective projects. The transition from a centralized to decentralized public involvement process began January 1, 2020.

Decentralization of Public Involvement	Responsibilities
Project Management	Public involvement activities including public meetings/hearings, advertising the hearings opportunity, documenting all activities undertaken during formal (required) public involvement
District Consultant Services – projects of lower environmental impact Major Project Delivery – projects of higher environmental impact	Certification of public involvement, ensuring public involvement activities were conducted in accordance with federal regulations, sign off on NEPA documentation indicating completion of public involvement
Environmental Services Division	Develop/facilitate public involvement training sessions, develop resource and guidance materials, complete public involvement procedures update, coordinate joint approval of PIP

The following page lists public involvement activities and responsibilities under the decentralized public involvement process. Acronyms referenced in the “activities and responsibilities” chart include CPM (Capital Program Management) and PM (Project Manager).

Project Development Activities & Responsibilities

Program	Required Activity	Responsible Parties
Project Development	Early Coordination – official start of environmental phase of project development.	CPM / PM, Consultant, Environmental Services
	Determine if project meets public involvement criteria. Apply hearings criteria to each project to determine what PI action will be taken (1) offering a public hearing (2) holding a public hearing, OR (3) project does not meet minimum criteria.	CPM / PM, Consultant, Environmental Services
	Once determination is made to conduct PI, Project Manager will identify type of activity.	CPM / PM, Consultant, Environmental Services
	PI requirements for smaller scope projects can be satisfied by either holding a public hearing or offering the public the opportunity to request a public hearing	CPM / PM, Consultant, Environmental Services
	For projects of lower environmental impact, offering the public the opportunity to request a hearing is an option.	CPM / PM, Consultant, Environmental Services
Public Hearing	Publish legal notices in newspapers (15 days in advance of hearing), coordinate payment of advertisements	CPM / Consultant
	Make documents available for public review	CPM / Consultant
	Coordinate ADA and LEP support services	CPM / PM, Consultant
	Secure venue	CPM / Consultant
	Maintain stakeholder database	CPM / PM, Communications
	Coordinate outreach to stakeholders, online posting of notices and documents, online calendar updates, support materials	CPM / PM, Communications, Consultant
	Facilitate / Moderate hearing	CPM / PM, Communications, Consultant
	Document process and prepare hearings transcripts	CPM / Consultant
	PI certification	CPM / Consultant Services Manager
Public Information Meeting	Make documents available for public review	CPM / PM, Consultant
	Coordinate ADA and LEP support services	CPM / PM, Consultant
	Secure venue	CPM / Consultant
	Maintain stakeholder database	CPM / PM, Communications, Consultant
	Coordinate outreach to stakeholders, online posting of notices and documents, online calendar updates, support materials	CPM / PM, Communications, Consultant
	Facilitate / Moderate meeting if formalized	CPM / PM, Communications, Consultant
Open Houses	Make documents available for public review	CPM / PM, Consultant
	Coordinate ADA and LEP support services	CPM / PM, Consultant
	Secure venue	CPM / Consultant
	Maintain stakeholder database	CPM / PM, Communications, Consultant
	Coordinate outreach to stakeholders, online posting of notices and documents, online calendar updates, support materials	CPM / PM, Communications, Consultant
	Ensure Open house facilitation	CPM / PM, Communications, Consultant

LEP, ADA & Environmental Justice Activities & Responsibilities

Program	Required Activity	Responsible Parties
Title VI of Civil Rights Act – Limited English Proficiency (LEP) engagement	Procure ADA/LEP support services for meetings/hearings and per request, develop/update voluntary PI survey and make available at meetings / hearings and online, ensure ADA/LPE language is in legal notices	CPM / PM, Consultant
American with Disabilities Act (ADA) engagement	Procure ADA/LEP support services for meetings/hearings and per request, develop/update voluntary PI survey and make available at meetings / hearings and online, ensure ADA/LPE language is in legal notices	CPM / PM, Consultant
Environmental Justice	Review INDOT EJ plan and Environmental Services guidance related to EJ to ensure compliance with EJ requirements and ensure the PIP is not in conflict with other EJ guidance.	CPM / PM, Consultant

Environmental Activities & Responsibilities

Program	Required Activity	Responsible Parties
Section 106 – Historic Structures Impact	Publish legal notice to initiate consulting parties process – Historic impact analysis is part of every project.	CPM / PM, Consultant, Environmental Services
	Notify project stakeholders, make documents available for public review, document process in environmental document	CPM / PM, Consultant, Environmental Services
Section 4(f) – Recreational Land Impacts	Publish legal notice to solicit input on Section 4(f) process – There are legal notices published to announce if there is an adverse impact and to allow the publish to weigh in on the impact	CPM / PM, Consultant, Environmental Services
	Notify project stakeholders, make documents available for public review, document process in environmental document	CPM / PM, Consultant, Environmental Services
Air Quality	Publish legal notice to initiate consulting parties process – Air quality notices only apply if there is an impact. Air quality is analyzed early during the environmental process to determine if there is an impact.	CPM / Consultant
	Notify project stakeholders, make documents available for public review, document process in environmental document	CPM / Consultant
Noise	Requires public notice	CPM / Consultant
	Requires stakeholder meetings – Follow steps like public information meetings	CPM / PM, Communications
	Coordinate required noise survey	CPM / PM, Communications, Consultant
	Document PI process to address noise impacts	CPM / PM, Communications, Consultant

LPA Activities & Responsibilities

Program	Required Activity	Responsible Parties
LPA Projects	Oversee PI process for LPA projects including attending LPA public hearings: (1) Review legal notices, (2) review locations for public hearings and also local viewing locations for documents, (3) ensure advertising requirements are met and that the notices appear in locally recognized papers, (4) review hearings transcripts, (5) sign off on public involvement activity once all requirements are met.	CPM / PM, Consultant, Environmental Services
	PI certification	CPM / Consultant Services Manager



Community members gather prior to the start of a Public Hearing.

PUBLIC INVOLVEMENT DURING EMERGENCY SITUATIONS

An emergency situation would be defined as: The Governor and/or President declares a health or other emergency, and/or a local government jurisdiction determines that an in-person Public Hearing and/or in-person inspection of documents should be limited out of concerns for public health and/or safety. As federal, state and local municipalities issue guidance related to any current emergency situations, physical viewing locations may change from normal operations. When physical locations, such as public libraries, municipal offices, or community centers, change in availability for use as project document repositories, the currently available locations should be listed in public notices. The notice must also list any restrictions, limitations and/or any modified procedure that would apply. INDOT will continue to monitor these situations and related guidance at both the national and local levels. Project teams should closely monitor local jurisdiction guidance for their respective projects to determine the status of emergency restrictions.

It is important to remember to include a statement in a public notice that offers the public the opportunity to request project information be mailed to them upon request. It is also required to offer the public the opportunity to request a Public Hearing in your notice. It may be that certain emergency situations may restrict how a Public Hearing will be held; however, opportunities to interact with the public virtually may exist by reaching out to those who may not be able to attend in person as a result of the emergency conditions. Refer to Appendix A for more information regarding public involvement during emergency situations.



Federal Law and Public Involvement



FEDERAL LAWS RELATED TO PUBLIC INVOLVEMENT

- **INDOT's Adherence to Federal Guidance and Regulations**
- **INDOT meets Federal Laws and Regulations**
- **Federal Laws and Regulations as a Foundation for Public Involvement Requirements**
- **FAST ACT – Fixing America's Surface Transportation Act**
- **Americans with Disabilities Act of 1990 (ADA)**
- **Section 504 of the Rehabilitation Act of 1973**
- **Environmental Justice (EJ)**
- **Limited English Proficiency (LEP)**

INDOT'S ADHERENCE TO FEDERAL GUIDANCE AND REGULATIONS ON PUBLIC INVOLVEMENT

INDOT has established a proactive public involvement process in the planning and development of transportation projects. This process provides opportunities for early and continuing involvement of the public in developing transportation plans, programs, and projects and provides complete information, timely public notice, and public access to key decisions. INDOT's public involvement process is in keeping Federal Highway Administration (FHWA) public involvement requirements pursuant to [23 U.S.C. 128](#) and [40 CFR parts 1500 through 1508](#).

INDOT's project development public involvement procedures conform to the requirements of federal law and regulations and the Indiana code regarding Public Hearings.

INDOT MEETS FEDERAL LAWS AND REGULATIONS

Federal and state law and regulations provide only minimal prescription for implementing public involvement in transportation. There is no standard approach to informing, educating, and involving the public. Every project is different and will require the use of different public involvement strategies. INDOT seeks to *fulfill the intent* of the law as well as to *comply* with specific requirements. Therefore, INDOT undertakes a range of public involvement activities to reach out to and engage the public in INDOT transportation planning, programming, project development, construction, operations, and maintenance. INDOT has established its own baseline of requirements for public involvement to fulfill the intent of the regulations. These INDOT-defined requirements, along with those required by law and regulations, constitute INDOT's baseline of public involvement implementation procedures, which Indiana citizens can rely on as opportunities for participation.

FEDERAL LAWS AND REGULATIONS AS A FOUNDATION FOR PUBLIC INVOLVEMENT REQUIREMENTS

The Role of the Federal Government

The U.S. Department of Transportation (USDOT) oversees the transportation planning and project activities of Metropolitan Planning Organizations (MPOs) and state Departments of Transportation. Within the USDOT, the Federal Highway Administration ensures that state departments of transportation follow federal law and regulations wherever federal funds, or a federal action is involved in a state or local highway project.

Applicable Federal Law and Regulations

The federal law and regulations that pertain to public involvement in transportation decision making and that apply to how INDOT implements its transportation program are included in:

- United States Code (Legislation), including especially: 23 U.S.C. 109(h), 23 U.S.C. 128, 23 U.S.C. 134, 23 U.S.C. 135 <https://www.govinfo.gov>
- Code of Federal Regulations, including especially: 23 CFR 771, 40 CFR 1500-1508, 23 CFR 450, 23 CFR 772, 36 CFR 800 <https://www.govinfo.gov>
- National Environmental Policy Act (NEPA), which directs agencies to encourage and facilitate public input into decisions that affect the quality of the human environment <https://ceq.doe.gov>
- Title VI of the Civil Rights Act of 1964, which declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color or national origin <https://www.fhwa.dot.gov>
- Americans with Disabilities Act, which requires reasonable efforts be made to accommodate citizens with disabilities who wish to attend public involvement events and participate in project/program decision making process <https://www.fhwa.dot.gov>
- Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506 (c) (1). <https://www.fhwa.dot.gov/>
- Section 106 of the National Historic Preservation Act (NHPA) of 1966, which states that federal agencies shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties <https://www.achp.gov/sites/default/files/regulations/2917-02/regs-rev04.pdf>

EPA's transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93.

Applicable Federal Policy and Guidance

In addition, federal policy and guidance that pertain to public involvement may be found via the Federal Highway Administration (FHWA) website www.fhwa.dot.gov.

- FHWA/FTA Policy on Public Involvement
- FHWA/FTA Questions and Answers on Public Involvement in Transportation Decision Making
- Executive Order 12898 on Environmental Justice, Feb. 11, 1994
- Department of Transportation Order on Environmental Justice
- FHWA Order on Environmental Justice

FAST ACT – FIXING AMERICA'S SURFACE TRANSPORTATION ACT

On Dec. 4, 2015, President Barack Obama signed the [Fixing America's Surface Transportation \(FAST\) Act](#) (Pub. L. No. 114-94) into law. The FAST Act was the first federal law in over a decade to provide long-term funding certainty for surface transportation infrastructure planning and investment. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act maintains our focus on safety, keeps intact the established structure of the various highway-related programs we manage, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects. With the enactment of the FAST Act, states and local governments are now moving forward with critical transportation projects with the confidence that they will have a federal partner over the long-term. See <https://www.transportation.gov/fastact> for more information.



INDOT team members meet with communities to solicit public input for agency programs.

THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

Title II of the ADA applies to all public entities. It requires INDOT to remove architectural and programmatic barriers that exclude qualified individuals with a disability. The ADA also requires INDOT, upon request, to make reasonable modifications to its policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to access its programs and activities. INDOT is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

To ensure we monitor and comply, an ADA self-evaluation and transition plan is prepared. This self-evaluation and transition plan includes a preliminary review of INDOT's current facilities, policies and practices with recommendations and a plan for the removal of access barriers identified. The purpose of performing a comprehensive self-evaluation of all its programs and facilities and making this plan accessible to the public, is to ensure that the public is given an opportunity to review, comment and participate fully in the ADA planning process. INDOT will review all public comments received and may at its discretion modify the documents to accommodate the public's recommendations. See INDOT ADA Transition Plan (updated every three years) at <http://www.in.gov/indot/3583.htm>.

Public Involvement Opportunities: Connect with INDOT Around our Accessibility Programs

INDOT implements tools to engage ADA stakeholders, including providing timely guidance and reference material via our website, gathering information via voluntary survey made available at public meetings/hearings/open houses and online, hosting training for internal and external audiences, including local municipalities and INDOT regional offices, performing an annual review of related programs and initiatives, and meeting with topic-specific focus groups.

When applicable, INDOT invites stakeholders to participate in community advisory working groups. These groups typically meet in each of our six district regions to discuss and engage advocates, community members and interested members of the public regarding accessibility for ADA stakeholders. The focus of these meetings is centered around the accessibility of INDOT-owned and controlled programs and facilities and local programs as they relate to and intersect INDOT’s program areas. We welcome and encourage public input on our planned ADA remediation projects as well as input related to the accessibility of our programs. During the project development phase, ADA-related impacts are identified, evaluated and presented to the public as part of the National Environmental Policy Act (NEPA) public involvement process. ADA impacts are documented in the NEPA document, which is made available for public review at local repositories to solicit project specific input from community stakeholders.

- Venues used for INDOT public involvement events are ADA accessible; INDOT certifies the public involvement processes for agency programs requiring public involvement and projects (meeting public involvement criteria) including securing meeting locations and venues with ADA accessibility.
- INDOT coordinates with state agency partners to ensure ADA services (sign-language interpretation, audio enhancement equipment, alternative format materials) are made available. See the Standard Operating Procedures for Support Services document on the Public Involvement webpage under Accessibility Materials at <https://www.in.gov/indot/2366.htm>.

INDOT is committed to meet the accessibility and mobility needs of blind, low-vision, deaf, and hearing-impaired persons in a non-discriminatory manner consistent with the intent and/or requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). As an agency, INDOT is committed to implementing the installation of accessible pedestrian signals to ensure that where our pedestrian facilities communicate information, we also include features that provide information in a format that is accessible to individuals who are blind, have low vision, are deaf, or have impaired hearing. See the following webpage for additional information <http://www.in.gov/indot/3583.htm>.

SECTION 504 OF THE REHABILITATION ACT OF 1973

Under Section 504, no qualified individual with a disability shall, solely, by reason of his disability, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. Section 504 requires that INDOT ensure that all pedestrian facilities meet the minimum accessibility design requirements set forth by law. See <http://www.in.gov/indot/3583.htm>.

Both the ADA and Section 504 require INDOT to inform the public of its obligation not to discriminate based on disability in the administration of its programs and operation of its facilities.

INDOT works to ensure its programs and facilities are accessible. We are working to remove limitations and barriers to access where they are discovered, improving our state practices, programs and pedestrian facilities and assisting our local communities is doing the same.

INDOT meets with communities throughout Indiana to discuss our ADA Transition Plan together with community stakeholders. We welcome and encourage public input on our planned ADA remediation projects as well as input related to the accessibility of our programs. The focus of these meetings is centered on accessibility of INDOT-owned and controlled programs and facilities and local programs as they relate to and intersect INDOT's program areas.

ENVIRONMENTAL JUSTICE (EJ)

In accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, federal agencies must identify and address disproportionately high and adverse human health or environmental effects of proposed projects on minority and low-income populations. Three underlying principles guide compliance with Environmental Justice requirements:



- Avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects on minority and low-income populations.
- Ensure meaningful and fair participation by all potentially affected communities in the decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Under Executive Order 12898, INDOT must administer and implement its programs, policies and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations while ensuring that minority and low-income populations receive an equitable distribution of the benefits. As a recipient of funding from the Federal Highway Administration, INDOT is responsible to ensure that our programs, policies and activities do not have a disproportionately high and adverse effect on minority and/or low-income populations. In keeping with the Title VI of the Civil Rights Act and the Executive and DOT Orders and FHWA Guidance on Environmental Justice, INDOT proactively reaches out to and solicits input from low-income, minority and traditionally underserved communities.

To ensure that identified Environmental Justice populations are involved in the transportation planning and decision-making process and not disproportionately and adversely impacted by transportation actions/projects, INDOT has established several Environmental Justice objectives including:

- Improve the environmental, public health and safety in transportation of people and goods, and the development of transportation systems and services.
- Harmonize transportation policies and investments with environmental concerns, reflecting an appropriate consideration of economic and social interests.

- Consider the interest, issues and contributions of affected communities, disclose appropriate information and give communities an opportunity to be involved in the decision-making.

As projects transition from planning to project development, an Environmental Justice (EJ) analysis is required for any project that may result in disproportionately high and adverse impacts on a minority or low-income population in or near the project area. Federal agencies are required by legislation and executive order to conduct their programs, policies and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination under, such programs, policies and activities because of their race, color or national origin.

EJ populations may be identified throughout the public involvement process and through early coordination. Local elected officials and/or planning organizations are contacted to help identify minority and low-income populations that may be affected by a project. County human services departments, the Indiana Economic Development Corporation and regional planning organizations are data sources. Public libraries are repositories where demographic and community information may be obtained to aid in identifying minority and low-income populations within a study area.

Additionally, during the environmental analysis phase of project development, an EJ analysis is required for projects meeting a minimum threshold including:

- Projects involving two or more relocations or displacements;
- Projects involving one-half acre or more of permanent right-of-way acquisition; or
- Projects processed as Environmental Impact Statements (EIS) or Environmental Assessments (EA)

EJ populations are also detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them.

- Access data from the U.S. Census Bureau; perform calculations for demographic analysis
- Interpret demographic analysis; determine if disproportionate and negative impacts exist
- Determine the level of public outreach to EJ populations which are focused on ensuring underserved populations are included to provide input and comment on the project.

Environmental Justice (EJ) Committees

EJ Committees may be formed for projects that have the potential for significant community impacts to better ensure organizations representing environmental justice populations are part of in-depth discussions regarding a project.

EJ committee meetings are held to address the unique needs of each community that may be impacted by a project and/or action and are held at various times and locations to help prevent geographical barriers from impacting meeting participation and attendance.

Each committee includes several community leaders and residents from a respective area.

Members are asked to attend meetings and share their input, concerns and feedback. Members also play a valuable role by sharing information with their groups and members of the community.

EJ Committees meet and consider key project details including:

- Public launch of project and goals
- Discussion of maintenance of traffic alternatives
- Mitigation of temporary impacts
- Impact analysis, project purpose and need, alternatives analysis

Additional EJ Committee meetings are scheduled, as needed, to ensure environmental justice issues are addressed thoroughly and important input is collected by INDOT.

In addition to EJ Committees, surveys may be used to collect data to better identify EJ communities, engage EJ populations and solicit input.

See following links to view EJ guidance:

- Environmental Justice Guidance can be found within the INDOT Categorical Exclusion Manual, INDOT Procedural Manual, and Environmental Justice in NEPA Documentation Process at <https://www.in.gov/indot/2523.htm>
- Long-Range Transportation Plan <https://www.in.gov/indot/3714.htm>
- U.S. Census Bureau website <https://www.census.gov/data.html>
- Resource for Indiana Communities <https://www.in.gov/indot/3591.htm>

LIMITED ENGLISH PROFICIENCY (LEP)

On Aug. 11, 2000, President Bill Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)." The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Pursuant to Executive Order 13166, INDOT must take reasonable steps to ensure meaningful access to its services to persons who may be entitled to language assistance. In accordance with the Executive Order, the U.S. Department of Transportation issued [Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient \(LEP\) Persons](#). DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. The resources available to the recipient and costs.

INDOT based its four-factor analysis on the U.S. Census Bureau American Community Survey (ACS) data. Through this analysis, an LEP plan was developed, which is discussed below.

See the Nondiscrimination at INDOT webpage <http://www.in.gov/indot/3584.htm> for guidance in serving persons with LEP and ensuring access to program and project related decision-making.

Limited English Proficiency reports are one tool that assists INDOT in documenting instances where enhanced language services are needed.

- **The Language Identification Flashcard is a tool INDOT uses during public involvement events to correctly identify the language necessary to communicate with an individual with LEP needs.**
- **Procurement of language translation, interpretation and document conversion services is part of a comprehensive public involvement plan.**
- **Providing LEP services is part of the INDOT public involvement process**

INDOT values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color or national origin.

A voluntary public involvement survey 23 CFR 200.9(b)(4) assists INDOT in gathering data to ensure our programs and activities comply with Title VI of the Civil Rights Act of 1964. The voluntary survey is made available via the INDOT website and is available at public involvement events (open houses, public meetings and hearings). More about the survey:

- Available online and at public involvement events
- INDOT monitors, tracks and documents data received as a result of the survey to comply with Title VI of the Civil Rights Act of 1964
- Documentation is submitted to FHWA for evaluation and review
- INDOT makes changes and modifications to its program and project development activities based upon this information

As an agency, we strive to provide an opportunity for public involvement and access to the transportation decision-making process in every stage of the planning and development of transportation projects to everyone, including minority or low-income communities and populations who are not proficient in English.

Our Public Involvement Plan addresses further how we ensure all persons can have equal access to our programs and how participation opportunities are made available. More information about public involvement opportunities can be found at www.in.gov/indot/2366.htm.

INDOT utilizes a public involvement survey to collect, analyze and report demographic data related to whom we are engaging with on a yearly basis. These surveys are voluntary, and data collected is used to determine how we can continually improve our public involvement practices.

- (1) Voluntary survey to assist INDOT in ensuring our programs and activities comply with Title VI of Civil Rights Acts of 1964**
- (2) Documentation is submitted to Federal Highway Administration**
- (3) INDOT evaluates survey data and modifies its programs and project development activities to ensure our projects benefit everyone equally**



INDOT's voluntary Title VI Public Involvement Survey is made available at public meetings and online.

INDOT's LEP Plan includes providing notice to LEP persons using all means reasonably calculated to provide meaningful access. INDOT notification procedures include:

- Posting signs/notices in areas where the public is likely to read them
- Stating in outreach documents (brochures, booklets, notices, pamphlets, flyers) that language services are available
- Working with community-based organizations to inform LEP persons of the language assistance available
- Using a telephone voicemail menu in the most common languages encountered
- Placing notices in local newspapers in languages other than English for important events
- Providing notices on non-English language radio and television stations about the availability of language assistance services for important events
- Providing presentations and notices at schools and religious organizations for important events or where community involvement is critical
- Providing a document translation (and/or interpretation services) request form/notice translated into other languages when INDOT is aware that a significant number of persons will be impacted by INDOT programs or activities who speak a language other than English, regardless of county-wide census data

Translating Vital Documents – A document is considered vital if it contains critical information for obtaining services or benefit or is required by law. To further assist INDOT employees in determining whether a document should be considered vital, INDOT employees should consider whether the document's core purpose is related public engagement activities. Public engagement activities may include:

- Solicitation of public comments
- Circulation of pre-decisional document for public inspection
- Circulation of public notices
- Public information related to key INDOT procedures, projects, or activities that may be reasonably likely to have a significant impact on an LEP population

INDOT program areas requiring interaction with the public as a daily part of their delivery of services should assess the LEP population and the frequency and importance of contact with LEP persons to ascertain the necessity for translating vital documents. Examples of vital documents that require consideration for translation into Spanish (Indiana's largest LEP population) include the following:

- Emergency transportation information, such as road closures
- Notices of Public Hearings/meetings/open houses regarding proposed transportation plans, projects or changes
- Notices of reduction, denial or termination of services or benefits
- Signs in reception areas and other points of initial entry
- Notices advising LEP persons of free language assistance
- Statements about the services available and the right to free language assistance services in brochures, booklets, outreach and recruitment information and other materials routinely disseminated to the public
- Applications or instructions regarding participating in a program or activity or to receive benefits or services

- Consent forms

Whether or not a document (or the information it solicits) is “vital” will depend on the importance of the program, information, encounter or service involved, and the consequence to the LEP person if the information in question is not accurate or received in a timely manner. Where appropriate, program managers are encouraged to create a plan for consistently determining what documents are “vital” to the meaningful access of the LEP populations they serve.

Where program managers are engaged in community outreach efforts as part of their programs and activities, they should regularly assess the needs of the populations frequently encountered or affected by the program to determine whether certain critical outreach materials should be translated.

Providing Interpretation Services – INDOT recognizes the need for greater oral and written communication with limited and non-English speaking persons located with the state. INDOT’s Central Office and district offices attempt to identify the language needs with its jurisdiction and current bilingual staff resources to meet those needs. Where communication of key or vital information is involved, INDOT procures the use of interpretation and translation services to ensure effective communication can be achieved.

In-House Training – INDOT staff are properly trained to understand their obligations to provide meaningful access to information and services for LEP persons. INDOT’s current in-person and online training materials for employees include LEP requirements and policies. Training will be updated as these policies change. INDOT staff receives targeted training on recognizing vital documents.

Multilingual Staffing – INDOT procures third-party language translation services (over-the-phone, in-person and document conversion) to ensure LEP stakeholders are engaged and included during planning, project development and delivery processes.

INDOT’S NON-DISCRIMINATION STATEMENT

INDOT values each individual’s civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color or national origin.

Visit the Nondiscrimination at INDOT webpage to view our Title VI Implementation Plan <https://www.in.gov/indot/3584.htm>.

INDOT utilizes a variety of engagement techniques and activities (below) to solicit input and encourage participation from communities our programs may impact. From the planning process to the NEPA process, engaging EJ communities and stakeholders is an essential part of our transportation decision-making process.

COORDINATION OF PUBLIC HEARING PROCESS WITH THE U.S. ARMY CORPS OF ENGINEERS

INDOT coordinates its Public Hearing process with the U.S. Army Corps of Engineers (USACE) Public Hearing requirements. Therefore, the Public Hearing notice will also include reference to USACE solicitation of public comments. When INDOT is applying for a 404 Permit Application under the Clean Water Act, INDOT will assist the USACE with the USACE public notice announcing the availability of Permit Application and seeking comments on the application, including comments on wetland impacts and floodplain encroachment, if applicable.

33 USC 1344A and H (Clean Water Act) IC-8-23-2-17(b) and (c) states “(b) Whenever the department holds a public hearing, the department shall allow any person an opportunity to be heard in the presence of others who are present to testify and in accordance with subsection (c) the department through the commissioner or the commissioner’s designee, may limit testimony at a public hearing to a reasonable time stated at the opening of the public hearing.” As added by P.L. 52-1995, SEC. 3.

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The National Environmental Policy Act (NEPA), enacted in 1969, requires that any activity or project (including transportation projects) receiving federal funding or other federal approvals undergo full consideration of potential social, economic, and environmental impacts to arrive at a decision on a specific project or action. The NEPA process involves striking a balance among many different factors — mobility needs, freight movement, economic prosperity, health and environmental protection, community and neighborhood preservation, and quality of life for present and future generations. NEPA requires that federal agencies disclose the results of their analysis and the effects of project implementation on the environment and solicit comments on the proposals from interested and affected parties. During the NEPA environmental process, projects undergo preliminary engineering to enable INDOT to define a project sufficiently to conduct the needed environmental analysis. Projects proceed to final design only after the NEPA document has been completed and a decision has been made. Implementation of NEPA is defined by the Regulations of the Council on Environmental Quality for Implementation of NEPA. INDOT has developed a Procedural Manual for Preparing Environmental Documents. Visit INDOT’s Environmental Services Division at <http://www.in.gov/indot/2675.htm> for more information.

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties. 36 CFR 800.2(d) states:

The views of the public are essential to informed Federal decision making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

Accordingly, Section 106 requires that federal agencies, or their federally delegated authorities, actively consult with individuals and organizations throughout the Section 106 process. 36 CFR Section 800.2(c)(5) defines a consulting party as:

Individuals and organizations with a demonstrated interest in the project due to the nature of their legal and economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties.

Consultation is defined as the process of seeking, discussing and considering the views of other participants and where feasible, seeking agreement with them regarding matters arising during the Section 106 process. Consultation processes take place during NEPA but also during planning when applicable.



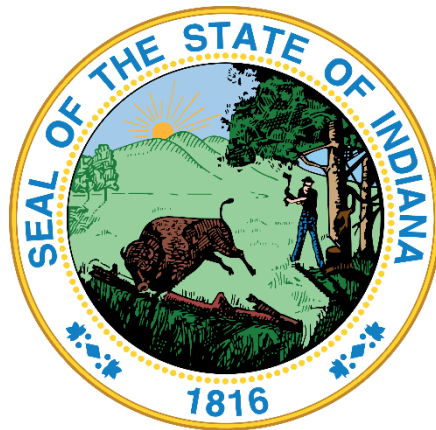
INDOT team members attending Statewide Transportation Improvement Program (STIP) open house.

Communities are engaged during planning and project development phases utilizing a variety of techniques, tools and activities, including:

Websites – signing up to receive email program and/or project specific updates
Traditional and Social Media outreaches to communicate messages, raise awareness
Actively seeking opportunities to meet with groups and organizations
Holding public meetings and open houses (key planning phases, documents and activities)
Creating program specific working groups to solicit targeted input and participation
Partnering with local repositories to ensure program information is accessible at community locations; participating in regular meetings with MPO and district planning partners to develop strategies for community engagement

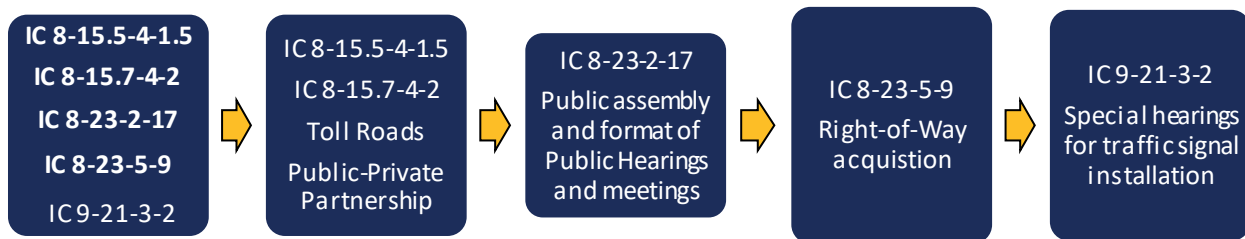


Indiana Code and Public Involvement



STATE STATUTES PERTAINING TO THE IMPLEMENTATION OF PUBLIC INVOLVEMENT

- **IC 8-15.5-4-1.5 Public Hearings for toll road projects**
- **IC 8-15.7-4-2 Public Hearings for Public-Private Partnership projects**
- **IC 8-23-2-17 Format for Public Hearings/meetings – Public Assembly**
- **IC 8-23-5-9 Public Hearing when INDOT establishes approximate locations, widths of right-of-way for an addition to the state highway system**
- **IC 9-21-3-2 Special hearings for traffic signal installation**
- **Indiana Open Door Law**



<http://www.in.gov/legislative/ic/code/>

IC 8-15.5-4-1.5

Toll Road projects - required studies; Public Hearing; public comment process

(a) This section applies only to a toll road project and not to a freeway project or a facility project.

(b) The authority may not issue a request for proposals for a toll road project under this article unless the authority has received a preliminary feasibility study and an economic impact study for the project from the department, conducted a Public Hearing and concluded the periods for public comments and the authority's replies.

(c) the economic impact study must, at a minimum, include an analysis of the following matters with respect to the proposed project:

- (1) Economic impacts on existing commercial and industrial development
- (2) Potential impacts on employment
- (3) Potential for future development near the project area, including consideration of locations for interchanges that will maximize opportunities for development
- (4) Fiscal impacts on revenues to local units of government

- (5) Demands on government services, such as public safety, public works, education, zoning and building, and local airports.

The authority shall post a copy of the economic impact study on the authority's internet website and shall also provide copies of the study to the governor and the legislative council (in electronic format under IC 5-14-6).

After completion of the economic impact study, the authority must conduct a Public Hearing on the results of the study in the county seat of the county in which the proposed project would be located. At least ten (10) days before each Public Hearing, the authority shall:

- (1) post notice of the Public Hearing on the authority's Internet website
- (2) publish notice of the Public Hearing (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county; and
- (3) include in the notices under subdivisions (1) and (2):
 - (a) the date, time, and place of the hearing;
 - (b) the subject matter of the hearing;
 - (c) a description of the purpose of the economic impact study;
 - (d) a description of the proposed project and its location; and
 - (e) a statement concerning the availability of the study on the authority's Internet website.

At the hearing, the authority shall allow the public to be heard on the economic impact study and the proposed project.

(e) For the thirty (30) days following the Public Hearing on the results of the economic impact study, the authority shall receive comments from the public on the proposed project. The comments may address any aspect of the proposed project.

(f) Within fifteen (15) days following the close of the public comment period, the authority shall publish on the authority's internet website the authority's replies to the public comments submitted to the authority during the public comment period.

IC 8-15.7-4-2 Competitive Proposal Procedure; Request for Qualifications; Public Hearing on Preliminary Selection and Agreement

Before awarding a public-private agreement(s) to an operator, the department shall schedule a Public Hearing on the preliminary selection of the operator and the terms of the proposed public-private agreement. The hearing shall be conducted in the county seat of the county that would be an affected jurisdiction for purposes of the proposed project. The department shall do the following:

- (1) At least ten (10) days before the Public Hearing, post on the department's internet website:
 - a. The proposal submitted by the offeror that has been preliminarily selected as the operator for the project, except for those parts of the proposal that are confidential under this article; and
 - b. The proposed public-private agreement for the project
- (2) At least ten (10) days before the Public Hearing:
 - a. Post notice of the hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county that would be an affected jurisdiction for the purposes of the proposed project.

- (3) Include the following in the notices required by subdivision:
- a. The date, time, and place of the hearing
 - b. The subject matter of the hearing
 - c. A description of the agreement to be awarded
 - d. The recommendation that has been made to award the agreement to an identified offeror or offerors
 - e. The address and telephone number of the department
 - f. A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under IC 5-14-3, the following are available on the department's internet website and are also available for public inspection and copying at the principal office of the department during regular businesses hours:
 - (i) The selected offer
 - (ii) An explanation of the basis upon which the preliminary selection was made
 - (iii) The proposed public-private agreement for the project
 - At the hearing, the department shall allow the public to be heard on the preliminary selection of the operator and the terms of the proposed public-private agreement
 - When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than (1) offeror.

INDIANA CODE PERTAINING TO PUBLIC HEARINGS

IC 8-23-2-17 Public Hearing is an Assembly

(a) As used in this section, "Public Hearing" means an assembly or a meeting by the department for the purpose of:

- (1) Providing information early in the process of making decisions affecting proposed highway or bridge construction or improvement projects on a county arterial highway system or the state highway system so that the public can have an impact on the decision outcome, including a meeting in which the public is provided information, opportunity for review and comment, and an accounting for the rationale for a proposed project; or
- (2) Complying with 23 U.S.C. 128 and 49 U.S.C. 1602 (d) requirements in considering economic, social, environmental, and other effects of highway projects and proposals.

(b) Whenever the department holds a Public Hearing, the department shall allow any person an opportunity to be heard in the presence of other who are present to testify and in accordance with subsection (c).

(c) The department through the commissioner or the commissioner's designee, may limit testimony at a Public Hearing to a reasonable time stated at the opening of the Public Hearing. As added by P.> 52-1995, SEC. 3.

IC 8-23-5-9 Additions to the State Highway System; Procedures

(a) The department may establish the approximate locations, using the recommended widths established by the department in the department's approved design manual for equivalent classification of roads, of right-of-way for additions to the state highway system.

(b) If the department establishes the approximate locations and widths of right-of-way for an addition to the state highway system under subsection (a), the department shall conduct a Public Hearing in at least one (1) county in which a right-of-way for the addition is located. The department shall publish notice of a hearing conducted under this subsection in two (2) newspapers of general circulation in the county in which the hearing will be conducted at least ten (10) days before the hearing. If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. Notice of the hearing shall be given by mail to all owners of real property identified within the right-of-way shown on the map prepared under subsection (c).

(c) If the department establishes the approximate locations and widths of rights-of-way for an addition to the state highway system under subsection (a), the department shall prepare a map showing the approximate location and width of each right-of-way for the proposed addition. The map must display the following:

- (1) Existing highways in the area of the addition.
- (2) Property lines and owners of record of property to be acquired for the rights-of-way.
- (3) Other information determined necessary by the department.

The department shall approve the map, with changes (if applicable), at the Public Hearing conducted under subsection (b). The department shall record the approval and a copy of the approved map in the office of the recorder of each county in which land to be acquired for the addition is located.

(d) The department shall:

- (1) publish notice of a recording under subsection (c) in two (2) newspapers of general circulation in each county in which an approval is recorded; however, if only one (1) newspaper is published in the county, publication in that newspaper is sufficient; and
- (2) not more than sixty (60) days after an approval is recorded, send notice of the recording by certified mail to all owners of record of real property to be acquired for rights-of-way for the addition.

(e) The owner of property to be acquired for a right-of-way must give at least sixty (60) days' notice by registered mail to the department before developing or otherwise improving the property. However, the owner may perform normal or emergency repairs to existing structures on the property without giving notice to the department.

(f) Not more than forty-five (45) days after receiving a notice under subsection (e), the department shall respond by providing notice to the property owner of the department's intent to acquire the property. The department shall:

- (1) purchase; or
- (2) exercise the right of eminent domain to acquire; the property not more than one hundred eighty (180) days after responding under this subsection. If the department does not purchase the property or acquire the property by eminent domain within one hundred eighty (180) days after responding under this subsection, the department may subsequently acquire the property through the exercise of the right of eminent domain under IC 32-24.

(g) An owner of property to be acquired for a right-of-way may not receive damages for any development or improvement for which the owner is required to give notice to the department under subsection (e) unless the department fails to purchase or exercise the right of eminent domain to acquire the property under subsection (f).

(h) The state or a county or municipality in which an addition to the state highway system is located may acquire a right-of-way needed for the addition at any time. For purposes of this subsection, the fair market value of the property shall be determined as follows:

- (1) If the property is purchased, the fair market value on the date of purchase.
- (2) If the property is acquired by eminent domain, the fair market value on the date on which the complaint in condemnation was filed.

However, if the property is agricultural land, the fair market value shall be determined under IC 32-24-1.

(i) The department shall adopt guidelines to determine whether a project constitutes an addition to the state highway system for purposes of this section. In adopting guidelines under this subsection, the department shall consider the following:

- (1) The need for additional capacity.
- (2) The estimated cost of the project.
- (3) Whether the project is new construction or maintenance.

(j) As used in this section, "owner" does not include a utility.

(k) At the same time and in the same manner as the notice is sent under subsection (d)(2), the department shall notify the owner of property to be acquired for a right-of-way of the following:

(1) With respect to damage that occurs to the property as a result of entry onto the land for a purpose set forth in IC 8-23-7-26:

- (A) a description of the owner's right to compensation for the damage from the department;
- and
- (B) the procedure that the owner must follow to obtain the compensation.

(2) The name, mailing address, and telephone number of an individual or office within the department to which the owner may direct questions concerning the rights and procedures described in subdivision (1).

IC 9-21-3-2 Traffic Signal Petition

Indiana Code 9-21-3-2 Installation; traffic signal installation on a street or highway within Indiana may be erected only after the completion of traffic engineering studies that verify that the traffic signal control is necessary as set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

(b) if:

- (1) the proposed installation is in the immediate vicinity of a school; and

(2) the installation does not meet the requirements of this section;

The government unit responsible for the control of traffic at the location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal (as added by P.L.2-1991, SEC.9).

INDIANA OPEN DOOR LAW

The Open Door Law

Ind. Code § 5-14-1.5-1

- With the exception of Executive Sessions, “all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them.” I.C. § 5-14-1.5-3(a).
- The Open Door Law also requires 48-hour advanced notice of meetings. I.C. § 5-14-1.5-5.

The purpose of the Open Door Law is to provide the opportunity for the public to be fully informed as to the official actions of public agencies. In keeping with the purpose of the law, all meetings of the governing bodies of public agencies are to be open at all times so that the public can observe and record them. Executive Sessions are an exception to this requirement. Additional information about Executive Sessions is provided below.

For the public to be able to observe the meetings of public agencies, they must be informed as to when the meetings will occur. This is the basis for the requirement that public agencies post notices of meetings at least 48 hours in advance.

Visit <http://iga.in.gov/legislative/laws/2016/ic/> to learn more about Indiana Code.



Public Hearings and meetings are typically held at schools, libraries and/or municipal buildings within proximity of a project area.



Public Involvement during Project Development

PUBLIC INVOLVEMENT IN THE PROJECT DEVELOPMENT PROCESS



The Project Development Process

The Project Development Process (PDP) is a sequence of decisions that begins with a statement of a transportation problem to be solved and/or need to be addressed and ends with the identification and design of a specific project or solution. INDOT has developed and implemented a PDP process that includes regular communication among technical disciplines, results in quality plans, and minimizes cost overruns during right-of-way acquisition and project construction. Depending on project size, complexity, and/or potential impact to the environment, INDOT transportation projects are categorized as Maintenance, Minor, or Major.

Selection of the appropriate project classification is based on the anticipated level of project development complexity. The project classification identifies the recommended level of analysis, amount of stakeholder involvement and activities performed during each step. The PDP is designed to provide the necessary information to advance the project equitably and systematically in a logical sequence from the end of planning to the beginning of construction. The PDP transportation decision-making approach provides a seamless process from planning through construction and encourages open communication for making informed decisions during all stages of project development. By involving all disciplines at the earliest stages of the process, issues affecting project type, scope, preliminary development, and cost are identified early. See INDOT PDP manual at www.in.gov/indot search key word "Project Development Process."

As INDOT makes decisions on transportation projects, INDOT must integrate:

- Input from the public,
- Input from local government,
- Input from resource agencies (federal and state agencies that have responsibility for environmental resources, such as water resources, historic resources, air quality, and endangered species), and
- INDOT's own assessment of transportation needs, cost, funding availability, and engineering constraints.

No one entity drives transportation decision making. Rather, the interests and needs of each (within the bounds of regulatory mandates), must be considered along with the interests and needs of the others.

ENVIRONMENTAL DOCUMENT CLASSIFICATION UNDER NEPA

The National Environmental Policy Act (NEPA), enacted in 1969, requires that any activity or project (including transportation projects) receiving federal funding or other federal approvals undergo full consideration of potential social, economic, and environmental impacts to arrive at a decision on a specific project or action. The NEPA process involves striking a balance among many different factors – mobility needs, freight movement, economic prosperity, health and environmental protection, community and neighborhood preservation, and quality of life for present and future generations. NEPA requires that federal agencies disclose the results of their analysis and the effects of project implementation on the environment and solicit comments on the proposals from interested and affected parties. During the NEPA environmental process, projects undergo preliminary engineering to enable INDOT to define a project sufficiently to conduct the needed environmental analysis. Projects proceed to final design only after the NEPA document has been completed and a decision has been made. Implementation of NEPA is defined by the Regulations of the Council on Environmental Quality for Implementation of NEPA. INDOT has developed a Procedural Manual for Preparing Environmental Documents. Visit INDOT's Environmental Services Division at <http://www.in.gov/indot/2675.htm> for more information.

The Council on Environmental Quality (CEQ) was established by Congress within the Executive Office of the President as part of NEPA. CEQ coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. CEQ reports annually to the President on the state of the environment; oversees federal agency implementation of the environmental impact assessment process; and acts as a referee when agencies disagree over the adequacy of such assessments. The CEQ Regulations are found at 40 CFR 1500-1508, and the FHWA Policies and Procedures for Implementing NEPA are found at 23 CFR 771. Additional guidance may be accessed via the following locations:

**<https://ceq.doe.gov/laws-regulations/regulations.html> and
<http://www.environment.fhwa.dot.gov/projdev/index.asp>**

In addition to undergoing analysis through the NEPA process, projects must meet any related permitting requirements. The Waterways Permits Manual may be found at <http://www.in.gov/indot/2522.htm>.

There are three types of environmental classifications under NEPA, plus an additional classification established by INDOT, and each is accompanied by its own public involvement requirements.

- ***Categorical Exclusions (CEs)*** include projects that individually or cumulatively produce no significant adverse impacts on the human or natural environment. CEs typically involve a limited scope and one feasible alternative. CEs are generally used for such projects as resurfacing, restoration, and safety projects, and rehabilitation or reconstruction of existing bridges or other infrastructure. Most of INDOT's projects fall under the CE classification. CEs are prepared for projects that do not have significant direct, indirect or cumulative impacts on the natural or human environment.

- *Public involvement requirements for CEs can be satisfied by holding a Public Hearing or offering the public the opportunity to request a hearing be held (if project meets public involvement criteria)*

There are four levels of CEs. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project. Programmatic CEs do not require public involvement.

- CE-1 require limited or no right-of-way and typically do not require detailed technical studies; CE-1 projects typically do not meet criteria for public involvement.
- CE-2-CE-3 may involve larger acreage or impacts to resources that require more extensive or specialized study; CE-2 and CE-3 projects typically meet criteria for public involvement.
- CE-4 level projects involve extensive or specialized study such as noise analysis.

Following the preparation of the CE environmental document, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. See INDOT's CE Manual at <http://www.in.gov/indot/2523.htm> for more information.

Environmental Assessments (EAs) include actions in which the significance of the impact on the environment is not clearly established. If there is uncertainty about whether the project will have significant impacts, an EA is prepared, with some analysis to determine whether the project has significant impacts. If the answer is "Yes," then a full Environmental Impact Statement (EIS) is prepared (see below). If the answer is "No," then this decision is formally documented by FHWA with a Finding of No Significant Impacts (FONSI), and the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. Major reconstruction and/or minor roadway relocation projects generally fall into this category.

- Requires mandatory Public Hearing be held

See INDOT's Procedural Manual for Preparing Environmental Documents at <http://www.in.gov/indot/2523.htm> for more information.

Environmental Impact Statements (EISs) are prepared for large-scale projects involving major expansion or new location construction where it is likely that the project will have significant environmental impacts. The EIS entails a study to set forth the Purpose and Need of a project, identify a range of alternatives to address the transportation need(s) in a study area, and analyze the social, economic, and environmental impacts of the alternatives. A Draft EIS (DEIS) is circulated for comment to the public and to relevant public agencies. This document provides a full description of the proposed project and the existing environment and an analysis of the anticipated beneficial and adverse effects of all reasonable alternatives. Following consideration of comments, a Final EIS (FEIS) is prepared. A Record of Decision (ROD) indicates the alternative selected for the project, including any required mitigation measures. Following the approval of the ROD by FHWA, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction.

- Requires mandatory Public Hearing be held

See INDOT's Procedural Manual for Preparing Environmental Documents at <http://www.in.gov/indot/2523.htm> for more information.

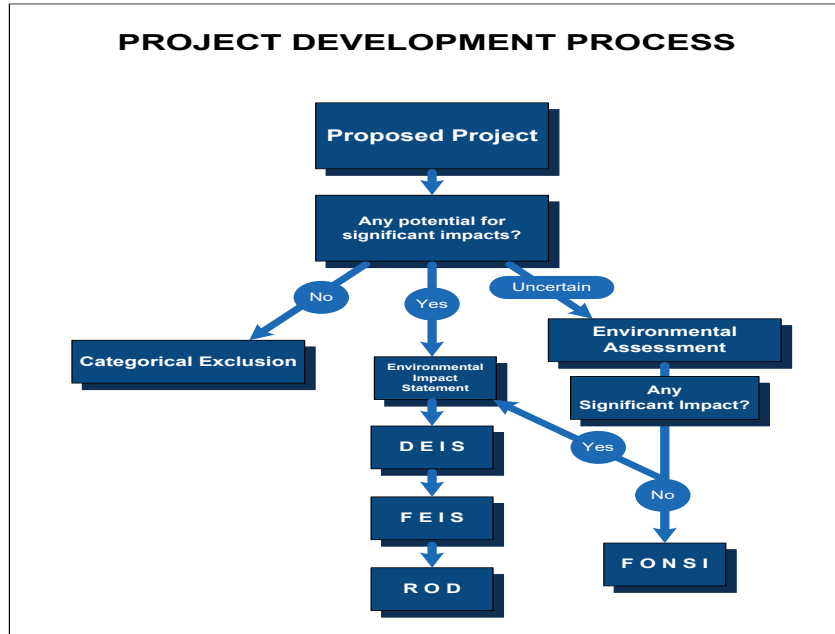
The Council on Environmental Quality (CEQ) was established by Congress within the Executive Office of the President as part of NEPA. CEQ coordinates federal environmental policies and initiatives. CEQ reports annually to the President on the state of the environment; oversees federal agency implementation of the environmental impact assessment process; and acts as a referee when agencies disagree over the adequacy of such assessments.

The CEQ Regulations are found at 40 CFR 1500-1508, and the FHWA Policies and Procedures for Implementing NEPA are found at 23 CFR 771.

40 CFR 1502.1 states, “The primary purpose of an environmental impact statement prepared pursuant to section 102(2)(C) of NEPA is to ensure agencies consider the environmental impacts of their actions in decision making. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analysis. An environmental impact statement is a document that informs Federal agency decision making and the public.”

In addition, INDOT in cooperation with FHWA has developed an Environmental Streamlining Procedure, which provides for planning studies at the corridor level to be conducted as environmental assessments under the NEPA process. These are called *Environmental Assessments/Corridor Studies* (EA/Corridor Studies). INDOT conducts EA/Corridor Studies to assess broad environmental implications of meeting transportation needs on a conceptual level in a corridor to be included in the INDOT Long-Range Plan. An EA/Corridor Study identifies potential projects within a corridor, including projects of independent utility, NEPA document classification for each project, and a general timeframe for each project. EA/Corridor Studies follow the EIS procedures up through preliminary alternatives screening, after which INDOT and FHWA may decide to conclude the NEPA process with a CE, EA, or EIS on one or more individual projects in the corridor.

The diagram on the following page shows the three levels of analysis in the NEPA process.



REQUIREMENTS BY FEDERAL LAW, REGULATION, AND INDOT POLICY FOR PUBLIC INVOLVEMENT IN THE PROJECT DEVELOPMENT PROCESS

The Council on Environmental Quality (CEQ) Regulations require that agencies “make diligent effort to involve the public in preparing and implementing their NEPA procedures” and “provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.”

- 40 CFR 1506.6(a) and (b)

The level of public involvement depends, to some degree, on the classification for level of analysis (CE, EA, or EIS).

23 FR 771.111 states:

Early coordination with appropriate agencies and the public aids in determining the type of environmental document an action requires the scope of the document, the level of analysis, and related environmental requirements. This involves the exchange of information from the inception of a proposal for action to preparation of the environmental document. State public involvement/public hearing procedures must provide for (1) Coordination of public involvement activities and public hearings with the entire NEPA process, (2) Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.

The FHWA Environmental Policy Statement of 1994 states that:

The term "environment" ... includes the natural environment, the built environment, the cultural and social fabric of our country and our neighborhoods, and the quality of life of the people who live here. This quality of life is enhanced not only by economic security and ample natural resources, but by enduring community values and thriving neighborhoods where all citizens have access to safe, comfortable, and efficient transportation.

Public involvement required during the NEPA phase of project development:

- **Cannot** begin until an environmental document is released for public involvement by INDOT district Environmental or INDOT Environmental Services Division
- **Must be completed**, requirements satisfied prior to, and for an environmental document to be finalized and approved

Part I - PUBLIC INVOLVEMENT

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

	Yes	No	
Does the project have a historic bridge processed under the Historic Bridges PA*?	<input type="checkbox"/>	<input type="checkbox"/>	
If No, then:			
Opportunity for a Public Hearing Required?	<input type="checkbox"/>	<input type="checkbox"/>	

**A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.*

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Remarks:

Example of public involvement section of an environmental document.

INDOT's project development public involvement procedures are designed not only to fulfill the letter of the law, but to fulfill the law's intent by communicating with the public to help INDOT assess impacts to the natural and human environment.

HOW INDOT IMPLEMENTS PUBLIC INVOLVEMENT REQUIREMENTS DURING PROJECT DEVELOPMENT

This section describes the public involvement activities are undertaken during the Project Development Process and identifies which of these activities are required for projects that are classified as a CE, EA, or EIS. Sub-sections related to public involvement during project development describe more specifically how and when these activities are differently used for CEs, EAs and EISs. Federal law and regulations provide very limited prescription on how to implement the exchange of information and early and continuing opportunities during project development for the public to be involved. INDOT is committed to providing meaningful opportunities for the public to become informed about and contribute its concerns and ideas to transportation project development. In keeping with the spirit and intent of Title VI of the Civil Rights Act of 1964, the Federal Highway Act of 1973, the Age Discrimination Act of 1974, the Executive and DOT Orders and FHWA Guidance on Environmental Justice, INDOT considers the needs of low-income and minority populations as it undertakes public involvement activities in the planning, programming, and project development processes. The Environmental Justice (EJ) and Community Advisory Committee (CAC) sections of this manual provides engagement guidance with historically underserved communities. INDOT believes that the public should always be informed about INDOT projects at a level consistent with the project scope. Even limited public involvement may uncover unanticipated issues important to the community or individuals, allowing for appropriate adjustments. Therefore, INDOT has established certain procedures as tools to enhance public involvement. Regardless of the classification of a project as a CE, EA, or EIS, INDOT will meet the following requirements:

Preparation of a Public Involvement Plan (PIP) (required for all projects)

Projects that move from planning and program development into project development vary in terms of scope, cost, environmental issues, and public interest. An up-front assessment must be made of every project to consider appropriate level of engagement INDOT should be performing to inform the public and elicit public input. A PIP will be prepared on every project at the beginning of the project development process. The purpose of the PIP is to ensure that an appropriate level of public involvement is conducted, commensurate with the nature of the project. The plan will identify:

- a. The problem(s) with the existing transportation system that is being evaluated for potential improvements, including its geographic location
- b. Potentially affected members of the public, and, if needed,
- c. The methodologies or techniques that will be used to inform the public and elicit input.

The PIP may be short and simple for routine projects (such as road resurfacing) or may be detailed and extensive for complex or large-scale projects (such as projects that involve significant potential social, economic, or environmental impacts or are known to be controversial). Simple PIPs may be based on a minimum default template that applies to a set of similar projects. Whether simple or extensive, the PIP provides a means for INDOT staff to reflect on whether a project will be of concern to the public, what the public needs to know about a project, how best to inform them, and how best to elicit public input if needed.

PUBLIC INVOLVEMENT PLANS (PIP)

INDOT requires the preparation of a written PIP for every project to ensure that an appropriate level of public involvement is conducted, commensurate with the nature of the project. No matter how small a project may be, it is essential for INDOT to reflect on whether the project will be of concern to the public and, if so, what the public needs to know about a project, how best to inform the public, and how best to elicit public input (see the Best Practices in Public Involvement document). Even if the result is the conclusion that no formal public involvement action is needed, preparation of a written PIP requires INDOT staff to go through this customer-service thought process. The PIP may be short and simple for small-scale, lower impact or routine projects or programs, or may be detailed and extensive for large-scale, higher impact or complex projects. Please see the INDOT Public Involvement website under Planning Materials at <http://www.in.gov/indot/2366.htm> for suggested outlines of both simple and comprehensive Public Involvement Plans.

COMMUNITY ADVISORY COMMITTEES (CAC) (required for EISs, varies for EAs)

INDOT has established a requirement to ensure meaningful public involvement on certain projects. INDOT convenes an ongoing CAC for projects that involve an Environmental Impact Statement and are optional for projects involving an Environmental Assessment or Corridor Study (EA/Corridor Study). INDOT and the FHWA determine when a CAC will be convened. The CAC is a group of stakeholders, convened by INDOT, who represent different community organizations and meet regularly during the project development and design process to provide input to INDOT regarding the transportation problem to be addressed, the alternative(s) to be considered, the potential impacts of the alternatives(s), the means to address these impacts, and design considerations accomplish context sensitive solutions. CAC members maintain ongoing knowledge of the development of a project and serve as channels of information to and from their friends, neighbors, associates, and constituents. INDOT believes that an effective public involvement process should actively seek out and engage those individuals who may otherwise be under-served in the transportation project development process. Therefore, in keeping with the Americans with Disabilities Act, INDOT holds meetings in locations that are accessible to people who have disabilities. Upon request, INDOT provides assistance in public meetings to individuals who are hearing- or sight-impaired or in need of other language translation. In keeping with the Title VI of the Civil Rights Act and the Executive and DOT Orders and FHWA Guidance on Environmental Justice, INDOT proactively reaches out to and solicits input from low-income, minority and traditionally underserved communities.

The terms Environmental Assessment (EA) and Corridor Study refer to projects that undergo differing levels of environmental analysis. These projects typically are larger-scale complex projects that will be of particular interest to the public (see section on “Public Involvement in the Project Development Process” for a specific description of an EA, Environment Impact Statement, and EA/Corridor Study). Context-sensitive solutions are transportation design decisions that incorporate a community’s character and desires in transportation improvements. The context-sensitive solution process is intended to be a flexible approach in allowing the latitude to enhance environmental, scenic, historic, and unique community elements in a transportation improvement. Community input into context-sensitive solutions aids during project development in determining strategies to mitigate impacts and in design to help the project be compatible with and beneficial to its surroundings.

- **May involve a membership process, invitations are sent to CAC members**
- **Stakeholders representing groups/organizations are invited to participate**
- **Meetings are open to the public per Indiana Open Door Policy**
- **Meetings do not have to be publicized in media but do require posted notice at venue**

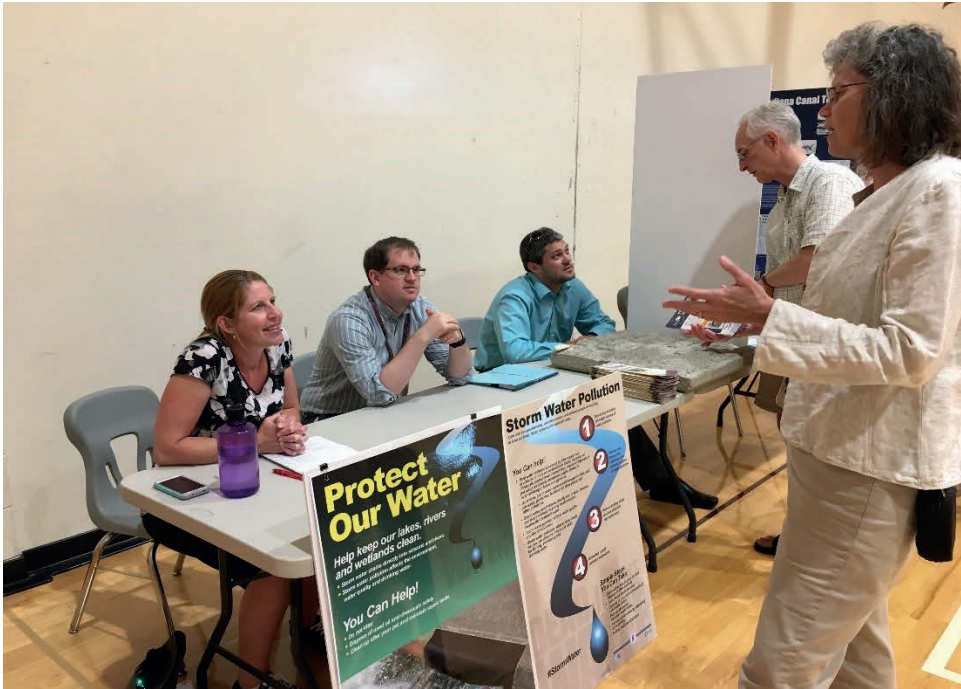
The purpose of the CAC is to assist INDOT and its partners by providing input on issues related to the environmental evaluation. Following the completion of the environmental document, the CAC may continue to provide input during the design, construction, and operations phases of the project. In particular, the CAC may assist INDOT in the development of Context Sensitive Solutions.

INDOT has adopted a policy to promote Context Sensitive Solutions that incorporate a community's character and desires in transportation improvements. The context sensitive solution process is intended to be a flexible approach in allowing the latitude to enhance environmental, scenic, historic, and unique community elements in a transportation improvement. INDOT seeks input to the development of context sensitive solutions not only in the development of alternatives, but also in the development of strategies to mitigate impacts and in design to help the project be compatible with and beneficial to its surroundings.

PUBLIC MEETINGS

Public Information Meetings (varies for EAs, varies for CEs; required for EISs)

Public Information Meetings are meetings where the public may hear and obtain information about a proposed project/action, raise questions, and talk with project staff about their needs, concerns, and ideas. INDOT policy sets the expectation that for EAs, a Public Information Meeting may be held early in the NEPA process and again during the design phase. Other Public Information Meetings may be held, as needed. As per SAFETEA-LU for EIS-level projects, public involvement is required on the Purpose and Need and Preliminary Alternatives Screening.



Environmental Services Division answering questions during proactive outreach event.

In addition, INDOT and FHWA will consult to determine which EAs require Public Information Meetings to be held during the Purpose and Need, and Alternatives Screening phases of NEPA. The focus of the first meeting is to obtain public views regarding the problem that needs to be addressed and the conceptual solution that need to be considered. The focus of the second meeting is to seek public comment on the preliminary alternatives screening, reasonable alternatives to be carried forward for detailed analysis, and the associated analysis methodologies. Public Information Meeting(s) may also be held during final design to obtain public input regarding noise walls and the proposed design. INDOT conducts outreach for these meetings by sending a notice to potentially affected property owners, other identified interest groups, and elected officials and by issuing a media release.

Public meetings may be conducted at any phase of project development and at INDOT's discretion.

- **Should include a formal presentation**
- **Must include a comment station where written comments can be accepted**
- **Hold meeting at a convenient time and location within reasonable proximity to project area**
- **All reasonable measures should be taken to publicize the meeting**

Public Information Meetings provide opportunities for the public to learn about a proposed INDOT policy, plan, project, or action and to engage in discussion with INDOT staff. Public Information Meetings are less formal than Public Hearings and, as previously stated, can be held at any time and at INDOT's sole discretion. Public Information Meetings do not typically require a transcript; however, following the meeting there should be an accounting or summary of the proceedings.

OPEN HOUSES

Open houses are informal public assemblies where project staff, information and resources are made available at a convenient time and location. An open house features information stations containing various project-related displays and materials with a project team member assigned to each station to talk with stakeholders, address questions and provide information. The open house typically does not include a formal presentation but must include a station where public comment can be submitted for consideration. Open houses can be held at any time and at INDOT's discretion as these public involvement events add flexibility to any public involvement plan. Open houses are typically very well received by the public because of their convenience in terms of public participation, the informal setting of an open house, and the accessibility to project information and resources at a single location.



Examples of a public meeting and open house.

- Provide reasonable advance notice prior to event.
- Should not include a formal presentation but rather each station presents information to attendees.
- Held at convenient time and location with clearly stated start and end time.
- Per IC 8-23-2-17 Open Houses must include a mechanism to accept public comments, must include a public comment station
- The duration of the event should not be less than two hours.

PUBLIC HEARINGS

Public Hearings (required for all EISs, EA and Historic Bridges processed under Historic Bridges Programmatic Agreement); an Opportunity to Request a Public Hearing is required for CEs when certain conditions are met (see public involvement criteria).

A Public Hearing is a formal assembly held at a convenient time and place at which the public can learn about a proposed INDOT project and make comments that will be included in a transcript of the meeting. For EAs, INDOT holds Public Hearings generally near the end of the environmental evaluation after the draft

environmental document has been released for public involvement, but prior to environmental document approval.

- For EIS, EA, Historic Bridges processed under Historic Bridges Programmatic Agreement, CE-level projects meeting criteria, the Public Hearing is held after publication of the DEIS, EA and conditionally released CE but prior to issuance of the ROD, FONSI or approval of the CE.

INDOT holds a Public Hearing, or offers to hold a Public Hearing if requested, when a project meets certain criteria. A Public Hearing is a formal assembly in which the public can learn about a proposed INDOT project and present comments that will be included in a formal transcript of the proceedings.



Example of a Public Hearing.

- **Requires the first notice be published 15 days (at minimum) in advance of hearing date.**
- **A second notice must be published a week after the first notice.**
- **Requires project documents to be made available for public review.**
- **Requires a formal presentation and a public comment session; public comment session is an opportunity to receive verbal comments from public.**
- **Requires a mandatory comment period following the hearing; requires a transcript.**
- **Held at convenient time and location; must include a public comment station.**
- **Should include display area with preliminary design plans staffed by project team.**

DISTINCTION BETWEEN VARIOUS MEETING FORMATS

A Public Hearing is held as part of the NEPA process and requires:

- Legal advertising
- Environmental document placement for public viewing
- Formal proceeding/presentation with comment session
- Requires a hearings transcript to be produced

- Held at decision-making point (between draft environmental document and final/approved document)
- Signature indicating completion of public involvement requirements (i.e. Public Hearings certification)

A Public Hearing is held at a decision-making point between the release of an environmental document and prior to the approval of an environmental document. For projects meeting the INDOT public involvement criteria (see following page), a Public Hearing must be held or hearings opportunity offered, prior to finalizing a NEPA document.

Public Information Meetings include:

- Informal notification processes
- No document placement requirements
- Less formal proceedings but should include a formal presentation
- No formal transcript requirement but documentation of proceedings is encouraged
- Requires a comment station where written comments can be accepted

A Public Information Meeting can be held at any time and at INDOT's sole discretion, is not required by law, nor is it held as a requirement necessary to approve a NEPA document.

- **Open houses** (informal session where participants visit stations, talk with project team members, informal conversational format)
 - Do not require formal presentation
 - Must include a public comment station where written comments shall be accepted
- **Community Advisory Committees (CACs)** (project stakeholder meetings, invitation based, but also open to the public)
 - Are generally small stakeholder group meetings where participants are invited to attend
 - Indiana Open Door Law — the public has the right to observe meetings and cannot be turned away
 - Meeting doesn't have to be publicized beyond posting a notice at the meeting venue

PUBLIC INVOLVEMENT CRITERIA

Historically, most projects are classified as a Categorical Exclusion (CE). Projects involving a historic bridge must hold a Public Hearing prior to the completion of NEPA.

For CEs levels 1 - 4 (not involving a historic bridge under the Historic Bridge Programmatic Agreement), INDOT offers the public the opportunity to request a Public Hearing be held **OR** holds a Public Hearing, prior to the completion of NEPA, when the project meets one (or more) of the conditions listed below. **EA, EIS and historic bridges processed under Historic Bridge Programmatic Agreement require a Public Hearing.**

- a. The proposal requires significant amounts [interpreted by INDOT to be one-half acre or more] of **permanent** right-of-way (ROW). *(Note: Any proposal resulting in the increase in right-of-way due to the factors listed below may be exempt from this requirement.) Consultation with Environmental Services should occur to make determination.*
 - *The proposal does not involve NEW ROW impacts but rather reacquiring past prescriptions (i.e. existing or apparent existing ROW)*
 - *The proposal involves the acquisition of donated ROW from property owner*
 - *Acquiring ROW presently within INDOT apparent ROW to establish legal documented ownership*
 - *Additional ROW needed for mitigation purposes, for projects where original ROW impacts as described in the environmental document were less than one-half acre*
- b. The proposal substantially changes the layout or functions of connecting roadways or the facility being improved;
- c. The proposal permanently alters an existing traffic pattern;
- d. The proposal involves noise analysis wherein noise impact is identified and abatement is determined to be feasible and reasonable;
- e. The proposal may have a substantial adverse impact on abutting property;
- f. The proposal may have a significant social, economic, environmental or other effect;
- g. The proposal involves impact(s) to an environmental justice (EJ) population determined to be potentially disproportionate;
- h. The proposal is determined by the Federal Highway Administration and/or INDOT to warrant a Public Hearing or offering, in the public's interest;
- i. The proposal involves the permanent closure of an U.S. highway, interstate, state highway, bridge or other facility; temporary closures may warrant action following INDOT/FHWA consultation;
- j. The proposal is for a plan for the location of a federal-aid highway project involving the bypassing of, or going through, any city, town, or village either incorporated or unincorporated or the proposal is for an Interstate System project.

A change in project scope may require additional formal public involvement.

- Land necessary for transportation projects is referred to as right-of-way (ROW)
- Permanent ROW is land, once purchased, is owned by INDOT
- Temporary ROW is land needed during the construction of a project and/or used for the purposes of construction related activity, but is not owned by INDOT
- Purchase of an easement is not considered part of permanent ROW calculation

Per the *Programmatic Agreement Regarding Management and Preservation of Indiana's Historic Bridges* (Historic Bridges PA), owners of historic bridges will hold a Public Hearing prior to completion of NEPA. The Historic Bridges PA can be found in Part IV, Chapter 3 of the Cultural Resources Manual (CRM) which provides procedures for Public Hearings under the Historic Bridges PA

<http://www.in.gov/indot/crm/index.htm>.

Please see the Best Practices in Public Involvement document for guidance on conducting Public Hearings <http://www.in.gov/indot/2366.htm>. Important items to remember when it comes to required public involvement include:

- Formal public involvement cannot begin until an environmental document has been released for public involvement by INDOT district Environmental or INDOT Environmental Services Division
- An environmental document cannot be approved until public involvement requirements have been satisfied
- A public involvement plan must be developed for every project

23 CFR 771.111(h)(2)(iii) states, "State public involvement procedures...must provide for...One or more Public Hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid projects which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a Public Hearing is in the public interest."

23 U.S.C. 128(a) states, "Any State transportation department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify...that it has had Public Hearings, or has afforded the opportunity for such hearings...."

TYPES OF NOTICES PUBLISHED TO ANNOUNCE PROPOSED ACTIONS

INDOT engages project stakeholders and the public in a variety of ways, utilizing a number of activities to inform and also to solicit input. The most common activity involves publishing a variety of notices in local newspapers within project areas. These notices may also be mailed to project stakeholders, area residents and property owners, impacted businesses, others (strongly encouraged) to inform the public of specific actions and information related a proposed transportation project. In addition to publishing notices, INDOT develops project-based mailing lists and in many cases, electronic notification of individuals and groups who have expressed interest in, or may be affected by, a particular project.

PUBLIC NOTICES

INDOT publishes and distributes several public notices related to INDOT actions, availability of public involvement opportunities, the availability of project development documents for public review and comment. INDOT publishes these notices in newspapers, mails notices to impacted stakeholders, residents, businesses, local officials, other project stakeholders and can mail notices to interested persons who request to receive public notices. INDOT establishes project-based notification lists to engage stakeholders and encourage public participation. Electronic notification is strongly encouraged and is an effective tool in the dissemination of information and in the solicitation of public input.

PLANNED IMPROVEMENT (OPPORTUNITY TO REQUEST A PUBLIC HEARING)

Depending on the NEPA documentation, public involvement activities may involve one or more of the following public notices:

Notice of Planned Improvement Offering of Public Hearing Opportunity: (required for CEs that meet conditions (listed previously), triggering a Public Hearing offering or holding a Public Hearing.) This notice informs the public that INDOT is proposing a transportation improvement project; provides a description, type, and scope of the project; requests comments; and offers the public the opportunity to request a Public Hearing. A minimum 15-day deadline in which the public may request a Public Hearing be held is announced within the public notice. In addition, this notice offers the public the opportunity to submit comments, concerns, questions related to the proposed improvement. This notice is mailed to adjacent property owners and is published in local newspaper(s). Public notice must be published 2 times (at minimum) in the most widely circulated papers within the project area. A Public Hearing for a CE may be held at INDOT's discretion if the project meets the minimum criteria. Should INDOT elect to offer the public the opportunity to request a Public Hearing instead of holding a Public Hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of public involvement requirements; INDOT allows a period of time after the publishing of the legal notice (requires notice to published twice) and after the minimum 15-day public comment period has concluded to complete this process and to allow INDOT the opportunity to contact property owners, project stakeholders, etc., to adequately address concerns and document the public

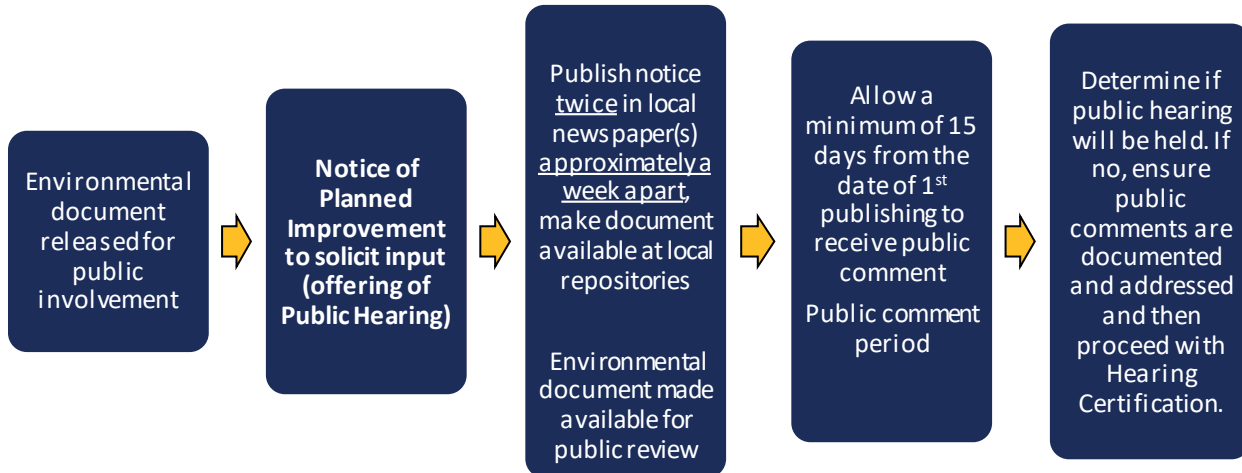
involvement process. The Notice of Planned Improvement, the Public Hearing offering, comments received responded to and addressed, must be completed prior to approval of the CE.

- **Publish a minimum of two public notices**; notify project stakeholders
 - Take reasonable measures for notification including mailing notices through traditional U.S. mail and email (when appropriate); notification should be sent to Early Coordination (EC) Stakeholders
- Make draft CE document (released for public involvement) available for public review at (1) local repository (2) INDOT district office (3) make project information available via a web page/site. Provide preliminary design drawing/rendering and other visual illustration
- Document comments and/or hearing requests received
- Determine if a Public Hearing will be held; if yes, then proceed to Public Hearing and related action items
- If the decision is to not hold a Public Hearing, perform coordination to ensure comments/hearing requests (if any) are addressed and responded to (in writing) to persons submitting comment
- Ensure all documentation is submitted; proceed to certification
- Public involvement phase is certified; district Consultant Services Managers sign off on CE coversheet indicating completion of formal public involvement activities

INDOT Environmental Services Division or District Environmental Services	Release CE for Public Involvement
Project Management	Public involvement activities including public meetings/hearings, advertising the hearings opportunity, documenting all activities undertaken during formal (required) public involvement
District Consultant Services	Certification of public involvement, ensuring public involvement activities were conducted in accordance with federal regulations, sign off on NEPA documentation indicating completion of public involvement
INDOT Environmental Services Division	Develop/facilitate PI training sessions, develop resource and guidance materials, coordinate and deliver VPI innovation, complete public involvement procedures update, coordinate joint approval of PIP with INDOT PM

Purpose of Notice of Planned Improvement: To inform impacted residents and community stakeholders of a proposed project and to solicit input. For projects involving a lower level of environmental impact, this action can be taken instead of holding a Public Hearing. (See appendix to view sample planned improvement notice.)

NOTE: Public involvement activities such as a Public Information Meeting, open house or other formal public involvement event are not held during the Planned Improvement comment period, but rather this time is set aside to receive and review public comments and/or hearing requests related to the proposed action.



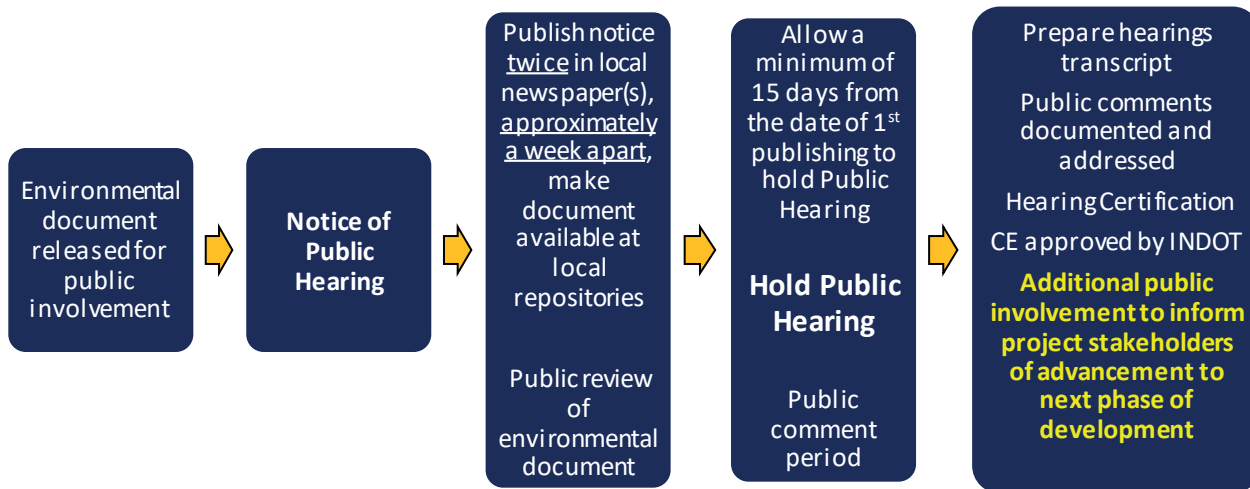
NOTICE OF APPROVED ENVIRONMENTAL DOCUMENT

Communicating a project decision: Announce conclusion of environmental phase of project development and public opportunity to view INDOT responses to public comments and INDOT course of action (applicable to and required only for CE documents when a Public Hearing was held). INDOT will notify project stakeholders, local officials and persons on the project mailing and email notification list. INDOT makes final (formally approved) CE document available for public viewing to provide the public an opportunity to learn of the project decision. In addition, this notification enables INDOT to perform due diligence in communicating a project decision, providing formal and written responses to comments presented as part of the Public Hearing process and announcing the conclusion of the environmental analysis phase and advancement to the next stage of project development. For CEs where a Public Hearing was held, project stakeholders must be notified once the CE has been formally approved by INDOT Environmental Services Division or INDOT district Environmental.

This notification may also be called Notice of Project Advancement and requires the following action item to be taken:

- Notify project stakeholders
 - Take reasonable measures to notify project stakeholders including mailing notices through traditional U.S. mail and email (when appropriate); notification must be sent to Early Coordination Stakeholders, local and public officials should be notified
 - Traditional and social media can be utilized to notify the public
 - Project website/page should be updated and project advancement announced
- Only applicable if a Public Hearing was held
- Make final/approved CE available for viewing at public repositories

Purpose of this action – Communicate project decision: For CE projects (lower level of impact) when a Public Hearing has been held, it is important to require a formal step to close out public involvement during NEPA by making the approved CE document available for public viewing. This allows INDOT an opportunity to engage project stakeholders at the close of NEPA and prior to the beginning of the real estate acquisition phase of project development.



NOTICE OF PUBLIC HEARING

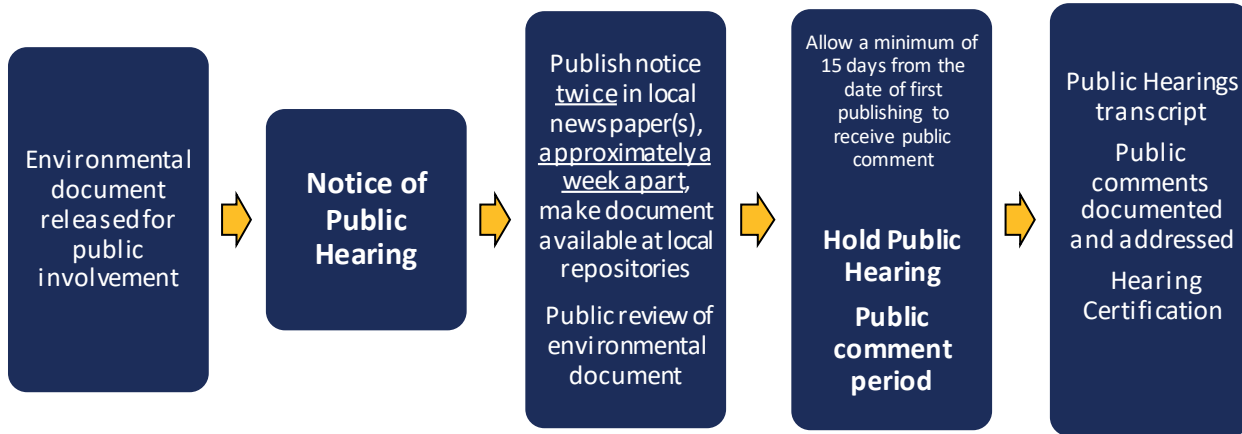
Notice of Public Hearing: This includes announcement of the availability of the environmental document (CE-level projects may require a hearing) (EA- and EIS-level projects always require a Public Hearing). This notice is issued for an EA after FHWA release of the EA, but prior to completion of the FONSI. The notice is issued for an EIS in conjunction with the release to the public of the DEIS. The notice announces the availability of the EA or the DEIS and must be published 15

days in advance of the Public Hearing at a minimum; public notice must be published two times (at minimum) in the most widely circulated papers within the project area; identifies where people can view the document (such as public repositories like libraries, municipal offices, and INDOT district offices near the project area, and the INDOT website (for EISs and some EAs); and announces a comment period (a minimum of 30 days for an EA and not less than 45 days for a DEIS). The notice may be mailed to adjacent property owners and the project mailing list and published in local newspaper(s). Requirement also applies to CE documents in which a Public Hearing is held.

- **Publish a minimum of two legal notices**, notify project stakeholders
 - Take reasonable measures for notification including mailing notices through traditional U.S. mail and email (when appropriate); notification should be sent to Early Coordination Stakeholders
- Make draft CE/EA/EIS document available for public review
- Hold a Public Hearing
- Upon conclusion of comment period, prepare hearing transcript
- Public involvement phase is certified; district Consultant Services Managers sign off on CE coversheet
 - **Public involvement certifications for EAs and EISs are issued by INDOT Major Project Delivery Division**

INDOT Environmental Services Division or District Environmental Services	Release CE/EA/EIS for Public Involvement
Project Management	Public involvement activities including public meetings/hearings, advertising the hearings opportunity, documenting all activities undertaken during formal (required) public involvement
District Consultant Services – CE-level projects Major Project Delivery – EA- and EIS-level projects	Certification of public involvement, ensuring public involvement activities were conducted in accordance to federal regulations, sign off on NEPA documentation indicating completion of public involvement
INDOT Environmental Services Division	Develop/facilitate PI training sessions, develop resource and guidance materials, coordinate and deliver VPI innovation, complete public involvement procedures update, coordinate joint approval of PIP

Purpose of this action: To meet with impacted residents and community stakeholders to present project information and solicit input on: (1) Purpose and Need, (2) Alternatives and screening (3) a Preferred Alternative with an explanation of impacts. The hearing is held between the draft environmental document and the final/approved environmental document. (See appendix to view sample hearing notice)



NOTICE OF IMPACTS TO HISTORIC PROPERTIES AND SOLICITATION OF PUBLIC VIEWS UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties. 36 CFR 800.2(d) states:

The views of the public are essential to informed Federal decision making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

Accordingly, Section 106 requires that federal agencies, or their federally delegated authorities, actively consult with individuals and organizations throughout the Section 106 process. 36 CFR Section 800.2(c)(5) defines a consulting party as:

Individuals and organizations with a demonstrated interest in the project due to the nature of their legal and economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties.

Consultation is defined as the process of seeking, discussing and considering the views of other participants and where feasible, seeking agreement with them regarding matters arising during the Section 106 process.

The first step in consultation is identifying and inviting the appropriate participants. The Section 106 regulations implemented by the Advisory Council on Historic Preservation encourage early coordination with groups or individuals who have a demonstrated interest in historic properties that may be affected by a proposed project. These groups or individuals, known as Section 106 consulting parties, are given the opportunity to comment on identification and evaluation of historic properties, as well as provide their views on effects to these properties and proposed strategies to avoid, minimize, or mitigate adverse effects.

INDOT's Cultural Resources Office (INDOT-CRO) reviews all Section 106 documents on behalf of the Federal Highway Administration (FHWA). Findings for undertakings with determinations of "no historic properties affected" or "no adverse effect" are approved by INDOT, acting on FHWA's behalf. Following INDOT's review, FHWA approves findings for all undertakings with "adverse effect" determinations.

INDOT oversees the Section 106 consultation process on behalf of the FHWA. Consulting parties should include:

- SHPO (State Historic Preservation Officer)
- Federally recognized tribes that have expressed an interest in Indiana lands; tribes that have expressed an interest in the county in which the project is located shall be invited. FHWA coordinates under a government-to-government relationship with tribes with regard to federal responsibilities under Section 106; FHWA and INDOT consult with tribes
- Representatives of local governments with jurisdiction over the area in which the effects of an undertaking shall occur shall always be included on the list of consulting parties
- Other federal agencies that may have an approval action (such as permitting) should be invited to be a consulting party
- For projects with a National Historic Landmark (NHL) located within the Area of Potential Effect (APE), invite the Midwest Regional Office of the National Park Service (See [INDOT-CRO Manual](#))
- Metropolitan Planning Organizations with jurisdiction over the area should be invited
- Indiana Landmarks Inc.
- County historian
- County/city/regional/local historical societies
- Other regional or local preservation organizations and related organizations.
- Members of the public with a demonstrated legal, economic or preservation interest (including owners of affected historic properties)
- County Commissioners (all three commissioners must be invited)
- Specialized historical organizations when resources in which they have interest and are located within APE (such as the Canal Society of Indiana, the Indiana Covered Bridge Society, etc.)
- Neighborhood organizations/associations that represent historic districts within the project area
- County Highway Superintendent/Engineer
- Local Chamber of Commerce when a project takes place in a downtown commercial historic district
- For historic bridge projects: The Historic Spans Task Force
 - Professor James L. Cooper
 - Historic Hoosier Bridges
 - HistoricBridges.org
 - Historic Bridge Foundation

After potential consulting parties have been identified, they are invited to participate in the process in a Section 106 Early Coordination Letter (ECL) that is distributed via email. The ECL is the first piece of correspondence sent to potential consulting parties and should be distributed as early in the project development process as possible. The ECL should be submitted prior to the initiation of above-ground and archaeological surveys. This will enable potential consulting parties, especially Native American tribes, to indicate if there are properties or locations of concern in the project area before a historic property report or archaeological report is completed. FHWA and INDOT encourage the use of email as much as possible in the Section 106 process. Information on conducting the Section 106 process can be found on the INDOT Cultural Resources page <https://www.in.gov/indot/2521.htm>.

Other individuals or organizations that have a demonstrated interest in the undertaking, or concern regarding the undertaking's impact on historic properties, may request consulting party status from the federal agency. The request, usually made in writing, should clearly state the applicant's interest in the project. Granting consulting party status to a person or organization obligates the federal agency to involve the party in the Section 106 process. This includes, but is not limited to, historic property identification and analysis. Most importantly, if potential adverse effects to historic resources are found, then the consulting party may be consulted in the development of a Memorandum of Agreement to minimize or mitigate these impacts.



Historic structures require consultation with various stakeholders.

INDOT/FHWA practice is to invite as a consulting party any group or individual expressing interest in the Section 106 process and making a formal request to be a consulting party. Inviting groups or individuals early into the process may reduce controversy and encourage communication and negotiation. The NHPA defines consultation as the “process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them.” Consulting parties are not decision makers – they provide information that should be considered where feasible and prudent. In fact, members of the public may know more about the cultural resources within an Area of Potential Effect than anyone else, and they can be of great assistance in identifying historic

properties. Consulting parties should be invited early in the Section 106 process and they should be kept informed and current concerning changes to your project.

Consulting parties are generally afforded 30 days to comment on Section 106 documentation and findings. The Section 106 regulations state that the federal agency must make sure that adequate time is given so the public will have the



opportunity to obtain information and provide viewpoints. Sufficient information (except for archaeological site locations) must be shared to allow for meaningful comments during the various stages and decision-making points of the process. Although public notice should be conducted using existing FHWA procedures, members of the public can express their views at any time, without waiting for a formal request. A potential consulting party can request to become and will be accepted as a consulting party at any time in the Section 106 process. The intent of consultation with consulting parties is to allow for early and timely input. Failure to raise issues that could have been addressed during such opportunities may result in these comments not receiving the same consideration that they would have received if raised at the appropriate time. Comments on old issues will be considered if those comments derive from new information. However, backtracking to previously resolved issues will occur only if the new information is at substantial variance with what was expected and pertains to an issue of sufficient magnitude and severity to warrant reconsideration.

Where deemed appropriate by FHWA or INDOT, the applicant or their consultant will organize a Section 106 Consultation Meeting and invite consulting parties. If there is a possibility of a finding of “adverse effect,” the applicant or their consultant should convene a Section 106 Consultation Meeting. For major or very complex projects, separate consulting party meetings may be held for each step of the consultation process – the area of potential effect, the identification and evaluation of potentially eligible properties, the assessment of effects and development of mitigation. Consult with INDOT-CRO for further guidance concerning this.

In addition to inviting consulting parties to participate in the Section 106 process, a legal notice must be published in a widely circulated local newspaper in the project area to satisfy Section 106’s public notice

requirements. According to the [INDOT Cultural Resources Manual](#) and the *Programmatic Agreement regarding the Federal Aid Highway Program in Indiana (Minor Projects PA)*, Section 106 public notices are required for all projects other than those listed in Appendices A and B of the Minor Projects PA. This notice describes a proposed project, indicates what effect finding has been made for the project for the Section 106 process, and seeks public comment regarding the presence of historic resources and potential effects to historic resources. This notice is issued during development of a CE, EA, or EIS document and is published in local newspaper(s) by the project sponsor or their consultant. This notice is required to be published one time, with a 30-day public comment period, and may be combined with the planned improvement and/or hearing notice in some instances.

- Publish a legal notice one time (unless combined with planned improvement or hearing notice)
- Make environmental documentation available for public review
- Document comments received
- Perform coordination with INDOT Cultural Resources
- Project may advance to public involvement phase

NOTE: In some cases, this notice and related processes may be combined with formal public involvement process.

Typically, the public notice is published once FHWA/INDOT has approved and signed the Section 106 effects finding for the project. More complex or controversial projects may have additional information meetings or other public involvement that will be managed on a project-by-project basis.

When a consultant is conducting the Section 106 studies, it will be their responsibility to publish the public notice. If a consultant is preparing the environmental document for a large-scale project that requires a hearing, the effect-finding language can be included in the Public Hearing notice; however, the preference is to publish the Section 106 notice separately and prior to the Public Hearing (if possible). This satisfies the Section 106 public notice requirement. Comments received from the public are incorporated in the final Section 106 documentation.

Other consultation can occur through Public Information Meetings conducted for Environmental Assessments and Environmental Impact Statements, Public Hearings, and public notice of availability of documents as a means for seeking input from the general public, including input related to historic properties and the application of the Net Benefit or De Minimis 4(f). The NEPA documentation (CE/EA/EIS) summarizes the project's effects on historic properties. The public notice of availability of the NEPA documents specifically requests feedback from the public regarding impacts on historic properties. Please refer to INDOT's Cultural Resources Manual at <https://www.in.gov/indot/crm/index.htm> for detailed guidance.

Indiana Historic Bridge Inventory Program

Historic bridges are important to the heritage, development and transportation system of Indiana. As our state has grown, certain historic bridges have been replaced with modern bridges to accommodate today's higher

traffic volumes and larger vehicles. Recognizing the value of Indiana's historic bridges, INDOT commissioned a study to complete an inventory and develop a process to manage and preserve this valued resource.

In coordination with the Federal Highway Administration, the Advisory Council on Historic Preservation, and the Indiana State Historic Preservation Office, INDOT initiated a historic bridge preservation program. This program is outlined through the Historic Bridges Programmatic Agreement. It provides incentives for bridge owners to help prevent the loss of these important historic resources and provides a process to manage historic bridges in Indiana. The Indiana Historic Bridge Inventory Program can be accessed at

<http://www.in.gov/indot/2530.htm>

Historic Bridges Marketing Program

When an Indiana historic bridge could potentially be bypassed or replaced, the bridge is offered to any group or individual that may want to take ownership of the bridge and manage or relocate it to another site. INDOT and the Federal Highway Administration are currently working to market these historic structures for preservation in-place and for relocation (storage or to a new site). **Historic bridge projects processed under the Historic Bridges PA require a Public Hearing.** The Historic Bridges Marketing Program can be accessed

at <http://www.in.gov/indot/2532.htm>



Notice of a Non-Select Historic Bridge Marketing Program.

Purpose of this action: To solicit input generally specific to historic resources and potential effects to historic resources <https://www.in.gov/indot/2521.htm>.

NOTICE OF SECTION 4(F) DE MINIMIS (RECREATIONAL PROPERTY/PARKS)

Notice of Section 4(f) De Minimis (includes wildlife and waterfowl refuges): The NEPA public involvement process can be used to satisfy these public participation requirements, Section 4(f) de minimis determinations are usually conducted as part of the NEPA process. This notice is required to be published one time, with a 30-day public comment period.

- **Publish legal notice (one time)**; notify stakeholders (official with jurisdiction, owner, managing entity)
- Make environmental documentation available for public review when applicable
 - May be combined with the planned improvement notice (opportunity to request Public Hearing) and/or the Public Hearing notice in some instances and under certain conditions
 - Notice provides the use and location of the 4(f) resource

Please note, Section 4(f) de minimis for historic properties are handled as part of the Section 106 process.

Purpose of this action: To solicit input generally specific to a proposed project's use of or potential impact to any publicly owned park, recreational area, wildlife/waterfowl refuge or historic property
<https://www.in.gov/indot/2521.htm>.



INDOT seeks public input when proposed actions impact outdoor and/or recreational areas.

NOTICE WHEN PROJECT-LEVEL CONFORMITY DETERMINATION ASSOCIATED WITH PM 2.5 AND PM 10 HOT-SPOT ANALYSIS (AIR QUALITY) IS ISSUED

Notice when Project-Level Conformity Determination associated with PM 2.5 & PM 10 Hot-Spot Analysis is issued: The NEPA public involvement process can be used to satisfy these public participation requirements, since project-level conformity determinations are usually conducted as part of the NEPA process. If a project-level conformity determination that includes an associated hot-spot analysis is done after NEPA is completed, a public comment period is also to be provided. This notice is required to be published one time, with a 30-day public comment period and may be combined with the planned improvement and/or hearing notice in some instances.

- **Publish legal notice (one time);** notify stakeholders
- Make environmental documentation available for public review
- Document comments received
- Comments/concerns addressed, perform coordination
- Include documentation in environmental document and/or project file

Purpose of this action: To solicit public input on determination of a proposed project’s impact to air quality in relation to an estimation of likely future localized particulate matter or carbon monoxide concentrations.



More About Air Quality: The Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506(c) (1). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans,

transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP. 40 CFR Parts 51.390 and 93. Transportation conformity reports (when developed) may require public involvement.

Consultation Requirements in 40 CFR 93.105 address both interagency and public consultation processes. An interagency consultant group (ICG) includes FHWA, EPA, FTA, IDEM, INDOT; these groups review documents concurrent within the specified public involvement review period to ensure all requirements of the conformity determination have been met. ICG members may meet to discuss documentation and the public consultation process. Public consultation is conducted consistent with planning rule requirements in 23 CFR 450. Related documents are publicized in accordance with the INDOT Public Involvement Process. (See appendix for sample notice)

NOTICE ISSUED WHEN THE FINAL ENVIRONMENTAL IMPACT STATEMENT IS COMPLETE (REQUIRED FOR EIS)

This notice is an announcement that the FEIS is approved and available for viewing at public repositories, such as libraries, public offices, and appropriate INDOT district office(s) and on the INDOT website. Public notice must be published one time (at minimum) in the most widely circulated papers within the project area. There is a 30-day period following the publication of the final EIS notice in the *Federal Register*. This notice may be mailed to the project mailing list; electronic notification is acceptable.

- **Publish a legal notice (one time)**; notify project stakeholders
 - Take reasonable measures for notification, including mailing notices through traditional U.S. mail and email (when appropriate); notification must be sent to Early Coordination Stakeholders and Section 106 consulting parties
- Make FEIS available for public review

NOTE: If certain requirements are met, the ROD may be issued at the same time as the FEIS in a combined FEIS/ROD document. These documents receive a combined public notice and comment period. INDOT and FHWA consultation is required.

Purpose of this action: It is important to require a formal step to close out public involvement during NEPA by making the FEIS available for public viewing and comment. This enables INDOT an to engage project stakeholders toward the close of NEPA and prior to the Record of Decision.

NOTICE ISSUED WHEN A FINDING OF NO SIGNIFICANT IMPACTS IS ISSUED (REQUIRED FOR EA)

Notice Issued when a Finding of No Significant Impacts is issued (required for EAs): Following the public comment period for the EA and project decision by FHWA, a one-page notice of the FONSI is issued by INDOT on behalf of FHWA. Public notice must be published one time (at minimum) in the most widely circulated paper within the project area; the notice of the FONSI does not require a comment period. This is mailed to adjacent property owners and the project mailing list and is published in local newspaper(s).

- **Publish a legal notice (one time)**; notify project stakeholders
 - Take reasonable measures for notification including mailing notices through traditional U.S. mail and email (when appropriate); notification must be sent to Early Coordination Stakeholders
- Make FONSI related documentation available for public viewing

Purpose of this action: It is important to require a formal step to close out public involvement during NEPA by making the FONSI determination and approved EA available for public viewing. This enables INDOT to engage project stakeholders at the close of NEPA.

NOTICE WHEN A RECORD OF DECISION IS ISSUED (REQUIRED FOR EIS)

Notice when a Record of Decision is issued (required for EISs): Following the FEIS and a project decision by FHWA, a one-page notice of the ROD is issued by INDOT on behalf of FHWA. This may be mailed to adjacent property owners and the project mailing list and must be published two times (at minimum) in the most widely circulated papers within the project area; the ROD notice does not require a comment period.

- **Publish a legal notice (one time)**; notify project stakeholders
 - Take reasonable measures for notification including mailing notices through traditional U.S. mail and email (when appropriate); notification must be sent to Early Coordination Stakeholders and Section 106 consulting parties
- Make ROD and related documentation available for public viewing

NOTE: If certain requirements are met, the ROD may be issued at the same time as the FEIS in a combined FEIS/ROD document. These documents receive a combined public notice and comment period. INDOT and FHWA consultation is required.

ADDITIONAL INFORMATION TO AN APPROVED ENVIRONMENTAL DOCUMENT MAY REQUIRE PUBLIC INVOLVEMENT ACTION

As Additional Information (AI) documents are prepared, INDOT considers the scope of the AI and the need for public involvement action for EISs, EAs and CEs. INDOT has the authority to determine the scope of re-evaluation and the need for public notice for categorical exclusions that have been delegated to INDOT for approval. In some instances, additional consultation with FHWA is necessary in determining public involvement action, which may include issuing public notice, or notifying project stakeholders or other public involvement activities of when there have been substantive changes to an earlier-approved environmental document to inform the public about the changes, inform the public where they can view project documentation, and invite comments during a comment period. At INDOT's discretion, a notice may be mailed to adjacent property owners and project stakeholders notified. A notice may be published in local newspaper(s) to enhance public outreach OR other project correspondence (i.e. a project newsletter, social media, electronic notification, other

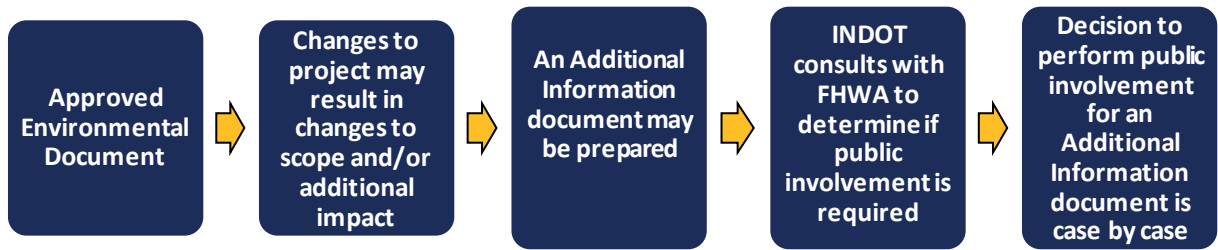
tools) may be mailed to inform stakeholders. Decisions regarding additional public involvement action are made on a project-by-project basis following INDOT consultation.

- Determine if substantive changes have occurred
- INDOT consultation to determine appropriate action
- FHWA may be consulted as needed
- Upon review, public involvement may or may not be required
- Public involvement may include a public comment period, duration may vary depending on level of substantive project changes

Purpose of this action: To require an evaluation of project changes following an approved environmental document to determine the need for additional public involvement if changes or modifications are significant. Additional public involvement activities can range from publishing notices, updating a project website, stakeholder notification, making project documentation available for public viewing, hosting a public meeting, project open house or other activities.

Public involvement activities may be performed to provide the public and stakeholders information on modifications to a proposed design, right-of-way, project footprint and/or other impacts. An Additional Information document does not automatically require public involvement, but rather simply triggers a review to determine if public involvement will be required. If it is determined to require public involvement, — for example hosting a Public Information Meeting or a project open house — these events do not require a published legal notice; however, reasonable measures should be taken to notify affected/impacted project stakeholders and to solicit their input (i.e. project post cards, newsletters, email, website, social media and traditional media coordination).

- Notify project stakeholders
 - Take reasonable measures for notification, including mailing notices through traditional U.S. mail and email (when appropriate); notification must be sent to Early Coordination Stakeholders
- Make information available for public review
- Hold public meeting, open house or implement other activities to inform the public of project changes
- Solicit and document public input



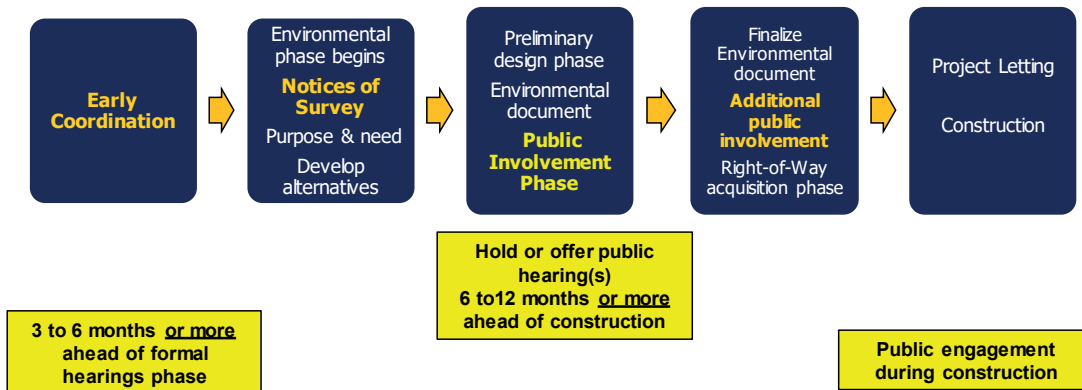
FHWA STATUTE OF LIMITATION NOTICE (optional for all federal actions)

FHWA may choose to publish a 150-day statute of limitations (SOL) on claims against USDOT and other Federal agencies for certain environmental and other approval actions. The SOL established by SAFETEA-LU applies to a permit, license, or approval action. This is published by FHWA in the Federal Register.

NOTICE OF INTENT TO INITIATE AN ENVIRONMENTAL IMPACT STATEMENT (NOI) (applicable to and required for EISs only)

This is published by FHWA in the Federal Register and serves as the official start of an EIS.

INDOT’s project sponsor publishes these notices in several area newspapers (unless otherwise noted above), with emphasis on non-traditional periodicals in addition to widely circulated newspapers. Depending on what phase the project is in, the notices/actions described above may serve multiple functions. For instance, the “Notice of Public Hearing” issued for an EIS project actually serves as the (1) notice of the hearing, (2) notice of the availability of the DEIS, and (3) the means to solicit comments on historic impacts, as required in Section 106 of the National Historic Preservation Act.



NOTICE OF SURVEY

INDOT sends a letter to individual property owners to notify them that INDOT staff (or INDOT's contractual representatives) will be present on their property to gather data that is needed for environmental or engineering analysis. In the early stages of a project's development, INDOT must collect as much information as possible to ensure that sound decisions are made in designing the project. Before entering onto private property to collect that data, INDOT is required to notify landowners that personnel will be in the area and may need to enter onto their property. INDOT's authority to enter onto any property in Indiana is addressed within Indiana Code.

Receipt of a Notice of Survey does not necessarily mean that INDOT will be buying property from landowners. It does not even necessarily mean that the project will involve an owner's property at all. Since the Notice of Survey is sent out in the very early stages and since INDOT wants to collect data within and surrounding the project's limits, more landowners are contacted than will be included within the eventual project limits. It may also be that property falls within the project limits but INDOT will not need to purchase that property to make improvements to the roadway. Also, keep in mind is that when property owners receive a Notice of Survey, very few specifics have been worked out and actual construction of the project is generally several years away.

The Notice of Survey should also be used to convey tangible project information, including name(s) of contacts, INDOT and/or project website, social media location, and the INDOT Customer Service Center toll-free telephone number.

Before INDOT begins a project that requires it to purchase property from landowners, INDOT must first offer the opportunity for a Public Hearing (if the project meets public involvement criteria). If the property owner was on the list of people who received a Notice of Survey, they should also receive a notice informing them of their opportunity to request a Public Hearing. These notices will also be published in local papers so that interested individuals who are *not* adjacent to the project will also have the opportunity to request a Public Hearing.

If a Public Hearing is to be held, INDOT will publicize the date, location, and time. INDOT will present detailed project information at the Public Hearing, comments will be taken from the public in spoken and written form, and question-and-answer sessions will be offered. Based on the feedback INDOT receives from the public, a project can be modified and improved to better serve the public. (See appendix to view sample Notices of Survey).

SOLICITATION OF VIEWS RELATED TO NOISE IMPACTS AND NOISE ABATEMENT MEASURES

INDOT strives to understand the needs of residents and businesses that may be impacted by traffic noise. 23 CFR 772.13(d)(2)(i) states:

Consideration of the viewpoints of the property owners and residents of the benefited receptors. The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.

During final design for projects that involve adverse noise impacts to residents and businesses, special effort is made to solicit the views of residents and businesses that may be impacted by traffic noise, to help INDOT select noise abatement measures, and explore specific design strategies. INDOT will invite residents and businesses that may be impacted by noise to Public Information Meetings that are held for this project. INDOT's 2017 *Highway Traffic Noise Policy* may be found at www.in.gov/indot/2523.htm.

A noise barrier is proposed when a noise impact occurs, and a noise barrier is considered to be feasible and reasonable. A noise barrier is determined to be feasible if it achieves at least a 5-dBA reduction in traffic noise for the impacted areas nearest the source and can be constructed. A barrier must also be reasonable, meaning that the barrier must meet INDOT's design goal and cost-benefit analysis, and is wanted by benefited receptors and adjacent landowners.



An example of a noise barrier.

INDOT will conduct one or more activities targeted to these potentially impacted residents and businesses, including such options as:

- a. Mailings to benefited receptors and adjacent property owners such as non-benefited, which may include questionnaires to elicit views regarding noise barriers
- b. Meetings specifically held for residents and businesses that may be impacted by noise. Affected homeowners will also be given an opportunity to comment on the color and texture of the noise barrier once the contract to construct the barrier has been awarded to a contractor.
- c. Interviews with residents and businesses
- d. General Public Information Meetings during the design phase, in which the members of the public may express their views on noise impacts and abatement measures, including barriers, as part of the comment process.

Public input is an important consideration when determining whether noise abatement is appropriate for an area. This begins with a survey of property owners after a noise analysis is completed and finds abatement reasonable and feasible, to gauge the desire for protection from traffic noise. While owner's residences are generally in favor of noise barriers, owners of businesses may prefer visibility from the roadway, or for other reasons may prefer to forgo noise barriers. Input from all affected property owners must be collected and considered when determining the most appropriate solution for the area's needs.



Noise barrier examples of color and texture.

Public Hearings/meetings related to noise barriers are also conducted at two stages of project development. The first hearing/meeting may be held during the NEPA stage to present preliminary noise impacts and identify suitable areas for abatement. The second is typically conducted during the design phase when barrier locations are more fully developed and have considered additional detail in areas such as drainage and topography. Additional activities may be conducted after the construction contract has been awarded. At this time adjacent property owners are given an opportunity to comment on color and texture of the wall(s) facing their neighborhood.



INDOT staff performing traffic counting as part of the noise abatement determination.

Mandated FHWA to develop standards for traffic noise Regulations found in 23 CFR 772.

- **INDOT required to develop and implement noise policy based on 23 CFR 772 standards.**
- **Visit INDOT website to view noise policy <http://www.in.gov/indot/2523.htm>.**
- **Noise barriers are studied and can be built for mitigation as part of projects that add capacity to the roadway or when a new interchange is constructed as these actions have the potential to affect noise levels. Recommended during the environmental phase of project development.**
- **Noise from local roads or other sources cannot be mitigated by INDOT.**

HOW INDOT IMPLEMENTS THESE REQUIREMENTS FOR CE PROJECTS

Required public involvement for CE includes:

Preparation of a Public Involvement Plan (PIP)

INDOT prepares a PIP for CE projects to determine whether any public involvement is needed and, if so, what form the public involvement should take. Many CE projects do not necessitate any public meeting, and the required step of preparing a simple PIP provides the opportunity for an assessment of this need. The PIPs should be commensurate with the level of potential project impacts. The PIP for simple projects or programs may only involve the publication of a notice. PIP preparation occurs during the early coordination phase of project development.

See public involvement webpage at <http://www.in.gov/indot/2366.htm> for sample Public Involvement Plans.

Notice of Planned Improvement/Offering of Public Hearing Opportunity

The requirement for a Notice of Planned Improvement/offering of Public Hearing opportunity applies only to those CEs that meet the criteria listed previously. Once a CE document has been released for public involvement, INDOT will publish a Notice of Planned Improvement which offers the public the opportunity to request a Public Hearing. If INDOT receives a request for a Public Hearing, INDOT may meet with the individual(s) requesting the hearing to address the persons' issues and then document this action or may choose to hold a Public Hearing. After considering any public comments, the CE is revised, as appropriate, and then approved. If no Public Hearing is held and INDOT receives comments in response to the Public Notice of Planned Improvement, INDOT will respond individually to those who provided comments. These comments and INDOT's response are documented in the CE. Final approval of the CE is not granted until the above hearing requirements have been met. A minimum 15-day deadline in which the public may request a Public Hearing be held is announced within the public notice. This notice is mailed to adjacent property owners and is published in local newspaper(s). Public notice must be published two times (at minimum) in the most widely circulated papers within the project area.

A Public Hearing for a CE may be held at INDOT's discretion if the project meets the minimum criteria. Should INDOT elect to offer the opportunity to request a Public Hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of INDOT public involvement requirements. INDOT typically allows a minimum 30-day period after the publishing legal notice

to complete this process and to enable INDOT to contact property owners, project stakeholders, etc., to adequately address concerns and document the public involvement process. The Notice of Planned Improvement, and the associated Public Hearing (if required), must be completed prior to approval of the CE.

HOW INDOT IMPLEMENTS THESE REQUIREMENTS ON EA PROJECTS

Required public involvement for an EA includes:

Preparation of a Public Involvement Plan (PIP)

This PIP will include an identification of the various transportation stakeholder groups including the general public, a set of public involvement activities, and a timeline for accomplishing the project. INDOT and FHWA consultation will determine the appropriate level of public involvement for EAs, particularly at Purpose and Need and Alternatives Screening stages. The results of this consultation will be reflected in PIP.

- 23 CFR 771.119 includes the FHWA requirements for public involvement on an EA, which are incorporated in this section

If initial discussions with the project team and stakeholders indicate that the project might result in the need for an EIS rather than an EA, the project team should strongly consider fulfilling the public involvement requirements for an EIS in order to avoid future project delays.

Formation of a Community Advisory Committee (CAC)

INDOT will consult with FHWA prior to development of the PIP to establish consensus regarding the need for a CAC for a given EA. The purpose of the CAC on an EA is to assist INDOT by providing input on the nature and extent of potential environmental impacts. Following the completion of the EA and a Finding of No Significant Impacts (FONSI), the CAC may continue to provide input during the design, construction, and operations phases. In particular, the CAC may assist INDOT in the development of Context Sensitive Solutions. If the EA results in initiation of an EIS, the CAC will continue to serve as the CAC for the EIS.

Public Information Meetings

INDOT will consult with FHWA prior to development of the PIP to establish consensus regarding the need for public information and agency meeting(s) regarding Purpose and Need/Conceptual Solutions and Preliminary Alternatives Screening for a given EA. The focus of these meetings is to obtain public and agency views on what the problem is that should be addressed, what alternatives should be considered, what analysis methodologies should be utilized, and what are the nature and anticipated extent of impacts. Public Information Meetings do not require the published legal notice; however, reasonable measures should be taken to notify affected/impacted project stakeholders of this meeting and to solicit their input (i.e. project post cards, newsletters, website, media advisory).

In addition, during the design phase, INDOT holds a Public Information Meeting to obtain public input on design considerations, such as noise barriers.

Public Hearing

A Public Hearing will be held for all EA-level projects. The Public Hearing is held prior to FHWA making any determination of a Finding of No Significant Impact. INDOT holds the hearing at a convenient time and place.

Public Notice of the Availability of the Environmental Assessment

INDOT will issue a notice to advise the public of the availability of the EA, including information about where the public may obtain or read a copy and where information concerning the action may be obtained. The notice also serves as a notice of the Public Hearing and invites comments from all interested parties. Comments shall be submitted in writing to INDOT (or their consultant) within 30 days of the publication of the notice.

The EA shall be available to the public for a minimum of 15 days in advance of the Public Hearing and shall be available at the Public Hearing. The deadline for receiving public comments must provide a minimum of 30 days for public review.

Public Notice of a FONSI for an Action

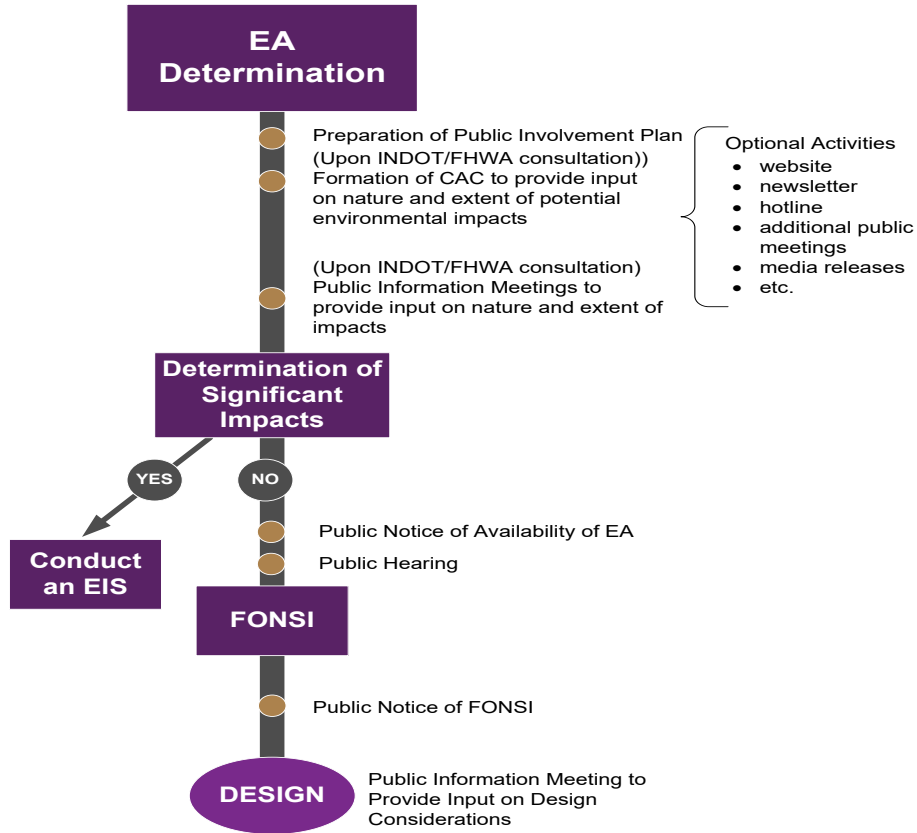
INDOT will issue a public notice announcing the Finding of No Significant Impact (FONSI) decision and the availability of the FONSI document.

INDOT frequently chooses to supplement the required public involvement activities for EAs by holding additional Public Information Meetings and by conducting public information dissemination through mailing lists, newsletters, and postings on its website www.in.gov/indot.



Project websites are often established for EA-level projects.

PUBLIC INVOLVEMENT IN EA PROJECTS



PUBLIC INVOLVEMENT FOR EIS PROJECTS

How INDOT Implements these Requirements on EIS Projects and EA/Corridor Study Projects

EISs and EA/Corridor Studies constitute a very small number of projects, but due to their complexity and potential impact on the human and natural environment, they typically will entail the largest public involvement effort. Public involvement for an EA/Corridor Study generally parallels that for an EIS, up through the preliminary alternatives screening phase.

Required public involvement for an EIS or EA/Corridor Study includes:

Preparation of a Public Involvement Plan (PIP)

This PIP will include a comprehensive identification of the various stakeholders, a set of public involvement activities, and a timeline for accomplishing the project. For EISs, federal law requires a Coordination Plan for public and agency participation and comment. It must be established early in the environmental review process. The PIP for an EIS is part of the public and agency Coordination Plan. INDOT will consult with FHWA to establish consensus regarding the application of these requirements to a given EA/Corridor Study. See appendix to view PIP template.

Federal Notice of Intent to initiate an Environmental Impact Statement (EIS only)

At the outset of the NEPA process and preceding scoping, FHWA publishes in the Federal Register a Notice of Intent to initiate an Environmental Impact Statement. This notice is commonly referred to as an “NOI” and officially starts the EIS process. An NOI is typically not issued for an EA/Corridor Study. See *Appendices for sample NOI*.

Formation of a Community Advisory Committee (CAC)

In keeping with INDOT policy, INDOT convenes a CAC at a project’s scoping phase. The CAC, in conjunction with an early Public Information Meeting, is INDOT’s chosen means of complying with the intent of 40 CFR 1501.7, which states that scoping shall be used to provide “an early and open process for determining the significant issues related to a proposed action.” For an EIS, the CAC provides input to INDOT and FHWA on:

- Scoping
- Purpose and Need
- Identification of preliminary alternatives
- Analysis methodologies
- Alternative analysis and screening
- Selection of preferred alternative
- Mitigation

For an EA/Corridor Study, the CAC provides input to INDOT and FHWA on:

- Scoping
- Purpose and Need
- Identification of preliminary alternatives
- Analysis methodologies
- Alternative analysis and screening

A CAC meeting is held following release of the DEIS and prior to the Public Hearing. Following completion of the EIS, the CAC may continue to provide input through the design, construction, and operations phases. In particular, the CAC may assist INDOT in developing Context Sensitive Solutions.

Public Information Meetings

INDOT policy and federal law require that Public Information Meetings will be held during an EIS and EA/Corridor Study at key decision points, including:

- Draft Purpose and Need
- Draft Preliminary Alternatives Screening

INDOT may hold additional public meetings during the environmental review process. INDOT conducts outreach for these meetings by sending an invitation to affected property owners, other identified interest groups, and elected officials and by issuing a media release. See the public involvement webpage (<http://www.in.gov/indot/2366.htm>) for a sample media release and a sample invitation to a Public Information Meeting.

In addition, following the Record of Decision, INDOT may hold additional Public Information Meetings during the final design phase to obtain public input on design considerations.

Draft EIS Availability Prior to a Public Hearing

INDOT publishes notices in appropriate newspapers, announcing the availability of the Draft EIS (DEIS) and announcing the Public Hearing. INDOT must provide a minimum of 15 days public notice before holding a Public Hearing. INDOT typically mails (or emails) the notice to the project stakeholders list and adjacent property owners.

Also, the U.S. Environmental Protection Agency publishes a notice in the Federal Register announcing the availability of the DEIS for public review and comment.

The DEIS is transmitted to any persons, organizations, or agencies that request a copy (hardcopy or electronic). A hardcopy is made available for public review at INDOT offices and appropriate public institutions, such as local government offices, library, community center and posted online.

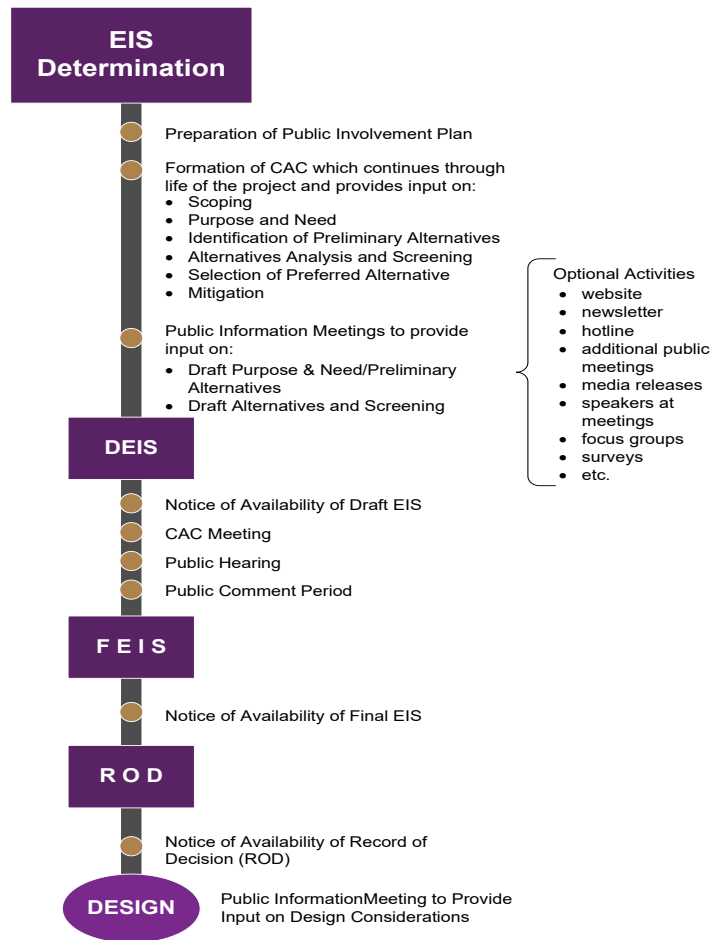
Public Hearing

INDOT is required to hold a Public Hearing on all EIS projects during the circulation period of the Draft EIS. The public may submit comments orally or in writing at the Public Hearing. Please see Public Hearing section for information on how to hold a Public Hearing and what type of notice must be provided.

Public Comments on the DEIS

The public is encouraged to comment on the DEIS. Federal law establishes a maximum public comment period of 60 days starting from the date of EPA's Notice of Availability of the DEIS in the Federal Register to encourage timely project development. The Public Hearing notice and the DEIS transmittal letter identify where comments should be sent. INDOT compiles a transcript that includes all verbal and written comments received on the DEIS. This transcript is available to anyone who wishes to review it. All substantive comments submitted to INDOT are addressed in the Final EIS (FEIS). As appropriate, the project may be modified based on these comments.

PUBLIC INVOLVEMENT REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENT PROJECTS



FEIS Availability

INDOT publishes a notice in appropriate newspapers announcing the availability of the FEIS. The EPA also publishes a notice in the Federal Register announcing the availability of the FEIS.

The FEIS is transmitted to any persons, organizations, or agencies that request a copy (hardcopy or electronic format). A hardcopy is made available for public review at INDOT offices and appropriate public institutions, such as local government offices, libraries, community center and on-line. The FEIS is also sent to those who submitted substantive comments on the DEIS.

Notice of Record of Decision (ROD)

Once a Record of Decision is signed by FHWA, INDOT will publish a public notice in appropriate newspapers announcing the availability of the ROD and will place the notice of its availability on the project website or send a copy of the ROD (hardcopy or electronic, upon request). Those on the project mailing list will also be notified of the decision and where the ROD may be obtained.

A notice combining the FEIS and ROD announcements is allowed when certain criteria are met.

HOW INDOT IMPLEMENTS THESE REQUIREMENTS – A SUMMARY OF WHAT IS REQUIRED BY INDOT DURING THE PROJECT DEVELOPMENT PHASE

The following table summarizes the public involvement activities required and suggested during the project development phase:

Public Involvement Activity	NEPA Project Classification			
	Categorical Exclusion/ Simple Projects	Environmental Assessments	Environmental Impact Statements	Timing of Activity: Why it is Needed
Notice of Survey	If applicable (if project requires entry onto property)	If applicable (if project requires entry onto property)	If applicable (if project requires entry onto property)	Sent at beginning of environmental phase. Necessary to notify individual property owners that INDOT staff/rep will be present on their property to gather data for environmental and engineering analysis.
Public Involvement Plan	Yes, at least using a simple default template	Yes, preparing a customized plan	Yes, preparing a customized and comprehensive plan	At project early coordination phase. Needed to ensure public involvement is considered as part of project development.
FHWA Notice of Intent to Initiate an EIS, in Federal Register	Not applicable	Not applicable	Yes	Sent at beginning of NEPA phase for EIS projects, is a federal requirement to formally announce start of EIS development

Public Involvement Activity	NEPA Project Classification			
	Categorical Exclusion/ Simple Projects	Environmental Assessments	Environmental Impact Statements	Timing of Activity: Why it is Needed
Community Advisory Committee	Not required	To be determined early in the environmental process by INDOT and FHWA consultation	Yes, beginning at NEPA scoping	Can be initiated at any time during the NEPA process to engage community stakeholders regarding potential project related impacts. Early formation of a CAC during NEPA is encouraged with continuation through design.
Public Information Meetings	Optional	To be determined early in the EA process and during design phase. INDOT and FHWA consultation determine when appropriate	Yes, early in the EIS process, for input on draft Purpose and Need/Conceptual Solutions and Preliminary Alternatives Screening Yes, during design	Can be convened at any time at the discretion of project sponsor. These meetings can enhance public awareness of a project and allow a forum in which input may be sought.
Notice of Opportunity to Request a Public Hearing (notice of planned improvement) and Notice of Availability of Environmental Document	Yes, if criteria listed in Section IV.C.4. is present; Yes, if criteria are met. 15 day minimum to request hearing; 2 publishing dates.	A Public Hearing and Notice of Availability of Environmental Document are required. 15 days advanced notice of hearing; at least 2 publishing dates.	A Public Hearing and Notice of Availability of Environmental Document are required. 15 days advanced notice of hearing; at least 2 publishing dates.	

Public Involvement Activity	NEPA Project Classification			
	Categorical Exclusion/ Simple Projects	Environmental Assessments	Environmental Impact Statements	Timing of Activity: Why it is Needed
Public Hearing, including Notice of Hearing and Notice of Availability of Environmental Document	Yes, if offered and then requested by the public (unless INDOT satisfies the requester through other means). Must be prior to CE approval. Projects involving historic bridges processed under the historic bridge programmatic agreement require Public Hearing.	Yes, after EA document is released, but prior to FONSI determination.	Yes, after DEIS has been released for public comment.	
Public Comment Periods (Note: public comment period begins on the date the first legal ad is published)	A minimum 15-day deadline in which to request a Public Hearing; allow time following comment period to address issues.	Minimum of 30 days during Public Hearing process. No required comment period following FONSI.	Following the release of the DEIS – not less than 45-day comment period. Following the release of the FEIS – 30-day availability period.	Not applicable
Agency Listserv: INDOT uses tool to notify subscribers of upcoming public involvement events. Media advisory and/or news releases are encouraged	Notification per agency Listserv is optional. Media advisories / news releases originate from INDOT district offices.	Notification per agency Listserv is optional. Media advisories / news releases originate from INDOT district offices.	Notification per agency Listserv is optional. Media advisories / news releases originate from INDOT district offices.	
Notice Soliciting Comments on Historic Impacts	Yes, except for “minor projects” exempted under the Minor Projects PA	Yes, except for “minor projects” exempted under the Minor Projects PA	Yes	
Notice Issued when the Final Environmental Impact Statement is Completed	Not applicable	Not applicable	Yes	

Public Involvement Activity	NEPA Project Classification			
	Categorical Exclusion/ Simple Projects	Environmental Assessments	Environmental Impact Statements	Timing of Activity: Why it is Needed
Notice Issued when a final CE, ROD, or FONSI is issued	Yes, when a Public Hearing was held for document.	Yes, when FONSI is issued	Yes, when ROD is issued.	
Notice of Additional Information to an Approved Environmental Document	Decision made on case-by-case basis upon INDOT and FHWA consultation.	Decision made on case-by-case basis upon INDOT and FHWA consultation.	Decision made on case-by-case basis upon INDOT and FHWA consultation.	Not Applicable
Noise Study Information Meeting	Yes, if applicable	Yes, if applicable	Yes, if applicable.	As determined per noise analysis
Notice of Final Plans and Construction Sequencing Information Meeting	Not applicable	Optional	Required	Not applicable
FHWA Statute of Limitation Notice in Federal Register	Optional	Optional	Optional	Not applicable

REQUIREMENTS RELATED TO CONDUCTING PUBLIC HEARINGS

The public involvement requirements that are associated with project development include either holding Public Hearings or offering the public the opportunity to request a Public Hearing. Federal regulations and state law are more prescriptive about Public Hearings than any other element of public involvement. This portion of the *Policies and Procedures* describes how INDOT will adhere to the federal and state Public Hearing requirements.

The Public Hearing is an opportunity for the public to make formal statements of their views immediately before project decision-making and, in the case of an Environmental Impact Statement (EIS), preparation of the Final Environmental Impact Statement (FEIS). INDOT views the hearing as a specific, observable administrative benchmark for public involvement.

The following are the specific requirements related to offering the opportunity to request a Public Hearing and/or conducting a Public Hearing:

Notice of Opportunity to Request a Public Hearing

Following the release of documentation for a Categorical Exclusion (CE), INDOT may choose to hold a Public Hearing or may choose to offer the public an opportunity to request a Public Hearing or to comment on the project. The following requirements apply when offering an opportunity to request a Public Hearing.

Public Notice of Planned Improvement

For CE projects that meet public involvement criteria, INDOT publishes a Public Notice of Planned Improvement, which is a formal legal notice of the action that INDOT will undertake. This notice is published in the legal notice section of relevant (most widely circulated within project area) newspapers and mailed to currently known property owners and those persons and organizations who have requested such notification. The notice offers the opportunity to request a Public Hearing and includes procedures for requesting a hearing and a notification deadline for requesting the hearing. The notice also provides the public an opportunity to comment on the project.

23 CFR 771.111(h)(2)(iv) State public involvement/Public Hearing procedures must provide for... Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice must also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.

Request for a Public Hearing/Decision on Whether to Hold a Public Hearing

If a member of the public requests a Public Hearing, INDOT will determine whether to hold a formal Public Hearing, based on, in part, the number of requests received and whether INDOT can satisfy the needs of the requester(s) through individual and direct contact including a meeting, phone conference, letter, email or through other means.

If No Public Hearing is Held

If there is no request for a Public Hearing or if INDOT determines that it is not in the public interest to hold a Public Hearing, INDOT's Consultant Services Managers will prepare a report to serve as documentation for the certification that the public involvement requirements have been satisfied. INDOT will document the responses to the concerns raised by the requester, if any, and provide this response to the person(s) who raised the concerns.

Notice of Public Hearing

The following requirements apply when a Public Hearing is held.

Timing and Content

When a Public Hearing is held, INDOT is required to issue a public notice of the Public Hearing at least 15 days prior to the Public Hearing. INDOT policy requires notices on two different dates.

- a. The first notice is at least 15 days prior to the hearing.
- b. The second notice is approximately 5 to 7 days prior to the hearing.

The notice specifies the date, time, place, and purpose of the hearing, contains a brief description of the proposal, and specifies where the pertinent document is available for inspection. In addition, the notice provides contact information for requesting assistance for persons with a disability.

Placement

INDOT requires the hearing notice to be placed in the legal notice section of the newspaper. The notice is also mailed to individuals, property owners within the project area, and project stakeholders on INDOT’s project mailing lists. In addition, INDOT may also do the following:

- a. Placement of the hearing notice in more conspicuous places within the newspaper
- b. Publication of the notice in media that is appropriate for traditionally underserved populations that may be impacted by the project
- c. Publication of notice in other relevant periodicals, as appropriate
- d. Distribution of press releases to the media, post information to INDOT website.

Coordination of Public Hearing Process with U.S. Army Corps of Engineers

INDOT coordinates its Public Hearing process with the USACE Public Hearing requirements. Therefore, the Public Hearing notice will also include reference to USACE solicitation of public comments. When INDOT is applying for a 404 Permit Application under the Clean Water Act, INDOT will assist the USACE with the USACE public notice announcing the availability of Permit Application and seeking comments on the application, including comments on wetland impacts and floodplain encroachment, if applicable.

33 USC 1344A and H (Clean Water Act) IC-8-23-2-17(b) and (c) states “(b) Whenever the department holds a Public Hearing, the department shall allow any person an opportunity to be heard in the presence of others who are present to testify and in accordance with subsection (c) the department through the commissioner or the commissioner’s designee, may limit testimony at a Public Hearing to a reasonable time stated at the opening of the Public Hearing. As added by P.L. 52-1995, SEC. 3.

Format for Public Hearings

Public Hearings will be held at a place and time generally convenient for persons affected by or interested in the proposed undertaking. The hearing location must be accessible to accommodate people with disabilities.

The required format for Public Hearings includes the following, as appropriate:

Presentation Content

Representatives of INDOT, the Metropolitan Planning Organization (MPO), and (if applicable) the local authority or its agent, will explain the following information, if appropriate:

- a. The project’s purpose, need, and consistency with the goals and objectives of any local urban planning
- b. The project’s alternatives and major design features
- c. The social, economic, environmental, and other impacts of the project
- d. The relocation assistance program and the right-of-way acquisition process
- e. The availability of the appropriate environmental document
- f. INDOT’s procedures for receiving both oral and written statements from the public

Methods for Public Comment

- a. Public statements before an audience of peers, with a transcript made of these statements (this method is always required for a Public Hearing)
- b. Verbal comments made privately during the meeting to a tape recorder, which INDOT can include in the hearing transcript
- c. Written comments, which will be accepted in person at the Public Hearing, by mail, or via the internet



Formal presentation given during an INDOT Public Hearing.

Public Hearing Documentation

Documentation following a Public Hearing is extremely important. The most important documentation following a Public Hearing is ensuring that verbal statements presented (during the public comment session) are accurately recorded. Transcription of verbal comments presented is word-for-word of what the speaker said; a transcription is not a summary. Recordings of verbal comments should be kept secure as they are part of the public and project record.

- A public comment session must be offered as part of the formal Public Hearing
- Verbal comments presented during the announced public comment session are included in the transcription; informal conversations are not part of the documentation

A transcript is made of verbal statements and comments made at the Public Hearing. The transcript is accompanied by copies of all written statements from the public, both submitted at the Public Hearing and during an announced period after the hearing. The future availability of the transcript is announced at the Public Hearing. In addition, copies are provided to individuals who request such copies. A summary of Public Hearing proceedings will be included in the Final EIS or will accompany the request for a FONSI. INDOT submits to FHWA a copy of the hearing transcript; hearings certification is made part of the NEPA document.

Subsequent Public Information Meetings and other public involvement activities are held at varying stages of the project development process following the formal NEPA required Public Hearing. The purpose of these meetings and other public involvement activities is to provide timely information to the public regarding detailed design issues, the progression of land acquisition activities, perhaps the construction schedule, etc. All this is to say that INDOT continues its commitment to public involvement well after the required NEPA Public Hearings phase.

23 CFR 771.111(h)(2)(vi) states “State public involvement/Public Hearing procedures must provide for: ...Submission to the FHWA of a transcript of each Public Hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements for the public, both submitted at the Public Hearing or during an announced period after the Public Hearing.”

Accessibility

INDOT conducts public meetings, open houses and hearings in places that are accessible to individuals with physical limitations (i.e. using a wheelchair and assisted walking device). It is INDOT’s responsibility to ensure the venue to be used for a public meeting/open house/Public Hearing is ADA accessible, which includes ensuring the venue has wheelchair access (ramps, working elevator, etc.).

Assistance to People with Disabilities

Upon advanced request, INDOT will provide assistance to people with physical disabilities who wish to participate and give testimony in public meetings and hearings, including, for example, use of sign-language interpreters, listening-assistance mechanisms, a telecommunications device for the deaf, recording devices, or accessible format of materials for sight-impaired persons (e.g., large print, tape recordings, Braille or electronic formats, or individuals to explain the content of visual displays).

Contact Person for Requests for Accommodation

INDOT provides a contact person's telephone number in all meeting/hearing notices and advertisements so that individuals with special needs can request to be accommodated at meetings/hearings.

See INDOT ADA Transition Plan <https://www.in.gov/indot/3583.htm>.

INDOT'S COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND ENVIRONMENTAL JUSTICE IN CONDUCTING PUBLIC INVOLVEMENT IN PLANNING, PROGRAMMING, AND PROJECT DEVELOPMENT

Title VI of the Civil Rights Act of 1964 (42 USC 2000(d)-2000(d)(1)) states that "discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate Federal departments and agencies to take action to carry out this policy" and that "no person in the United States shall be excluded from participation in or otherwise discriminated against on the ground of race, color, or national origin under any program or activity receiving Federal financial assistance." The Federal Highway Act of 1973 added prohibition of discrimination on the basis of sex (U.S.C. 324), and the Age Discrimination Act of 1975 (42 U.S.C 6101) added prohibition of discrimination on the basis of age.

Environmental Justice is an obligation defined through a set of Environmental Justice Orders (Executive Order 12898, the USDOT Order on Environmental Justice, and the FHWA Order on Environmental Justice, *please see Appendices*). These state that it is an obligation, when there is federal action involved, to avoid or minimize and mitigate adverse impacts to low-income and minority populations and to assure that disproportionately high and adverse impacts on these populations are identified and addressed. The U.S. Environmental Protection Agency describes environmental justice <https://www3.epa.gov/> as follows (emphasis added):

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. Meaningful involvement means that: (1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) their concerns will be considered in the decision-making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

Public involvement is a key to addressing environmental justice issues. First, it is the best source of information about people's perceptions of impacts and benefits and can help develop a picture of the fabric of the community that will be affected by the transportation project. Second, there is a responsibility to ensure that affected populations composed of low-income and minority people have an opportunity for meaningful participation in public involvement activities.

Environmental justice is a component of FHWA's overall commitment to the protection and enhancement of the human and natural environment. FHWA sets forth these principles:

1. Avoid or minimize and mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial, reduction, or significant delay of benefits to low-income and minority populations.

In keeping with Title VI and the Environmental Justice orders, INDOT considers the needs of low-income and minority populations as it undertakes public involvement activities in the planning, programming, and project development processes. INDOT seeks ways to reach out to and solicit input from these populations. Such tailored efforts may include:

1. Contacting community leaders to elicit help in reaching low-income and minority community members
2. Holding small-scale meetings or attending existing local meetings in the low-income and minority neighborhoods, hosted by community leaders
3. Translating key public information documents and posters announcing public meetings or hearings into non-English languages
4. Placing notices and advertisements in neighborhood publications and/or non-English newspapers
5. Holding Public Hearings/meetings in locations and at times that are easily accessible to low-income and minority people
6. Providing translators at Public Hearings/meetings

INDOT's Title VI Division provides resources and guidance regarding the Title VI of the Civil Rights Act of 1964 (Title VI), as amended and all of its related statutes and regulations

https://www.environment.fhwa.dot.gov/env_topics/environmental_justice.aspx Please visit <http://www.in.gov/indot/3583.htm> and <http://www.in.gov/indot/3584.htm> to learn more about INDOT's commitment to Title VI and ADA Programs.

Website – sign up to receive email program and/or project updates
 Traditional and Social Media outreaches to communicate messages, raise awareness
 Actively seek out opportunities to meet with groups and organizations
 Hold public meetings and open houses (key planning phases, documents and activities)
 Creating program specific working groups to solicit targeted input and participation
 Partnering with local repositories to ensure program information is accessible for viewing at community locations
 Mailing project information and surveys to acquire information
 Establishing project offices and/or reserving space at community location
 Ensuring project information is converted to accommodate language and ADA needs
 Participating in regular meetings with MPO and district planning partners to develop community engagement strategies

INDOT and Federal Highway Administration Joint Agreement

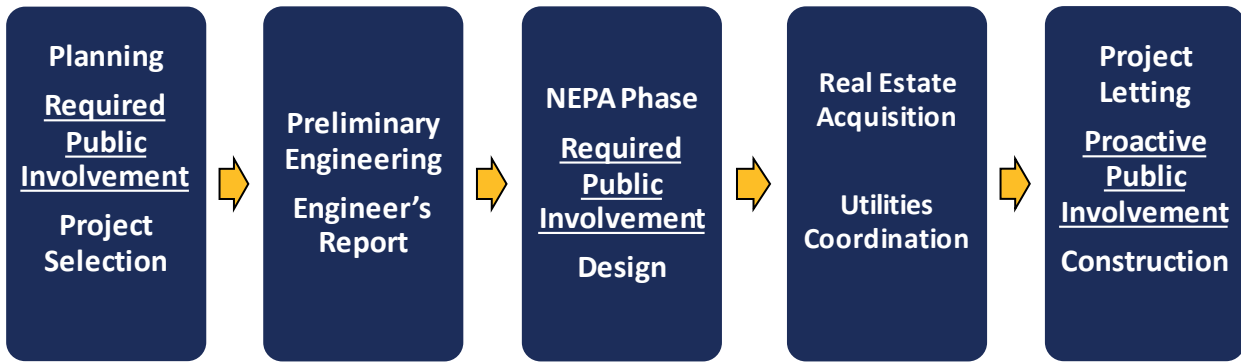
- Establishes a jointly approved public involvement procedures for projects receiving federal aid as part of funding mechanism
- Public involvement is part of National Environmental Policy Act (NEPA) process
- Develop criteria to determine which projects require formal public involvement

Public Involvement Activities – required if project meets criteria

- Level of impact a project may have on a community, the environment, historic properties/structures, residents, businesses
- Activities include Public Hearings, publishing legal notices announcing proposed project, mailing notices directly to property owners, making project documents available for review at public repositories
- Requirements can be satisfied by holding a hearing or offering the public the opportunity to request a Public Hearing

Proactive Public Involvement

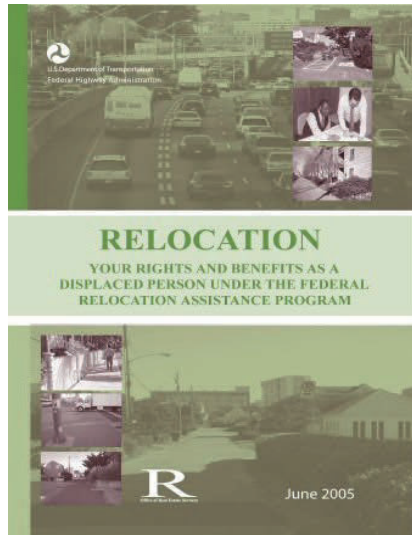
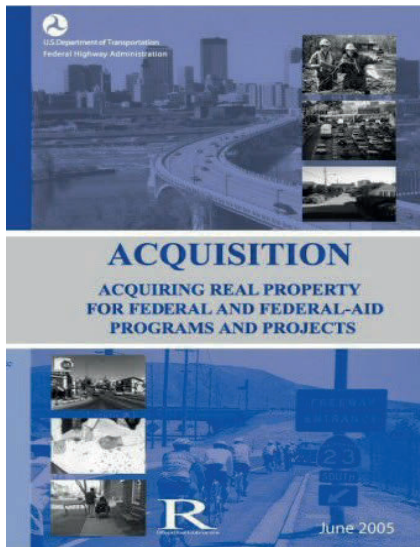
- Activities not required per law or regulation but benefit the public and allow INDOT to serve its customers
- Public meetings/open houses, website, newsletters, social media, communication to local news media, small group meetings, participation at community events



STAKEHOLDER ENGAGEMENT DURING REAL ESTATE ACQUISITION PHASE

Real Estate Acquisition

At the final stage prior to construction, Real Estate staff coordinates obtaining the land necessary for transportation projects. This may occur for the construction of a new road or widening of an existing road, for instance. The quantity and value of all land, improvements and damages for each piece of property are determined in accordance with established laws and procedures.



The INDOT Office of Real Estate webpage is <http://www.in.gov/indot/2698.htm>.

KEEPING THE PUBLIC ENGAGED DURING THE CONSTRUCTION, OPERATIONS, AND MAINTENANCE PHASES

INDOT conducts several activities to communicate with the public during the construction, operations, and maintenance phases. For example, during construction, INDOT staff work with local homeowners and businesses to address access and disruption concerns. Information about road closures and delays, posted on signs during construction and maintenance activities, is a form of public involvement. INDOT communicates on an ongoing basis to the public through its website, variable message signs, and newspaper announcements.

Community Advisory Committees may continue to meet and provide input to INDOT/FHWA in the construction and operations phases.

While there are no federal public involvement requirements with regards to construction, operations, maintenance activities for transportation projects, INDOT proactively implements public involvement techniques to engage the public and keep stakeholders informed of construction related actions.

INDOT CUSTOMER SERVICE CENTER

The INDOT Customer Service team communicates directly with motorists and residents who contact INDOT directly or through elected officials regarding a specific problem, issue or concern. These messages come to our Customer Service teams via phone, mail, email, and through the INDOT website.



Each message generates an investigation and results in an appropriate response to the customer. Our Customer Service teams also oversee a statewide customer service database to track customer concerns and responses, including the response times to inquiries.

The engagement of the public is greatly enhanced through the responsiveness of customer service team members.



Transportation Services Call Center

Provides citizen and business customers with a single point-of-contact to request transportation services, obtain information, or provide feedback through multiple channels of communications.

855-463-6848 • INDOT4U.com • INDOT@indot.in.gov



Summary Notes

Project Development Phase	Activities
Environmental Analysis	<ul style="list-style-type: none"> ▪ Early Coordination ▪ Notice of Survey ▪ Prepare public involvement plan ▪ Environmental document includes description of public involvement activities to be required per INDOT public involvement criteria ▪ Conduct and document public involvement activities
<p>Public Involvement Plan – seek out opportunities to engage public and supplement required activities</p> <p>Hearings Opportunity</p> <p>Formal Public Hearing</p> <p>Section 106 of the National Historic Preservation Act</p> <p>Noise</p>	<ul style="list-style-type: none"> ▪ Public involvement criteria – apply criteria to determine which projects will require formal public involvement ▪ Itemize public involvement steps per document type (CE, EA, EIS) ▪ Legal notices describing proposed actions ▪ Conduct Public Hearing ▪ Environmental document approval public involvement (performed if a Public Hearing was held) ▪ Description of public involvement activities during Section 106 ▪ Solicit input regarding potential impact through consulting parties process, Historic Bridge Inventory – Select/Non-Select – Bridge marketing for non-Select requires public involvement ▪ Noise survey process, explanation of “reasonable/feasible” ▪ Engage noise impacted stakeholders through meetings, online or direct survey
District Customer Service Centers – Raise profile of service centers and what they offer to INDOT stakeholders	<ul style="list-style-type: none"> ▪ Customer engagement, outreach, timely response ▪ Raise the public’s awareness, provide information ▪ Construction, maintenance, mowing, preservation, traffic operations

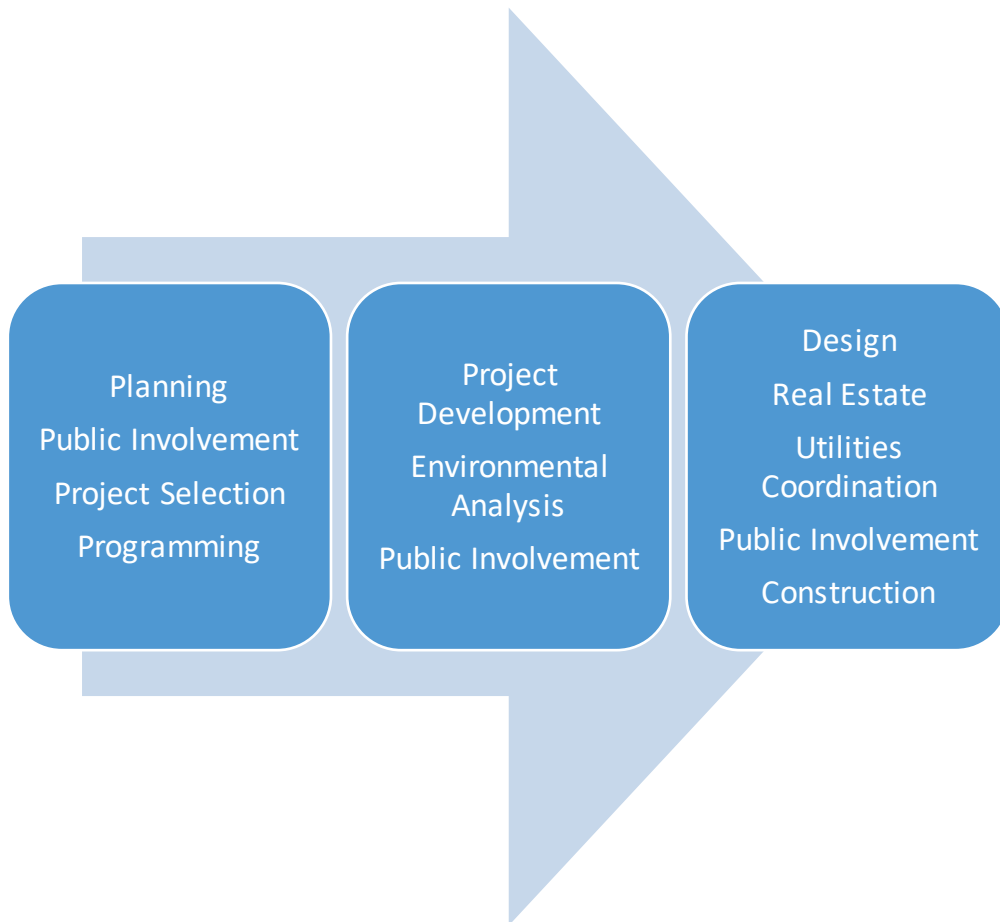
INDOT Procedure	Public Involvement Activities
Post-Public Hearing activities	<ul style="list-style-type: none"> ▪ Stakeholder notification once environmental document is formally approved ▪ Make approved environmental document available via public repository ▪ Place legal advertisement to announce end of environmental phase and availability of document ▪ <u>Required</u> for INDOT projects ▪ Suggested for LPA projects
Public-Private Partnerships	<ul style="list-style-type: none"> ▪ Public Hearings held for INDOT and Indiana Finance Authority ▪ Public involvement requirements are different
Construction Phase	<ul style="list-style-type: none"> ▪ In many instances, INDOT requires contractors to participate in public meetings prior to the start of construction; the agency website and district web pages are resources available to the public
Public Involvement Events (next page)	Required Activities (next page)

<p>Public Hearing</p>	<ul style="list-style-type: none"> ▪ Environmental document <u>must</u> be released prior to initiate hearings phase ▪ A <u>minimum of two</u> legal notices must be published in project area's most widely circulated newspaper: publishing in non-traditional and newspapers serving minority communities when applicable ▪ 1st notice must be published a minimum of 15 days prior to hearing date; 2nd notice published 5 to 7 days prior to hearing date ▪ All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases ▪ Draft environmental document <u>must</u> be made available for public review ▪ Public Hearing is held between draft and final environmental document and is held at a decision-making point ▪ Formal Public Hearing held consisting of a presentation, <u>a public comment session</u> (comment in presence of audience) and time prior to and following the formal session for informal conversation with project officials ▪ Public comments presented during comment session <u>must be recorded</u> ▪ A <u>minimum two-week public comment period</u> following the Public Hearing date ▪ A <u>Public Hearings transcript must be prepared</u> to document formal proceedings, pre-hearing activities and public comment ▪ Certify completion of Public Hearing and requirements via signature on coversheet of environmental document ▪ Environmental document cannot be finalized until Public Hearing requirements are certified ▪ Responses to public comments included in final environmental document ▪ Conduct additional public involvement activities once environmental document has been finalized/approved including notifying project stakeholders, publishing public notice and placing project documentation in local (and online) viewing locations
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<p>Public meeting also known as a Public Information Meeting</p>	<ul style="list-style-type: none"> ▪ Can be held at any time and at the project sponsor’s discretion ▪ No legal notice, document availability, transcript or document signatory requirement ▪ All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases ▪ Format of meeting typically consists of a presentation, a <u>public comment station</u>, an open house area ▪ A public comment period (2 weeks or so) following the public meeting is encouraged ▪ Document public meeting activities and public comments
<p>Public open houses</p> <p>Community Advisory Committees (small group stakeholder meetings)</p>	<ul style="list-style-type: none"> ▪ Can be held in conjunction with a Public Hearing or public meeting ▪ Can be held as a separate event but not in place of a required Public Hearing ▪ All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases ▪ Open houses are informal sessions ▪ Must include a station where public comment can be accepted ▪ A general comment period (2 weeks or so) following the event is encouraged ▪ CACs must adhere to Indiana Open Door Laws ▪ CACs must be announced/posted at least 48 hours prior to event ▪ CACs – the public cannot be turned away ▪ CACs are invitation-based meetings that are open to the public



Local Public Agency Project Development Process



- Environmental document classification
- Public Involvement criteria
- Public Hearing certification
- Public Notices of Proposed Actions or Projects
- Checklist for LPA Public Hearings
- Sample Public Improvement Plan

PUBLIC INVOLVEMENT IN THE LPA PROJECT DEVELOPMENT PROCESS

As the Local Public Agency (LPA) makes decisions on transportation projects that utilize federal-aid funding or require a federal action, the LPA must integrate input from the public, local government, resources agencies and others (such as historic resources) while assessing transportation needs, cost, funding availability and engineering constraints. Selection of the appropriate project classification is based on the anticipated level of project development complexity. The project classification identifies the recommended level of analysis, amount of stakeholder involvement and activities performed during each step. There are three types of environmental classifications under NEPA, plus an additional classification established by INDOT, and each is accompanied by its own public involvement requirements.

Public involvement required during the NEPA phase of project development:

- **Cannot** begin until an environmental document is released for public involvement by INDOT Environmental Services Division or INDOT district Environmental
- **Must be completed** prior to the approval of an environmental document



Citizens gather prior to the start of a Public Hearing.

Part I - PUBLIC INVOLVEMENT

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. **The level of public involvement should be commensurate with the proposed action.**

Does the project have a historic bridge processed under the Historic Bridges PA*?	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	
If No, then:			
Opportunity for a Public Hearing Required?	<input type="checkbox"/>	<input type="checkbox"/>	

**A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.*

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Remarks:

Example of public involvement section of an environmental document.

Categorical Exclusions (CEs) include projects that individually or cumulatively produce no significant adverse impacts on the human or natural environment. CEs are typically “simple” projects that have limited scope and one feasible alternative. CEs are generally used for such projects as resurfacing, restoration, and safety projects, and rehabilitation or reconstruction of existing bridges or other infrastructure. Most LPA projects fall under the CE classification. Following the preparation of the CE environmental document, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. See INDOT’s CE Manual at www.in.gov/indot for more information.

There are four levels of CEs. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project. Programmatic CEs do not require public involvement.

- CE-1 require limited or no right-of-way and typically don’t require detailed technical studies; CE-1 projects typically do not meet criteria for public involvement.
- CE-2 and CE-3 may involve larger acreage or impacts to resources that require more extensive or specialized study; CE-2 and CE-3 projects typically meet criteria for public involvement.
- CE-4 level projects require extensive or specialized study such as noise analysis.

Environmental Assessments (EAs) include actions in which the significance of the impact on the environment is not clearly established. If there is uncertainty about whether the project will have significant impacts, an EA is prepared, with some analysis to determine whether the project has significant impacts. If the answer is “Yes,”

then a full Environmental Impact Statement (EIS) is prepared (see below). If the answer is “No,” then this decision is formally documented by FHWA with a Finding of No Significant Impacts (FONSI), and the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. Major reconstruction and/or minor roadway relocation projects generally fall into this category. See INDOT’s Procedural Manual for Preparing Environmental Documents at www.in.gov/indot for more information.

Environmental Impact Statements (EISs) are prepared for large-scale projects involving major expansion or new location construction where it is likely that the project will have significant environmental impacts. The EIS entails a study to set forth the Purpose and Need of a project, identify a range of alternatives to address the transportation need(s) in a given study area, and analyze the social, economic, and environmental impacts of the alternatives. A Draft EIS (DEIS) is circulated for comment to the public and to relevant public agencies. This document provides a full description of the proposed project and the existing environment and an analysis of the anticipated beneficial and adverse effects of all reasonable alternatives. Following consideration of comments, a Final EIS (FEIS) is prepared. A Record of Decision (ROD) indicates the alternative selected for the project, including any required mitigation measures. Following the approval of the ROD by FHWA, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. See INDOT’s Procedural Manual for Preparing Environmental Documents at <http://www.in.gov/indot/2675.htm> for more information.

Summary:

- CEs are prepared for projects that do not have significant direct, indirect or cumulative impacts on the natural or human environment
 - Public involvement requirements can be satisfied by holding a Public Hearing or offering the public the opportunity to request a hearing
- EAs are prepared for projects in which the significance of the environmental impact is not clearly established and additional analysis and inter-agency review is needed. If that process reveals a project will no significant impact on the natural or human environment, a finding of no significant (FONSI) is issued.
 - Requires a mandatory Public Hearing be held
- EISs are prepared when it is known that the project will have a significant impact on the natural and/or human environment.
 - Requires a mandatory Public Hearing be held

40 CFR 1502.1 states, “The primary purpose of an environmental impact statement prepared pursuant to section 102(2)(C) of NEPA is to ensure agencies consider the environmental impacts of their actions in decision making. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analysis. An environmental impact statement is a document that informs Federal agency decision making and the public.”

PUBLIC INVOLVEMENT CRITERIA

Projects involving a historic bridge under Historic Bridge Programmatic Agreement (PA) must hold a Public Hearing prior to the completion of NEPA. For **CEs levels 1 - 4** (not involving a historic bridge under Historic Bridge PA), the LPA will be required to offer the opportunity to request a Public Hearing or hold a Public Hearing prior to the completion of NEPA, when the LPA project meets any of the conditions listed below: **EA and EIS level documents require a Public Hearing**

(a) The proposal requires significant amounts [interpreted by INDOT to be one-half acre or more] of permanent right-of-way (ROW). (*Note: Any proposal resulting in the increase in right-of-way due to the factors listed below may be exempt from this requirement.*) Consultation with Environmental Services should occur to make determination.

- *The proposal does not involve NEW ROW impacts but rather reacquiring past prescriptions (i.e. existing or apparent existing ROW)*
- *The proposal involves the acquisition of donated ROW from property owner*
- *Acquiring ROW presently within INDOT apparent ROW to establish legal documented ownership*
- *Additional ROW needed for mitigation purposes, for projects where original ROW impacts as described in the environmental document were less than one-half (.5) acre*

(b) The proposal substantially changes the layout or functions of connecting roadways or the facility being improved.

(c) The proposal permanently alters an existing traffic pattern.

(d) The proposal involves noise analysis wherein a noise impact is identified, and abatement is determined to be feasible and reasonable.

(e) The proposal may have a substantial adverse impact on abutting property.

(f) The proposal may have a significant social, economic, environmental or other effect.

(g) The proposal involves impact(s) to an environmental justice (EJ) population determined to be potentially disproportionate.

(h) The proposal is determined by the Federal Highway Administration and/or INDOT to warrant a Public Hearing in the public's interest.

(i) The proposal involves the permanent closure of an interstate and/or ramp, state road, bridge or other facility; temporary closures may warrant action following INDOT/FHWA consultation.

(j) The proposal is for a plan for the location of a federal-aid highway project involving the bypassing of, or going through, any city, town, or village either incorporated or unincorporated or the proposal is for an Interstate System project.

A change in project scope may require additional formal public involvement.

- Permanent ROW is land, once purchased, is owned by the project sponsor
- Temporary ROW is land needed during the construction of a project and/or used for the purposes of construction related activity, but is not owned by the project sponsor
- Purchase of an easement is not considered part of permanent ROW calculation

Per the *Programmatic Agreement Regarding Management and Preservation of Indiana's Historic Bridges* (Historic Bridges PA), owners of historic bridges will hold a Public Hearing prior to completion of NEPA. The Historic Bridges PA can be found in Part IV Chapter 3 of the Cultural Resources Manual (CRM) at <https://www.in.gov/indot/crm/index.htm>. Part IV Chapter 3 of the CRM provides procedures for Public Hearings under the Historic Bridges PA.

Please see the Best Practices in Public Involvement document for guidance on conducting Public Hearings <http://www.in.gov/indot/2366.htm>. Important items to remember when it comes to required public involvement include:

- Formal public involvement cannot begin until an environmental document has been released for public involvement by INDOT Environmental Services Division or INDOT district Environmental
- An environmental document cannot be approved until public involvement requirements have been satisfied
- A Public Involvement Plan must be developed for every project

23 CFR 771.111(h)(2)(iii) states, “State public involvement procedures...must provide for...One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid projects which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.”

23 U.S.C. 128(a) states, “Any State transportation department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify...that it has had public hearings, or has afforded the opportunity for such hearings....”

If an LPA project does not meet the minimum criteria listed above, please include the following statement in the Public Involvement section of the environmental document: *In accordance with current INDOT Project Development Public Involvement Procedures approved by the FHWA, the proposed project does not meet the minimum requirements for public involvement. Therefore, the opportunity for a Public Hearing will not be offered, and a Public Hearing will not be held.* This would conclude the public involvement requirements. Once the environmental document is completed, it can be submitted for approval to INDOT district Environmental or INDOT Environmental Services Division.

Prior to advancing to the Public Involvement phase for LPA projects, the conditional release of the environmental documentation must be authorized by INDOT district Environmental or INDOT Environmental Services Division depending on the level of NEPA document. Once the conditional release of the environmental document is received by the LPA, the LPA is responsible for the preparation and placement of the legal notice(s) in widely circulated project area newspapers. The legal notice will run twice, the second at least seven days subsequent to the first and no less than five days prior to the hearing or the established deadline to request one. The following items may be combined in a single advertisement: The Section 106 legal notice offering the public and consulting parties the 30-day comment period for the Area of Potential Effect (APE), eligibility and effect finding, and the legal notice offering the public the opportunity to request a Public Hearing.

A copy of the legal notice(s) should be submitted to the following:

- Legislators / Elected Public Officials in area
- Minority groups and minority media (if any)
- Historical Societies and Historians etc. (if including the Section 106 or if a historic bridge project)
- Metropolitan Planning Organization (if any)
- Affected / Impacted Property owners in the project area
- Appropriate INDOT office (district Environmental or INDOT Environmental Services Division) with environmental document signature authority
- FHWA Indiana Division Administrator (for hearings only)

- FHWA Indiana Division Administrator (if planned improvement and only if the project is part of the National Highway System)

INDOT should not be listed in the Public Hearings Notice as an available public viewing location for documents of LPA projects. The environmental document and preliminary design plans (if available) should be sent to locations within or close to the project area. Specifically, copies of these documents should be on display at the LPA's office, a municipal office where documents are routinely displayed, a local library, and/or the offices of the consultant hired by the LPA. All comments, questions, hearing requests and/or public comments submitted as a result of the Public Hearing are to be sent directly to the LPA or to the consultant.

If no requests for a Public Hearing are received prior to the established deadline date posted in the legal notice, or the required 30-day public comment period for a combined Section 106-Public Hearing Opportunity legal notice, the Public Involvement section of the environmental document will be updated and the LPA's consultant may proceed to submit the final CE to the appropriate INDOT Office (district Environmental or INDOT Environmental Services Division) to receive environmental approval. However, all public involvement materials will be sent to INDOT's district Consultant Services Manager to ensure public involvement requirements have been satisfied. The district Consultant Services Manager will then sign off on the cover sheet of the environmental document to indicate that all public involvement requirements have been met. This signature will occur prior to the formal submission of the environmental document for approval.

If a Public Hearing is required, the LPA is responsible for the preparation and placement of the necessary properly worded legal notice(s) in widely circulated project area newspapers. The LPA is required to coordinate the time and date of the Public Hearing with the INDOT project manager. A representative of INDOT (meaning an employee of INDOT) must attend the Public Hearing for the LPA to receive hearing certification.

At least one representative of the LPA must attend the Public Hearing. The LPA should also be prepared to explain the Purpose and Need for the proposed project in addition to providing a detailed description of the project, alternatives considered during project development and impacts associated with the proposal. Use the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS (See Page 113) to ensure that the required documentation for a Public Hearing is offered. If the LPA is unsure as how to proceed with the Public Hearing requirements, INDOT's project manager should be contacted.

For Public Hearing certification, the LPA must submit the following items listed on the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS to the INDOT Consultant Services Manager for review. The following items must be included in the hearing's certification submittal:

- One copy of the Public Hearing notice or notice of planned improvement
- Copies of the Publisher's Affidavits from the newspaper(s)
- Complete mailing list/stakeholder notification list including property owners contacted, local officials, others
- Speeches/presentation/speaker notes (for hearings only)
- Information packet (for hearings only)
- Verbal statements transcribed (for hearings only)
- Copies of all letters, emails and written comments on memos or phone conversation notes and how each comment/inquiry was addressed must be included in submission for INDOT Public Involvement certification
- If no hearing was held, hearings certification can be issued at the time all items listed above have been submitted
- If a hearing was held, include all previous items listed into a Public Hearings transcript
 - A transcript includes an accounting of all public involvement activities undertaken as part of the Public Hearing process for the proposed project
 - Includes a word-for-word transcription of verbal comments presented by the public during an announced public comment session
- **The LPA must explain (in writing) how a project decision will be communicated to the public**
 - **The LPA shall prepare a brief description of action(s) to be taken to communicate a project decision**
- Hearings certification will be issued prior to CE approval/FONSI issuance/ROD.

The public involvement section of the environmental document must be appropriately updated with a discussion of the steps taken to satisfy the public involvement requirements. The environmental document can then be submitted to INDOT Environmental Services Division or INDOT district Environmental for signature approval.

Certification of Public Involvement	Responsibilities
LPA and/or consultant team	Perform public involvement activities including public meetings/hearings, advertising the hearings opportunity, documenting all activities undertaken during formal (required) public involvement
INDOT district Consultant Services	Certification of public involvement, ensuring public involvement activities were conducted in accordance to federal regulations, sign off on NEPA documentation indicating completion of public involvement
INDOT district Environmental Services and Environmental Services Division	Develop/facilitate PI training sessions, develop resource and guidance materials

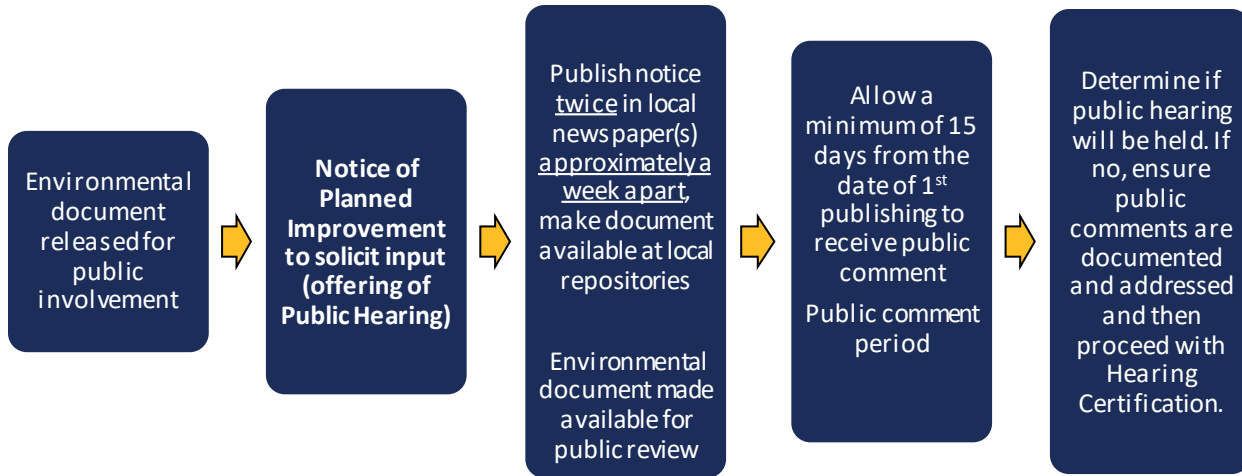
Upon receipt of the signed title page of the environmental document, which will include a signature line indicating the satisfactory completion of the INDOT public involvement requirements, the project may proceed to the right-of-way services phase. Please see INDOT/LPA Process Guidance Document for Local Federal-Aid Projects.

Public Notices of Proposed Action or Projects

The INDOT Capital Program team publishes a variety of notices in local newspapers and may mail these notices to one or more mailing lists (for state projects), depending on the type of notice (see below) to inform the public of specific actions or information related to transportation projects. For some projects, INDOT develops a project-based mailing list of individuals and groups who have expressed interest in or may be affected by the project. For LPA projects receiving federal funding as part of the overall funding mechanism, public notice is part of NEPA required public involvement and is the responsibility of the LPA. Depending on the NEPA documentation, the notices may include:

Notice of Planned Improvement/Offering of Public Hearing/Opportunity to request a Public Hearing (required for CEs that meet the conditions which trigger the offering of a Public Hearing, listed above). This notice informs the public that INDOT is deciding upon a proposed project; provides a description, type, and scope of the project; requests comments; and offers the public the opportunity to request a Public Hearing. A minimum 15-day deadline in which the public may request a Public Hearing be held is announced within the public notice. This notice is mailed to adjacent property owners (optional but strongly encouraged) and is published in local newspaper(s). Public notice must be published two times (at minimum) in the most widely circulated papers within the project area. A Public Hearing for a CE may be held at the LPA’s discretion if the project meets the minimum criteria. (See INDOT Public Hearings criteria.) Should the LPA elect to offer the opportunity to request a Public Hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of public involvement

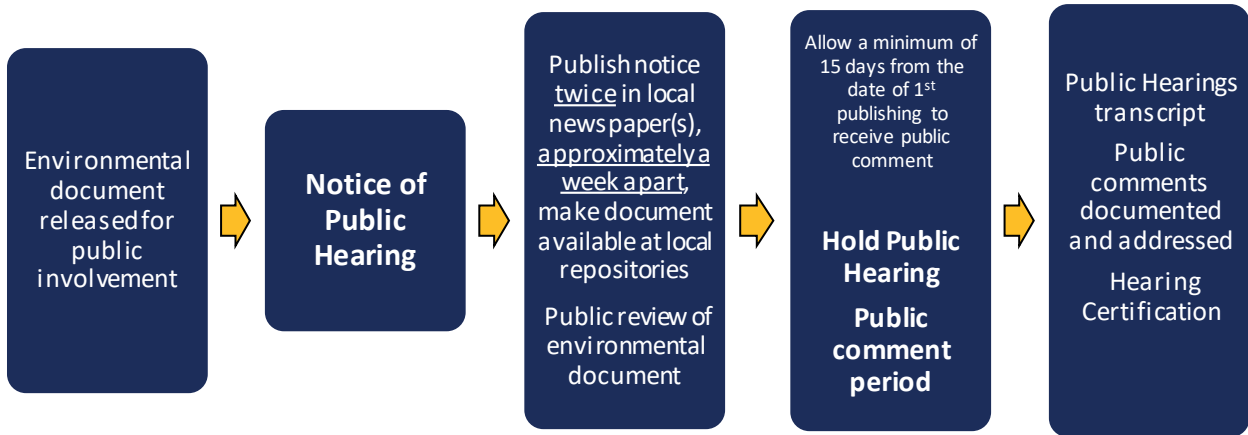
requirements; the LPA should allow a minimum 30-day period after publishing the first legal notice to complete this process and to enable the LPA or representative to contact property owners, project stakeholders and Early Coordination stakeholders, to adequately address concerns and document the public involvement process. The Notice of Planned Improvement, and the associated Public Hearing (if required), must be completed prior to approval of the CE.



Purpose of this action: To inform impacted residents and community stakeholders of a proposed project and to solicit input. For projects involving a lower level of environmental impact, this action can be taken instead of holding a Public Hearing.

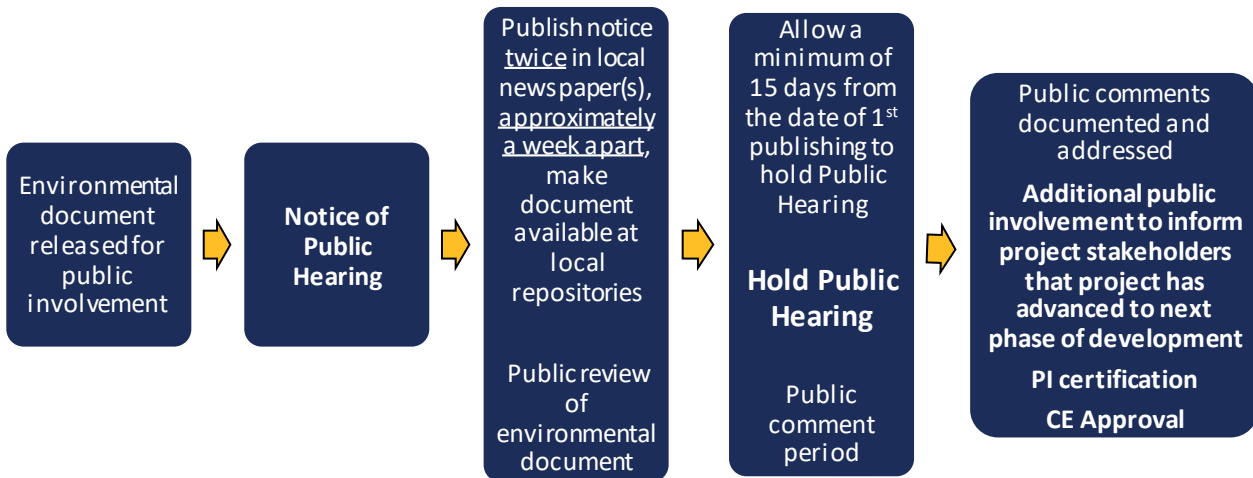
NOTE: If the project sponsor chooses to advertise a proposed action via the Planned Improvement notice, the sponsor shall not schedule a public meeting, open house or other formal public involvement event during the comment period, but rather use this time to receive and review public comments and/or hearing requests related to the proposed action. Public involvement activities occurring between the CE/EA/EIS release (for public involvement) and the final/approved NEPA document, must be documented as a condition of public involvement certification.

Notice of Public Hearing, including announcement of the availability of the environmental document (required for EISs). This notice is issued for an EA after FHWA approval of the EA, but prior to completion of the FONSI. The notice is issued for an EIS in conjunction with the release to the public of the DEIS. The notice announces the availability of the EA or the DEIS and must be published 15 days in advance of the Public Hearing at a minimum; public notice must be published 2 times (at minimum) in the most widely circulated papers within the project area; identifies where people can view the document (such as public repositories like libraries, public offices, and INDOT district offices near the project area, and the INDOT website (for EISs and some EAs); and announces a comment period (a minimum of 30 days for an EA and not less than 45 days for a DEIS). The notice is mailed to adjacent property owners, Early Coordination stakeholders, others and published in local newspaper(s). Requirement also applies to CE documents in which a Public Hearing is held.



Approved CE/EA/EIS document/Announce conclusion of environmental phase of project development and public opportunity to view project sponsor’s responses to public comments_(STRONGLY ENCOURAGED for CE/EA/EIS documents only when a Public Hearing was held). The LPA should take reasonable steps to engage project stakeholders at the conclusion of the NEPA phase and offer the public the opportunity to view responses to comments contained within the approval document. The LPA may mail notification/project correspondence to project stakeholder mailing list (optional but encouraged), and utilize agency website, social media applications and/or other activities. The LPA should make approved CE/EA/EIS available for public viewing (physical and/or electronic repository) and ensure adequate feedback mechanisms exist. The public should be granted access to view how their comments were addressed in the approved CE/EA/EIS.

The LPA must demonstrate how a project decision was communicated to public as a condition of public involvement certification and prior to CE document approval.



Notice Soliciting Comments on Historic Impacts (Section 106 of the National Historic Preservation Act). Per the *INDOT Cultural Resources Manual* and the *Programmatic Agreement regarding the Federal Aid Highway Program in Indiana (Minor Projects PA)*, Section 106 public notices are required for all projects other than those listed in Appendices A and B of the *Minor Projects PA*. This notice describes a proposed project and seeks public comment regarding the presence of historic resources and potential effects to historic resources. This notice is issued during development of a CE, EA, or EIS document and is published in local newspaper(s) by the project sponsor or their consultant, Early Coordination stakeholders/others notified. This notice is required to be published one time and can be combined with the planned improvement and/or hearing notice if desired.

Notice Issued when the Final EIS is complete (required for EISs). This notice is an announcement that the FEIS is approved and available for viewing at public repositories, such as libraries, public offices, and appropriate INDOT district office(s) and on the INDOT website. Public notice must be published one time in the most widely circulated papers within the project area. There is a 30-day period following the publication of the final EIS notice in the *Federal Register*. This notice is mailed to the project mailing list; notify Early Coordination stakeholders/others.

Notice Issued when a Finding of No Significant Impacts is issued (required for EAs). Following the public comment period for the EA and project decision by FHWA, a one-page notice of the FONSI is issued by INDOT on behalf of FHWA. Public notice must be published one time (at minimum) in the most widely circulated paper within the project area; the notice of the FONSI does not require a comment period. This is mailed to adjacent property owners and the project mailing list and is published in local newspaper(s); notify Early Coordination stakeholders/others.

Notice Issued when a Record of Decision is issued (required for EISs). Following the FEIS and a project decision by FHWA, a one-page notice of the ROD is issued by INDOT on behalf of FHWA. This is mailed to adjacent property owners and the project mailing list and published one time (at minimum) in the most widely circulated papers within the project area; the ROD notice does not require a comment period; notify Early Coordination stakeholders/others.

Notice of Additional Information to an Approved Environmental Document. As Additional Information (AI) documents are prepared, INDOT considers the scope of the AI and the need for public involvement action for EISs, EAs and CEs. INDOT has the authority to determine the scope of re-evaluation and the need for public notice for categorical exclusions that have been delegated to INDOT for approval. In some instances, additional consultation with FHWA is necessary in determining public involvement action which may include issuing public notice, notifying project stakeholders or other public involvement activities, when there have been substantive changes to an earlier approved environmental document to let the public know about the changes, inform the public where they can view project documentation, and invite comments during a comment period. Following consultation with FHWA when necessary, a notice may be issued when there have been substantive changes to an earlier approved environmental document to let the public know about the changes, inform the public where they can view the modified document, and invite comments during a comment period of at least 15 days. Upon receiving guidance from INDOT, a notice may be mailed to adjacent property owners /project mailing list and may be published in local newspaper(s) or other project correspondence (i.e. a project newsletter) may be mailed to project and Early Coordination stakeholders.

- INDOT may determine additional public involvement activity is warranted based on level of impact and proposed project changes described in an Additional Information (AI) document
- If it is determined that additional public involvement is required as a condition of an AI document, AI approval cannot occur until public involvement requirement(s) are satisfied

CHECKLIST FOR LPA PUBLIC HEARINGS

For coordination purposes, to initiate the public involvement process for LPA projects, please contact INDOT's district office prior to scheduling your Public Hearing or offering the Public Hearings opportunity via the planned improvement notice. When scheduling a Public Hearing please submit the following to the INDOT district office:

1. Draft legal notice with tentative date(s) for the Public Hearing or notice of planned improvement (offering hearings opportunity)
2. The signature page of the environmental document indicating that the project has been released for public involvement
3. Two notices must be published in local newspaper
4. Remember that INDOT **must** attend the LPA Public Hearing and observe the proceedings. The appropriate INDOT district will ensure that an INDOT representative attends.
5. Conduct Public Hearing in accordance to INDOT Public Hearings procedures.

For public involvement certification, the LPA must submit the following items listed on the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS to the INDOT district Consultant Services Manager for review. The following items must be included in the hearing's certification submittal:

- One copy of the Public Hearing notice or notice of planned improvement
- Copies of the Publisher's Affidavits from the newspaper(s)
- Complete mailing list including the property owners contacted
- Speeches and/or presentation (for hearings only)
- Information packet (for hearings only)
- Verbal statements transcribed (for hearings only)
- Copies of all letters, emails, written comments, memos, or phone conversations and how each comment/inquiry was addressed must be included in submission to the INDOT district Consultant Services Manager.

The public involvement section of the environmental document must be appropriately updated with a discussion of the steps taken to satisfy the public involvement requirements. The environmental document can then be submitted to the INDOT Environmental Services Division or INDOT district Environmental for signature approval.

Upon receipt of the signed title page of the environmental document, which will include a signature line indicating the satisfactory completion of the INDOT public involvement requirements, the project may proceed

to the next phase of development. Please see INDOT/LPA Process Guidance Document for Local Federal-Aid Projects.

LEGAL NOTICE CHECKLIST	
	Date, time and location of hearing (if hearing is scheduled)
	Project description including limits, location, length, and construction to be performed
	New permanent right-of-way, easements, and temporary right-of-way in acres
	Displacement of residents, businesses, etc. (if applicable)
	Maintenance of traffic (briefly explain details if known)
	Cost estimate for the project
	Wetlands involvement
	May combine Section 106 legal notice with Public Hearing opportunity legal notice
	<p>Deadline date (for comments or hearing requests) for a Planned Improvement needs to be at least 15 days from the first advertising date. The second advertising date should be at least one week (seven days) after the first.</p> <p>To advertise a Public Hearing, the first ad must appear in the newspaper no less than 15 days prior to the date of the hearing and the second ad no less than five days prior to the hearing.</p> <p>At minimum, two notices must be published when advertising a Public Hearing or offering the Public Hearing opportunity via the Planned Improvement notice. The advertisement should be published in the most widely circulated paper in/near the project area.</p>
	Public viewing location(s) for environmental documents, plans, and legal notice. A reasonable effort should be made to select viewing locations that are accessible to the public. NOTE: Municipal offices and public libraries are good locations. The LPA may also elect to post information electronically to a website to allow greater access to project documents.
	Legal ads need to be placed in local paid minority newspapers (when applicable).

MAILING OF LEGAL NOTICE CHECKLIST (mailings to supplement legal notices are strongly encouraged but are not required as a condition of public involvement certification)	
	Legislators in area (for hearings only)
	Minority groups and minority media (if any)

	Historical Societies and Historians etc. (if including the Section 106 or if a historic bridge project)
	Metropolitan Planning Organization (if any)
	FHWA Indiana Division Administrator for hearings
	FHWA Indiana Division Administrator if planned improvement and only if the project is part of the National Highway System)
	Affected property owners
	Appropriate INDOT office (district Environmental or Environmental Services Division)

	LOCAL HEARING FOR FEDERAL-AID PROJECT CHECKLIST
	Displays showing proposed new permanent right-of-way lines and the property(s) that will be affected
	Set of preliminary plans with cross-sections
	Brochures on “Relocation” and “Acquisition.” (These can be found on the FHWA Real Estate Brochure website)
	Information packets
	Speakers schedule sign-up sheets
	Environmental documents with approval sheets

	SPEECH / SPEAKING NOTES (power-point presentation preferred)
	Hearing Process How to comment and deadline for comments Legal Notice of Intent (explain the sign-up sheet) How comments will be addressed in the final environmental document
	Location and description of the project
	Need for improvement
	Alternatives studied including the Do-Nothing Alternate
	Amount and description of right-of-way requirements

	Right-of-way acquisition process
	Costs associated with the project
	Environmental document approval (Level)

	FIFTEEN DAYS SUBSEQUENT TO HOLDING THE PUBLIC HEARING
	Submit the following:
	Legal notice of Public Hearing or of Planned Improvement
	Copies of the Publisher’s Affidavits from the newspaper(s)
	Complete mailing list, including list of property owners (if a mailing was used)
	Speaking notes/presentation (for hearings only)
	Information packet (for hearings only)
	Verbal statements transcribed (for hearings only)
	Copies of all letter, emails, written comments of memos, or phone conversations and how each question or comment was handled. A transcript is required when a Public Hearing is held. For projects where a Public Hearing has not been held, include correspondence noted above in formal submittal to the district Consultant Services Manager for certification of public involvement requirements.

Hearings Checklist for LPA (CE Level) Projects

For coordination purposes, to initiate the public involvement process for LPA projects, please contact the INDOT district office prior to scheduling your Public Hearing or offering the Public Hearings opportunity via Planned Improvement Notice. When scheduling a Public Hearing or initiating the Public Hearings offering (notice of planned improvement) please remember the following items and activities as each will be required as a condition of Public Hearings certification.

1. Draft legal notice with tentative date(s) for the Public Hearing or notice of planned improvement (offering hearings opportunity)
2. The signature page of the environmental document indicating that the project has been released for public involvement
3. Two notices must be published in local newspaper
4. If a hearing is to be held, please remember that you must coordinate with the INDOT district office. An INDOT employee must attend the LPA Public Hearing and observe the proceedings. The

appropriate INDOT district will ensure that an INDOT representative attends and observes. Failure to coordinate with the INDOT district will result in non-certification action of your Public Hearing; public involvement requirements must be certified as a condition of CE document approval.

5. Conduct Public Hearing in accordance with INDOT public involvement procedures
6. Prepare hearings transcript upon conclusion of public comment period
7. Submit transcript to district Consultant Services Manager along with environmental document coversheet
- 8. Communicate project decision to the public**
9. Request certification of public involvement requirements; include brief description of what action was taken to inform public of project decision
10. Consultant Services Manager issues hearings certification
11. Finalize environmental document and submit to Environmental Services Division to request approval

(When a hearing was held) The LPA or consultant must demonstrate how a project decision was communicated to the public/project stakeholders prior to receiving hearings certification and prior to receiving formal approval of the environmental document. It is important that the public be informed of a project decision prior to hearings certification, environmental document approval and prior to the start of ROW acquisition activities (if applicable).

Environmental Assessment (EA) and Environmental Impact Statement (EIS)-Level Projects

1. Formal Public Hearing phase begins once EA/EIS document has been released for public involvement. FHWA, through coordination with INDOT Environmental Services Division (ESD), will sign the coversheet of the document indicating that public involvement may begin.
2. The LPA will coordinate with its project management team and schedule a Public Hearing. A Public Hearing must be held for all EA and EIS projects. The LPA will prepare copies of the draft EA/EIS document and make copies available for public viewing locations/repositories, draft and arrange publishing of the required legal notice, mail/contact property owners and stakeholders within project area, and other activities to engage the public. A Public Hearing is held. An official hearings transcript is prepared following the hearing and if all documentation is in order, then the Consultant Services Manager signs off on the EA/EIS coversheet indicating completion of public involvement requirements.
3. Upon formal issuance of the Finding of No Significant Impact (FONSI), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD), the LPA will publish legal notice (1 time) in the local newspaper, make the document (FONSI, FEIS, ROD) available to public viewing locations/repositories, and notify impacted property owners as well as interested project stakeholders of the project decision and the availability of the FONSI, FEIS or ROD.



Sign-in table at an INDOT public open house.



A Public Hearing at a local school near a project area.



Appendix A: Public Involvement during Emergency Situations



INDIANA DEPARTMENT OF TRANSPORTATION

Public Involvement during Emergency Situations

The purpose of this guidance is to encourage the use virtual public involvement methods to broaden public participation and promote safe and prudent practices, particularly during emergencies, in a manner that meets all federal and state public involvement requirements.

For INDOT projects

Please continue to work with your INDOT Project Manager (PM) to coordinate website posting for project documents. The documents that should be part of any submission include your legal/public notice, the released-for-public-involvement NEPA document, and either preliminary design sheets OR project map(s) to illustrate the proposed improvement.

An emergency situation would be defined as: The Governor and/or President declares a health or other emergency and/or a local government jurisdiction determines that an in-person Public Hearing and/or in-person inspection of documents should be limited out of concerns for public health and/or safety. As federal, state and local municipalities issue guidance related to any current emergency situations, physical viewing locations may change from normal operations. When physical locations change in availability for use as project document repositories (i.e. public libraries, municipal offices, community centers), the currently available locations should be listed in public notices. The notice must also list any restrictions, limitations and/or any modified procedure that would apply. INDOT will continue to monitor these situations and related guidance at both the national and local levels. Project teams should closely monitor local jurisdiction guidance for their respective projects to determine the status of emergency restrictions.

Please remember to include a statement in your notice that offers the public the opportunity to request project information be mailed to them upon request. Offer the public the opportunity to request a Public Hearing in your notice. It may be that certain emergency situations may restrict how a Public Hearing will be held; however, opportunities to interact with the public virtually may assist in reaching out to those that may not be able to attend in person as a result of the emergency conditions.

Document posting for INDOT website

For project teams when you submit project documents for website posting:

- Allow 7 days for the INDOT E-Communications Web Administrator CoThompson@indot.in.gov to create your project page and post your content
 - Please account for this time when scheduling your notices for newspaper publishing
 - Remember your notice must be published two times (two separate publishing dates) within a 15-day period
 - The public must be given 15 days in which to submit comments and/or hearing requests

- Your website content must be posted prior to the date of the 1st legal notice publishing

Submit your documents in the following manner:

- Include the project name, limits/termini, city/town, county and DES# in your email
- Make sure the PM is cc'd in your email
- Submit copy of legal/public notice, released for PI version of NEPA document, preliminary plans and/or project maps showing proposed improvement

ADA and LEP

Continue to include your Americans With Disabilities Act (ADA) statements in your notice. Project teams may list the consultant or PM as the ADA contact in their notice. If the PM or consultant are listed and you receive an ADA related request, please forward a copy of the request to Consultant Services for tracking and reporting purposes.

Limited English Proficiency (LEP) statements should also be included in your notices (when applicable). For any project involving impacts to EJ populations, LEP support service statements must be part of your notice. Project teams may list the consultant or PM as the LEP contact in their notice. If the PM or consultant are listed and you receive an LEP-related request, please forward a copy of the request to Consultant Services for tracking and reporting purposes.

For LPA projects

Project teams should work with the Local Public Agency (LPA) to determine project document viewing protocols. It may be some municipalities will have the ability to offer some in-person public viewing locations; however, it is encouraged that the project sponsor's website continues to be fully utilized.

Continue to include your Americans With Disabilities Act (ADA) statements in your notice. Project teams may list the consultant or the LPA as the ADA contact in their notice.

Limited English Proficiency (LEP) statements should also be included in your notices. Project teams may list the consultant or the LPA as the LEP contact in their notice.

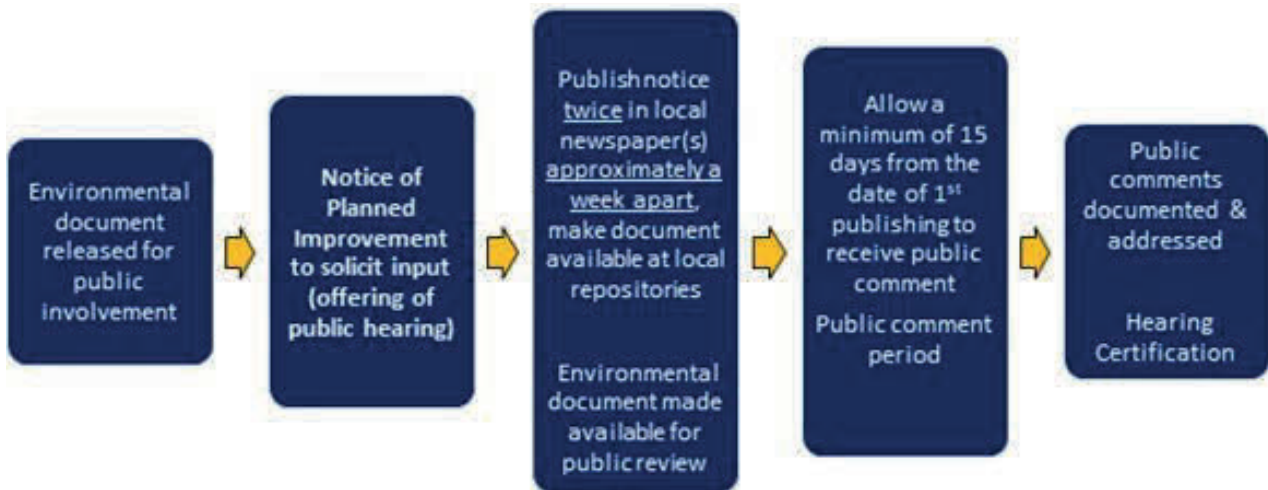
Summary of activities required if project meets public involvement criteria:

For federal-aid projects (CE level) requiring public involvement, requirements can be satisfied by either holding a Public Hearing or offering the public the opportunity to request a Public Hearing be held. In some situations, Public Hearings may be restricted due to emergency conditions. In these situations, project teams may rely on virtual public involvement techniques to supplement in-person hearings and enhance its reach.

Public Hearing opportunity - Advertise Public Hearing opportunity (applies to CE-level projects where we need only to offer the Public Hearing opportunity)

- Publish two legal notices in the local paper to advertise the project and offer the public the opportunity to request a Public Hearing
- If you have a project mailing and wish to mail/email notices to key stakeholders, property owners, etc. – this is encouraged
- Ensure project documents are available ONLINE
- Coordinate with project manager and local officials to determine options for public viewing locations
- Your notice MUST include a statement that offers the public the opportunity to request project information be mailed to them. This is very important as we cannot assume everyone has reliable internet service and/or access. The statement in your legal notice should read “Persons with limited internet access may request project information be mailed, please contact XXXXXX, Phone Number and Email address”.
- Your notice MUST include a statement that offers the public the opportunity to request a hardcopy of the CE; the CE must be mailed to anyone who specifically requests a copy; otherwise, project information to be mailed (upon request) should include a project summary, a map, project description, contact information, and explanation of how comments may be submitted for review and consideration
- The CE and preliminary design plans/drawings/renderings must be posted ONLINE via a project webpage/district page; additionally, a PowerPoint presentation may also be posted online to provide the public with a more reader-friendly way to learn about the project
- The public must be offered a minimum of 15 days in which to submit comments or to request a Public Hearing; the 15 days are calendar days (not business days), and the 15-day comment period begins the date the first of the two notices is published
- The notice must offer the public the opportunity to request that a Public Hearing be held; however, hearings may be limited and/or restricted due to emergency circumstances. If a Public Hearing request is not granted, the project team must document and demonstrate how the request was addressed. This may require in-person meetings, conference calls, an online meeting, written letter, email correspondence, or other means
- At the end of the 15-day comment period, all comments received must be responded to; all comments and responses are to be documented
 - Any public comments submitted in response to your Notice of Planned Improvement must be responded to. The project team can determine the way comments are responded to; however, it is recommended that comments be responded to in the same way they are received and there be clear documentation and evidence that the comment was addressed
- If hearing requests are received, project sponsors review and consider the request. If a Public Hearing is held, coordinate with PM and local officials to determine if emergency guidance allows the Public Hearing to occur
 - Public Hearings are held when determined to be in the public’s best interest. It may be that an individual hearing request or multiple requests are best addressed by contacting the requestor or requestors and arranging alternate ways to discuss and address their concerns including, but not limited to, in-person meetings, phone and/or online video conferencing, email correspondence, letter, or other means rather than holding a Public Hearing

- The project sponsor must provide explanation and documentation demonstrating how Public Hearing requests, comments and concerns were addressed as part of the public involvement certification process
- If no hearing is held due to the project sponsor receiving no hearing requests or if requests for Public Hearing were received but addressed by other means whereas no hearing was held, submit all public involvement materials (publisher’s affidavits, public viewing project documents placement, mailing list, notification of project stakeholders – See Public Involvement Certification Checklist, page 112, to INDOT for review and to receive public involvement certification
 - Materials, once reviewed by the INDOT PM, should be submitted to the Consultant Services Manager in your district
 - Consultant Services will sign-off for certification
- Once PI certification is received, the NEPA document can be revised and submitted for INDOT approval.



The opportunity to request a Public Hearing process is described in the INDOT Public Involvement Procedures document <https://www.in.gov/indot/2366.htm>.

Hold Public Hearing (Public Hearings are mandatory for some projects, such as CE projects involving Historic Bridges, EA and EIS)

Your plan must:

- Ensure the public has an opportunity to view project documents prior to, during and following the Public Hearing
 - In-person and online locations
 - Project offices, local libraries, municipal offices could be used

- Coordinate with local municipality to adhere to emergency related guidelines
 - Online could include on a project website, project sponsor website, or other online data retrieval interface.
- Ensure the public can submit comments (via testimony during comment session of the Public Hearing)
 - Implement protocol for in-person, over-the-phone and online submission of public comments; the intent is for the public to submit comments but also receive information
- Ensure comments are documented
 - Verbal comments submitted as part of the Public Hearing must be recorded and transcribed; options might include offering a toll-free telephone number to receive comments
 - Written comments submitted via comment station, mail and online repository
- Ensure public can have access to Public Hearing materials (presentation, displays, other)
 - Online and in-person
 - Appointment-only and office hours following any executive orders and/or safety protocols may be implemented to meet with the public
 - Options might also include a public drive-thru where project information could be distributed
 - Project team members could work the “drive thru” to answer questions and, share project information
 - Virtual public involvement options could include virtual and telephone town halls, webinars, Web-Ex, video conferencing tools, podcasts, project videos, social media
 - Persons with limited internet access should be provided an opportunity to request project information to be mailed directly to the requestor
- If a Public Hearing venue is available for use, describe safety protocols to be taken

In specific cases, virtual options to supplement public involvement requirements may be considered by FHWA and INDOT:

- To supplement an in-person Public Hearing and/or to enhance the in-person Public Hearing experience
- A virtual public meeting can be held as a main way to supplement a smaller in-person Public Hearing when the venue does not meet the regular requirements:
 - The Governor and/or President declares a health or other emergency and/or a local government jurisdiction determines that an in-person Public Hearing should not be held out of concerns for public health and/or safety

In the event of such consideration by FHWA and INDOT, project teams should develop a Public Involvement Plan proposal which will be reviewed and approved by both INDOT and FHWA for EA and EIS level projects.

Following consultation with the INDOT Environmental Services and with concurrence from FHWA, the project manager will approve your Public Hearing plan prior to implementation. Failure to submit and receive

approval of your plan will result in a non-compliance determination, meaning that your project will not be certified for meeting Public Hearing requirements.

For CE level projects, the Public Involvement Plan proposed will be reviewed and approved by INDOT.



The Public Hearing process is described in the INDOT Public Involvement Procedures document <https://www.in.gov/indot/2366.htm>.

Applicable State Law

IC 8-23-2-17 Public Hearing is an Assembly

Sec. 17. (a) As used in this section, "Public Hearing" means an assembly or a meeting by the department for the purpose of:

- (1) Providing information early in the process of making decisions affecting proposed highway or bridge construction or improvement projects on a county arterial highway system or the state highway system so that the public can have an impact on the decision outcome, including a meeting in which the public is provided information, opportunity for review and comment, and an accounting for the rationale for a proposed project; or
- (2) Complying with 23 U.S.C. 128 and 49 U.S.C. 1602 (d) requirements in considering economic, social, environmental, and other effects of highway projects and proposals.

(b) Whenever the department holds a Public Hearing, the department shall allow any person an opportunity to be heard in the presence of other who are present to testify and in accordance with subsection (c).

(c) The department, through the commissioner or the commissioner's designee, may limit testimony at a Public Hearing to a reasonable time stated at the opening of the Public Hearing. As added by P.> 52-1995, SEC. 3.



Appendix B: Public Involvement Plan Template

PUBLIC INVOLVEMENT PLAN TEMPLATE

1.0 INTRODUCTION

The Indiana Department of Transportation (INDOT) recognizes the importance of involving the public in the exchange of information when providing transportation facilities and services to best meet the state's transportation challenges. INDOT promotes public involvement opportunities and public engagement activities in the planning, developing, designing, construction, operations and maintenance of transportation projects. INDOT strives to diligently provide opportunities for early and continuing involvement of the public in developing transportation plans, programs, projects, and provide complete public information, timely public notice and public access to key decisions. Elements of a standard public involvement plan are included below for review.

2.0 PURPOSE

This public involvement plan is designed to provide for early and continuous engagement of project stakeholders beginning in the in the project development phase. While this public involvement plan contains elements that would be useful during the early planning stages of project development, this public involvement plan is expected to begin at the start of NEPA and continuing through the completion of project design. Both the public and decision-makers need to fully understand the problems, opportunities, and the various options or alternatives on the table that may lead toward finding an acceptable solution. Effective public participation increases understanding and improves decisions by bringing all issues, ideas, opinions, and perspectives to the table. Sustainable decisions are those that are technically feasible, economically viable, environmentally compatible, and publicly acceptable.

The purpose of this public involvement plan is to:

- Clarify specific public involvement objectives for the project.
- Develop a schedule for public involvement activities that is consistent with project schedule.
- Establish a process for communicating with the public as well as a process for soliciting input from stakeholders who will be, or may be, impacted by the proposed transportation project.
- Clearly communicate the public involvement goals and tools that will be used to achieve these goals.

Throughout the project, techniques and the implementation of the plan will be evaluated, and changes may be made to adapt to stakeholder needs, new and changing issues, and/or changes in the project process and schedule.

3.0 GOALS AND OBJECTIVES

The goal of the INDOT Public Involvement Plan is to promote two-way communication aimed at providing information to the public and incorporating those views, input and feedback into the decision-making process. Therefore, the objectives of the INDOT Public Involvement Plan are to:

- Assist INDOT or consultant staff in developing a well-planned and researched, legally defensible, and publicly acceptable public outreach plan.
- Provide early and continuous dissemination of information and obtain input from primary project stakeholders and the public at large.
- Identify key issues, problems, and concerns of the public, and proactively work to ensure that they are addressed during the development of the project.
- Develop and implement a process that maintains open and continuing two-way communication between the public and the project team.

4.0 APPROACH

INDOT will proactively provide information regarding the project to stakeholders, elected public officials, community leaders, residents within the project area, and the public in addition to soliciting information from this group regarding issues, problems and opportunities. Throughout the life of the project, INDOT will encourage project management teams to take advantage of scheduled public involvement events within the study area to communicate, solicit and then gather information from stakeholders. The approach presented in this plan through the following series of tasks is adapted to reach various groups and stakeholders:

- Key local community leaders
- Elected public officials
- Local residents and businesses
- Commuters / traveling public
- Resource agencies (federal/state/local)
- Others

5.0 TASKS

To accomplish INDOT's goals for public involvement in transportation decision-making, several tools have been identified below. Each tool should be tailored to the type of project under consideration. Every project will vary in size, scope, complexity and public interests, so while these tools should be considered, each tool is not necessarily appropriate for every project.

Tool 1 – Develop public involvement plan, kickoff meeting and project management team. The kickoff meeting can be used to share project information, public concerns, develop or modify public outreach strategies, and review progress regarding the project to that point.

Tool 2 – Identify Stakeholders and Communicate with the Public. The identification of stakeholders requires effort and may require coordination through various groups and organizations to develop a solid stakeholders' group. Community outreach and information efforts will be conducted in a variety of ways including press releases, radio advertising, newspaper advertising, agency website, billboards, project newsletters, postcards, and so forth.

Tool 3 – Public Meetings can be held at different times during the development of a project as the project team deems appropriate. Meeting logistics (facilities and arrangements), advertising, notification, and development of project-display materials should all be discussed during a pre-meeting with the project team to assign duties and maximize effort.

Tool 4 – Public Hearings will be scheduled for those projects meeting INDOT public involvement requirements. Public Hearings are formal in nature and consist of a formal presentation and a public comment session. Public Hearings also can include informal open house sessions prior to and following the formal session.

Tool 5 – Public Notices published in local papers within a project area are required when advertising Public Hearings or offering the opportunity to request a Public Hearing. Copies of public notices can also be mailed to project mailing lists.

Tool 6 – Agency Websites or project-specific websites can be used to raise awareness of a project, serve as a repository for project information, and solicit public comment. Project websites enable the public to access project information from home, school, work and other locations at their leisure.

Tool 7 – Community Advisory Committees (CAC) are working groups consisting of individuals representing others within the community to work with the project team in identifying project issues and working toward solutions in a committee meeting type of forum.

Tool 8 – Project Newsletters, postcards, flyers, brochures, project correspondence.

Tool 9 – Stakeholder distribution lists disseminate project information to stakeholders via routine electronic notification.

Reminder: Public involvement tools should be tailored to fit the project you are developing. Not every tool is appropriate for every project.



Appendix C: Frequently Used Terms

FREQUENTLY USED TERMS

Abutment – A substructure supporting the ends of a single span or the extreme ends of a multi-span bridge or small structure. An abutment usually retains or supports the approach embankment.

Additional Information (AI) – An update to an existing environmental document (in most cases an approved environmental document) prepared whenever changes occur over time to single or cumulative project conditions that might cause new or more severe environmental impacts or to evaluate a project with respect to new or changed environmental rules, regulations or laws. When applied to a CE (see below), an AI may also be called a reevaluation.

Adjacent Wetlands – Wetlands separated from other waters of the U.S. by man-made barriers, natural river berms, beach dunes, etc. (33 CFR 328.3(c)).

Advisory Council for Historic Preservation (ACHP) – An independent federal agency responsible for the federal review process to ensure that cultural resources are considered during federal project planning and implementation.

Affected Environment – The physical features, land, area or areas to be influenced, impacted or created by a transportation improvement under consideration; also includes various social and environmental factors and conditions pertinent to an area.

Alternative Analysis – A systematic review and evaluation of alternatives to determine the one that best meets purpose and need while minimizing impacts to resources. The analysis can include avoidance, minimization and/or compensatory mitigation for impacts to a wetland, historic property or other type of resource.

Americans with Disabilities (ADA) and INDOT Transition Plan – Title II of the ADA applies to all public entities. It requires INDOT to remove architectural and programmatic barriers that exclude qualified individuals with a disability. The ADA also requires INDOT, upon request, to make reasonable modifications to its policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its programs and activities. INDOT develops a transition plan to address ADA transportation-related challenges and identify opportunities to enhance our ADA programs. In addition, INDOT invites stakeholders to participate in a statewide community advisory working group.

Annual Program Development Process (APDP) – Generally describes INDOT's project selection and programming mechanism for the near-term program and Indiana's Statewide Transportation Improvement Program (STIP). The APDP also provides support and potential input to INDOT's long-range planning operations.

Approving Authority – The individual or agency that approves a categorical exclusion (CE).

Archaeological Investigations – Studies of prehistoric and historic locales that provide understanding of past human behavior, culture change and related topics through scientific and scholarly techniques such as literature research, excavation, analysis and interpretation.

Archaeological Resource – The location of a building, structure, district, site or objects constructed or deposited at least 50 years ago where the location itself possesses research value.

Area of Potential Effect (APE) – Under 36 CFR Part 800.16(d)) “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.”

Average Daily Traffic (ADT) – The number of vehicles that pass a point each day averaged over a specified period.

Bridge – A structure, including supports, erected over a depression or an obstruction such as water, highway or a railway having a track or passageway for carrying traffic or other moving loads and having a length measured along the center of the roadway of more than 20ft (6.1 m) between undercopings of abutments or extreme ends of openings for multiple boxes.

Burial Ground – A graveyard or other area set aside for burial, a common burying ground of a church or community.

Business Information Survey – A survey that gathers information about businesses that are likely to be impacted through relocation, displacement and/or through disruption or otherwise impacted by a project.

Call for Projects – Is the beginning of a process by which proposals for new projects can be presented, reviewed and prioritized. If approved, these projects are programmed or accepted into a production schedule.

Categorical Exclusion (CE) – National Environmental Protection Act (NEPA) classification for projects that do not have a sufficient impact on the human environment and do not require an Environment Assessment (EA) or an Environmental Impact Statement (EIS).

Clean Air Act (CAA) – Federal legislation designed to improve air quality.

Code of Federal Regulations (CFR) – Compendium of federally enacted rules and regulations.

Commitments – Promises made during the environmental evaluation and study process to moderate or lessen impacts from the proposed action. These measures may include planning and development commitments, environmental measures, right-of-way improvements and agreements with resource or other agencies to effect construction or post construction action. Commitments are documented on the Commitments Summary Form.

Community Advisory Committee (CAC) – A group of representatives of public and private community organizations that are convened at the outset of the NEPA process and meets periodically to discuss issues and concerns related to the project. CACs are required for all EIS-level projects and are considered on EA projects based on public interest or potential for controversy. They are not typically convened for CE-level projects.

Construction Limits – The farthest limits of construction as measured perpendicular to a base line (e.g., top of ditch backslope, top of slope). The construction limits are usually the farthest extent of ground disturbance at a project site.

Consultant – An individual, partnership or firm with expertise in engineering, environmental or public involvement disciplines that is contracted by the originating office to provide technical services. Expertise is determined by comparison to consultant prequalification criteria.

Consultation – The process of soliciting input, discussing and considering the views of other stakeholders (historic properties/places) and when possible, reach an agreement and/or consensus with this group of stakeholders regarding matters related to the Section 106 Process.

Consulting Party – An individual or entity identified in the Section 106 process that has expressed an interest in the effects of the undertaking on historic resources. Consulting parties are invited to participate in the consultation process.

Context Sensitive Solutions (CSS) – A collaborative, interdisciplinary approach to design that considers the total context within which a transportation improvement project will exist. CSS involves all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility.

Cultural Resource – A building, site, structure or object that adds to the historic significance or a property or district.

Culvert – A structure, not classified as a bridge, that provides an opening under the roadway.

Design Criteria – Established state and national standards and procedures that guide the establishment of roadway layouts, alignments, geometry and dimensions for specified types of highways in certain defined conditions. The principal design criteria for highways are traffic volume, design speed, the physical characteristics of vehicles, the classification of vehicles, and the percentage of various vehicle classification types that use the highway.

Design Manual – An INDOT publication defining criteria, processes and procedures for the evaluation, assessment, engineering design, and development of highway and bridge projects.

Determination of Eligibility – The process of rendering a professional evaluation of the historical significance of a property. The Federal Highway Administration, in consultation with the State Historic Preservation Officer, applies National Register of Historic Places (NRHP) criteria when deciding matters of historical significance.

Direct Effects – Environmental effects that are caused by a specific action and occur at the same time as the action. Changes in noise levels, traffic volumes or visual conditions are some examples of direct effects generated by transportation improvements.

District Office – One of six INDOT regional offices within the State of Indiana responsible for project planning, development and delivery activities, in addition to construction, maintenance and preservation activities.

District Meetings – Public meetings held in each district to present the draft Statewide Transportation Improvement Program (STIP).

Ditch – A long, narrow excavation made in the ground by removing material or opening an existing passage or trench, such as natural channel or waterway.

Effect Finding – A finding made by FHWA that a proposed project has an effect on a property included on or eligible for the National Register of Historic Places (NRHP). The three findings of effect are “No Historic Properties Affected,” “No Adverse Effect,” and “Adverse Effect.”

Environmental Assessment (EA) – National Environmental Protection Act (NEPA) document prepared when the environmental significance is not clearly established.

Environmental Document – Any document prepared to satisfy the requirements of the National Environmental Policy Act (NEPA) such as an environmental impact statement, an environmental assessment, a categorical exclusion and any reevaluation of these documents.

Environmental Impact Statement (EIS) – National Environmental Protection Act (NEPA) document prepared when the environmental impacts are significant; prepared in draft for a Draft Environment Impact Study (DEIS), circulated for public comment and revised then published in final form Final Environmental Impact Study (FEIS).

Environmental Justice (EJ) – An approach to undertakings that considers impacts to minority populations and low-income populations. Environmental justice requires efforts to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment.

Environmental Protection Agency (EPA) – Federal agency with responsibility to assure protection of the environment.

Farmland – Under the Farmland Protection Policy Act, any land not already in or committed to urban development or water storage.

FAST ACT – Fixing America's Surface Transportation Act – Federal law providing funding for surface transportation infrastructure planning and investment.

Feasibility Study – A systemic evaluation of the desirability or practicality of further developing a proposed action that is performed during the planning stage or very early in the preliminary development phase.

Federal Highway Administration (FHWA) – Principal source of federal financial assistance for aiding states in the planning, development, and improvement of intermodal transportation systems.

Federal Transit Administration (FTA) – Principal source of federal financial assistance for aiding states in the planning, development, and improvement of public transportation systems.

Finding of No Significant Impact (FONSI) – National Environmental Protection Act (NEPA) document prepared when it is determined on the basis of an Environmental Assessment that an action will not have a significant effect on the human environment.

Floodplain – The relatively level land next to a stream or river channel that is periodically submerged by flood waters. It is composed of alluvium deposited by the present stream or river when it floods.

Forested Wetland – A wetland class characterized by woody vegetation that is 20 feet or taller.

Historic Bridge – Bridges included in or eligible for inclusion in the National Register of Historic Places (NRHP); or considered a contributing element within a listed or eligible historic district.

Historic District – An area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan of physical development.

Historic Property – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This includes artifacts, records and remains that are related to and located within such properties.

Historical/Architecture Investigations – Studies that result in identification of resources (buildings, structures and sites) constructed over 50 ago or of recent construction and demonstrably significant based on National Register of Historic Places guidelines, via literature research, photo documentation, analysis and interpretation.

Hot-Spot Analysis – An estimation of likely future localized particulate matter or carbon monoxide concentrations and a comparison of those concentrations to relevant air quality standards.

Human Environment – Interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement.

Impacts – Positive or negative effects upon the natural or human environment resulting from transportation projects.

Indian Tribe – A tribe, band, nation, or other organized group or community that is recognized by the federal government as eligible for the special programs and services provided by the United States because of their status as Native Americans.

Indiana Department of Transportation (INDOT) – The state agency responsible for the planning, development, construction, maintenance and operation of Indiana’s transportation system; also responsible for administering federal funds on behalf of the FHWA for state and local (LPA) sponsored transportation projects.

Indiana Open Door Law – Provides the opportunity for the public to be informed as to the actions of public agencies.

Indiana Statewide Transportation Improvement Plan (INSTIP) – A federally mandated 4-year funding and scheduling document for surface projects (road, highway, pedestrian trails, bicycle facilities, bridge facilities and transit projects in Indiana).

Intermodal Surface Transportation Efficiency Act (ISTEA) – The 1991 U.S. Department of Transportation authorizing act that established the policy of developing an economic, efficient and environmentally sound national transportation system. ISTEA initiated transportation enhancement activities and required transportation policy to advance the objectives of regional and metropolitan planning by considering the overall social, economic, energy and environmental effects of transportation projects.

Lead Agency – A state or federal agency taking primary responsibility for preparing an engineering or environmental document.

Legal Notice – A formal announcement published according to legal requirements in a newspaper or periodical to provide official public notice of a proposed action/project, an approval and/or a project decision as part of the NEPA process.

Level of Service (LOS) – A commonly used indicator of a highway’s performance. Levels of service range from A, which indicates unrestricted free flow conditions, to F, which indicates high congestion and generally restricted operating speeds.

Local Government – A city, county, parish, township, municipality or other general-purpose political subdivision of a state.

Local Public Agency (LPA) Project – Any highway improvement project or enhancement project that is funded wholly or in part by a local government entity.

Limited English Proficiency (LEP) – Executive order requiring federal agencies to examine the services they provide and identify any need for services to those with LEP and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

MAP-21 Moving Ahead for Progress in the 21st Century Act – A federal law allowing for the streamlining of the project delivery process, MAP-21 allows the FEIS and the ROD to be combined in certain conditions along with other processes resulting in efficient and streamlined project delivery.

Memorandum of Agreement and Memorandum of Understanding – Documents that record terms and conditions negotiated between parties with a common interest, goal or procedure. A Memorandum of Agreement (MOA) focuses on general areas of agreement in which the activities of one party depend on the activities of another. A Memorandum of Understanding (MOU) focuses on defining relationships in which the activities on one party do not depend on the activities of another.

Metropolitan Planning Organization (MPO) – The agency designated by the Governor, and responsible for the planning and development of an urbanized area containing more than 50,000 residents; there are 14 MPOs in Indiana.

Mitigation – The restoration, creation, enhancement and – in exceptional circumstances – preservation of resources expressly for the purpose of compensating for impacts.

National Environmental Policy Act (NEPA) – Federal environmental law on the protection of the environment and the responsibility of recipients of federal funding to implement programs consistent with federal standards, federal law outlining a decision-making process whereas a proposed action is identified only after establishing (1) Purpose and Need, (2) Developing a range of Alternatives, (3) Screening Alternatives, (4) Identification of a Preferred Alternative.

National Historic Landmark – A historic property evaluated and found to have significance at the national level and designated as such by the U.S. Secretary of the Interior.

National Historic Preservation Act – The primary legislation that governs historic and archaeological preservation in the United States and outlines the Section 106 process.

National Register of Historic Places (NRHP) – The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture.

No-Build Alternative or No-Action Alternative – Option of maintaining the status quo by not building transportation improvements. The no-build serves as a baseline for comparison of build alternatives.

Non-attainment Areas – Counties that do not meet national ambient air-quality standards for the criteria pollutants; ranked by the severity of their problem as marginal, moderate, serious, severe or extreme. In accordance with the Clean Air Act Amendments of 1990, these areas must take specific emission reduction measures.

Open House – Informal meeting format where project stations are used to convey project information and to solicit input from the public; typically does not include a formal presentation.

Preferred Alternative – The alternative to be implemented by the project following evaluation and analysis during NEPA process.

Programmatic Agreement – An agreement between agencies on policy and procedure that is designed to accomplish mutual goals efficiently.

Programming – A general term to refer to a series of activities carried out by a project sponsor (INDOT or LPA) including data assessment, appraisal of identified planning needs, and consideration of available or anticipated fiscal resources to result in the drawing up, scheduling and planning.

Project Area – The area involved in a highway improvement that will be directly impacted by the project. This area can either be within existing right-of-way or include new right-of-way.

Project Development Process – A sequence of decisions that begins with a statement of a transportation challenge to be solved and/or need to be addressed, ending with the identification and design (implementation) of a specific project or solution.

Public Hearing – A formal assembly in which INDOT presents information and solicits formal comment on a project/action/proposal. Public comments are documented and included in a formal transcript of the proceedings; per NEPA regulations, a Public Hearing is held at a decision-making point between the draft and final environmental document.

Public Involvement Plan (PIP) – A plan of action to include and engage the public during the project development process; INDOT requires a PIP for every project to ensure that an appropriate level of public involvement is conducted, commensurate with the level of impact a proposed action may have.

Public Meeting – A less formal meeting format whereas a presentation is given, and a public comment station is available to accept public comments; meetings are held at INDOT's sole discretion and can be held at any time as part of a project or program's development.

Purpose and Need – A written description of the transportation's problem or other need that the proposed project is intended to address.

Red Flag Investigation – A review of resources and features in a project area to determine whether any range of potential environmental concerns are present. This information is used as a first-step screening tool to identify and eliminate any alternatives that may be fatally flawed in terms of environmental impact.

Red Flags – Identified points of concern, including environmental and engineering issues, within the project study area.

Reevaluation – An update to an existing environmental document prepared whenever changes occur over time to single or cumulative project conditions that might cause new or more severe environmental impacts or to evaluate a project with respect to new or changed environmental rules, regulations or laws. When applied to a CE, a reevaluation may also be called an additional information document.

Regulatory Agency – An agency empowered to issue permits or recommend approval or denial of a permit or action.

Relocation (Displacement) – Removal of a structure from the right-of-way of a transportation facility, either by movement or by demolition; also called displacement.

Resource Agencies – An agency with regulatory authority over an environmental resource, including IDEM, USEPA, USFWS, USACE, NRCS, and IDNR. Resource agencies review environmental technical documents and reports generated for proposed development projects, including early coordination information.

Right-of-Way – Land occupied by or intended to be occupied by certain transportation and public-use facilities, such as roadways, railroads and utility lines. Permanent right-of-way is land that is owned by INDOT (or project sponsor) or purchased by INDOT (or project sponsor). Temporary right-of-way is returned to the landowner at the conclusion of construction (essentially an amount is paid to the landowner, enabling the project sponsor to use the land during construction activities).

River – A large natural stream of water emptying into an ocean, lake or other body of water and usually fed along its course by converging tributaries.

Rural Planning Organization (RPO) – The agency participating in planning activities for a non-metropolitan area.

Section 106 of the National Historic Preservation Act – The provision of the National Historic Preservation Act of 1966 that requires federal agencies to consider the effect of their undertakings on properties included in, or eligible for, inclusion in the National Register of Historic Places and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings.

Section 4(f) – The provision of the U.S. Department of Transportation Act of 1966 (Title 49, USC, Section 303) that requires special considerations be made regarding the “use” of any publicly owned park, recreation area, wildlife/waterfowl refuge or historic property that is listed in or eligible for the National Register of Historic Places (NRHP).

Small Urban and Rural Transportation Planning (SURTP) – Program seeking to enhance the capabilities of RPOs by providing expanded resources to RPOs as they perform transportation planning activities in non-metropolitan areas.

Small Structure – Any crossing that is shorter than exactly 20 feet. Structures that are 20 feet or longer are considered bridges.

State Historic Preservation Officer (SHPO) – The governor or his/her appointed representative responsible for directing the State Office of Historic Preservation.

Study Area – The area to be studied for environmental effects. The study area contains both the project area/footprint and project vicinity. It must be large enough to address all pertinent project impacts.

Transportation Improvement Program (TIP) – Compilation of projects in a local area that is compiled by the Metropolitan Planning Organization, and ultimately included in the Indiana Statewide Transportation Improvement Program.

Wetland – Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas that are delineated in accordance with the 1987 USACE Wetland Delineation Manual.

United States Department of Transportation – U.S. DOT's role in the decision-making process is to provide advice, training, and oversight on the full range of transportation projects. The federal government also funds critical projects and approves state department of transportation projects approved for construction approximately every two years.



Appendix D: Federal Requirements

Legal Citation	Federal Requirement
23 CFR 450.210 (a)(1)(i)	<ul style="list-style-type: none"> ▪ Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties
23 CFR 450.210 (a)(1)(ii)	<ul style="list-style-type: none"> ▪ Provide reasonable public access to technical and policy information used in development of the long-range statewide plan and the Statewide Transportation Improvement Program.
23 CFR 450.210 (a)(1)(iii)	<ul style="list-style-type: none"> ▪ Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and Statewide Transportation Improvement Program.
23 CFR 450.210 (a)(1)(iv)	<ul style="list-style-type: none"> ▪ To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times.
23 CFR 450.210 (a)(1)(v)	<ul style="list-style-type: none"> ▪ To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information.
23 CFR 450.210 (a)(1)(vii)	<ul style="list-style-type: none"> ▪ Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and Statewide Transportation Improvement Programs.
23 CFR 450.210 (a)(1)(viii)	<ul style="list-style-type: none"> ▪ Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.
23 CFR 450.210 (a)(1)(ix)	<ul style="list-style-type: none"> ▪ Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.
23 CFR 450.210 (a)(2)	<ul style="list-style-type: none"> ▪ The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.
23 CFR 771.111 (h)(1)	<ul style="list-style-type: none"> ▪ Each State must have procedures approved by FHWA to carry out a public involvement/Public Hearing program pursuant to 23 U.S.C. 128 and 139 and CEQ regulations.

<p>23 CFR 771.111 (h)(2)(iii)</p>	<ul style="list-style-type: none"> ▪ State public involvement procedures...must provide for...One or more Public Hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid projects which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a Public Hearing is in the public interest.
<p>23 CFR 771.111 (h)(2)(iv)</p>	<ul style="list-style-type: none"> ▪ State public involvement/Public Hearing procedures must provide for... Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice must also provide information required to comply with public involvement requirements of other laws, executive orders, and regulations.
<p>23 CFR 771.119</p>	<ul style="list-style-type: none"> ▪ Includes FHWA requirements for public involvement for Environmental Assessments
<p>23 CFR 772.13 (d)(2)(i)</p>	<ul style="list-style-type: none"> ▪ <i>Consideration of the viewpoints of the property owners and residents of the benefited receptors.</i> The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.
<p>36 CFR 800.2 (d)</p>	<ul style="list-style-type: none"> ▪ The views of the public are essential to informed Federal decision making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement of the undertaking.
<p>40 CFR 93.105 (e)</p>	<ul style="list-style-type: none"> ▪ Public consultation procedures
<p>40 CFR 1506.6(a)</p>	<ul style="list-style-type: none"> ▪ Make diligent efforts to involve the public in preparing and implementing their NEPA procedures (40 CFR 1507.3).
<p>40 CFR 1506.6(b)</p>	<ul style="list-style-type: none"> ▪ Provide public notice of NEPA-related hearings, public meetings, and other opportunities for public involvement, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected by their proposed actions. When selecting appropriate methods for providing public notice, agencies shall consider the ability of affected persons and agencies to access electronic media.
<p>40 CFR 1506.6(c)</p>	<ul style="list-style-type: none"> ▪ Hold or sponsor public hearings, public meetings, or other opportunities for public involvement whenever appropriate or in accordance with statutory requirements applicable to the agency. Agencies may conduct public hearings and public meetings by means of electronic communication except where another format is required by law. When selecting appropriate methods for public involvement, agencies shall consider the ability of affected entities to access electronic media.

40 CFR 1506.6(d)	<ul style="list-style-type: none"> ▪ Solicit appropriate information from the public.
40 CFR 1506.6(e)	<ul style="list-style-type: none"> ▪ Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.
40 CFR 1506.6(f)	<ul style="list-style-type: none"> ▪ Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552).
Public Involvement	Federal Requirements are the foundation of public involvement activities and provide guidance to state departments of transportation



Appendix E: INDOT Public Involvement

The 2021 INDOT Project Development Public Involvement Procedures Manual (PIPM) provided a 45-day public comment period from November 2, 2020 to December 24, 2020 per 23 CFR 450.210 (a)(2). The INDOT Project Development Public Involvement Procedures Manual was available on the INDOT Public Involvement website at <https://www.in.gov/indot/4103.htm>. Comments could be sent by email or through standard mail.

Notification of the availability of the INDOT Project Development PIPM was provided weekly/bi-weekly to the Public Meetings & Hearings list serv and Environmental Services list serv which has over 15,000 subscribers. Additionally, social media was utilized to notify the public through INDOT Facebook pages.

Below is a summary of the comments received during the 45-day public comment period and INDOT's response to the comment. Comments that were not related to the INDOT Project Development PIPM was sent to INDOT Transportation Services Call Center for resolution by INDOT customer service representatives.

Public Comment Received	INDOT Response
Live links in the TOC is incredibly helpful!	Clickable links are included in the table of contents.
The TOC is 3 pages long – longer than most will be willing to read to find what they are looking for. Consider grouping information by subject and providing a heading for each – seems like Federal and State Laws, Funding, Project Development are major themes.	The table of contents was not modified as there are specific sections provided that allow for quick reference. This will be considered in future updates to the manual.
<p>There's an existing flowchart for LPA projects. Will it be updated? (PI_Flowchart_2012). Some thoughts</p> <ul style="list-style-type: none"> • Make the PDF keyword searchable • Use a higher resolution if scanned. • It might be helpful to include a section reference where the minimum requirements are listed. I think we call them minimum public involvement requirements. • Add a key for all acronyms shown on the flowchart 	The flow chart is no longer part of the manual and is instead contained on the INDOT website. This flowchart will be analyzed, and either be removed or updated due to change to the public involvement processes.
With the 11/23/2020 proposed rulemaking of USDOT's NEPA implementing procedures, will there be an additional update to INDOT's PIP, and furthermore, the INDOT NEPA procedures?	Manuals are consistent with the USDOT order and any future orders or regulations will be updated appropriately.

Public Comment Received	INDOT Response
<p>The information is clear, organized, and comprehensive and represents well the Public Involvement practices and guidelines INDOT follows and promotes. We also think the manual reflects the sincere commitment INDOT has made to public involvement. The document is a credible and reliable source of information for why public involvement is necessary and when and how to implement public involvement activities. It will be very helpful to consultants and anyone involved in Public Involvement activities.</p>	<p>Thank you for your comment. No action is needed.</p>
<p>In general, we thought it might be helpful to include specific examples throughout the document versus putting examples online (for notices, for language to be included during emergencies, and so on). We can see why INDOT references the online links but including the examples in the context of the discussion or in an appendix of examples would be ideal and easy to navigate without having to navigate out of the document. It would also allow this document to be the “master document” for when online resources are outdated because of changes that may occur with updates or when links break. As long as the master document gets updated and examples are included, users wouldn’t have to navigate the online links.</p>	<p>Templates and examples add length to the manual and are subject to change based on changes in policy, regulations, or comments received. The templates and examples are available as a supplement to the manual on the INDOT public involvement website.</p> <p>This is a comment for future updates to the manual.</p>
<p>A resource list for where to find contacts/solutions to accommodate citizens with disabilities or LEP individuals who wish to attend public involvement events and participate in the decision-making process would be very helpful (could be an appendix element).</p>	<p>Thank you for your comment. In public notices ADA and LEP requests are directed to appropriate personnel and accommodations are made.</p>
<p>The charts that include who is responsible for what are great. It might be helpful to include one overall master chart that includes two columns for “Who to contact when...” and “Title at INDOT.” Items under “Who to contact when...” could be “ADA or LEP individuals request special accommodations,” “PI certification,” and so on.</p>	<p>For readability, the charts were grouped by subject and carried throughout. The titles and who to contact were provided in a logical format.</p>

Public Comment Received	INDOT Response
<p>Page 16: Might be beneficial to provide an example of what a notice might look like under emergency order. Though the COVID pandemic has provided some examples, sample language might be beneficial here.</p>	<p>The manual cannot contain all potential examples and public involvement templates can change due to much needed updates. Templates and examples are available on the INDOT public involvement website.</p>
<p>Page 21: The Manual references INDOT's ADA Transition Plan, but when you go to that page on the INDOT website, the information is outdated. For example, under Public Involvement Opportunities: Connect with INDOT around Our Accessibility Programs, the site says that INDOT meets annually to review policies and procedures, but then shows that the upcoming meeting is in 2018. There may be other similar links to be updated.</p>	<p>INDOT Title VI group updated the website. No changes to text were needed.</p>
<p>Where is this manual viewable? We can't comment if we don't know what is in it to begin with.</p>	<p>Customer was provided the links. Two list serv announcements did not include a link to the manual, however, did provide a INDOT contact for questions. This was the only comment received about the absence of the link. INDOT revised the notice and future notices to include the manuals hyperlink.</p>
<p>1) Stream your public meetings on Facebook and YouTube</p> <p>2) Use push text notifications.</p> <p>3) Publish FAQs that come up through the process</p> <p>4) Advertise on Facebook and YouTube ads</p> <p>5) Notify all employees in the district of public comment. Word-of-mouth is fast and strong.</p> <p>6) Use INDOT road message boards</p> <p>7) Transform public notice into press releases and send them to the local TV, newspaper, and radio.</p> <p>8) Project renderings should be 'real-life' not CAD drawings</p>	<p>R1) The use of streaming events is still relatively new, while not specifically called out, is a tool that can be used for projects.</p> <p>R2) Is a tool that can be used for projects.</p> <p>R3) Larger projects use this approach. Smaller projects typically do not require this level of involvement.</p> <p>R4) Is a tool that can be used for projects.</p> <p>R5) Districts are notified of public hearings. INDOT disseminates information to district communications. While we do not send notices to each employee, each employee has the opportunity to receive notifications through list servs and channels.</p>

Public Comment Received	INDOT Response
	<p>R6) Per INDOT Guidelines for Message Signs shall only display messages that pertain to highway safety or congestion.</p> <p>R7) Larger projects use this approach. Smaller projects typically do not require this level of involvement.</p> <p>R8) It is based on the project. An aerial should be provided with project location. For larger projects, real-life renderings assist with public perception. However, smaller projects do not require this level of detail.</p>
<p>Supply plans/notices at nearby businesses. I can't imagine anyone waking up saying 'I'm going to stop by the local INDOT office to see what is going on' or say 'It feels like a good day to check out INDOTs website'. Supply information at natural meeting locations.</p>	<p>Not every project requires this level of engagement. It is a tool that can be used to disseminate information such as the bureau of motor vehicles, public library, grocery stores, local businesses, etc. This would be part of the projects public involvement plan.</p>
<p>You mention a few times that the PMs send out notifications and advertisements. Previously the environmental staff did that task, is there a reason why it needs to be done by the PM rather than just including a PM on the notifications? As someone who has been on both ends of this, the environmental team is typically more aware of what needs to be done and how ensuring less mistakes occur in the end.</p>	<p>Office of Public Involvement (OPI) handled the notifications and advertisements with assistance from the INDOT PM. Environmental would assist with development of notice. Since the decentralization occurred, OPI is no longer an organization in INDOT and it the Consultant Services Manager (CSM) and PM's that handle public involvement activities or project sponsor consultant.</p>
<p>You mention that the PM determines the type of public involvement activity on page 13. Could you break that down a little further? Some may read that as the choice is theirs alone as a PM. I know that is not your intention, but it doesn't come off very clear.</p>	<p>The PI manual discusses the public involvement plans (PIP). Each project should look into public involvement and the level of public involvement activities is dependent on the potential project impacts. The PIP is coordinated with the INDOT PM.</p>
<p>Page 13 recommends a lot of things happening, but there is very little information as to how people will know what to do. LEP & ADA, will there be training? Where do we find that</p>	<p>LEP and ADA is discussed in the manual. In public notices LEP and ADA is discussed along with contract information. Accommodations are made and is part of the project costs. Training is provided based on needs.</p>

Public Comment Received	INDOT Response
information? How does one do transcription? Who might pay for that?	
You include the FAST Act on page 20, but it expires in 8 days. Does it have to stay in there?	Left in since renewed to September 2021.
Has there been any discussion about having an overall liaison at each district to assist with the really technical aspects, like advertising, meeting LEP and ADA, transcribing, etc.?	The CSM at the district and INDOT PM can discuss the technical aspects with the district communication director with meeting the requirements. At this time there is no official liaison per INDOT district.
On page 50 you mention the Public Involvement Plan and state that it is required. Required by who? Page 60 says environmental. Is that correct? What is the goal of this? Where is it stored? I think more information on this plan would be extremely helpful.	Required by INDOT and approved by FHWA with approval of the public involvement manual. The goal of the PIP is to ensure that public involvement is discussed and acknowledged early in project development to determine the manner and methods that public involvement should occur. This is covered with discussion and reference to outlines.
On page 69 there is a phone number on the sign, as someone who has overseen one of those numbers, it would probably be a good idea to remove it.	The phone number was removed from the picture.
There is a yellow box on page 80 that doesn't look like it belongs.	Yellow boxes were removed throughout as they provide some insight, but most were repetitive or did not belong to the location.
When do responses to public comment have to be returned to the commenters? Is there a timeline? Is it just when the environmental document is approved?	Any public comments submitted in response to your Notice of Planned Improvement must be responded to. The project team can determine the way comments are responded to; however, it is recommended that comments be responded to in the same way they are received and there be clear documentation and evidence that the comment was addressed. This would be documented in the final NEPA document. There is no set timeline but should be responded to prior to securing public certification.

Public Comment Received	INDOT Response
<p>I have tried to read through the entire manual, but I am not sure what has been updated. It is definitely difficult to read through and understand everything. The one question I have is what is the public involvement prior to a start of a planning project. For a specific example there is a project that started a couple years ago in Southern Indiana called the Mid-States Corridor and I am not sure there was ever any public involvement before the project started. I could be wrong, but it appears this was driven by a few high powered business people who got the funds together to start the official study for a route and the public was never given the opportunity to discuss the option of not wanting a new highway. Was INDOT involved from the very beginning and did I miss an opportunity to speak up on why this project is not needed?</p>	<p>The planning process has several opportunities for public engagement as specified in federal requirements. Public involvement in the planning stages can be statewide, localized, and study specific depending on the stage of development in the planning process. Public Involvement opportunities for the Mid-States corridor began in 2019 as part of the National Environmental Policy Act (NEPA) process. Prior planning and environmental studies were conducted in this area and public involvement activities were provided for the various studies at the time.</p>
<p>We are excited to see that the 2021 Manual is further developed and lengthier than the 2012 iteration. Additionally, the explanation of the decentralization of the Public Involvement process and how that affects public involvement activities, how activities connect to various programs and the responsible parties is appreciated. However, the tables on these pages are somewhat difficult to read in the current PDF draft. This updated PIPM document also offers more specifics in how to engage with multiple groups when compared to the 2012 PIPM document.</p>	<p>Thank you for the comment. Graphics were revised to be clear when converted to PDF.</p>
<p>Further, it would be helpful to have more discussion about how this manual differs from the Planning Public Involvement Procedures and the relationship between them. We have concerns that having two different processes could lead to confusion and insufficient public involvement throughout the various steps of a project's life cycle, based on funding, ownership, etc. It may also be helpful to have a table that compares all of the different</p>	<p>Discussion added about the two manuals in two separate locations within the manual.</p>

Public Comment Received	INDOT Response
procedures in the PIPM as a quick reference after the document has been read.	
The layout and flow can be overwhelming at times and unclear as to what you are seeing is a policy or part of the “guidance”. So more clearly defined headings and sections may help with this, in general and in the table of contents, in particularly for those external to INDOT that may not be as familiar with this type of manual and document.	Consider for future updates to the manual. Sections are clearly defined and some of the graphics and citations were reduced for readability.
The document title is INDOT Project Development Public Involvement Procedures Manual (PIPM) but the title on pages within the document only state “INDOT Project Development Public Involvement Procedures 2021” ...for clarity it should always be clear that this is a manual document.	Consistency. Added to header
Consider including a list of all acronyms at the beginning of the document to help readers familiarize themselves with what they will see in the rest of the report.	Due to small number of acronyms used in the manual, a list of acronyms was not provided. All acronyms are spelled out on first use as they are used throughout the document.
In general, this is more developed and provides clarity on the various programs and activities and how INDOT documents relate to one another. A brief summary with flowchart/diagram may be helpful as a digest for people needing or wanting a quick reference. OR the ‘Summary Notes’ that begin at page 100 could be better fleshed out or incorporate diagrams.	Consider for future updates to the PIPM. There are some summaries and guidance on the INDOT public involvement website as references.
It seems like more standardized criteria for how and why INDOT “chooses” to hold a public meeting is needed.	Thank you for the comment. No action needed.
Bottom of page 21, 29, 55 the yellow boxes to highlight information are sometimes confusing and seem disconnected from the rest of the page, image or tables they are referring to.	Yellow highlights were to call attention, but most were in poor locations and did not add value. Yellow citations were removed.
Link on Page 22- Standard Operating Procedures for Support Services takes to OPI page, but it is unclear how and where to find the SOP document	Statement provided of how to find the Standard Operating Procedures document.

Public Comment Received	INDOT Response
<p>Page 24 – “Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exists and whether there could be disproportionately high and adverse impacts to them”. This is not clear as to how this alleviates EJ issues. And also state that “EJ Committees ‘may’ be formed.” Why isn’t an EJ committee required?</p>	<p>Added qualifiers to better discuss environmental justice outreach and discussion about environmental justice committees.</p>
<p>Page 25 – Environmental Justice Guidance goes to the Environmental Policy Page and a lot of links. A diagram or better description of how those impacted by EJ concerns can be involved and voice concerns would be helpful.</p>	<p>Added where to find on website</p>
<p>EJ in general – it is unclear how INDOT proposes to address historic distrust of planning policies and restorative justice as a component of EJ work and policies.</p>	<p>INDOT engages environmental justice populations in planning and in project development. Environmental justice populations are identified through self-identification, through consultation, or demographic analysis. INDOT has an environmental justice policy for the agency as well as approach/practices during the NEPA process that can be found in the INDOT Procedural Manual, CE Manual, and Environmental Justice Guidance. Currently there are no specification regulations concerning restorative justice and historic distrust but is a serious concern for EJ communities. Public engagement for EJ is important and requires a proactive approach.</p>
<p>Some code references used state that providing information “early in the process” so that the public may be involved and have an impact. INDOT should further define how they achieve this and what standards they apply.</p>	<p>Both the Planning and Project public involvement manuals cover how this is achieved.</p>
<p>Page 59 –Public Notices: “INDOT publishes these notices in newspapers, mails notices to impacted stakeholders, residents, businesses, local officials, other (strongly encouraged) ...”. Other what? And</p>	<p>Statement was revised.</p>

Public Comment Received	INDOT Response
<p>why only strongly encouraged? INDOT should be clear and require the same noticing process for all of its projects to limit confusion, increase awareness and improve public engagement of projects.</p>	
<p>Page 61 - Notice of Approved Environmental Documents "Take reasonable measures to notify project stakeholders...". Define reasonable? Again, why not include specifics that will always be followed for all</p>	<p>Project stakeholders are notified through the development of the project and efforts are made to ensure they are notified in a variety of ways email, phone, standard mail, etc.</p>
<p>Page 21 – Notice of public hearing, same comment as above. Define "reasonable".</p>	<p>Reasonable is defined for specific notices be it 15-day, 30-day, or 45-day depending on the public involvement activity that is occurring.</p>
<p>Page 90 -Notice of Opportunity to Request a Public Hearing. When it comes to Categorical Exclusions: Again, why does INDOT choose to hold or not hold a public hearing. Or if a public member requests one, INDOT may still decide not to have one. INDOT should consider making the process more transparent and provide a public hearing opportunity. It is very unclear how the public can request a hearing.</p>	<p>The manual and public notices are clear in how the public can request a public hearing. Depending on the responses a public hearing may be held or communication with the requestors to discuss their concerns.</p>
<p>Diagram on Page 98 is not used elsewhere (i.e. for Steps 1 & 2) and could be used to further explain the broader picture earlier on in the document, make stronger connections for readers and improve overall organization and comprehension.</p>	<p>Graphic was randomly placed and was removed as it was not related to the discussion.</p>
<p>Page 105 – Project involvement is listed in the second "block" and is shown as coming after planning and programming, which is too late in the process.</p>	<p>Public Involvement was added to the other two boxes for consistency with statements made within manual.</p>
<p>The appendix should be divided into separate appendices for each of the documents included, this will make it easier to locate those documents (memos, glossary, checklist, etc.).</p>	<p>Naming convention was added. Appendix sections were provided and added to the table of contents.</p>

Public Comment Received	INDOT Response
<p>Based on the discussions during the recent QARs, INDOT district staff suggested it may be beneficial for the district to have an individual within the district who is charged with the coordination of the NEPA public involvement process and FHWA suggests ESD consider making this recommendation to the districts.</p>	<p>Will be discussed internally within INDOT upon completion of the public involvement manual.</p>
<p>Page 3 of PDF, Maybe insert a sentence or two discussing the fact that there is a planning PIM as well. I think that would be helpful in presenting a "united front" for customers and consultants working with INDOT regarding PI.</p>	<p>Statement added and hyperlink to manuals.</p>
<p>Page 4 of PDF, we may need to add a reference to the Stewardship and Oversight agreement here as well (since the S&O agreement has a specified timeline for review and updating the procedures)</p>	<p>Discussion added about Stewardship and Oversight agreement.</p>
<p>Page 10 of PDF. I think it would be helpful here to have a statement/indication that there is a separate manual; there are additional procedures for the planning process that are not discussed in this manual. More information can be found on the website...</p>	<p>Statement added and hyperlink</p>
<p>Page 18 of PDF, Is there a reference point for this policy? I just want to make sure it is still valid.</p>	<p>Revised and regulations cited with hyperlinks</p>
<p>I would suggest removing this table and the image below as they relate to the "underserved discussion".</p>	<p>Removed as covered in other sections.</p>
<p>Page 31 of PDF, Check references for 771.111 to ensure they align with the descriptions in the regulations.</p>	<p>All references checked and ensured consistency in citation language.</p>
<p>Page 32 of PDF, I recommend adding 40 CFR 1506.6 to this table as well. Here is a link for more info: https://www.law.cornell.edu/cfr/text/40/1506.6. Also, check references for 771.111 to ensure they align with the descriptions in the regulations.</p>	<p>1506.6 added in discussion and added to appendix.</p>

Public Comment Received	INDOT Response
<p>Page 62 of PDF, maybe this can be made clearer by rearranging the wording to say: Determine if public hearing will be held. If no, ensure public comments are documented and addressed and then proceed with Hearing Certification. Same box is also on page 115.</p>	<p>Comment addressed on page 62 and 115</p>
<p>Page 99 of PDF, Image is hard to read.</p>	<p>Randomly placed and was removed as not part of the discussion.</p>
<p>Emergency Situations. Replace May memo citations and attachment and replace with guidance that will be part of the manual that is up to date.</p>	<p>Emergency Situation was added as an appendix page and replaces May memo.</p>

INDOT Mission

Collaboratively plan, build, and maintain safe and innovative transportation infrastructure that enhances quality of life, drives economic growth, and accommodates new modes of transport.



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