

THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) PUBLIC INVOLVEMENT PLAN

Section I A Look Back at the History of NDOT and Public Involvement

The Nebraska Department of Transportation (the Department) has long been committed to the concept of public participation. A public participation process has been developed which offers the citizens of Nebraska the opportunity to speak out on transportation issues and needs. The process provides for:

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

The Department periodically evaluates its public participation procedures in order for the public to be better informed when a transportation action is being planned. Addressing the requirements for persons with disabilities and limited English proficiency has and will continue to be a priority. Such measures as physical accessibility to meeting locations, parking availability, rest rooms, providing sign language interpreters for persons with hearing impairment, and providing foreign language interpreters and hearing/meeting materials in other than English language will be accomplished as needed. Availability of information, via the Department's website at <http://dot.nebraska.gov/>, provides easy and 24/7 access to the public. Significant technological improvements in presenting information to the public, such as video and audio presentations and enhanced clarity of large scale plans and other drawings, have provided easier interpretation of project information.

In 2005 Federal legislation, "SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS" (SAFETEA-LU) enforced the need for strong public participation in the form of a documented public involvement process that provides opportunities for public review and comment at key decision points. Under SAFETEA-LU, a comprehensive transportation planning process to facilitate an efficient, affordable, safe, and environmentally sound transportation system was developed.

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

Section II Defining Public Participation

For the purpose of this document, public participation is the process a government entity or organization uses to gather information from the public when a transportation action is being contemplated. All public comments will be relayed to the proper NDOT staff and taken into consideration when evaluating changes or updates to the STIP. Someone from NDOT staff will respond to each comment.

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

Section III Review of the STIP Public Involvement Plan

By April 15th, the proposed STIP Public Involvement Plan will be available for public comment. Thereafter, at least once every five years, the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials. The proposed STIP Public Involvement Plan will be made available as follows:

- The proposed STIP Public Involvement Plan and/or revisions will be posted on the NDOT website at <http://dot.nebraska.gov/projects/publications/stip/> for public comment.
- The Department will prepare a news release for media outlets informing the public that the proposed STIP Public Involvement Plan is available for public comment.
- A letter will be sent to interested parties (listed in Appendix A) asking for their comment on the proposed STIP Public Involvement Plan.
- Copies will be available at each of the eight district offices. See Appendix B for a map of the district offices and contact information. A copy of the proposed STIP Public Involvement Plan may be obtained upon request to Kendall Tonjes, Highway Program Manager, 1500 Highway 2, P.O. Box 94759, Lincoln, NE 68509-4759. She can also be contacted by phone at (402) 479-4386 or by email at Kendall.Tonjes@nebraska.gov.
- There will be a 45 day public comment period after public notice.
- An approved final STIP Public Involvement Plan will be permanently posted on the NDOT website at: <http://dot.nebraska.gov/projects/publications/stip/> and copies will be available at each of the eight district offices. See Appendix B for a map of the district offices and contact information. A copy of the STIP Public Involvement Plan may be obtained upon request to Kendall Tonjes, Highway Program Manager, 1500 Highway 2, P.O. Box 94759, Lincoln, NE

68509-4759. She can also be contacted by phone at (402) 479-4386 or by email at Kendall.Tonjes@nebraska.gov.

Section IV Public Involvement Opportunities

A substantial time period is required to complete the STIP. The opportunity for public involvement is available at various times throughout the planning process.

- **State Transportation Improvement Program (STIP).** The STIP includes four years of projects, including all federally funded transportation projects and all regionally significant projects regardless of their funding source. The STIP projects are compiled from: the Department's Surface Transportation Program Book, the Metropolitan Planning Organization's Transportation Improvement Programs (TIPs), City and County One-and-Six Year plans, project lists submitted by Tribal organizations and Federal Lands.
- **County and Municipality Projects.** A draft one- and six-year plan is developed at the local level with the local governing body reviewing and holding a public hearing on the plan. Following the hearing, the local government will consider the comments and make any appropriate revisions to the plan. A Resolution of Adoption of the one- and six-year plan is then passed by the local government, forwarded to NDOT's Local Projects Division for review and then included in the STIP.

- **Roadway Location/Corridor Study**

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

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

Policy Level

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

Section V Special Considerations for Public Meetings/Hearings

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

Questions and information concerning a nondiscrimination Civil Rights Program may be addressed to the Highway Civil Rights Coordinator, Christopher Hassler at either christopher.hassler@nebraska.gov or (402)479-3553.

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

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

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

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

- Are minority and diverse language media appropriately included in all notification processes for public meetings or public review of agency documents?
- Has there been appropriate contact with minority groups or leaders to identify information needs and planning/programming issues of concern?

- Is technical information available in formats and at places and at times conducive to review by minorities?
- Are persons traditionally underserved by transportation systems such as low-income, minorities or Limited English Proficiency persons actively sought out for involvement?
- Do meeting formats encourage participation by minorities or people with disabilities?

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

Minority and Low-Income Populations

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

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

Improving Access to Services for People with Limited English Proficiency

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

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

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

Public Involvement for People with Disabilities

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

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

ADA requires specific participation activities for:

- Outreach (developing contacts, making lists and other means of notification to participate with nursing homes, and other groups/organizations involved with the disabled community).
- Consultation with individuals having disabilities.
- Opportunity for public comment.

- Accessible formats.
- Public forums.
- Summaries of significant issues raised during the public comment period.
- Ongoing efforts to involve the disability community in planning, NEPA, operations and maintenance phases of transportation programs and projects.

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

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

Section VI Public Comment on the State Transportation Improvement Plan (STIP)

The Department solicits public input regarding the STIP in the following manner:

- The Department will prepare a news release for media outlets informing the public that the draft STIP is available for public comment. The draft STIP will be posted on the website and made available at the eight district offices no later than mid-August for a minimum of 15 days (to be evaluated and extended if necessary based on the volume of comments). See Appendix B for a map of the district offices and contact information. At the end of the comment period, approximately September 1st, the Department will submit the STIP to the FHWA and FTA for approval. A copy of the draft STIP may be obtained upon request to Kendall Tonjes, Highway Program Manager, 1500 Highway 2, P.O. Box 94759, Lincoln, NE 68509-4759. She can also be contacted by phone at (402) 479-4386 or by email at Kendall.Tonjes@nebraska.gov.
- The Department will prepare a news release for media outlets in the affected district informing the public that amendments to the STIP are available for public comment. The amendments will be posted on the website and made available at the eight district offices for five days after public notice. See Appendix B for a map of the district offices and contact information. The FHWA and FTA will be informed concurrently of amendments, but the FHWA and FTA will not approve the amendments until the public comment period has ended. Any comments will be evaluated and incorporated prior to FHWA and FTA approval. A copy of the amendments may be obtained upon request to Kendall Tonjes, Highway Program Manager, 1500 Highway 2, P.O. Box 94759, Lincoln, NE 68509-4759. She can also be contacted by phone at (402) 479-4386 or by email at Kendall.Tonjes@nebraska.gov.

Public Involvement with non-metropolitan elected and appointed officials

The Department supports partner relations with non-metropolitan elected and appointed officials in an effort to better understand the transportation needs and resource impacts. In this respect, the Department will promote interagency efforts to ensure that meaningful and timely input by non-metropolitan elected and appointed officials is received in the development of transportation issues. The non-metropolitan elected and appointed officials are given the opportunity to submit input into the STIP. Input opportunities to this program is accomplished as follows:

- Annually a letter is sent to all non-metropolitan elected and appointed officials offering them an opportunity to comment on the STIP. In the letter a link is provided to the online STIP and Program Book. A copy of the STIP is also available at each of the eight district offices. Thirty days are given for comment and a response is provided to all inquiries.

Public Involvement with Tribal Governments

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

In Nebraska there are Winnebago, Sac and Fox, Santee Sioux, Ponca and Omaha Indian tribal governments. There are additional tribal governments bordering Nebraska, which may be impacted by highway-related issues. These tribal governments are given the opportunity to submit input into the State Transportation Improvement Plan (STIP). A copy of the tribal government mailing list may be obtained upon request to Jill Kuhel at jill.kuhel@nebraska.gov or (402) 479-3976. Input opportunities to this program are accomplished as follows:

- Annually a letter is sent the first part of the year with a copy of the STIP and Program Book requesting comment on both the STIP and historic issues. Thirty days are given for comment and a response is provided to all inquiries.
- Through the development of a partner relationship and active participation between the Department and tribal governments, effective consideration of environmental and cultural concerns of the tribal governments will be accomplished. Guidance from the Nebraska Commission on Indian Affairs and the Bureau of Indian Affairs is available to ensure good communication with the tribes and to understand the sensitivity of Native American cultures.

Appendix A

Interested Parties included:

Public Agencies

Reps of public transportation employees

Users of public transportation

Freight shippers

Providers of freight transportation services

Private providers of transportation

Reps of pedestrians

Reps of bicyclists

Reps of disabled

Tribes

Non-metro public agencies (cities and counties)

Central federal lands

A copy of the mailing list is available upon request to Jill Kuhel at either jill.kuhel@nebraska.gov or (402) 479-3976.

