

**Connecticut**  
**Department of Transportation**

**Public Involvement Procedures**

**DRAFT**

State of Connecticut  
August 2009







State of Connecticut Department of Transportation  
Public Involvement Procedures

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# Connecticut Department of Transportation: Public Involvement Procedures

## INTRODUCTION

Federal Statewide Planning and Metropolitan Planning Regulations (23 CFR Part 450 and 500 & 49 CFR Part 613, February 14, 2007) require that state transportation agencies and Metropolitan Planning Organizations (MPOs) develop public involvement procedures. Pursuant to these regulations, the Connecticut Department of Transportation (Department) has established a proactive, public involvement process that is accessible to the public and identifies and addresses transportation-related issues early in the project development process. This process provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing planning documents and transportation improvement programs. This process also minimizes duplication of public involvement efforts and meets the needs of the public and resource and regulatory agencies to provide early and continuing input into the project development process.

The Department's Mission Statement, Vision and Values; Public Involvement Policy and the procedures that the Department follows to carry out this policy are set forth and described in this draft document titled, *The Connecticut Department of Transportation's Public Involvement Procedures*. The federal and state mandates that pertain to public involvement are identified and discussed in Chapter 1, the public involvement procedures that the Department uses when developing plans and undertaking various phases of projects and studies are discussed in the other chapters. The public involvement procedures that the Department follows when developing plans and conducting studies are discussed in Chapter 2, the public involvement procedures that the Department follows during the environmental phase of projects are discussed in Chapter 3, the procedures to be followed during the survey, design and rights-of-way phases are discussed in Chapter 4, the procedures that are to be followed during the construction, operations and maintenance phases of transportation projects are discussed in Chapter 5, and the Department's procedures for conducting public meetings and public hearings are explained in Chapter 6.

In accordance with the Department's public involvement policy and procedures, this draft document is being made available for public review for a 45-day comment period beginning September 18, 2009 and ending on November 2, 2009. Comments received prior to November 2, 2009, will be considered in preparing the final document. Written comments may be e-mailed or mailed to: [Robbin.Cabelus@ct.gov](mailto:Robbin.Cabelus@ct.gov) or Ms Robbin Cabelus, Executive Director, Bureau of Policy and Planning, Connecticut Department of Transportation, P. O. Box 317546, Newington, CT 06131-7546



## Connecticut Department of Transportation's

### Mission Statement, Vision & Values

#### **OUR MISSION:**

*The mission of the Connecticut Department of Transportation is to provide a safe and efficient intermodal transportation network that improves the quality of life and promotes economic vitality for the State and the region.*

#### **OUR VISION:**

*The vision of the Department of Transportation is to lead, inspire and motivate a progressive, responsive team, striving to exceed customer expectations.*

#### **OUR VALUES:**

- ▣ **Measurable Results:** *We will endeavor to utilize the latest technology and preserve the integrity of our current assets to provide a safe, efficient, integrated, multimodal, transportation system that offers options for mobility.*
  
- ▣ **Customer Service:** *We are committed to consulting with our internal and external stakeholders in an open and transparent decision-making process; and to being responsive by providing timely information on services and programs.*
  
- ▣ **Quality of Life:** *We will strive to maintain and enhance the quality of life in the State and the region by maintaining the character of our communities, supporting responsible growth, and by enhancing and being sensitive to the environment.*
  
- ▣ **Accountability & Integrity:** *We will prudently manage and invest the human and financial resources entrusted to the Department using sound criteria and efficient, cost-effective methods that put safety and preservation first.*
  
- ▣ **Excellence:** *We will demand excellence in all we do to fulfill our mission by being solution-oriented and focused on project delivery.*

*We will continuously re-evaluate our mission, values, performance and priorities to ensure that the Department and its employees are innovative and responsive to changing needs.*

## **Connecticut Department of Transportation's**

### **Public Involvement Policy**

#### **2009 Public Outreach Policy Statement**

It is the policy of the Connecticut Department of Transportation to actively engage in early and continuous public involvement efforts throughout all phases of project planning, development, implementation and operation.

- 1) The Department shall provide timely information about transportation issues and processes to the communities affected by transportation plans, programs and projects, particularly with respect to communities affected by Title VI, Executive Order 12898 (Environmental Justice), and individuals with limited English proficiency.
- 2) The Department shall further provide reasonable public access to information used in the development of plans and projects, appropriate notice of public involvement activities and time for public review and comment at key decision points.
- 3) The Department shall employ a process for demonstrating explicit consideration and response to public input.

The Department's public outreach efforts shall 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, and shall be periodically reviewed for their effectiveness.

## CHAPTER 1: FEDERAL & STATE MANDATES

### Federal and State Laws, Regulations & Executive Orders

State transportation agencies must comply with the public outreach provisions of the following federal regulations and executive orders to use federal money to pay for transportation projects and services:

- Statewide and Metropolitan Planning. 23 *Code of Federal Regulations* (CFR) Parts 450 and 500 and 49 CFR Part 613, February 14, 2007;
- Air Quality Conformity. 40 CFR Part 51, November 24, 1993;
- Management and Monitoring Systems. 23 CFR 500, December 1, 1993;
- *Title VI of the Civil Rights Act of 1964*;
- *Environmental Justice Executive Order 12898*; and
- *FHWA Work Zone Safety and Mobility Rule 23 CFR 630 subpart J*.

These federal regulations require:

- ☐ Early and continuing public involvement opportunities during all stages of the planning and programming process,
- ☐ Timely information about transportation issues and processes to the community affected by transportation plans, programs and projects,
- ☐ Reasonable public access to information used in the development of the plans and projects,
- ☐ Adequate public notice of public involvement activities and time for public review and comment at key decision points,
- ☐ A process for demonstrating explicit consideration and response to public input,
- ☐ A process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, and
- ☐ Periodic review of the effectiveness of the public involvement process.

The Statewide Planning and Metropolitan Planning Regulations (23 CFR Part 450 and 500 & 49 CFR Part 613, February 14, 2007) require that the Department and Metropolitan Planning Organizations (MPOs) develop public involvement procedures. These regulations require that the State carry out a continuing, comprehensive, and intermodal statewide transportation

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planning process to involve agencies and the public in efforts to define the design concept and scope of major transportation investments.

The regulations pertaining to Air Quality Conformity (40 CFR Part 51, November 24, 1993) and the Management and Monitoring Systems (23 CFR 500, December 1, 1993) mandate that the public involvement process for planning serve as the vehicle for public input to air-quality conformity determinations and the results of the management systems.

The Department's public involvement procedures must also meet the following public involvement requirements: 23 U.S.C. 128, Executive Orders 12898, 11988, and 11990, 36 CFR 800, 49 CFR 622, 33 CFR 115.60 and 33 CFR 325 and 327. Section 6001 of P.L. 109 – 59, *The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) amended Sections 134 and 135 of Title 23, U.S.C. This section includes the requirements concerning the opportunity for comment by the public on both regional and state long-range transportation plans (LRPs) and Transportation Improvement Programs (TIPs). Section 6002 of SAFETEA-LU added Section 139 of Title 23, U.S.C., which requires opportunities for public involvement during development of the purpose and need for a project as well as for the Alternatives Analysis during the environmental review process. These procedures are consistent with the Council on Environmental Quality's (CEQ) regulations for implementing the *National Environmental Policy Act* (NEPA) (40 CFR, Parts 1500-1508), the Federal Highway Administration's (FHWA) internal operating procedure required by NEPA (23 CFR 771, "Environmental Impact and Related Procedures"), and Sec 22a-1b of the Connecticut State Statutes which covers the *Connecticut Environmental Policy Act* (CEPA) process.

Compliance with all of the provisions of FHWA Work Zone Safety and Mobility Rule is required as of October 12, 2007. This Rule identifies very specific requirements for public involvement in the planning, design and construction phases of a project, as well as during the subsequent operation of the facility.

*Title VI of the Civil Rights Act of 1964* and the *Environmental Justice Executive Order 12898* emphasize and require the integration of public involvement in planning and design when minority, low-income, and tribal communities may be affected by a federally funded action. Adequate efforts must be utilized to reach and involve low income, minority, disabled or Limited English Proficient Populations during the planning process. A systematic and consistent approach to engaging those impacted (representing diverse cultural and economic

backgrounds) is required by the tenets of environmental justice. Federal requirements for meeting these standards obligate recipients of federal funds to collect data about beneficiaries, to analyze that data, eliminate discrimination when it is found, and to take affirmative measures to ensure nondiscrimination (see 49CFR21.5(b)(7), 21.9(b) and 23CFR200.9(b)(4) and 200.9(b)(14)). Limited English Proficiency (LEP) requirements also mandate that recipients provide meaningful access to the population relative to what is provided to populations that are proficient in English.

## Stakeholder Involvement

The Department will seek to involve transportation stakeholders in the development of policies and strategies. Such efforts will focus on specific transportation issues and will strive to include various interested parties; including intermodal transportation representatives, environmental organizations, academic advisors, economic development interests and representatives of other state agencies. The Department may form advisory committees of various sorts as appropriate which could include the following stakeholders:

- federal officials,
- other state officials (e.g., Department of Environmental Protection (DEP), or the State Historic Preservation Office (SHPO)),
- local elected officials,
- town engineers/planners,
- regional officials,
- pre-existing special interest groups or advocacy groups (e.g., Sierra Club, Commuter Rail Council, etc.),
- *ad hoc* groups created for a specific project,
- abutting or nearby property owners,
- the traveling public,
- civic associations, business or economic development interests, and
- any other interested parties.

The Department will update the statewide LRP and STIP in consultation with governments of metropolitan and non-metropolitan areas, federally recognized Indian tribal governments and the Secretary of the Interior, transit agencies, local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation, and others who have an impact on the transportation system. When updating the

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statewide LRP and STIP, the Department will provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, representatives of users of pedestrian walkways and bicycle transportation facilities, the disabled, and other interested parties with a reasonable opportunity to comment on the proposed plan.

Tribal governments will be actively solicited to participate in the development of State plans and programs as independent government bodies. To further ensure their participation the Department will provide the following:

- Early involvement
- Timely information exchange
- Adequate notice
- Consideration of input

## **CHAPTER 2: PUBLIC INVOLVEMENT DURING A STUDY OR DEVELOPMENT OF TRANSPORTATION PLANNING DOCUMENTS**

### **Public Involvement Procedures for the Statewide Long-Range Transportation Plan**

The statewide long-range transportation plan (LRP), which is required by Title 23 USC, Section 135(e) as amended by SAFETEA-LU and TEA-21, is the federally recognized transportation plan for the State of Connecticut. It is a policy document that is intended to present a long-term, intermodal vision of the state's transportation system and serve as a framework for preparing future, more project-specific plans such as the Department's federally mandated statewide transportation improvement program (STIP) and state-mandated master transportation plan (MTP). The Department updates the State of Connecticut's (LRP) every three to five years. The Department undertakes a public outreach effort to solicit public input when updating this plan. The process for soliciting public input consists of the following phases.

#### Solicitation of Public Input Prior to the Development of a Draft LRP

The Department announces a public comment period and holds listening sessions in various locations throughout the state to solicit public input on transportation issues and concerns in Connecticut. The public comment period is at least 45 days in length and listening sessions are held in the middle of this period. At each listening session, the Department's staff deliver a visual presentation that explains the purpose of the LRP, outlines the process and mandates for developing it, identifies key factors and issues that influence transportation-related decisions and investments in Connecticut, and identifies opportunities for providing public input into the updating of the plan. Following the presentation, the public may provide input and ask questions. Representatives from appropriate Department offices attend the listening sessions to hear the public's comments and questions with respect to modes or components of the transportation system for which their bureau or office is responsible and, if there is sufficient time, respond to people's questions. Copies of the following documents are made available for public perusal at the listening sessions: a copy of the current LRP, the current Master Transportation Plan and other pertinent documents. Copies of various handouts are also provided; such material may include the following: brochures that provide information on the LRP, the process and schedule for updating it and opportunities to provide input; a list of the

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titles and web site addresses of documents referenced in the visual presentation; a list of major planned and ongoing studies and projects; copies of maps showing the locations of the studies and projects; and forms ("Input, Ideas, and Comments" sheet) that the public can use to submit their written comments at the meeting or to mail in their comments at a later date during the comment period.

Input is sought from the staff of Connecticut's Regional Planning Organizations (RPOs) when determining the dates, times, and locations of the LRP listening sessions. The facilities at which the listening sessions are held must be handicapped accessible. In areas of the state where public transportation is provided, the listening sessions are held at facilities and at times to enable people to use public transportation to attend the sessions. Up to one week in advance of the date of a listening session, people may request that the Department make special accommodations for them. Assistance for the deaf and hearing impaired is arranged upon request; requests for other special accommodations, including the provision of language assistance for individuals with limited English proficiency, are considered and granted, if reasonable and possible.

The dates, times and locations of the meetings are posted on the Department's web site calendar, which includes an option to request special accommodations at a public meeting. The event posting on the calendar includes a link to the Department's LRP web page, which includes more detailed information on the LRP and the process for updating it. The dates, times and locations of the listening sessions are published at least once, in display ads in newspapers with regional and state coverage, including two with distributions to minority populations in Connecticut and Massachusetts. The display ads also include information on the LRP, the Department's process for updating it, contact information for submitting comments, and a telephone number and e-mail address for requesting special accommodations at a listening session. This information is also included in press releases that are issued by the Department's Office of Communications to newspapers, radio stations and television stations, before, during and just before the end of the public comment period and in brochures that are mailed and/or e-mailed to various interested parties prior to the beginning of the public comment period. LRP staff and other Department staff also notify interested parties by making the LRP brochures available at various meetings and events they attend and making announcements about the LRP listening sessions and public comment period at such events. Regional planning organizations and other appropriate organizations in Connecticut are asked to assist in notifying

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people of the opportunities to provide input into the updating of the LRP by posting information on their web sites and providing links to the Department's LRP web page.

The interested parties to which LRP informational brochures are sent include RPOs; federal transportation agencies, transit districts, representatives of federally recognized Indian tribes in Connecticut, transit operators, freight shippers, and other groups and individuals that are identified in federal laws, regulations and executive orders pertaining to statewide transportation planning; heads of appropriate State agencies, boards and commissions; first elected officials in all Connecticut municipalities; State legislators, members of Connecticut's Congressional Delegation, public and academic libraries in Connecticut, centers for senior/disabled persons, representatives of bicycle and pedestrian advocacy groups, environmental organizations, chairpersons of Neighborhood Revitalization Zones in Connecticut, individuals that have asked to be added to the Department's LRP mailing list and other appropriate individuals and groups that the LRP staff members become aware of.

### Solicitation of Public Input on the Draft LRP

The Draft LRP is posted on the Department's web site and interested parties are notified of the availability of the document and informed of the timeframe and ways in which they can provide input on the document. If possible, a streaming media presentation that provides an overview of the contents of the document and the process used to develop it is created and posted on the Department's web site. Hard copies of the draft document are made available for public review at the Department's headquarters in Newington, Connecticut and at the offices of each of the RPOs. Comments on the draft document are accepted during a public review and comment period of at least 45 days. During the comment period, at least two public information meetings are held in the middle of the comment period to provide the public with an overview of the contents of and the process used to develop the draft document and to provide an opportunity for interested parties to ask questions and provide input on the document. At the public information meetings a visual presentation is used to provide an overview of the contents of the draft document and the process used to develop it. One meeting is scheduled during the day; another meeting is held in the evening. Representatives of appropriate Department offices attend both meetings and are available to answer questions. An interpreter for the deaf and hearing impaired is provided if such accommodation is requested in advance of the meeting date. Other special accommodations, including language assistance, may be requested, in advance of the meeting via telephone or e-mail or via a "request special accommodations link"

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that has been built into the public events calendar on the Department's web page; such requests are considered and granted if reasonable and possible. Written comments on the Draft LRP may be submitted at the public information meetings or via e-mail or mail during the public comment period.

Interested parties are contacted and updated on the LRP update process via electronic mail, statements at monthly/quarterly meetings of various organizations, and direct mailings, including an extensive mailing of informational brochures. The brochures provide information on the purpose of the LRP, the process for updating it, opportunities to review the draft document and comment on it, and the anticipated publication dates of the draft and final documents. The brochures are printed in a format suitable for posting on community boards, are posted at selected rail and bus stations, are distributed to municipalities, public and academic libraries, and various regional, State and federal personnel, as well as other interested parties including, but not limited to, transit operators, federally recognized Indian tribes in Connecticut, airport managers, bicycle enthusiasts, and motor transport representatives, and are forwarded in a large print version to senior/disabled centers throughout the state.

Legal notices announcing the availability of the Draft LRP for public review and comment, opportunities to review and provide input on the draft document, and contact information for submitting comments are published in media publications with regional and state coverage, including two publications with distributions to minority populations in Connecticut and Massachusetts.

The Department issues press releases to newspaper, television, and radio organizations, including organizations serving minority and low-income populations before, during and just before the end of the public review and comment period on the Draft LRP. The press releases announce the availability of the Draft 2009 LRP for public review and comment; provide information on opportunities to learn about, review and comment on the draft document; provide contact information for requesting special accommodations, including language assistance, at public information meetings; promote attendance; and provide reminders of the deadline for submitting comments on the Draft document.

After the final document is published, it is posted on the Department's web site and hard copies and/or electronic copies are sent to the State Library for distribution to designated depository

libraries and to the Department's library. A press release that includes the Department's LRP web page address is issued to inform the general public of the availability of the final LRP. Organizations and individuals that are listed on the Department's LRP Distribution List are notified via e-mail or U.S. mail of the availability of the final document.

#### Posting of Information on LRP Web Page

Throughout the public outreach process for the LRP, the following items, which are pertinent to the development of the LRP, are posted on the Department's web site on a dedicated LRP web page: the current LRP, informational brochures, display ads, legal notices, press releases, material distributed during the listening sessions and public meetings on the Draft LRP, and contact information. The presentations provided at the listening sessions and the public information meetings on the Draft LRP are posted on the Department's web site in several formats, including a version with audio and a version with speaker's notes to accommodate persons with sight or hearing disabilities. Whenever possible, press releases are posted on the State of Connecticut's master web site and on the various individual web sites maintained by the RPOs in Connecticut. The final LRP is posted on the Department's web site.

### **Public Involvement Procedures for the Statewide Transportation Improvement Program**

The Statewide Transportation Improvement Program (STIP), which is required by Title 23 USC, Section 134 (h) as amended by SAFETEA-LU, is a four-year financial document that lists all projects expected to be funded in that four-year period. This document must be updated at least every four years, however, the Department strives to update it every two years. The Department's public outreach process for the STIP is as follows:

A public involvement process is followed to ensure an opportunity for all to participate. The draft STIP is developed in cooperation with MPOs and the rural RPOs in the State and made available for public review. The draft STIP is placed on the Department's web page for review. A legal notice is placed in all of Connecticut's major daily newspapers. This notice states in detail that the STIP will be available for public review, public information meetings will be held, and that the Department will receive comments. A press release is also prepared containing detailed information found in the legal notice, background information on the STIP, and examples of projects included in STIP. This press release is issued to all Connecticut

newspapers, radio stations and television stations. A brochure detailing the availability of the STIP and announcing the Public Information Meeting is sent to all individuals and businesses that have expressed interest in the transportation planning process. This Interested Parties list may include, but is not limited to, local citizens, affected public agencies, affected federal agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, and federally recognized Indian tribes in Connecticut.

Each MPO is asked to coordinate a public review of its Transportation Improvement Program (TIP) with a public review of the Department's STIP. The Department's staff attend all MPO information meetings on the TIP/STIP and are available to receive comments and answer questions. Two information meetings on the STIP are held at the Department's headquarters. One meeting is scheduled during the day with the second meeting is scheduled at night to accommodate individuals with different schedules. The Department's headquarters is situated on a bus route and is handicapped-accessible. An interpreter for the deaf is available and present at these two public meetings. A visual presentation is given to explain the process for developing the STIP and to highlight major projects in the STIP. Time is allotted for questions and comments.

The draft STIP is made available for public review and comment for a period of at least 30 days. After review and consideration of all public comments, a final version of the STIP is prepared and submitted to the FHWA and the FTA for approval. Explicit consideration and response is given to public input, and all who submit written comments are notified of the availability of the final approved document. The approved STIP is placed on the Department's web page.

## **Public Involvement Procedures for Air Quality Conformity Analysis**

In Connecticut, the Department is responsible for performing an Air Quality Conformity analysis for all areas of the State. The Department will conduct an Air Quality Conformity analysis when new TIPs are developed, when MPOs develop new Long-Range Transportation Plans (LRP) and when an amendment to a TIP is needed. Interagency coordination will occur as specified in the Air Quality Conformity analysis procedures document. Once a new analysis is completed, the document and back-up information is sent to each MPO for its review and for the MPO to

provide an opportunity for the public to review and comment on the document. Each MPO will publish a legal notice in its area newspaper informing the public that a new Air Quality Conformity analysis has been prepared. This document will be made available for a 30-day comment period, and a public meeting on this document will be held in conjunction with the public meeting on MPO's TIP and/or LRP. Copies of documents pertaining to an MPO's planning region will be made available in the MPO's office for review by the general public. The public may also attend an MPO's monthly meeting to deliver comments before the MPO's Policy Board acts on the Air Quality Conformity determination. All comments received on an Air Quality Conformity document will be incorporated in the MPO's approval submittal to the FHWA and the FTA.

## **Public Involvement Procedures of MPOs**

The Department recognizes the important role that MPOs play in transportation planning for Connecticut. The Department participates in the cooperative transportation planning process within the MPO's jurisdiction. An effective metropolitan planning process must incorporate input from both local and state jurisdictions as well as the public. Therefore, the Department relies on MPOs to seek public involvement in the development of their comprehensive regional long-range transportation plans (LRP) and TIPs.

Each MPO has developed procedures to provide opportunities for the public to provide input on its regional LRP (which must cover a period of at least 20 years), TIP, and major transportation planning studies that are undertaken. The Department utilizes the MPO public involvement process as an important vehicle for soliciting public comments on Connecticut's STIP. The Department acknowledges the unique nature of each metropolitan area and has determined that the endorsed MPO public participation plans meet the planning public involvement requirements of 23 CRF 450.316 for transportation projects within the MPO area.

The MPO procedures include mechanisms for the public to express their views and to obtain information. The MPO procedures also provide a general approach for involving the public in transportation planning studies.

The MPO procedures detail how the transportation needs of persons and groups who are "traditionally underserved by existing transportation systems" are identified and addressed per Executive Order 12898 (12/11/94) on "Federal Actions to Address Environmental Justice in

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Minority Populations and Low Income Populations." For example, some MPOs may institute advisory committees to represent transportation-disadvantaged groups and communities such as transit patrons, the elderly, handicapped, low income and minorities.

When substantial written and oral comments are received on an MPO's draft LRP or TIP as a result of the public involvement process or the interagency consultation process, or public input is sought on the Air Quality Conformity analysis as required by the conformity regulations, a summary, analysis, and a report on the disposition of the comments shall be made part of the draft LRP and TIP. The Department will assist the MPO in responding to comments and questions and the MPO will include the responses in its final LRP and TIP.

The Department and the MPOs will coordinate the development of MPOs' plans and the statewide LRP through the cooperative transportation planning process that the Department and the MPOs conduct. The Department's participation in the MPO planning process ensures that statewide issues are considered in the MPOs' planning process. The Department will review and consider the contents of the each MPO's LRP as part of the process of developing the statewide LRP.

### **Public Involvement Procedures for Amending TIPs and the STIP**

Public involvement for amendments to the TIP will be facilitated by the MPO. All amendments to the TIP need to be included on the MPOs agenda for endorsement by the MPO's Policy Board. This agenda is sent to all interested parties and made available to the public. Each MPO and Rural RPO board provides an opportunity for the public to deliver comments at its meeting. Department staff attends these meetings and are available for questions and comments. Any comments received on TIP and STIP amendments will be included with the transmittal of the amendment to the FHWA and the FTA requesting approval. Once approved by the FHWA and the FTA, the updated STIP is posted on the Department's web page.

Examples of revisions that are not considered significant and, therefore, do not require that the Department provide an additional opportunity for the public to comment, include minor changes in project cost and moving projects among the first four years of the STIP/TIP.

## **Public Involvement Procedures for Planning Studies**

During the scoping of planning studies early coordination is done with the affected Regional Planning Organizations (RPO's) and towns to determine the amount of public outreach that will be required for the study. A description of this outreach effort is included in the scope of services for the study to ensure that the public is kept informed and has ample opportunity to relay their concerns and questions on the study. These outreach efforts typically consist of the establishment of an Advisory Committee (AC) or a Stakeholders Group (SG). Public Information Meetings (PIM), study web sites and distribution of study documents for public review.

ACs are established so that their memberships represents all the stakeholder groups in the study. This representation typically consists of other State and Federal agencies (e.g. OPM, DEP, DECD, FHWA, FTA, FAA), municipalities, RPOs and public representation, as well as other stakeholders. This membership is not "set in stone" and can change as the study progresses. The AC is a critical piece of the study, as its members are typically charged with the sharing of information with the stakeholder groups they represent and bringing the groups' concerns to the attention of those conducting the study.

Public Information Meetings (PIM) are held as appropriate throughout the study process to relay information to the general public and solicit their input to the study. The PIM also offers a forum for the Department to learn and respond to community concerns. These meetings are typically held in an open house format to allow individuals to speak one-on-one with Department personnel regarding their concerns and questions with respect to the study.

Web sites are used to disseminate information to the public in an easy and cost effective manner. Depending on the size and scope of the study, a study web site may be created for the sole purpose of providing information to and soliciting comments from all stakeholders. It also offers a way to update interested parties on the status of study activities and notify them of upcoming meetings. Once studies are completed the final reports are posted on the Department's web site for future reference.

Hard copies of study documents, working papers, draft and final documents are made available at town halls, RPOs' offices, local public libraries and at the Department's headquarters in Newington, Connecticut. This provides the public with multiple options to access and view the study reports.

## **CHAPTER 3: PUBLIC INVOLVEMENT IN THE ENVIRONMENTAL PHASE OF PROJECTS**

### **Public Outreach under the *National Environmental Policy Act* and the *Connecticut Environmental Policy Act***

The transportation planning process is continuous, and public involvement should begin early and continue throughout the duration of the project. Public outreach should be initiated at the onset of the development of any proposed action, prior to conducting detailed analysis. The extent of public outreach for each proposed action depends on the magnitude of the proposed action and the potential effects a proposed action may have upon the environment. The type of environmental documentation required will also dictate the requirements for public outreach in accordance with the *National Environmental Policy Act* (NEPA) and the *Connecticut Environmental Policy Act* (CEPA).

During the preliminary stages, each proposed transportation project undergoes an internal environmental review process to determine the type of environmental documentation required for the project. This decision is determined by the funding source and the level of potential impact to the environment as a result of the project. If a project is being funded in whole or in part with federal monies, one of three levels of environmental documentation must be prepared under NEPA. The environmental review process determines if a project shall require a 1) Federal Environmental Impact Statement (EIS), 2) Categorical Exclusion (CE), or 3) Federal Environmental Assessment (EA). It should be noted that a Federal EA is a decision making tool to determine if a project warrants a Finding of No Significant Impact (FONSI), or if an EIS should be prepared. If the project is state-funded only, criteria set forth in the Department's Environmental Classification Document (ECD) will determine whether or not a State Environmental Impact Evaluation (EIE) shall be prepared under CEPA.

The disposition of both oral and written comments will be included in the final approved document which constitutes the FHWA and/or Connecticut Office of Policy and Management project approval.

## **NEPA Documentation**

Each project must incorporate public outreach; the level of outreach required is determined by the significance of the project and the level of documentation required. According to 23 CFR 771.111, public involvement/public hearing procedures must provide for:

- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved. One or more public hearings or the opportunity for hearing(s) to be held by the Department at a convenient time and place for any Federal-aid project that may have a significant affect on the environment.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing.
- Explanation at the public hearing of the following information, as appropriate:
  - The project's purpose, need, and consistency with the goals and objectives of any local urban planning,
  - The project's alternatives and major design features,
  - The social, economic, environmental, and other impacts of the project,
  - The relocation assistance program and right-of-way acquisition process; and
  - The Department's procedures for receiving both oral and written comments from the public.

NEPA documentation is required for each transportation project that is funded with federal monies. The three classes of actions which prescribe the level of NEPA documentation and public involvement required for each project are as follows:

- Class I – Environmental Impact Statement (EIS)
- Class II – Categorical Exclusion (CE)
- Class III – Environmental Assessment (EA)

### **Environmental Impact Statement (EIS)**

An EIS is required for actions that significantly affect the environment. When the decision to prepare an EIS is made, a Notice of Intent (40 CFR 1508.22) is issued for publication in the *Federal Register*, beginning the scoping process. The scoping process is used to identify a range of alternatives, to determine the significant issues to be addressed in the EIS, and to foster public outreach. Early in the process a public scoping meeting shall be held in the project area. The Department shall publish a legal notice in area newspapers two weeks prior to the

public scoping meeting to inform the public of the date, time, and location of the meeting. The public will be allowed to submit comments to the Department for a period of thirty days following the public scoping meeting.

### **Draft EIS**

Once a draft EIS is prepared and published, the document must be filed with the Environmental Protection Agency (EPA) and made available to the public no later than the date which it is filed with the EPA. At this time, the EPA will publish a notice of availability of the draft document in the *Federal Register* to establish a period of not less than 45 days for public comment on the draft EIS. Additionally, the Department will publish a legal notice (in languages other than English if it is determined that the project will affect populations with limited English proficiency) in area newspapers to inform the public of the public hearing and where the document is available for inspection. At least one public hearing will be held for all transportation projects which involve the development of an EIS. The draft EIS shall be transmitted to public officials, interest groups, and members of the public known to have an interest in the proposed action or the draft EIS. Additionally, the draft EIS shall be available for public inspection at relevant town clerks' offices, public libraries, and regional planning offices, as well as at the Department, and on the Department's web site for a minimum of fifteen days in advance of the public hearing. Therefore, both the notice in the *Federal Register* and in the newspaper(s) shall appear at least fifteen days in advance of the hearing; the public will have at least thirty days to submit comments following the public hearing.

### **Final EIS**

After circulation of the draft EIS and consideration of all comments received, a final EIS shall be prepared. Once the final EIS is filed with the EPA, the Department shall publish a notice of availability of the document in local newspapers and make the final EIS available for public review at relevant town clerks' offices, public libraries, as well as the Department, and on the Department's web site. The final EIS shall be transmitted to any persons that made substantive comments on the draft EIS or requested a copy, no later than the time that the document is filed with the EPA and the notice of availability is published in the *Federal Register*. After the final EIS is filed with the EPA and the notice of availability of the final EIS is published in the *Federal Register*, the lead federal agency will complete and sign a record of decision (ROD) no sooner than thirty days after the publication of the final EIS or ninety days after the publication of the notice of the draft EIS, whichever is later. A ROD is a NEPA compliance document that states

the decision made, describes the environmental factors considered, the preferred plan, and the alternatives considered in the environmental impact statement.

### **Categorical Exclusion (CE)**

A CE is required for actions that do not individually or cumulatively have a significant affect on the environment. For proposed actions classified as CE's under NEPA and/or requiring no Environmental Impact Evaluation under CEPA, informing the public of the anticipated activity can be accomplished through the municipality and media strategies, such as posting information on the Department's web site and publishing notices of anticipated activities in local media. The Department may also hold a public information meeting or public hearing.

Information posted on the Department's web site and in local media shall include a description of the proposed activity, an anticipated schedule for construction, and a department contact for additional information. A notice may be published in languages other than English, if it is determined that the project will affect populations with limited English proficiency. Public information meetings and public hearings associated with the environmental / NEPA process for (CE) projects may be held during the Survey / Design / Rights-Of- Way Phases of projects.

### **Environmental Assessment (EA)**

Under NEPA, an EA is prepared for each action that is not a CE, yet does not clearly require the preparation of an EIS, or where an EA would assist in determining if an EIS is required. An EA will either result in the preparation of an EIS or a FONSI.

The vast majority of projects are funded with both federal and State funds, hence, a federal EA is usually considered a joint state EIE under CEPA. Although there is no need to circulate an EA under federal regulations, the Department takes the responsibility of circulating the joint EA/EIE under both NEPA and CEPA.

The document must be made available for public inspection at the appropriate federal regional office, the Department and on the Department's web site. Additionally, the EA may be made available at relevant town clerks' offices, public libraries, and regional planning offices. A notice of availability of the EA, briefly describing the action and its impacts, shall be sent by the Department to the affected units of federal, state, and local governments.

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When a public hearing is held, the EA must be made available to the public at the hearing and for a minimum of 15 days in advance of the public hearing at the locations listed above. The notice of the public hearing shall be placed in local newspapers and shall announce the availability of the EA and where it may be obtained and reviewed. Comments must be submitted to Department within 15 days of the availability of the EA.

If no significant impacts are identified, the Department shall recommend a FONSI. Once a FONSI is expected to be issued, copies of the EA shall be made available for public review for a minimum of thirty days before the final decision to prepare a FONSI can be approved. This public availability shall be announced by a notice in newspapers similar to a public hearing notice. After a FONSI has been issued, by the lead federal agency, copies shall be sent to the affected units of federal, state, and local governments and the document shall be available upon public request.

If it is determined that the level of impacts warrants an EIS, then the procedures previously outlined for the preparation of an EIS shall be followed.

For a federal EA, FHWA regulations require that either a public hearing is held or notices offering the opportunity for a public hearing are published. FTA-funded projects follow FHWA regulations. Although a public hearing is *required* only for a draft federal EIS, it is the practice of the Department to hold a public hearing after the publication of a federal EA as well. If a project is funded by another lead federal agency such as the FAA, coordination shall take place with that agency to determine the public involvement process when publishing a federal EA.

### **Reevaluations**

If the NEPA process is complete and 1) three years have passed since any federal action has taken place; or 2) the project scope has changed, as required by 23 CFR 771.129, the FHWA, in cooperation with the Department, shall reevaluate the project environmental documents. This reevaluation will determine whether changes in the project or new information after the NEPA process is complete warrant additional public involvement. If a project is funded by another lead federal agency such as the FAA, coordination shall take place with that agency to determine the reevaluation process.

## CEPA Documentation

The purpose of CEPA is to identify and evaluate the impacts of proposed State-funded actions that could have a potential to significantly impact the environment. If the project is State-funded, criteria set forth in the Department's Environmental Classification Document (ECD) will determine whether or not a State Environmental Impact Evaluation (EIE) shall be prepared under CEPA.

Before preparing an EIE, the Department shall conduct an early public scoping process to help ensure that relevant environmental concerns are considered in an adequate and timely manner. The Department shall achieve this by publishing a scoping notice in the *Environmental Monitor* to solicit comments from the public and other State agencies regarding the scope of alternatives and environmental impacts that should be considered for further study. As required under CEPA, the *Environmental Monitor* is the official web site for information on all State funded projects, regardless of which agency is the lead agency on the project. The Department must also publish in the *Environmental Monitor* a notice of the opportunity to petition for a public scoping meeting, or the date, time and location of any such meeting already scheduled. Members of the public and any interested State agency representatives may submit comments on the nature and extent of any environmental impacts of the proposed action during the thirty days following the publication of the scoping notice in the *Environmental Monitor*, or within at least five days following the public scoping meeting, if held. A public scoping meeting shall be held at the discretion of the Department or if twenty-five persons or an association having not less than twenty-five persons requests such a meeting within ten days of the publication of the notice in the *Environmental Monitor*. The public scoping meeting shall be held at least ten days after the scoping notice appears in the *Environmental Monitor* and shall provide the following:

- a description of the proposed action
- a description of the purpose and need of the proposed action
- a list of the criteria for a site for the proposed action
- a list of potential sites for the proposed action
- the resources of any proposed site for the proposed action
- the environmental limitations of such sites
- potential alternatives to the proposed action; and
- any additional information the Department deems necessary

Any comments or information received during the early scoping process must be addressed in the EIE, and any substantive issues raised must be evaluated.

Once an EIE is prepared, the document is circulated to other State agencies, and is made available for public review at the office of the local town clerk as well as the local and state library, the RPOs and the Department. The Department must publish a notice of the availability of the EIE in a general circulation newspaper in the affected town at least once a week for three consecutive weeks, as well as in the *Environmental Monitor*. The 45-day public review and comment period begins on the day that the notice is published in the *Environmental Monitor*. These notices can also announce a public hearing if the Department has scheduled one; however, a public hearing is required if twenty-five persons or an association having not less than twenty-five persons requests a public hearing within ten days of the publication of the EIE availability notice in the *Environmental Monitor*. A summary of public comments and the public hearing record is included in the final EIE as well as the Record of Decision (ROD).

## **Consultation under Section 106 of the National Historic Preservation Act**

Section 106 of the *National Historic Preservation Act of 1966* is intended to maintain a balance between preservation concerns and federal undertakings. Section 106 requires federal agencies to factor the impacts their projects will have on historic properties and cultural resources, and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such projects. The Section 106 process must be very thorough and comprehensive in order to assure the preservation of historical resources; it includes the cooperation of many different participants.

### **Section 106 Process**

In order to initiate the Section 106 process, the federal agency that initiates an action must determine whether the proposed project is the type of undertaking that could potentially affect historic properties. If the undertaking has no potential to cause effects, there are no further obligations under Section 106. If it is determined, however, that the undertaking has the potential to adversely affect a historic property, further investigation is needed. The Department's cultural resources expert must contact the SHPO or the Tribal Historic Preservation Office (THPO) for consultation. The SHPO will ultimately make one of four

possible determinations regarding the entire project's impact on archaeological and historical resources:

- ☐ No effect,
- ☐ No effect with conditions,
- ☐ No adverse effect, or
- ☐ Adverse effect

During consultation with the SHPO/THPO, public input shall be taken into consideration, as should the involvement of local governments.

### **Identification of Historic Properties**

In order to move forward with the Section 106 process, cultural resources that have the potential to be affected must be identified. A reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, and site visits, must be made. Efforts to determine identification of these resources are done in consultation with the SHPO/THPO and include:

- ☐ Determination and documentation of the area of potential effects (the area within which an undertaking may cause alterations in the character or use of cultural resources),
- ☐ Review of existing information on the historic properties within the area of potential effects, including any data regarding possible cultural resources not yet identified, and
- ☐ Requests for information from consultants and other individuals with knowledge of historic properties in the area, and identifying the undertaking's potential effects on cultural resources.

Using the information obtained in the previous three steps, the Department (acting on behalf of the federal agency) in consultation with SHPO shall identify the cultural resources located in the area of potential effects. The Office of Environmental Planning (OEP) should also take into account any past planning and research efforts that were done within the area of potential effects. Once these measures are carried out, an evaluation can be made regarding the undertaking and its effect on historic and cultural resources.

### **Evaluation of Historic Significance**

In consultation with the SHPO/THPO, the National Register criteria shall be applied to those properties that have been identified within the area of potential effects, but have not been previously evaluated for eligibility for the National Register of Historic Places. The OEP's cultural resources expert can make a recommendation to the SHPO regarding the eligibility of a

property for inclusion on the National Register for Section 106 purposes, however only the SHPO can make a final determination on actual inclusion. Criteria for inclusion are as follows:

- The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
- that are associated with events that have made a significant contribution to the broad patterns or our history; or
- that are associated with the lives of persons significant in our past; or
- that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- that have yielded, or may be likely to yield, information important in prehistory or history.

Once a historic property is identified, it can now be evaluated for effect. If it is determined that there are some cultural resources present but the undertaking will have no adverse effect on them, documentation of this finding shall be provided. Documentation shall include a description of the undertaking, specifying federal involvement, and its area of potential effects, including graphics such as pictures and maps. Also, a description of the steps taken to identify historic properties, and the basis for determining that no historic properties are present or affected should be included. If it is determined that historic properties are affected by the undertaking, all consulting parties must be notified in order for assessment of the adverse effects.

### **Assessment of Adverse Effects**

An assessment of adverse effects on identified cultural resources based on criteria found in ACHP regulations must be made. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a cultural resource that qualify that resource for inclusion in the *National Register of Historic Places* in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of adverse effects include, but are not limited to:

- physical destruction or damage,
- restoration or rehabilitation not consistent with the treatment of historic properties,
- removal of a property from its historic location, and
- neglect of a property, causing deterioration.

If the OEP, in consultation with the SHPO/THPO, determines that the undertaking's effects do not meet the criteria of adverse effects, then it shall be documented that no adverse effects are present and the federal agency has fulfilled its obligations under Section 106. However, if it is determined that the undertaking will adversely affect the historic property, the federal agency must attempt to resolve the issue.

### **Resolution of Adverse Effects**

The Department, acting on behalf the federal agency (FHWA, FTA, etc.), must consult with the SHPO/THPO in order to develop alternatives that will avoid, minimize or mitigate the adverse effects on the historic properties. If resolution efforts should stall, or if the two parties are conflicted, the ACHP should be contacted to request assistance in resolving the conflicts. The resulting consultation shall produce a document that includes the following:

- ▣ a description of the undertaking, specifying the federal involvement, and its area of potential effects, including visuals, such as maps and photographs;
- ▣ a description of the steps taken to identify historic properties;
- ▣ a description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- ▣ a description of the undertaking's effects on historic properties;
- ▣ an explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- ▣ copies or summaries of any views provided by consulting parties or the public.

This document should be made available for public review and comment; those who wish to express their views regarding resolution of the adverse effects are welcome to do so. Since the federal agency does not maintain a cultural staff, the SHPO evaluates adverse effects, and determines resolution procedures. Resolution of adverse effects generally results in the drafting of a memorandum of agreement, which outlines agreed upon measures that the federal agency will take to avoid, minimize, or mitigate adverse effects. At this point, the federal agency will proceed with its undertaking under the terms named and agreed upon in the Memorandum of Agreement (MOA).

Once the views of interested persons have been considered and documented, the "finding of no adverse effect" or the MOA can be forwarded to the lead federal agency for approval. The Department's transmittal letter shall document the means employed to solicit public comment, summarize the views of interested persons, and discuss the resolution of any outstanding

issues. Once the Section 106 process is completed, the lead federal agency could process the Section 4(f) Evaluation(s) where applicable and conclude the NEPA approval process.

## **Public Coordination under Section 4(f) of the DOT Act**

The FHWA, the FTA and all other U.S. DOT agencies cannot approve the use of land in a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless the following conditions apply:

1. There is no feasible and prudent alternative to the use of land.
2. The action includes all possible planning to minimize harm to the property resulting from use.

It is the responsibility of the Office of Environmental Planning in the Bureau of Policy and Planning, in cooperation with the lead federal agency, to determine whether a Section 4(f) resource will be affected by a federally funded transportation project.

Section 4(f) is concerned with the use of significant public lands or historic properties. "Use" denotes an unfavorable impact to, or possession of, a resource recognized under Section 4(f). There are four main types of use considered under Section 4(f). They are:

1. Fee Simple. This type of use is simply Rights-of-Way acquisition of Section 4(f) land. In this case the agency purchases the land, which sustains a permanent impact.
2. Permanent Easement. This type of use does not necessarily result in a permanent change in the landscape.
3. Temporary Easement. This type of use is generally seen during construction. The Section 4(f) land is only used for a fixed amount of time and it is restored to the original condition once it is no longer needed.
4. Constructive. This type of use involves a project that does not physically affect the Section 4(f) resource, but instead is close enough to significantly affect the resource indirectly.

If a Section 4(f) resource cannot be avoided, the mitigation process must begin, and compensation measures must be addressed in order to replace land and facilities with property having comparable attributes to the resource or to enhance the area around a Section 4(f) resource. A Section 4(f) evaluation must address the net impact of all alternatives, including a "no-build" alternative. When referring to the net impact to a resource, the following four characteristics are considered:

1. Size of the 4(f) resource.

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2. Location of the 4(f) resource in relation to the entire property.
3. Severity of the usage.
4. Function of the portion of the 4(f) resource being used.

There are three types of Section 4(f) Evaluations that are used, depending on the impact of the respective project. They are as follows:

1. An Individual Section 4(f) Evaluation. When it is determined that the impact to the Section 4(f) resource will be significant, an Individual Section 4(f) Evaluation must be approved by the FHWA legal council.
2. Programmatic Section 4(f) Evaluation. When it is determined that the impact will be less significant than that of an individual Section 4(f) Evaluation. These programmatic Section 4(f) Evaluations are prepared in coordination with the FHWA and need only be approved by the FHWA regional office.

It should be noted that there are no programmatic Section 4(f) agreements with other U.S. DOT agencies. Therefore, individual coordination with all U.S. DOT agencies other than the FHWA must take place if it is determined that projects funded by those agencies have a less significant Section 4(f) impact than that of an individual Section 4(f) evaluation.

3. De Minimis Section 4(f) Evaluation. In August 2005, Section 4(f) legislation was amended to simplify the process and approval of projects that have only De Minimis impacts on Section 4(f) resources. Once it is determined that a Section 4(f) resource qualifies as a De Minimis impact, analysis of avoidance alternatives are not mandatory and the Section 4(f) evaluation process is finalized.

In every project where any type of Section 4(f) Evaluation is required, public notification of the impacts to the Section 4(f) resource and coordination with the owner of the property must take place. This task is handled by 1) addressing the impacts to the Section 4(f) resource during the project public hearing(s) and 2) direct coordination with the property owner.

## **CHAPTER 4: PUBLIC INVOLVEMENT DURING THE SURVEY/DESIGN/RIGHTS-OF-WAY PHASES OF PROJECTS**

The Department is responsible for public involvement during the development and implementation phases of projects. Specific procedures for public involvement will vary with the scope and location of the project, as well as with other factors. Such procedures will be governed by the Department's current *Public Involvement Guidance Manual* and the Department's Work Zone Safety and Mobility Policy and Implementation Plan, which are incorporated by reference. Project managers will be aware of the various mandates at various stages of the planning, implementation and operation processes and will fully comply with them.

Once an action has been identified and initiated for design, notification should be made by the sponsoring agency to the general public, of the intent to initiate the action. This notification should include a description of the proposed activity, schedule and a Department contact for additional information.

The public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. Activities will be consistent with 23 CFR 771. The design of a transportation facility is typically undertaken in stages of completion (i.e. Preliminary Engineering studies, Preliminary Design, Semi-Final Design, and Final Design). The Department may conduct public meetings prior to and at any time during the development of the project, depending on the public involvement strategies deemed appropriate for the activity. At a minimum, there will be at least one opportunity for a public meeting to be held for any federal-aid project, 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 Department determines that a public meeting is in the public interest.

The Department will discuss the need for a public meeting and type of public meeting (public information meeting or public hearing) required with the local elected official or his /her representative. Locations for holding the meeting and posting the legal notice will be coordinated, in addition to any special local cultural considerations such as the need for

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interpretation for communities / property owners not proficient with the English language. If the Department and the local elected official believe a public meeting is not warranted, the Department will document the determination and concurrence by the local elected official in the project files.

Similarly, information exchange and opportunities for public forums may be made during the development of transportation programs. In addition to a public meeting(s), communication may also be conducted, as needed, with specific neighborhoods, community groups, businesses or individuals to address specific concerns. The RPO and local first elected official should be informed and given the opportunity to participate in such meetings.

Direct notification should also be made to property owners of the start of land survey activities, and subsurface investigations including environmental testing (when entry onto private property is required). This notification is the responsibility of the office overseeing or performing the activity on private property and would advise the property owner of the Department's "right of entry" policy and provide an outline of the procedure. The notification must also request an authorizing signature on a form provided by the sponsoring agency acknowledging the property owner's understanding of the information provided.

Those responsible for final development of the proposed action should be made aware of all issues and commitments established for the proposed action during project planning, and should proceed with this framework. Coordination with public officials should take place prior to public meetings, with the goal of addressing any concerns. The opportunity for public comment and participation can be made at this time for the action's sponsors to identify any additional specific issues and concerns that need to be addressed. This can be accomplished through a variety of strategies.

For actions that require the acquisition of additional rights-of-way, owners of affected properties shall be contacted individually to review those effects with a representative from the DOT Office of Rights-of-Way.

For projects determined to be "significant" under the Department's Work Zone Safety and Mobility Policy and Implementation Plan, a Transportation Management Plan (TMP), including an appropriate Public Outreach/Public Involvement (PO/PI) program will be developed.

## CHAPTER 5: PUBLIC INVOLVEMENT DURING THE CONSTRUCTION, OPERATIONS & MAINTENANCE PHASES OF PROJECTS

### Public Involvement During the Construction Phase

Once the construction phase of a project is initiated, the responsibility for continued project involvement and commitment to implementing context-sensitive solutions is transferred to the Department's Project Construction Unit. It is important to accomplish the final transfer of documented public involvement information from the Project Design Unit to the Project Construction Unit as soon as the plans, specifications and estimate for the contract are approved for a project letting. Informal and early coordination between the design and construction phases of projects is also encouraged and necessary, especially for significant and/or controversial projects. It is important to maintain some level of public outreach and involvement during the project construction phase. In addition to the public involvement that was established during the project planning and design phase, it now becomes important to also reach out to the traveling public that will be affected during project construction. Two critical stakeholders during the construction phase include:

- ▣ **The Community** – The continuation of outreach should involve those persons, groups, officials, agencies, etc. that were involved in the planning and design phases of the project. They have an extended interest in the project through the construction period, and after, to ensure that promises are kept. It is important to continue to keep the community informed using appropriate outreach tools.
- ▣ **The Traveling Public** – This new group consists of those persons, groups, etc. that were not necessarily involved with the project in the planning, design and/or environmental phases of the project. However, the construction of the project will now affect them through direct and/or indirect disruption to the transportation network. It is very important to keep this group informed and seek their input to avoid poor public relations for the Department, help achieve desired traffic flow and re-routing, maintain work zone safety, and generally reduce the impacts of the construction.

The new FHWA Work Zone Safety and Mobility Rule identifies very specific requirements for public involvement in the planning, design and construction phases of a project, as well as during the subsequent operation of the facility. Compliance with all of the provisions of this Rule is required as of October 12, 2007. The Work Zone Safety and Mobility Rule, as codified in 23CFR630, Subpart J, requires the sponsor agency (the Connecticut Department of Transportation) to develop a Transportation Management Plan (TMP) for "significant" projects.

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An important key element of the TMP is development and implementation of an effective public information and outreach campaign to mitigate negative construction zone impacts related to congestion and safety for workers and the traveling public. A significant project is defined as a project that, alone or in combination with other concurrent projects nearby, is anticipated to cause sustained work zone impacts (i.e., mobility or congestion and worker/traveling public safety) that are greater than what is considered tolerable in engineering judgment. For those significant projects there must be a Transportation Management Plan and corresponding public involvement element. The public involvement component must include communication strategies that inform affected road users, the general public, area residents and businesses and public entities about the proposed and ongoing project, anticipated work zone impacts and changing project conditions. During the construction phase of a project, it is important to keep the Department of Transportation's Office of Communications and Operations Centers advised regularly on project conditions that will affect the traveling public. The information provided will be used for updating the Travel Information Gateway section of the Department's web site, issuing press releases, and keeping the media and public informed about on-going construction projects, as well as real time advisories via the Department's permanent variable message board system.

To assist in facilitating the dissemination of public information during project development and implementation, as well as during subsequent maintenance activities, the FHWA has developed the "Work Zone Public Information and Outreach Strategies Guide". The informative guide is aimed at assisting transportation agencies in the planning and implementation of effective public involvement and outreach plans for all projects. The comprehensive Guide covers all aspects of public outreach from determining the scope of the plan through evaluating the effectiveness. Effective methods and strategies on how to communicate with the targeted audience during construction are identified and explained in the Guide. These strategies include:

- Branding – Establishing a trademark for the project work zone campaign
- Mass Media – Radio, TV and newspapers reports for all major operational work and special events
- Web sites – Project information site – (can be continued from Design/NEPA phase)
- E-mail Alert – Direct contact with subscribers and the Department is developing the 511 service which provides current information about travel conditions, allowing travelers to make better choices
- Printed Materials – Project brochures for distribution
- Project Information Phone Line/Highway Advisory Radio – Free calls to get updates

- ▣ Changeable Message Signs – On-site resources for drivers
- ▣ Public Meetings, Workshops, Community Events – Opportunities for project and work zone information for the public
- ▣ Project Information Center – On- or near-site accessible locations, possibly the project field office
- ▣ Videos – Readily available for widespread use
- ▣ Highway Operations Center, which services the public 24 hours a day, 7 days a week, 365 days a year

The importance of good public involvement and outreach in the construction of a project cannot be over-emphasized. Not only does it ensure regulatory compliance, but it will provide for a safer and, potentially less congested, work zone. It will also promote goodwill for the Department by keeping the public informed and involved during the critical, highly-visible construction phase of a project.

## **Public Involvement During the Highway Operations and Operations Support Phases**

The operation of and operation support for Connecticut's transportation system is a critical link between the Department and the public. These functions are evident on a daily basis with a direct link that the public, local officials, community groups, highway users, law enforcement personnel, and others can benefit from. After the construction phase of a project is completed, the operation and operation support phase begins. For nearly completed projects, there should be assurance that all environmental commitments and mitigation measures are in place. Information on those measures should be transferred from the Project Construction Unit to the Department's Highway Operations staff. No legal public involvement requirements are applicable during the operation and operational support phases, but methods for ongoing communication with the public and procedures for Department project follow-up should be established between Project Construction Unit staff and Highway Operations staff. Most of the public involvement in these phases will most likely be in the form of written questions and/or complaints from the public-at-large. The best way to respond to these issues is to ensure that the public is adequately and proactively informed about a specific project or projects and that all communications are responded to promptly and effectively. All of these questions can be answered by having access to the project documents and having discussions with the previously involved Project Design and Construction Unit personnel. Having accurate and thorough project information and continued sensitivity to public concerns throughout the operations and operational support phase will enable the Department's Highway Operations

staff to respond to public inquiries in a timely and efficient manner. By following these guidelines, the Department can minimize miscommunication with or the confusion of individuals who may be impacted by a transportation project. In order to ensure effective use of public involvement techniques and input, it is important to document all activity, participants, agreements and discussion points and make this information available to the public. The documentation must be complete and take place at the time of the public involvement activity (i.e., public hearing, transcript and sign-in) or shortly thereafter in an official file document. **It is critical to provide this documentation to indicate that the letter, intent and spirit of the referenced regulations are being followed.** The Department's responses to comments, as well as other information received through the public involvement process, should also be maintained in this record file. The public should be informed as to where to access documentation on a project-by-project basis.

## **Public Involvement During the Maintenance Phases**

The Department's Office of Maintenance conducts on a daily basis throughout the state numerous activities that can affect travelers, residences and businesses. These activities can range from pothole repair to roadway resurfacing. Public outreach for maintenance activities that will result in a long-term (one day or more) disturbance of traffic movement can be conducted using media strategies. For roadway resurfacing projects, a specific public outreach procedure has been established. The components of this procedure are as follows:

- A letter is sent to Town Officials from the Department's District Maintenance Director advising them of the termini and incidentals that will be completed as part of the resurfacing project.
- Town Officials are contacted by the Department's District representatives to confirm that they received the letter and to discuss any concerns or answer any questions they may have.
- The RPO's are notified of the details of resurfacing projects by staff in the Department's Bureau of Policy and Planning.
- A copy of the resurfacing list is also sent to:
  - The Bituminous Producers Association and The Connecticut Construction Industries Association,
  - Utility Companies

The Department's Office of Communications is also provided with a copy of the list, and a press release is published prior to the start of work.

## CHAPTER 6: CONDUCTING PUBLIC INFORMATION MEETINGS AND HEARINGS

The Department will conduct public information meetings during all planning, implementation, and operation phases of projects, as may be necessary and appropriate. Department project managers are further encouraged to use additional tools, as enumerated in the most recent revision of its *Public Involvement Guidance Manual*, in an effort to obtain public feedback and to keep the public fully and accurately informed.

The Department will hold public hearings and/or public information meetings at a place and time generally convenient for persons affected by or interested in the proposed undertaking at facility that is accessible to the handicapped. When necessary and appropriate, the Department should make accommodation for those with limited English proficiency or physical disability. With this in mind, the Department has implemented a service on its web site to allow and encourage the general public to request special accommodations in order to participate in public hearings and or public information meetings. These requests include, but are not limited to, multi-language translation, ADA requirements and hearing and visually impaired accommodations.

### COMPARISON OF PUBLIC HEARING AND PUBLIC INFORMATION MEETING

PUBLIC HEARING	PUBLIC INFORMATION MEETING
Is held to obtain public input. It is generally not a question and answer format.	Is held to provide information and obtain public input.
Some are required by regulations; others are granted on a case-by-case basis.	In most cases, will satisfy public involvement requirements.
Is governed by rules concerning who speaks and for how long.	Is more of an exchange of information between interested parties. May be an open discussion during which attendees may ask questions. May be a question and answer format.
Is overseen by a moderator.	Is usually run by the project manager or a designated chairperson of the meeting.
A transcript of the public input is produced and entered into the public record.	Minutes of the meeting are prepared. Public comments are not entered into the public record verbatim.

## Connecticut Department of Transportation: Public Involvement Procedures

Representatives of the Department, when appropriate, will explain the following information:

- The project's purpose, need, and consistency with the goals and objectives of any local urban planning.
- The project's alternatives, and major design features.
- The social, economic, environmental, and other impacts of the project.
- The relocation assistance program and the right of way acquisition process.
- Department's procedures for receiving both oral and written statements from the public.
- The Department will ensure that engineers, planners or other qualified personnel are present to explain the project and answer questions that may arise.

At the public information meeting or hearing it shall be announced that, at any time after the hearing, and before final approval is obtained, information developed, relating to the project will be available upon request during normal working hours for public inspection and copying. If the proposal requires the acquisition of property, the Department's right-of-way procedures, including the relocation assistance program when applicable, will be explained. In the case of a hearing, the availability of the appropriate environmental document will be announced at the hearing.

The Department should be prepared to receive oral comments delivered in front of those in attendance, and should be prepared record these accurately. The Department should also be prepared to receive written comments that are hand-delivered at the public information meeting or hearing or that are mailed to the Department, or submitted electronically to the project manager via the internet.

The State's *Freedom of Information Act* requires that notice of each public meeting shall posted not less than twenty-four hours before the meeting on the Department's Internet web site. Also, the notice shall be filed with the Secretary of State not less than twenty-four hours prior to the meeting. The notice shall specify the time, place and purpose of the public meeting.

Within seven days of the public information meeting or public hearing, the meeting minutes shall be available for public inspection and posted on the Department's Internet web site. The Department will make, keep and maintain a record of the proceedings of the meeting.

As a condition for attendance at a meeting, no member of the public shall be required to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance.



## **APPENDIX A: LIST OF ACRONYMS**

## APPENDIX A. LIST OF ACRONYMS

### A-B

AC	Advisory Committee
ACHP	Advisory Council on Historic Preservation
ADA	<i>Americans with Disabilities Act</i>

### C

CE	Categorical Exclusion
CEPA	<i>Connecticut Environmental Policy Act</i>
CEQ	Council on Environmental Quality
CFR	<i>Code of Federal Regulation</i>
CT	Connecticut
CTDOT	Connecticut Department of Transportation

### D

DECD	Connecticut Department of Economic and Community Development
DEP	Connecticut Department of Environmental Protection
DOT	Department of Transportation

### E

EA	Environmental Assessment
ECD	Environmental Classification Document
e.g.	exempli gratia (for example)
EIE	Environmental Impact Evaluation
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency

### F

FTA	Federal Aviation Administration
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration

### G-K

Gov	Government
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### L

LEP	Limited English Proficiency
LRP	Long-Range Transportation Plan

## **M**

MOA Memorandum of Agreement  
MPO Metropolitan Planning Organizations  
MTP Master Transportation Plan

## **N**

NEPA *National Environmental Policy Act*

## **O**

OEP Office of Environmental Planning  
OPM Office of Policy and Management

## **P**

PIM Public Information Meetings  
P.O. Post Office  
PO/PI Public Outreach/Public Involvement

## **Q-R**

ROD Record of Decision  
RPO Regional Planning Organization

## **S**

SAFETEA-LU *Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users*  
SG Stakeholders Group  
SHPO State Historic Preservation Office  
STIP Statewide Transportation Improvement Program

## **T**

TEA-21 *Transportation Equity Act for the Twenty First Century*  
THPO Tribal Historic Preservation Office  
TIPs Transportation Improvement Programs  
TMP Transportation Management Plan

## **U-Z**

U.S. or US United States  
U.S.C. United States Code

**State of Connecticut  
Department of Transportation**



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