INDOT PUBLIC INVOLVEMENT PROCEDURES (PIP) SUMMARY

MARCH 2019

The Indiana Department of Transportation (INDOT) Public Involvement Procedures (PIP) document provides guidance to those who are engaged in providing public involvement opportunities related to INDOT decisions and actions, and to inform the public what they can expect in terms of INDOT public involvement policies and practices.

This document is primarily addressed to INDOT team members and their respective consultants who will carry out INDOT’s public involvement activities. This document will also be useful to Local Public Agencies (LPAs), Metropolitan Planning Organizations (MPOs), Regional/Rural Planning Organizations (RPOs), local officials, and other transportation planning, development and delivery partners that conduct their own public involvement activities.

INDIANA DEPARTMENT OF TRANSPORTATION PUBLIC INVOLVEMENT PROCEDURES

- Sets policy
- Provides guidance
- Procedures exceed minimum requirements
- Significant coordination with the Federal Highway Administration (FHWA)
- Procedures last updated in 2012
- Promotes timely and proactive engagement of INDOT customers and transportation stakeholders

The Office of Public Involvement (OPI) webpage (http://www.in.gov/indot/2366.htm) will continue to be utilized in providing information regarding public involvement approaches and methods employed by INDOT team members to inform and engage the public.
INDOT PIP includes updated guidance regarding the following subject matter:

- Americans with Disabilities (ADA) guidance and INDOT stakeholder engagement (p. 15)
- Limited English Proficiency (LEP) guidance and INDOT stakeholder engagement (p. 17)
- Air quality in planning regulation (p. 22)
- Public involvement required per Indiana Code (p. 25)
- Summary of public involvement activities required during Project Selection (p. 65)
- Distinction between public hearings, public meetings, open houses and how INDOT complies with federal and state laws when conducting these events (pages 81–84)
- Expanded criteria in requiring formal public involvement during project development phase (p. 85)
- Communicating project decisions following a public hearing as part of the NEPA process (p. 89)
- Air quality guidance and public involvement activities during NEPA (p. 92)
- Expanded LPA public involvement requirement – require action in communicating project decisions at conclusion of environmental phase (pages 139)

The INDOT PIP lays out the fundamental requirements for public involvement, established by federal and state law, by regulation and by INDOT policies.

The INDOT PIP requires joint approval by the Federal Highway Administration (FHWA) and INDOT following a minimum 45-day public comment and document review period. The INDOT OPI will perform the following action items as part of its public engagement duties:

- Place paid legal advertising in newspapers statewide
- Utilize social media, message delivery tools including GovDelivery
- Electronic notification to transportation stakeholders via LTAP directory
- Electronic notification to planning partners, regulatory/resource agencies

Following the comment period, public comments must be documented and responses prepared, made available for public viewing.

INDOT will review, update and approve the PIP as required by 23 CFR 450.210(a)(2). The FHWA must approve any change to this public involvement policy and procedure document.
2019 INDOT PIP includes enhanced guidance related to
ADA Stakeholder Engagement and activities
Limited English Proficiency (LEP) stakeholder engagement and inclusion
Air quality in planning regulation and during NEPA
Indiana Code and implementation during transportation decision-making
Summary of project selection process
Distinction between public hearings, meetings, open house and compliance with state law
Expanded criteria for project types requiring public involvement
Communicating NEPA decisions as part of public involvement

Communicating project decisions important part of a comprehensive transportation decision-making process

INDIANA CODE PERTAINING TO PUBLIC HEARINGS

IC 8-23-2-17 Public Hearing is an Assembly
Sec. 17. (a) As used in this section, “public hearing” means an assembly or a meeting by the department for the purpose of:

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

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

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

In order to ensure compliance with IC 8-23-2-17 the updated PI procedures seeks to provide clarity related to meeting format:

- **Open Houses**
  - Do not require formal presentation
  - Must include a public comment station where written comments can be accepted

- **Public Meetings**
  - Should include a formal presentation
  - Must include public comment station where written comments can be accepted

- **Public Hearings**
  - Always includes a formal presentation and formal public comment/testimony session

- **Community Advisory Committees (CACs)**
  - Are generally small stakeholder group meetings where participates are invited to attend
  - Indiana Open Door Law – the public has the right to observe meetings and cannot be turned away
  - Meeting announcement must be posted at meeting location; notice of meeting must be given at least 48 hours prior to the meeting date/time; meeting sponsor may also post meeting announcement at their location
PUBLIC INVOLVEMENT CRITERIA

Formal public involvement is required when any of the following criteria is met.

For CEs levels 1 - 4 (not involving a historic bridge), INDOT offers the opportunity to request a public hearing OR holds a public hearing, prior to the completion of NEPA, when the project meets one (or more) of the conditions listed below. **EA and EIS level documents require a public hearing.**

1. The proposal requires significant amounts [interpreted by INDOT to be one-half acre or more] of permanent right-of-way (r/w). *(Note: Any proposal resulting in the increase in right-of-way due to the factors listed below may be exempt from this requirement).* Consultation with Office of Public Involvement and Environmental Services should occur to make determination.
   - The proposal does not involve NEW r/w impacts but rather reacquiring past prescriptions (i.e. existing or apparent existing r/w)
   - The proposal involves the acquisition of donated r/w from property owner
   - Acquiring r/w presently within INDOT apparent r/w to establish legal documented ownership
   - Additional R/W needed for mitigation purposes, for projects where original R/W impacts as described in the environmental document were less than 0.5 acre

2. The proposal substantially changes the layout or functions of connecting roadways or the facility being improved; the proposal permanently alters an existing traffic pattern;

3. The proposal involves noise analysis wherein a noise impact is identified;

4. The proposal may have a substantial adverse impact on abutting property;

5. The proposal may have a significant social, economic, environmental or other effect;

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

7. The proposal is determined by the Federal Highway Administration and/or INDOT to warrant a public hearing or offering, in the public's interest;

8. The proposal involves the permanent closure of an U.S. highway, interstate, state highway, bridge or other facility; temporary closures may warrant action following INDOT/FHWA consultation;

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

A change in project scope may require additional formal public involvement.
TRANSPORTATION DECISION-MAKING

Planning 1
- Identification of Needs
- Call for Projects
- Project Selection
- Programming

Project Development 2
- Environmental Analysis
- Public Involvement
- Design
- Real Estate Services
- Utility Coordination

Project Delivery 3
- Letting process
- Construction

Maintenance & Preservation 4
- Operations
- Activities to maintain and preserve facilities

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