The INDOT Public Involvement Procedures Manual, developed with significant FHWA coordination, sets public involvement policy, provides guidance, exceeds minimum requirements, and promotes timely customer engagement.
Project team member explaining design details.

Open house session for area residents.

Community members gather prior to the start of a public hearing.
INDOT PUBLIC INVOLVEMENT PROCEDURES MANUAL

INDOT OFFICE OF PUBLIC INVOLVEMENT

INTRODUCTION TO INDOT PUBLIC INVOLVEMENT PROCEDURES

The Indiana Department of Transportation (INDOT) has prepared the INDOT Public Involvement Procedures manual to provide 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. This document will help the MPOs, RPOs and local officials understand where their processes fit with INDOT public involvement approaches, and will provide them with ideas on how to implement their own public involvement programs. In addition, this document is intended to provide the interested public reader with information about INDOT’s commitment to public involvement and about how and where the public can become involved in the planning and project development processes.

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 engagement of INDOT customers

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

The 2019 INDOT Public Involvement (PI) Procedures include:

- ADA and Title VI – How INDOT incorporates guidance into project planning, development & delivery
- Public involvement per Indiana Code
- Project Selection Process and related public involvement activities
- Description of Transportation planning partners and responsibilities
- Public involvement activities required during Project Development Process
- Expanded public involvement criteria used during Project Development Process
- Public involvement post-NEPA document approval – Communicating project decisions
- Expanded LPA public involvement requirement – requires action in communicating project decisions

INDOT Public Involvement Policies and Procedures lays out INDOT’s fundamental requirements for public involvement, established by federal and state law and regulations and by INDOT policies. The Policies and Procedures have been approved by the Federal Highway Administration (FHWA) on ________________.

INDOT will review the public involvement Policies and Procedures as required by 23 CFR 450.210(a)(2). The FHWA must approve any changes to these Policies and Procedures.

Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1)) states: “Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program.” 23 CFR 450.210(a)(ix) states: “Public involvement processes shall provide for periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all and revision of the process as necessary.”
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INTRODUCTION TO INDOT PUBLIC INVOLVEMENT POLICIES AND PROCEDURES

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

THE MISSION OF INDOT

The mission of INDOT is to plan, build, maintain and operate a superior transportation system enhancing safety, mobility and economic growth.

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

THE INDOT PUBLIC INVOLVEMENT POLICY

Indiana citizens have an important role in shaping the transportation decisions that will affect their communities. Residents rely on the transportation system to move around in their communities and through the state for work and pleasure. Visitors rely on the system to reach their destinations and return safely home.
Businesses rely on the system to move products and materials. A solid transportation system is an important driver for economic development. In addition to their reliance on the system to meet transportation needs, all of these users have a stake in transportation decisions because they are taxpayers.

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

INDOT defines public involvement as two-way communication aimed at providing information to the public and incorporating the views, concerns, and issues of the public in the transportation decision-making process. The public provides input on transportation needs, community concerns, and environmental considerations. INDOT uses this input to help make decisions. By involving the public early in planning transportation projects and throughout the development and implementation of projects, INDOT will deliver a statewide transportation system that meets the needs of and is supported by its customers, the citizens of Indiana.

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

**THE BENEFITS OF PUBLIC INVOLVEMENT**

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

- Enhancing decisions and creating a better end product, including context-sensitive solutions, because the public can provide valuable information and perspective throughout the process. Effective public involvement enhances sound engineering. It promotes fuller exploration of
community needs, communications on objectives and trade-offs, and application of engineering judgment to the full range of alternatives.

- Obtaining funding and support for INDOT programs facing increasing competition for economic resources and ensuring effective use of limited financial resources. When project impacts on the community can be minimized while transportation is improved, then stakeholders (traveling public, community, and taxpayers) benefit from cost-effective projects.

- Complying with regulations, such as national transportation authorization acts and the National Environmental Policy Act (NEPA).

- Increasing customer satisfaction, public trust, and public acceptance which can reduce project re-design and delays. When people feel their concerns are addressed, they refrain from challenges to transportation plans and projects which may lead to costly project modifications. Procedural delays increase project costs while safety and congestion problems remain unsolved.

- Enhancing INDOT’s credibility and public perception as a responsible public works agency that is a leader in public and transportation issues.

- Achieving a final product which is a transportation system that meets the transportation needs of Indiana and its visitors.

- It is also an opportunity for INDOT to educate its constituents on the various intricacies of project selection, development, delivery and maintenance.

**INDOT IMPLEMENTATION OF THE PUBLIC INVOLVEMENT POLICY**

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

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

Community members gather prior to start of public hearing.
Federal Law and Public Involvement
FEDERAL LAWS RELATED TO PUBLIC INVOLVEMENT

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

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

INDOT has established a proactive public involvement process in the planning and development of transportation projects. This process provides opportunities for early and continuing involvement of the public in developing transportation plans, programs, and projects and provides complete information, timely public notice, and public access to key decisions. INDOT’s public involvement process is in keeping with the Interim Policy on Public Involvement established by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), which states:

State departments of transportation, metropolitan planning organizations, and transportation providers are required to develop, with the public, effective involvement processes which are custom-tailored to local conditions. The performance standards for these proactive public involvement processes include early and continuous involvement; reasonable public availability of technical and other information; collaborative input on alternatives, evaluation criteria and mitigation needs; open public meetings where matters related to Federal-aid highway and transit programs are being considered; and open access to the decision-making process prior to closure.

INDOT’s public involvement procedures conform to the requirements of federal law and regulations and the Indiana code regarding public hearings.

INDOT MEETS FEDERAL LAWS AND REGULATIONS

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

**FEDERAL LAWS AND REGULATIONS AS A FOUNDATION FOR PUBLIC INVOLVEMENT REQUIREMENTS**

**The Role of the Federal Government**

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

**Applicable Federal Law and Regulations**

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

- National Environmental Policy Act (NEPA), which directs agencies to encourage and facilitate public input into decisions that affect the quality of the human environment [https://ceq.doe.gov](https://ceq.doe.gov)
- Title VI of the Civil Rights Act of 1964, which declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color or national origin [https://www.fhwa.dot.gov](https://www.fhwa.dot.gov)
- Americans with Disabilities Act, which requires reasonable efforts be made to accommodate citizens with disabilities who wish to attend public involvement events and participate in project/program decision making process [https://www.fhwa.dot.gov](https://www.fhwa.dot.gov)
- Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that
transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. 42 U.S.C. 7506 (c) (1). [https://www fhwa dot gov/](https://www.fhwa.dot.gov/)

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

### Applicable Federal Policy and Guidance

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

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

### FAST ACT – FIXING AMERICA’S SURFACE TRANSPORTATION ACT

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

### THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)
Title II of the ADA applies to all public entities. It requires INDOT to remove architectural and programmatic barriers that exclude qualified individuals with a disability. The ADA also requires INDOT, upon request, to make reasonable modifications to its policies and programs to ensure that qualified individuals with disabilities have an equal opportunity to enjoy its programs and activities. INDOT is not required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. See INDOT ADA Transition Plan at http://www.in.gov/indot/3583.htm.

Public Involvement Opportunities: Connect with INDOT around our accessibility programs

INDOT invites stakeholders to participate in a statewide community advisory working group. This group meets in each of our six district regions, to discuss and engage advocates, community members and interested members of the public with regard to accessibility for ADA stakeholders.

Our working group hosts six (6) public meetings each year and invites Indiana Communities in the host district to attend and discuss our ADA Transition Plan together with their in the context of community. We welcome and encourage public input on our planned ADA remediation projects as well as input related to the accessibility of our programs. The focus of these meetings is centered around the accessibility of INDOT-owned and controlled programs and facilities and local programs as they relate to and intersect INDOT’s program areas.

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

SECTION 504 OF THE REHABILITATION ACT OF 1973

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

Both the ADA and Section 504 require INDOT to inform the public of its obligation not to discriminate on the basis of disability in the administration of its programs and operation of its facilities.
INDOT works to ensure its programs and facilities are accessible. We are working to remove limitations and barriers to access where they are discovered, improving our state practices, programs and pedestrian facilities and assisting our local communities is doing the same.

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

ENVIRONMENTAL JUSTICE (EJ)

Under Executive Order 12898, INDOT must administer and implement its programs, policies and activities that affect human health or the environment so as to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations while ensuring that minority and low-income populations receive an equitable distribution of the benefits.

LIMITED ENGLISH PROFICIENCY (LEP)

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

Pursuant to Executive Order 13166, INDOT must take reasonable steps to ensure meaningful access to its services to persons may be entitled to language assistance.

See the Non-Discrimination at INDOT webpage http://www.in.gov/indot/3584.htm for guidance in serving persons with Limited English Proficiency (LEP) and ensuring access to program and project related decision-making.

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

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

Providing LEP services is part of the INDOT public involvement process.

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

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

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

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

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

INCLUSION OF UNDER-SERVED INDIVIDUALS AND COMMUNITIES

INDOT believes that an effective public involvement process should actively seek out and engage those individuals who may otherwise be under-served in the transportation planning, programming, and project development process. In keeping with the spirit and intent of the Americans with Disabilities Act (ADA), INDOT gives consideration to the needs of individuals with disabilities and proactively seeks to provide means to accommodate individuals with hearing, speech, vision, or mobility limitations.

As mentioned, a voluntary public involvement survey 23 CFR 200.9(b)(4) assists INDOT in gathering data to ensure our programs and activities comply with Title VI of the Civil Rights Act of 1964. The voluntary survey is made available via the INDOT website and is available at public involvement events (open houses, public meetings and hearings). More about the survey:
• Available on-line and at public involvement events
• INDOT monitors, tracks and documents data received as a result of the survey to comply with Title VI of the Civil Rights Act of 1964
• Documentation is submitted to FHWA for evaluation and review
• INDOT makes changes & modifications to its program and project development activities based upon this information

In keeping with the spirit and intent of Title VI of the Civil Rights Act of 1964, the Federal Highway Act of 1973, the Age Discrimination Act of 1974, the Executive and DOT Orders and FHWA Guidance on Environmental Justice, INDOT considers the needs of low-income and minority populations as it undertakes public involvement activities in the planning, programming, and project development processes. INDOT seeks opportunities to reach out to and solicit input from these populations.

**INDOT’S NON-DISCRIMINATION STATEMENT**

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

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

See Table on following page for the text of the federal policy/guidance documents and Appendices for the Executive, USDOT, and FHWA Orders on Environmental Justice.
## Legal Citation

<table>
<thead>
<tr>
<th>Legal Citation</th>
<th>Federal Requirement</th>
</tr>
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<tbody>
<tr>
<td>23 CFR 450.210 (a)(1)(i)</td>
<td>Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to stakeholders.</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(ii)</td>
<td>“Provide reasonable public access to technical and policy information used in development of the long-range statewide plan and the Statewide Transportation Improvement Program.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(iii)</td>
<td>“Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and Statewide Transportation Improvement Program.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(iv)</td>
<td>“To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(v)</td>
<td>“To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(vii)</td>
<td>“Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and Statewide Transportation Improvement Programs”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(viii)</td>
<td>“Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(ix)</td>
<td>“Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(2)</td>
<td>“At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process documents(s) to the Federal Highway Administration and the Federal Transit Administration for information purposes.”</td>
</tr>
<tr>
<td>23 CFR 450.210 (a)(1)(v)</td>
<td>“To the maximum extent practicable, use visualization techniques to describe the proposed long range statewide transportation plan and supporting studies.”</td>
</tr>
<tr>
<td>40 CFR 93.105 (e)</td>
<td>Public consultation procedures (see page 22)</td>
</tr>
</tbody>
</table>

### Public Involvement

Federal Requirements are the foundation of public involvement activities and provide guidance to state departments of transportation.
COORDINATION OF PUBLIC HEARING PROCESS WITH U.S. ARMY CORPS OF ENGINEERS (USACE)

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

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

THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The National Environmental Policy Act (NEPA), enacted in 1969, requires that any activity or project (including transportation projects) receiving federal funding or other federal approvals undergo full consideration of potential social, economic, and environmental impacts to arrive at a decision on a specific project or action. The NEPA process involves striking a balance among many different factors – mobility needs, freight movement, economic prosperity, health and environmental protection, community and neighborhood preservation, and quality of life for present and future generations. NEPA requires that federal agencies disclose the results of their analysis and the effects of project implementation on the environment and solicit comments on the proposals from interested and affected parties. During the NEPA environmental process, projects undergo preliminary engineering to enable INDOT to define a project sufficiently to conduct the needed environmental analysis. Projects proceed to final design only after the NEPA document has been completed and a decision has been made. Implementation of NEPA is defined by the Regulations of the Council on Environmental Quality for Implementation of NEPA. INDOT has developed a Procedural Manual for Preparing Environmental Documents. Visit INDOT’s Environmental Services Division at http://www.in.gov/indot/2675.htm for more information.
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

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

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

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

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

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

Continued from page 20. Public Consultation Procedures 40 CFR 93.105(e) – Affected agencies making conformity determinations on transportation plans, programs and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(a). Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.43. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.
INDOT team members attending Statewide Transportation Improvement Program (STIP) Open House
Indiana Code and Public Involvement
STATE STATUTES PERTAINING TO THE IMPLEMENTATION 
OF PUBLIC INVOLVEMENT

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

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

**IC 8-15.5-4-1.5**

Toll Road projects - required studies; public hearing; public comment process

Sec. 1.5. (a) This section applies only to a toll road project and not to a freeway project or a facility project. (b) The authority may not issue a request for proposals for a toll road project under this article unless the authority has received a preliminary feasibility study and an economic impact study for the project from the department, conducted a public hearing and concluded the periods for public comments and the authority’s replies. (c) the economic impact study must, at a minimum, include an analysis of the following matters with respect to the proposed project: (1) Economic impacts on existing commercial and industrial development (2) Potential impacts on employment (3) Potential for future development near the project area, including consideration of locations for interchanges that will maximize opportunities for development (4) Fiscal impacts on revenues to local units of government (5) Demands on government services, such as public safety, public works, education, zoning and building, and local airports.

The authority shall post a copy of the economic impact study on the authority’s Internet website and shall also provide copies of the study to the governor and the legislative council (in electronic format under IC 5-14-6).
After completion of the economic impact study, the authority must conduct a public hearing on the results of the study in the county seat of the county in which the proposed project would be located. At least ten (10) days before each public hearing, the authority shall: (1) post notice of the public hearing on the authority’s Internet web site (2) publish notice of the public hearing (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county; and (3) include in the notices under subdivisions (1) and (2):

(A) the date, time, and place of the hearing;
(B) the subject matter of the hearing;
(C) a description of the purpose of the economic impact study;
(D) a description of the proposed project and its location; and
(E) a statement concerning the availability of the study on the authority’s Internet web site.

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

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

(f) Within fifteen (15) days following the close of the public comment period, the authority shall publish on the authority’s Internet web site the authority’s replies to the public comments submitted to the authority during the public comment period.

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

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

(1) At least ten (10) days before the public hearing, post on the department’s Internet web site:

   a. The proposal submitted by the offeror that has been preliminarily selected as the operator for the project, except for those parts of the proposal that are confidential under this article; and

   b. The proposed public-private agreement for the project

(2) At least ten (10) days before the public hearing:

   a. Post notice of the hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county that would be an affected jurisdiction for the purposes of the proposed project.

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

INDIANA CODE PERTAINING TO PUBLIC HEARINGS  

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

See pages 81 – 84 for INDOT implementation  

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.

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

Sec. 9 (a) The department may establish the approximate locations, using the recommended widths established by the department in the department’s approved design manual for equivalent classification of roads, of right-of-way for additions to the state highway system.

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

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

(1) Existing highways in the area of the addition.

(2) Property lines and owners of record of property to be acquired for the rights-of-way.

(3) Other information determined necessary by the department.

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

(d) The department shall:

(1) publish notice of a recording under subsection (c) in two (2) newspapers of general circulation in each county in which an approval is recorded; however, if only one (1) newspaper is published in the county, publication in that newspaper is sufficient; and

(2) not more than sixty (60) days after an approval is recorded, send notice of the recording by certified mail to all owners of record of real property to be acquired for rights-of-way for the addition.

(e) The owner of property to be acquired for a right-of-way must give at least sixty (60) days’ notice by registered mail to the department before developing or otherwise improving the property. However, the owner may perform normal or emergency repairs to existing structures on the property without giving notice to the department.
(f) Not more than forty-five (45) days after receiving a notice under subsection (e), the department shall respond by providing notice to the property owner of the department's intent to acquire the property. The department shall:

(1) purchase; or

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

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

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

(1) If the property is purchased, the fair market value on the date of purchase.

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

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

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

(1) The need for additional capacity.

(2) The estimated cost of the project.

(3) Whether the project is new construction or maintenance.

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

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

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

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

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

IC 9-21-3-2 Traffic Signal Petition

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

(b) if:

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

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

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

INDIANA OPEN DOOR LAW

The Open Door Law (“ODL”)

Ind. Code § 5-14-1.5-1

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

The purpose of the Open Door Law is to provide the opportunity for the public to be fully informed as to the official actions of public agencies. In keeping with the purpose of the law, all meetings of the governing bodies of public agencies are to be open at all times so that the public can observe and record them. Executive Sessions are an exception to this requirement and we will go into that exception further in a few minutes.

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

Visit http://iga.in.gov/legislative/laws/2016/ic/ to learn more about Indiana Code.
Public hearings and meetings are typically held at schools, libraries and/or municipal buildings within close proximity of a project area.
Project Selection – How a Project Becomes a Project

FIRST STEP IN TRANSPORTATION DECISION-MAKING

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

Project Delivery 3
- Letting process
- Construction

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

Maintenance & Preservation 4
- Operations
- Activities to maintain and preserve facilities
INDOT has established a proactive public involvement process in the planning and development of transportation projects. This process provides complete information, timely public notice, and full public access to key decisions and supports early and continuing involvement of the public in developing plans and transportation programs.

**INDOT Planning and Programming**

Transportation planning involves examining the long-term and strategic transportation goals of the state and specific areas within the state, studying respective demographic characteristics and travel patterns, assessing existing and possible future transportation assets, looking at how these considerations and factors interrelate, forecasting possible changes over multiple years, estimating resources and funds potentially available to address transportation concerns, and evaluating alternatives for meeting current and future transportation...
needs to bring the area closer to achieving its vision. INDOT identifies current and projected transportation challenges and proposes solutions to those challenges in the Statewide Long Range Transportation Plan (TP).

23 U.S.C. 135 states that each State shall develop transportation plans and programs for all areas of the State, including a statewide long range plan with a minimum 20-year forecast period and shall do so in cooperation with the MPOs and in consultation with affected local officials with responsibility for transportation in non-metropolitan areas.

Future transportation planning is a continuous, cooperative, and comprehensive process. It establishes a vision for future transportation investments, examining critical trends, issues, and future-year needs to provide Hoosiers the highest level of mobility and safety possible to meet the needs of economic development and quality of life.

The Indiana Future Transportation Needs Report functions as the INDOT Long-Range Transportation Plan. The development of this report was carried out under 23 CFR 450.216 federal regulations, which requires states to develop and periodically update statewide transportation plans with a minimum of a 20-year planning horizon.

INDOT has adopted a non-project specific, needs-based, statewide transportation approach that identifies future transportation needs and describes overarching strategies and opportunities to accomplish future results. This approach will provide a flexible and opportunistic framework for addressing transportation issues and needs for the next 20-25 years.

Code of Federal Regulations 23 CFR 450.210, the State shall develop and use a documented public involvement process that shall be reviewed periodically for effectiveness to ensure full and open access is provided to all interested parties.

Before improvements in the state transportation system can be made, projects must be identified and project funding allocated in Indiana’s Statewide Transportation Improvement Program (Indiana’s STIP).

WHAT IS A STIP?

The Statewide Transportation Improvement Program (STIP) is a federally mandated funding and scheduling document (required at least once every 4 years per federal regulation) for surface transportation projects (road, highway, pedestrian trails, bicycle facilities, bridge facilities and transit projects in Indiana. The STIP is important because federal and state money cannot be spent on projects unless they are listed in the STIP. The STIP is a budget document that is used to schedule and fund projects. The projects listed in the STIP typically come from local and/or state-approved plans. Only projects which construction and operating funds can reasonably be expected to be available are included in the STIP.
The STIP identifies the funding and scheduling of transportation projects and programs. It includes projects on the federal, state, city and county transportation systems and multimodal projects.

Indiana has both a decentralized and centralized programming process. Projects are submitted by the six INDOT districts and selected through an agency-wide, statewide asset management process in coordination with MPOs, local public agencies, and transit coordinators. Stakeholder and public input is collected by the Metropolitan Planning Organizations (MPOs), Rural Planning Organizations (RPOs), and INDOT at various points within the STIP development process. The STIP is approved by the Federal Highway Authority (FHWA) and the Federal Transit Authority (FTA). The INDOT STIP is developed on a two-year cycle and amended as needed.

Once a STIP is approved by FHWA and FTA, major changes to federally funded projects must be approved through a formal amendment process by FHWA/FTA. Lesser changes or the correction of incorrect information in the STIP can be accomplished through the Administrative Modification process, which does not require federal approval. INDOT has developed specific guidelines to define requirements for STIP amendments and modifications.

Proactive public involvement is a key component of the state's transportation planning processes including:

- Maintaining a STIP website containing all related processes, documents and updates
  - Current and archived STIP information is available for public review and inspection
- Conducting public involvement and outreach events (public meetings, open houses) when a draft STIP is produced (every 2 years)
  - Public meetings are held in both MPO and Non-MPO areas within each of INDOT’s six district areas
- INDOT holds a public review and comment period for the draft STIP
- INDOT sets a 45-day minimum public review period when a STIP developed
- The public is notified of the STIP review and comment period in a number of ways including
  - Media release(s)
  - Legal notices / classified advertisement in traditional and minority publications
  - Website
  - Social media
  - List serve and other electronic messaging services
- The public may review and comment on the draft STIP electronically via the STIP website
## General Activities When INDOT Develops A STIP

- Generate draft list of project proposals for consideration as part of Early Coordination Meetings to be held at district offices. Meetings will include MPOs, RPOs, district personnel and Central Office personnel.

- INDOT conducts early STIP coordination meetings
  - MPOs conduct public involvement activities within areas of jurisdiction and meet with INDOT district offices
  - Local Officials outside MPO areas meet with INDOT district offices
  - STIP related activities and documents are posted to INDOT website; contact appropriate INDOT district office or MPO office to participate during this process
  - See document for listing of INDOT district offices and MPO contact information

- Generate Draft STIP listing and complete Fiscal Constraint using project revenue numbers

- Provide MPOs with draft list of projects to include in MPO TIP cycles

- Meet with MPOs to review draft lists and finalize non MPO lists with appropriate district, transit and asset management personnel

- Conduct public meetings/open houses in each district for STIP involvement
  - At minimum, 2 STIP meetings per district; hold in MPO area and also a non-MPO area
  - Meetings must be held in an ADA accessible venue with ADA accommodations and services provided by INDOT
  - Meetings must be announced via media release, posted onto INDOT website and announced via INDOT Public Involvement List Serve, additional steps should be taken to accommodate Limited English Speaking (LEP) persons
  - Notification activities cited above must take place, at minimum, 48 hours prior to the date and time the meeting is scheduled to begin, advance notification is always encouraged. A physical notice must be posted at the INDOT Central and district office (or other meeting location) with notice given to those who specifically request (in writing) to be notified
  - Additional outreach activities may be undertaken at INDOT’s discretion

- Receive and review draft MPO TIPs and issue approval Letters. This must be completed to be included in draft STIP submittal to FHWA

- Public comment period to satisfy public involvement process
  - Minimum 45 day public comment period set by INDOT
  - Review and address public comments
  - INDOT Office of Public Involvement coordinates public comment response process

- Draft STIP submitted to FHWA and FTA for review
  - FHWA to review draft STIP document

- Receive approval of STIP
  - Post approved STIP to INDOT website
The production of the STIP is the culmination of project selection activities including a call for project proposals, early consultation with transportation planning stakeholders and district meetings/open houses to engage the public and solicit input.

**WHAT IS A CALL FOR PROJECTS?**

A Call for Projects is the beginning of a process by which proposals for new projects can be presented, reviewed, and prioritized. If approved, these projects are programmed or accepted into a production schedule. The Call for Projects provides opportunities for agencies outside of INDOT to comment on the existing construction program. Although changes to existing projects can occur at any time, proposals for new projects can be submitted only in response to a Call for New Projects. Separate Call for Projects processes are held for local projects, and multiple calls may be issued each year.

The purpose of the call is to give the opportunity for submission of projects, which can originate from cities, towns, Rural Planning Organizations (RPOs) and Metropolitan Planning Organizations (MPOs). Those projects are then reviewed and prioritized at the District level and passed onto the State level for final refinement and project selection. The State level groups who evaluate the projects are referred to as **Asset Management Teams**, and each has a different area of focus. When projects make it through the selection process and receive final approval, they are programmed into the STIP, for the year in which the work is intended to be done. The call for projects also provides an opportunity for agencies outside of INDOT to comment on the existing program.

- **Asset Management Teams** – traffic mobility, roadway, bridge, traffic safety

**HOW CAN YOU GET INVOLVED WITH THE STIP DEVELOPMENT PROCESS?**

There are multiple opportunities along the way for the public and stakeholders to have a voice in the STIP process. The most effective way to get involved is to participate in the project discussion early, frequently, and strategically.

1. Attend local MPO Council Meetings in/near your area. INDOT Planners, Engineers, and Project Managers often meet with MPO Board Members, Technical Advisory Members, to discuss and present project concept and answer questions from regional and local officials. Depending on the MPO, these opportunities may occur every 2-4 months.
2. INDOT opportunities for early involvement occur throughout the annual call process

- Local officials and transportation stakeholders outside of MPO areas are encouraged to meet with their respective INDOT District Office to discuss transportation needs and challenges.
• Visit the INDOT website http://www.in.gov/indot/ to sign up to agency list serve (GovDelivery) to receive news, updates, program and project correspondence to learn of opportunities for participation
• District Contact Information: https://entapps.indot.in.gov/dotmaps/districtmaps/

3. INDOT publishes the STIP for a 45-day public comment period. Public comments may be submitted by mail, email, or via public comment form: www.in.gov/indot/3132.htm.

WHAT IS EARLY CONSULTATION?

The INDOT district offices will work with a number of groups, including engineering, asset management, technical planning, bridge, pavement, traffic engineering, MPO, LPA Grant Administration and State Transportation Improvement Program business units to arrange and host meetings in each district to discuss proposed projects, the INDOT Future Year Transportation Report/Plan needs, STIP and other transportation-related issues. The district offices will lead the process of coordinating these meetings as act as hosts. Although a district may hold any number of meetings throughout the year, there will generally be one meeting in each district focusing on consultation with local elected officials and rural organizations (RPOs). It will include the district office, MPOs, and representatives from other INDOT divisions, as warranted.

It is important to note that the elected officials within an MPO area are typically represented by the MPO. For communities outside an MPO, input from elected officials is sought. This can be a mayor, town manager, or county commissioner. The purpose of the meeting or meetings is to reach agreement between all parties, through consultation, coordination and cooperation, on the following:

• Proposed new state projects (if any)
• Changes (if any) to the existing program of state and local projects
• Transportation needs prioritization discussion
• Discussion regarding existing and potential local policies and programs (i.e. transit expansion, bike and pedestrian plans, ADA Transition needs, economic development, parking restrictions, etc.)
• Land-use development patterns and zoning permits
• Short- and long-range transportation system development goals and needs
• MPO and RPO public involvement input relative to INDOT facilities and transportation needs
• Community audit results for select areas and projects (as completed)
The goal of these meetings is to produce and “agreed-to list” of existing and proposed new state projects district-wide including those in MPO and RPO planning areas.

**PROJECT RECOMMENDATIONS SUBMITTED**

Following the outcomes from consultation meetings, discussion and evaluation, each district will then submit its prioritized list of proposed district area projects to the asset management team. This list will include project proposed by others and for which agreement has been reached. Minutes of the consultation meeting or meetings will also be submitted by each district and Technical Planning Liaison to the asset management team along with a brief report explaining how priorities were set.

The programming of projects entails prioritization, scheduling, and budgeting for anticipated projects in the near term timeframe. This process is generally described in the “Annual Program Development Process” (APDP) which may be found at [www.in.gov/indot/2666.htm](http://www.in.gov/indot/2666.htm) along with the Indiana STIP [www.in.gov/indot/2348.htm](http://www.in.gov/indot/2348.htm). The Indiana STIP contains projects to be implemented with reasonably anticipated funds for the time window of the STIP. Following opportunities for public review and comment, the Indiana STIP is forwarded to FHWA and FTA for federal approval. Projects must be listed in Indiana’s approved STIP to be eligible for federal funding. The STIP includes investments in various modes such as transit, highways and bicycles facilities and:

- Must be updated at least once every 4 years
- Must cover a period of not less than 4 years
- Must list projects by fiscal year
- Must be financially constrained by year using current and anticipated revenue sources
- Must include all regionally significant projects that could affect air quality
- Must be consistent with long-range state and metropolitan transportation plans
- Must be found to meet air quality conformity requirements
For more information regarding the STIP document, please visit INDOT’s website (http://www.in.gov/indot/2348.htm).

An amendment means a revision to a long-range statewide or metropolitan transportation plan, Transportation Improvement Plan (TIP), or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). In addition, changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, demonstration of fiscal constraint, or a conformity determination (for metropolitan transportation plans and TIPs involving “non-exempt” projects in nonattainment and maintenance areas). In the context of a long-range statewide transportation plan, an amendment is a revision approved by the state in accordance with its public involvement process. The public involvement activity required as part of the STIP Amendment Process includes posting an approved STIP amendment to the INDOT website; additional public involvement activities may be implemented at INDOT’s discretion.

**ANNUAL PROGRAM DEVELOPMENT PROCESS (APDP)**

The Annual Program Development Process (APDP) generally describes INDOT’s project selection and programming mechanism for the near-term program and Indiana’s STIP. The APDP also provides support and potential input to INDOT’s long-range planning operations. Most projects require approximately three to five years (or more) to be planned, programmed, developed and delivered, with each of its development phases (e.g., environmental analysis, design, right-of-way, and construction) programmed in Indiana’s STIP when federal funds are used. The APDP for state projects can be found on INDOT’s Future Transportation Needs Report webpage at http://www.in.gov/indot/2666.htm. The direct link can be found at: http://www.in.gov/indot/files/PDP_S.pdf. Please see an example of the APDP on the following page.
Transportation planning and programming processes are to consider the desires of communities and take into account both the natural and human impacts to the environment. Transportation plans help regions and communities reach their goals. Therefore, involvement of local communities, primarily through their elected public officials, is essential to developing INDOT’s long range plans and Indiana’s STIP. INDOT works through its six district offices and develops the Future Transportation Needs Report and the STIP in coordination and cooperates, coordinates, and consults with the 14 Metropolitan Planning Organizations (MPOs) (see below),
that cover parts of Indiana, rural local officials, and Regional and/or Rural Planning Organizations, and obtains input from the public as part of developing its long range plans and STIP. The development process of the INDOT Future Transportation Needs Report includes the detailed local knowledge and insight of Indiana’s MPOs and non-metropolitan local officials with INDOT’s statewide perspective on the overall improvement program for non-metropolitan areas and on a statewide basis.

- Future Transportation Needs Report is posted to INDOT website for public review
- Annual Program Development Process is posted to INDOT website for public review
- INDOT conducts meetings with planning partners at the federal, state and local levels
- Open House events are held in each district area to solicit input related to project selection processes
- The STIP document requires public involvement
- Updating key planning documents require public involvement as do amendments to the STIP

PARTNERS IN PLANNING

INDOT has a number of planning partners, each with specific roles, responsibilities, and areas of jurisdiction.

Federal Highway Administration – The FHWA oversees federal funds used for the design, right-of-way acquisition, construction, and maintenance of: Interstate Highways, U.S. Routes, State Routes, and federal-aid funded route facilities. FHWA’s role is to ensure projects using these funds meet federal requirements in terms of project eligibility, planning, environmental, contract administration, right-of-way, and construction standards. (www.fhwa.dot.gov)

Federal Transit Administration – The FTA provides stewardship of combined formula and discretionary programs to support a variety of locally planned, constructed, and operated public transportation systems throughout the United States. Transportation systems typically include: buses, subways, light rail, commuter rail, streetcars, monorail, passenger ferry boats, inclined railways, or people movers. (www.fta.dot.gov)
Metropolitan Planning Organizations – MPOs are federally required transportation planning bodies comprised of elected and appointed officials representing local, state, and federal governments or agencies having interest or responsibility in transportation planning and programming. In urbanized areas of 50,000 or more, transportation by the state is done in cooperation with the MPO. The MPO develops a number of federal planning documents; manages both local and state projects in their respective areas; and performs various support related transportation planning activities. ([www.indianampo.com](http://www.indianampo.com))

Rural or Regional Planning Organizations – RPOs serve the transportation planning needs for small urban and rural areas of the state. RPOs perform eligible planning activities in order to provide planning support to local communities. The planning activities of RPOs are aimed at supporting INDOT Central and district office planning staff with public outreach, technical assistance to local officials and the collection of transportation-related data. RPOs are also responsible for transportation planning funds in the form of a matching grant to regional planning commissions. ([http://www.iarc.cc/](http://www.iarc.cc/))

Non-MPO Areas – These include small towns and cities not included in an MPO area. In non-metropolitan areas, INDOT district offices coordinate transportation planning activities and develop lists of projects to be included in the STIP. INDOT consults with the Regional and/or Rural Planning Organizations (RPOs), rural area local elected officials, local government agency representatives, special interest groups, and other key transportation stakeholders. ([http://www.in.gov/indot/](http://www.in.gov/indot/))

Resource Agencies – Include a number of government agencies with regulatory authority over an environmental resource and have a stake in transportation related improvements.

**REQUIREMENTS BY FEDERAL LAW, REGULATIONS AND POLICY FOR PUBLIC INVOLVEMENT IN PLANNING AND PROGRAMMING**

When it comes to transportation planning and project selection, where you live matters. Projects that involve local city streets or county roads are the responsibility of local city or county governments. INDOT performs, and is responsible for, transportation planning activities involving interstate highways, U.S. route, and state routes. INDOT’s Transportation Planning Team coordinates activities to identify transportation needs and opportunities whereas solutions may be considered for inclusion into respective transportation improvement plans. Activities include facilitating coordination meetings with a variety of planning partners including:

- Metropolitan Planning Organizations (MPOs) and Rural/Regional Planning Organizations (RPOs)
- Agency Asset Teams (bridge, pavement, facilities), Multimodal Stakeholders
- Federal partners
- Public and general stakeholder groups

Meeting minutes are kept, action items issued, task owners identified as part of coordination meeting outcomes ([https://www.in.gov/indot/2511.htm](https://www.in.gov/indot/2511.htm)).
Metropolitan Planning Organizations (MPOs) were created by Congress to develop transportation plans and programs for metropolitan areas containing more than 50,000 residents. INDOT works in coordination and cooperation with the MPOs to develop the INDOT Future Transportation Needs Report and the STIP. There are 14 MPOs in Indiana.

Each MPO has public involvement processes, please see www.indianampo.com for information on Indiana’s MPOs and to view each respective public involvement process.

**ANDERSON** – Madison County Council of Governments (MCCOG) Urbanized area: Anderson, Indiana; Counties: Madison, parts of Delaware, Hancock, Hamilton [www.mccog.net](http://www.mccog.net)

**BLOOMINGTON** – Bloomington Monroe County Planning Organization (BMCPO) Urbanized area: Bloomington, Indiana; County: Monroe [http://bloomington.in.gov/mpo](http://bloomington.in.gov/mpo)
OHIO-KENTUCKY-INDIANA – Regional Council of Governments (OKI)
Urbanized area: Cincinnati Ohio, Kentucky, Indiana; IN County: Dearborn
www.OKI.org

COLUMBUS – Columbus Area Metropolitan Transportation Organization (CAMPO)
Urbanized area: Columbus, Indiana; Counties: Bartholomew, parts of Johnson, Shelby
http://www.columbus.in.gov/campo

EVANSVILLE – Evansville Metropolitan Planning Organization (EMPO).
Urbanized area: Evansville, Indiana, Kentucky; IN Counties: Gibson, Posey, Vanderburgh, Warrick
http://www.evansvillempo.com/index.html
FORT WAYNE – Northeastern Indiana Regional Coordinating Council (NIRCC)

Urbanized area: Fort Wayne, Indiana; Counties: Adams, Allen, DeKalb, Wells
http://www.nircc.com/p1.htm

INDIANAPOLIS – Indianapolis Division of Planning / Department of Metropolitan Development (DMD)

Urbanized area: Indianapolis, Indiana; Counties: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby
http://www.indympo.org/Pages/home.aspx

KOKOMO – Kokomo-Howard County Governmental Coordinating Council (KHCGCC)

Urbanized area: Kokomo, Indiana; County: Howard
www.kokomompo.com
LAFAYETTE – Tippecanoe County Area Plan Commission (TCAPC)

Urbanized area: Lafayette, Indiana; County: Tippecanoe http://www.tippecanoe.in.gov/378/Area-Plan-Commission-APC

LOUISVILLE – Kentuckiana Regional Planning and Development Agency (KIPDA)

Urbanized area: Louisville, Indiana – Kentucky: Indiana Counties: Clark, Floyd http://www.kipda.org/
MUNCIE – Delaware/Muncie Metropolitan Plan Commission (DMMPC)

Urbanized area: Muncie, Indiana; County: Delaware

http://www.co.delaware.in.us/departments

NORTHWEST INDIANA – Northwestern Indiana Regional Planning Commission (NIRPC)

Urbanized area: Chicago, Illinois, Indiana: Counties: Lake, Porter, LaPorte

http://www.nirpc.org/

SOUTH BEND – Michiana Area Council of Governments (MACOG)

Urbanized area: South Bend, Indiana, Michigan: Indiana Counties: Elkhart, Marshall, St. Joseph

http://www.macog.com/
MPOs serve as a forum for local governments to provide short- and long-term plans to address transportation-related concerns in the area. 23 CFR 450 states that each MPO must prepare and regularly update a transportation plan that has a planning horizon of no less than 20 years from its formal approval date (MPO Transportation Plan (TP)) which establishes the long-term transportation investment, service, and policy agenda for the region. MPOs are also to routinely develop a Transportation Improvement Program (TIP) which is a listing of all transportation projects planned and funded for the next four years. The TIP is the document that translates the policies, strategies, and direction of the TP into specific decisions on project and investments during the short-term TIP time horizon. The MPO TPs and TIPs can be found on the MPO websites, listed above, or can be accessed through www.indianampo.com/index.htm. INDOT coordinates and cooperates with the MPOs in the development of the INDOT Long Range Plan and the STIP. The MPOs’ Transportation Plans and TIPs are nested into in the INDOT Long Range Plan and STIP, respectively.
# MPO ACTIVITIES

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| 15 day comment period                                       |                                                                     |}

In urban areas with over 50,000 residents, INDOT relies on the MPO public involvement process for fulfillment of INDOT’s public involvement responsibilities.
INDOT's projects are included in the MPOs' Transportation Plans and TIPS and are subject to public involvement through the MPOs' public involvement process. The MPOs are responsible for conducting a
proactive and inclusive public involvement process that will bring the views of the public into MPO planning and programming decisions. Most MPOs post their public involvement procedures on their websites.

23 U.S.C. 134(i)(5) state that:

Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan [and the transportation improvement program].

The metropolitan planning organization shall, to the maximum extent practicable hold any public meetings at convenient and accessible locations and times; employ visualization techniques to describe plans; and make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information. Each long-range transportation plan [and transportation improvement program]…shall be published or otherwise made readily available for public review.

The regulations regarding MPO responsibilities for public involvement are found at 23 CFR 450. In particular, 23 CFR 450.316(a) states:

The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Provide timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meeting at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan of TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation process...

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft transportation plan or TIP...a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan ... shall be posted on the World Wide Web, to the maximum extent possible.

Each MPO develops, implements, and periodically updates its public involvement process, which is reviewed by INDOT and approved by FHWA, to solicit public input and comments on a comprehensive transportation plan and transportation projects within the given MPO area. The MPOs employ numerous proactive public involvement strategies, including newsletters, website information, and public meetings.

In addition, INDOT relies on the MPOs’ public involvement activities to fulfill the requirements of the Clean Air Act and the Transportation Conformity Rule. The Clean Air Act requires that transportation plans and programs conform to air quality standards established by the U.S. Environmental Protection Agency (EPA) in air quality non-attainment and maintenance areas. The Transportation Conformity Rule 40 CFR Part 93.105 (e) Public Consultation Procedures states:

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and MPO TIPs, consistent with these requirements and those of 23 CFR 450.316(b).
INDOT REQUIREMENTS

As stated previously, in urban areas with more than 50,000 residents, INDOT relies on the MPOs to conduct public involvement programs on the MPO TPs and TIPs, including INDOT projects. INDOT is responsible for public involvement in the remaining areas of the state. Citizens who wish to provide input on transportation projects in non-metropolitan areas are encouraged to do so through their local elected officials who participate in consultation with INDOT and through the activities, listed below, of the INDOT district offices.

During planning and programming, INDOT is required to provide reasonable public access to technical and policy information and opportunity for public review and comment on plans and programs. Federal law sets forth expectations for public involvement for initial development and major revisions of the long range plan and the statewide transportation improvement program (23 CFR 450.210):

In carrying out the statewide transportation planning process, including the development of the long-range transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

The state’s public involvement process at a minimum shall:

(i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to citizens, affected public 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, representatives of the disabled, providers of freight transportation services and other interested parties;

(ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and STIP;

(iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed statewide transportation plan and the STIP;

(iv) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

(v) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

(vi) Demonstrate explicit consideration and response to public input received during the development of the long-range statewide transportation plan and the STIP

(vii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and
(viii) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

The planning regulations 23 CFR 450.210(a)(2) further state that the state shall provide for public comment on the existing and proposed processes for public involvement in the development of the statewide long-range transportation plan and the STIP. At a minimum, the state shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted.

The state shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The planning regulations 23 CFR 450.210(b) requires the state to have a documented process for consulting with non-metropolitan local officials representing general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process. The process shall be reviewed every five years starting from Feb. 24, 2006 and provide for a comment period for not less than 60 days.

- INDOT gathers input from rural local officials in the statewide planning process
- Consultation process with local officials must be documented
- Consultation process should be collaborative to ensure priority issues are addressed through statewide and regional planning
- Submit documentation to FHWA
  - See webpage [http://www.in.gov/indot/2366.htm](http://www.in.gov/indot/2366.htm) to view a non-metropolitan local official process participation letter

**INDOT solicits comments regarding the development of the state’s Future Transportation Needs Report, the State Transportation Improvement Program and overall planning processes from elected public officials, non-metropolitan local official & key transportation stakeholders.**

The non-metropolitan local official’s consultation process must include:

- Key transportation stakeholder engagement
  - A letter explaining the process is mailed or sent electronically
  - INDOT district and Central Office contact information must be included in letter
- Capital Program Management Directors are key points of contact
- A required public comment period
- A summary report explaining steps taken
- An accounting of public comments and responses prepared
- Posting process content onto the INDOT website

**Non-MPO area local officials are consulted to ensure transportation needs are identified**
RURAL PLANNING ORGANIZATIONS (RPOS)

Also known as Regional and/or Rural Planning Organizations, RPOs serve the transportation planning needs of small urban and rural areas of the state. RPOs perform eligible planning activities in order to provide planning support to local communities. The planning activities of RPOs are aimed at supporting INDOT Central and district office planning staff with public outreach, technical assistance to local officials and the collection of transportation-related data. RPOs are also responsible for transportation planning funds in the form of a matching grant to regional planning commissions. Non-MPO areas include small towns and cities not included in an MPO area. In non-metropolitan areas, INDOT district offices conduct transportation planning and develop partial lists of specific projects to be advanced in the STIP. INDOT consults with RPOs, rural area local elected officials, local government agency/representatives, special interest groups, and other key transportation stakeholders. Current RPOs in Indiana are listed below:

- Eastern Indiana Development District
  Counties in Jurisdiction: Fayette, Henry, Randolph, Union, Wayne
  www.eidd.org

- Economic Development Coalition of Southwest Indiana
  Counties in Jurisdiction: Gibson, Posey, Vanderburgh, Warrick
  www.southwestindiana.org

- Indiana 15 Regional Planning Commission
  Counties in Jurisdiction: Crawford, Dubois, Orange, Perry, Pike, Spencer
  www.ind15rpc.org

- Kankakee-Iroquois Regional Planning Commission
  Counties of Jurisdiction: Benton, Jasper, Newton, Pulaski, Starke, Warren, White
  www.kirpc.net

- Region III-A Economic Development and Regional Planning Commission
  Counties in Jurisdiction: Huntington, LaGrange, Noble, Steuben, Whitley
  www.region3a.org

- River Hills Economic Development District
  Counties in Jurisdiction: Clark, Floyd, Harrison, Scott, Washington
  www.riverhills.cc

- Southeastern Indiana Regional Planning Commission
  Counties in Jurisdiction: Dearborn, Decatur, Franklin, Jefferson, Jennings, Ohio, Ripley, Switzerland
  www.sirpc.org

- Southern Indiana Development Commission
  Counties in Jurisdiction: Daviess, Greene, Knox, Lawrence, Martin
  www.sidc.cc
Public engagement during the STIP public involvement process. See the RPO map on the following page.

SMALL URBAN AND RURAL TRANSPORTATION PLANNING (SURTP)

INDOT cultivates relationships with its transportation planning partners by working cooperatively to identify solutions to transportation challenges statewide.

The activities performed by planning partners such as Regional or Rural Planning Organizations (RPOs) enable INDOT to acquire the data and information necessary to make well-informed transportation infrastructure investment decisions.

RPOs serve the transportation planning needs for small urban and rural areas and perform eligible planning activities that support local communities. In addition, RPOs provide support to INDOT planning teams in several key areas, including public outreach, technical assistance to local officials, and transportation-related data collection.

The Small Urban and Rural Transportation Planning Assistance Program seeks to enhance the capabilities of RPOs by providing expanded resources to RPOs as they perform transportation planning activities in non-metropolitan areas http://www.in.gov/indot/2366.htm.
Indiana Association of Regional Councils
Northwest Indiana Regional Planning Commission (8)
Michiana Area Council of Governments (6)
Region III - A Economic Development District & Regional Planning Commission (9)
Kankakee – Iroquois Regional Planning Commission (4)
North Central Indiana Regional Planning Council (14)
Northeastern Indiana Regional Coordinating Council (7)
Madison County Council of Governments (5)
East Central Indiana Regional Planning District (2)
West Central Indiana Economic Development District (13)
Eastern Indiana Regional Planning Commission (15)
Southern Indiana Development Commission (12)
Southeastern Indiana Regional Planning Commission (11)
Economic Development Coalition of Southwest Indiana (1)
Indiana 15 Regional Planning Commission (3)
River Hills Economic Development District & Regional Planning Commission (10)
PUBLIC INVOLVEMENT IMPLEMENTATION DURING PLANNING AND PROGRAMMING

THE INDOT TRANSPORTATION PLANNING AND PROGRAMMING PROCESS

How INDOT Implements these Public Involvement Requirements during Planning and Programming

Public involvement in the planning and programming process is carried out through a combination of MPO, INDOT district office, and INDOT statewide efforts. Decision-making is an iterative process, as input from MPOs, non-metropolitan elected officials, and the public is factored into the updating of plans and programs which are then brought forward for the next review and revision. Whereas INDOT relies on the MPO public involvement process in metropolitan areas, INDOT district offices take the lead in conducting public involvement in non-metropolitan areas.

There are six INDOT district offices. The district offices play an important role in planning and programming activities, including coordination with the MPOs in their districts, consultation with local officials in rural areas of Indiana that are not within a metropolitan planning area, and conducting public involvement activities for the district as a whole. INDOT’s Central Office is the generator of the Statewide Future Transportation Needs Report and performs statewide programming activities.

In non-metropolitan areas, INDOT district offices conduct transportation planning and develop partial lists of specific projects to be advanced in the STIP. INDOT consults with the Regional and/or Rural Planning...
INDOT’s APDP consultation procedures set the framework within which INDOT engages local communities in a two-way information-exchange process to aid decision makers in formulating transportation plans and programs. The APDP procedures may be found at www.in.gov/indot.

DISTRICT OPERATIONS TO SOLICIT INPUT ON DRAFT STIP

Following is a description of how INDOT fulfills the requirements for public involvement in transportation planning and programming (in addition to the MPO public involvement processes):

District-Wide Public Involvement Activities (indirect public involvement through local elected officials and MPOs)

a. **District-Wide APDP Early Coordination Meetings (generally held as deemed necessary)**

Each INDOT district office holds district-wide early coordination meetings, preferably annually, but as deemed necessary/appropriate by the department. The district offices arrange and host these meetings in each district (visit www.in.gov/indot for additional information regarding INDOT district offices). The purpose of each meeting is to discuss the existing program and proposed projects as well as other transportation issues that may arise, and to seek agreement between all parties through consultation and cooperation on: proposed new state projects, changes to the existing program, and the relative priorities of recommended state projects within and across project categories. The goal of these meetings is to produce a list of existing and proposed new state projects district-wide, including those in MPO areas. Organizational details for these meetings are listed below:

(1) INDOT attendees include both the district office and representatives from the INDOT Central Office.

(2) MPOs, local elected officials (mayors, town managers, county commissioners), local public works staff, and Regional and/or Rural Planning Organizations (RPOs), and other key transportation stakeholders are notified of this meeting and invited to participate.

(3) The district offices lead the process of establishing needed contacts, issuing invitations, and arranging meeting logistics and act as hosts at the meetings.

(4) MPOs are expected to have conducted public involvement activities to elicit public input and to bring this perspective to these meetings.

(5) Elected officials from communities outside the jurisdiction of an MPO are expected to be aware of those issues important to their constituents.

(6) A brief summary report describing how priorities were set is prepared by each district office.

b. **District Public Meetings (held generally in the Spring)**
Each district office holds District Public Meetings to coordinate input from the various communities within the respective district area and to solicit overall public input on transportation needs for both the update of the INDOT Long Range Plan, the draft Indiana STIP, and the effectiveness of the APDP consultation procedures, held every two years.

Public meetings can be effective tools to effectively engage the public at various stages of project and/or program development. INDOT hosts district Public Meetings at the planning and project selection phases, enabling the public to comment on related activities and also the Statewide Transportation Improvement Program (STIP). These meetings are held by each INDOT district office, in coordination with Central Office team members, to discuss with the public the planning, selection, and programming of current and future transportation projects.

Participants can discuss projects in the INSTIP or local problems that still need to be addressed with new projects. Organizational details for these meetings are listed below:

1. The meetings are developed and conducted under the leadership of INDOT Planning (district and Central Office)
2. INDOT conducts an extensive public outreach effort to inform the public of these meetings.
   a. The INDOT district office sends notification of these meetings to local agencies, jurisdictions, organizations, and individuals on its general mailing list.
   b. The INDOT district Communications Office sends out press releases to notify the public of these district meetings. These press releases may include information about particular projects in each district, to elicit interest.
The INDOT Future Transportation Needs Report and the draft INSTIP are posted on the INDOT website ([www.in.gov/indot](http://www.in.gov/indot)) along with the schedule for the district Public Meetings.

Public comments may be submitted via the INDOT website.

Although each district determines the format for its district Public Meeting, the format may include a combination of:

- An open house session where the public can view displays and talk with INDOT representatives about specific issues and projects
- A more formal presentation session of the INDOT Statewide Long Range Transportation Plan, the STIP, and the APDP, followed by a comment and question and answer period
- An opportunity to submit written questions, comments, and requests on comment sheets
- And if INDOT deems appropriate to hold two sessions during the day.

Comments from the public and local elected officials are reviewed and addressed by INDOT. In addition, comments are solicited from MPOs regarding any significant changes resulting from these reviews. Any program comments received at these meetings are summarized in the final STIP document, which also includes a response to these comments.

Members of the public who do not attend these meetings can request to review the STIP and provide written public comment. The INDOT Office of Public Involvement will coordinate with INDOT district offices to publish a record of the district Public Meetings, including copies of the letters of invitation, the mailing lists, a listing of those in attendance at each district meeting, copies of the presentations, and the written comments submitted by the general public and community stakeholders.

Each district office documents the results of the district Public Meeting, including outreach methods, comments received, and follow-up.

Non-Metropolitan Consultation Process (every five years)

Optional District Public Involvement Activities

In addition, the district offices may conduct other public involvement activities including, for example, public opinion surveys, focus groups, and meetings with key stakeholder groups.

STATEWIDE PUBLIC INVOLVEMENT ACTIVITIES

INDOT conducts the following public involvement activities in fulfillment of the intent of 23 CFR 450.210.
23 CFR 450.210, states that “the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transit, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed Long-Range Transportation Plan.....and the proposed Statewide Transportation Improvement Program.

a. Publication and Distribution of Documents

INDOT Planning (district and Central Office) publishes key planning and programming documents. These are sent to the MPOs, regional planning organizations, and the state Library in addition to being made available to the public for review at the district Public Meetings and on INDOT’s website www.in.gov/indot. These include:

1. INDOT Future Transportation Needs Report (the website includes a feedback link to receive comments).
2. INDOT Statewide Transportation Improvement Program (STIP)

b. Optional Statewide Public Involvement Activities

INDOT conducts other activities, as appropriate and needed, to supplement what is required by law and regulation to proactively obtain input on the INDOT planning/programming documents, the STIP and other programs. These may include:

1. Participation at fairs, expos and similar events

INDOT may participate at local or state fairs, minority expos and community events to solicit input related to planning, programming and other programs. These types of events are opportunities to engage the public and receive valuable input.

2. Statewide Transportation Forum

When INDOT is undertaking a major transportation plan update, INDOT may hold a Statewide Transportation Forum to present proposed changes to the INDOT Future Transportation Needs Report and solicit public comment.

3. Presentations to each of the state’s MPOs

INDOT meets with each MPO to present the Future Transportation Needs Report and elicit input.

4. Presentations at the Annual MPO Conference
INDOT may give presentations at the Annual MPO Conference to provide an update on the INDOT Future Transportation Needs Report and/or related topics.

(5) Road School Participation

INDOT has held sessions during the annual Purdue University Road School to present information on state transportation issues and to elicit the concerns of the professional transportation community within the State by interacting with local, regional, state, and federal transportation officials, consultants, and suppliers.

(6) Stakeholder Group Meetings

INDOT may conduct focus groups of urban and/or rural stakeholders to collect information on public perceptions of the Indiana transportation system. In addition, INDOT may conduct focus groups to identify transportation needs and perceptions of how well transportation services are being delivered to minority and low-income groups in order to improve INDOT’s ability to include minority and low-income groups in the transportation planning process and decision making on future system improvements.

(7) Industry Forum and Transportation Futures Symposium
### SUMMARY OF INDOT PLANNING AND PROGRAMMING ACTIVITIES

How INDOT Implements these Requirements – A summary of what is required by INDOT during the Planning and Programming Phase:

<table>
<thead>
<tr>
<th>INDOT Procedure</th>
<th>Public Involvement Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update of INDOT Long Range Transportation Plan (LRTP)</td>
<td>- Reliance on MPOs’ public involvement processes for the MPO TP. TP projects are coordinated with the INDOT Long Range Transportation Plan (LRTP)</td>
</tr>
<tr>
<td>LRTP requires a minimum 30-day public comment period</td>
<td>- District-wide APDP Early Coordination Meetings</td>
</tr>
<tr>
<td></td>
<td>- District Public Meetings</td>
</tr>
<tr>
<td></td>
<td>- Publication, distribution, and website posting of INDOT Transportation Needs Report</td>
</tr>
<tr>
<td></td>
<td>- Website feedback link</td>
</tr>
<tr>
<td>STIP, including draft STIP and amendments to the STIP</td>
<td>- Public participation through appropriate MPO</td>
</tr>
<tr>
<td>INDOT STIP produced every 2 years; public involvement required</td>
<td>- Reliance on MPOs’ public involvement processes for the MPO TIP. TIP projects are coordinated with the STIP.</td>
</tr>
<tr>
<td>A minimum 45-day public comment period is required for the STIP</td>
<td>- District-wide Early Coordination Meetings with affected non-metropolitan local officials with transportation responsibilities.</td>
</tr>
<tr>
<td>Update of Annual Program Development Process (APDP) Consultation Process (done every 5 years)</td>
<td>- District Public Meetings – presentation of draft STIP for public review and comment</td>
</tr>
<tr>
<td></td>
<td>- Publication of draft STIP and ultimately final STIP</td>
</tr>
<tr>
<td></td>
<td>- Availability of STIP and amendments thereto on INDOT’s Website</td>
</tr>
<tr>
<td></td>
<td>- Additional proactive outreach as needed</td>
</tr>
<tr>
<td></td>
<td>- Minimum of 60-day public comment period on effectiveness of existing consultation process and proposed modifications</td>
</tr>
<tr>
<td>Summary of Planning Steps</td>
<td>- Transportation needs &amp; projects are identified</td>
</tr>
<tr>
<td></td>
<td>- Coordination with planning partners, transportation stakeholders and the public</td>
</tr>
<tr>
<td></td>
<td>- Public input welcomed, considered and included</td>
</tr>
<tr>
<td></td>
<td>- Call for Projects issued</td>
</tr>
<tr>
<td></td>
<td>- List of proposed projects reviewed</td>
</tr>
<tr>
<td></td>
<td>- List of proposed projects narrowed for inclusion in the draft Statewide Transportation Improvement Plan (STIP)</td>
</tr>
<tr>
<td></td>
<td>- Proposed projects may or may not be selected; non-selected projects may be resubmitted later</td>
</tr>
<tr>
<td></td>
<td>- Selected projects are advanced and incorporated into draft STIP</td>
</tr>
<tr>
<td></td>
<td>- Public input again solicited and included</td>
</tr>
<tr>
<td></td>
<td>- STIP is formally approved by the Federal Highway Administration</td>
</tr>
<tr>
<td></td>
<td>- Projects entered into the INDOT production schedule</td>
</tr>
<tr>
<td></td>
<td>- Project development begins</td>
</tr>
</tbody>
</table>
PUBLIC INVOLVEMENT DURING PROJECT SELECTION AND PROGRAMMING PHASES

- INDOT engages local officials and RPOs during early consultation process
- INDOT engages MPOs during early consultation as warranted
- When a STIP is produced, public involvement activities are required
- STIP amendments require public involvement
- Non-MPO area local officials must be engaged via a formal consultation process
- MPOs coordinate related activities for their areas of jurisdiction, including public involvement activities:
  - Newsletters to provide updates regarding planning activities
  - Timely public meetings to request input on planning documents and initiatives
  - Social media engagement
  - Website

Metropolitan Planning Organizations (MPOs) – MPOs are federally required transportation planning bodies that represent the local, state and federal government or agencies. In urbanized areas of 50,000 or more, transportation planning is done in cooperation with the MPO. Visit www.indianampo.com for more information.

Rural or Regional Planning Organizations (RPOs) – RPOs serve the transportation needs for small urban and rural areas. RPOs support INDOT planning staff with public outreach, technical assistance, and data collection.

Non-MPO Areas – These include small towns and cities not included in an MPO area. In non-metropolitan areas, INDOT district offices conduct transportation planning and help develop lists of projects to be included in the Statewide Transportation Improvement Program (STIP).
LISTING OF INDOT DISTRICT OFFICES – WHEN IT COMES TO TRANSPORTATION PLANNING, WHERE YOU LIVE MATTERS

INDOT's Central Office and district offices play an important role in planning and programming activities, including coordinating with MPOs and RPOs, consulting with local officials, and conducting public involvement activities.


INDOT LaPorte District
315 E. Boyd Blvd.
LaPorte, IN 46350
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Fort Wayne District
5333 Haffield Road
Fort Wayne, IN 46808
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Crawfordsville District
41 West 300 North
Crawfordsville, IN 47933
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Greenfield District
32 South Broadway
Greenfield, IN 46140
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Vincennes District
3650 South U.S. Highway 41
Vincennes, IN 47591
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Seymour District
185 Agrico Lane
Seymour, IN 47274
Toll Free: 1-855-INDOT4U
INDOT@indot.in.gov

INDOT Central Office
100 North Senate Avenue, Room N758
Indianapolis, Indiana 46204
Phone 1-855-INDOT4U
INDOT@indot.in.gov

Ensuring the public has an opportunity to participate in the selection of transportation projects in their respective communities enhances INDOTs relationships with local communities.
There are a variety of programs and documents developed then utilized as part of a comprehensive transportation decision-making process. Please see the summary below.

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Prepared By</th>
<th>Contents and Public Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Long-Range Transportation Plans</td>
<td>Metropolitan Planning Organizations <a href="http://www.indianampo.com">http://www.indianampo.com</a></td>
<td>A minimum of 20-years of projects or identified needs as part of local land-use plans. Typically requires 30-day public comment period.</td>
</tr>
<tr>
<td>State Long-Range Transportation Plans</td>
<td>INDOT Transportation Planning Division <a href="https://www.in.gov/indot/3714.htm">https://www.in.gov/indot/3714.htm</a></td>
<td>Minimum of 20-years of identified needs or high priority corridors. Requires public involvement activities; a 30-day comment period once draft is made available for public review.</td>
</tr>
<tr>
<td>Statewide Transportation Improvement Program</td>
<td>INDOT Transportation Planning Division <a href="https://www.in.gov/indot/2348.htm">https://www.in.gov/indot/2348.htm</a></td>
<td>Federally mandated and required at least once every 4 years; INDOT produces an updated STIP every 2 years. INDOT requires a 45-day public comment period and public involvement activities (including public meetings) to solicit input on STIP.</td>
</tr>
<tr>
<td>Statewide Interchange Planning Study</td>
<td>INDOT Transportation Planning Division <a href="https://www.in.gov/indot/2511.htm">https://www.in.gov/indot/2511.htm</a></td>
<td>Interchange analysis on state facilities with recommendation for operational improvements and potential new interchange locations. Updated every 3-5 years.</td>
</tr>
<tr>
<td>Air Quality See page 92</td>
<td>Transportation Conformity Reports prepared during Planning Process; Air Quality also evaluated during NEPA (when applicable)</td>
<td>INDOT Planning &amp; Environmental Services <a href="https://www.in.gov/indot/2511.htm">https://www.in.gov/indot/2511.htm</a> <a href="https://www.in.gov/indot/2675.htm">https://www.in.gov/indot/2675.htm</a> Requires 15-day public comment period.</td>
</tr>
<tr>
<td>Statewide Bike &amp; Pedestrian Reports/Documents</td>
<td>INDOT Planning Department MPOs, RPOs, State Department of Health, Natural Resources, and Tourism as well as special interests groups</td>
<td>Links to regional and local bike and pedestrian plans/reports, state trails, recommendations, goals, and objectives specific to non-motorized forms of travel. <a href="http://www.in.gov/indot/2828.htm">http://www.in.gov/indot/2828.htm</a></td>
</tr>
<tr>
<td>Amendments to the Statewide Transportation Improvement Program</td>
<td>INDOT makes amendments public via STIP web page, solicits input during brief comment period <a href="https://www.in.gov/indot/2348.htm">https://www.in.gov/indot/2348.htm</a></td>
<td>Major changes must be approved through formal amendment process by FHWA and FTA; lesser changes amended through administrative modification process.</td>
</tr>
<tr>
<td>Americans with Disabilities Act Program and Initiatives</td>
<td>INDOT ADA Office in coordination with local cities and counties</td>
<td><a href="https://www.in.gov/indot/3583.htm">https://www.in.gov/indot/3583.htm</a></td>
</tr>
<tr>
<td>New or updated Public Involvement Procedures</td>
<td>INDOT Office of Public Involvement</td>
<td><a href="https://www.in.gov/indot/2366.htm">https://www.in.gov/indot/2366.htm</a></td>
</tr>
<tr>
<td>Pavement / Bridge Management System</td>
<td>INDOT Pavement / Bridge Asset Management Groups</td>
<td></td>
</tr>
<tr>
<td>Small Community Sidewalk Program</td>
<td>INDOT Division of Planning</td>
<td><a href="http://www.in.gov/indot/3428.htm">http://www.in.gov/indot/3428.htm</a></td>
</tr>
<tr>
<td>Congestion Management Programs</td>
<td>Mobility Asset Management Group and Traffic Management Center</td>
<td><a href="http://www.in.gov/indot/3231.htm">http://www.in.gov/indot/3231.htm</a></td>
</tr>
<tr>
<td>Transportation Asset Management Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Initiatives and Programs</td>
<td>INDOT Planning Division and Project Sponsors</td>
<td></td>
</tr>
<tr>
<td>Common Paths Initiative</td>
<td>INDOT Planning Division</td>
<td></td>
</tr>
<tr>
<td>Freight Mobility Report/Plan</td>
<td>INDOT Multimodal Division</td>
<td><a href="http://www.in.gov/indot/3198.htm">http://www.in.gov/indot/3198.htm</a></td>
</tr>
</tbody>
</table>
Telephone Town Hall to solicit input for INDOT Long Range Transportation Plan
https://www.in.gov/indot/3714.htm
Public Involvement during Project Development

SECOND STEP IN 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
PUBLIC INVOLVEMENT IN THE PROJECT DEVELOPMENT PROCESS

The Project Development Process

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

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

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

- Input from the public,
- Input from local government,
- Input from resource agencies (federal and state agencies which have responsibility for environmental resources, such as water resources, historic resources, air quality, and endangered species), and
- INDOT’s own assessment of transportation needs, cost, funding availability, and engineering constraints.
No one entity drives transportation decision making. Rather, the interests and needs of each (within the bounds of regulatory mandates), must be considered along with the interests and needs of the others.

**ENVIRONMENTAL DOCUMENT CLASSIFICATION UNDER NEPA**

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

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

In addition to undergoing analysis through the NEPA process, projects must meet any related permitting requirements. The Waterways Permits Manual may be found at [http://www.in.gov/indot/2523.htm](http://www.in.gov/indot/2523.htm).

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

Categorical Exclusions (CEs) include projects which individually or cumulatively produce no significant adverse impacts on the human or natural environment. CEs are typically “simple” projects which have limited scope and one feasible alternative. CEs are generally used for such projects as resurfacing, restoration, and safety
projects, and rehabilitation or reconstruction of existing bridges or other infrastructure. Most of INDOT’s projects fall under the CE classification.

There are four levels of CEs. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project.

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

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

Environmental Assessments (EAs) include actions in which the significance of the impact on the environment is not clearly established. If there is Uncertainty about whether the project will have significant impacts, an EA is prepared, with some analysis to determine whether the project has significant impacts. If the answer is “Yes,” than a full Environmental Impact Statement (EIS) is prepared (see below). If the answer is “No,” then this decision is formally documented by FHWA with a Finding of No Significant Impacts (FONSI), and the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. Major reconstruction and/or minor roadway relocation projects generally fall into this category. See INDOT’s Procedural Manual for Preparing Environmental Documents at http://www.in.gov/indot/2523.htm for more information.

Environmental Impact Statements (EISs) are prepared for large-scale projects involving major expansion or new location construction where it is likely that the project will have significant environmental impacts. The EIS entails a study to set forth the Purpose and Need of a project, identify a range of alternatives to address the transportation need(s) in a given study area, and analyze the social, economic, and environmental impacts of the alternatives. A Draft EIS (DEIS) is circulated for comment to the public and to relevant public agencies. This document provides a full description of the proposed project and the existing environment and an analysis of the anticipated beneficial and adverse effects of all reasonable alternatives. Following consideration of comments, a Final EIS (FEIS) is prepared. A Record of Decision (ROD) indicates the alternative selected for the project, including any required mitigation measures. Following the approval of the ROD by FHWA, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. See INDOT’s Procedural Manual for Preparing Environmental Documents at http://www.in.gov/indot/2523.htm for more information.
The Council on Environmental Quality (CEQ) was established by Congress within the Executive Office of the President as part of NEPA. CEQ coordinates federal environmental policies and initiatives. CEQ reports annually to the President on the state of the environment; oversees federal agency implementation of the environmental impact assessment process; and acts as a referee when agencies disagree over the adequacy of such assessments.

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

40 CFR 1502.1 states, “The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act [NEPA] are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.

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

The diagram on the following page shows the three levels of analysis in the NEPA process.
REQUIREMENTS BY FEDERAL LAW, REGULATION, AND INDOT POLICY FOR PUBLIC INVOLVEMENT IN THE PROJECT DEVELOPMENT PROCESS

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

- 40 CFR 1506.6(a) and (b)

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

23 FR 771.111 states:

*Early coordination with appropriate agencies and the public aids in determining the type of environmental document an action requires the scope of the document, the level of analysis, and related environmental requirements. This involves the exchange of information from the inception of a proposal for action to preparation of the environmental document........State public involvement/public hearing procedures must provide for (1) Coordination of public involvement activities and public hearings with the entire NEPA process, (2) Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.*
The FHWA Environmental Policy Statement of 1994 states that:

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

Public involvement required during the NEPA phase of project development:

- **Cannot** begin until an environmental document is released for public involvement by Environmental Services Division

- **Must be completed**, requirements satisfied prior to, and in order for an environmental document to be finalized & approved

### Part I - PUBLIC INVOLVEMENT

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

Does the project have a historic bridge processed under the Historic Bridges PA*?  
If No, then:  
Opportunity for a Public Hearing Required?  

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

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

Remarks:

Example of public involvement section of an environmental document.

INDOT’s public involvement procedures are designed not only to fulfill the letter of the law, but to fulfill the law’s intent by communicating with the public to help INDOT assess impacts to the natural and human environment.
HOW INDOT IMPLEMENTS PUBLIC INVOLVEMENT REQUIREMENTS DURING PROJECT DEVELOPMENT

This section describes the public involvement activities are undertaken during the Project Development Process and identifies which of these activities are required for projects that are classified as a CE, EA, or EIS. Subsections related to public involvement during project development describe more specifically how and when these activities are differently used for CEs, EAs and EISs. Federal law and regulations provide very limited prescription on how to implement the exchange of information and early and continuing opportunities during project development for the public to be involved. INDOT is committed to providing meaningful opportunities for the public to become informed about and contribute its concerns and ideas to transportation project development. INDOT believes that the public should always be informed about INDOT projects at a level consistent with the project scope. Even limited public involvement may uncover unanticipated issues important to the community or individuals, allowing for appropriate adjustments. Therefore, INDOT has established certain procedures as tools to enhance public involvement. Regardless of the classification of a project as a CE, EA, or EIS, INDOT will meet the following requirements:

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

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

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

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

PUBLIC INVOLVEMENT PLANS (PIP)

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

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

INDOT has established a requirement to ensure meaningful public involvement on certain projects. INDOT convenes an ongoing CAC for projects that involve an Environmental Impact Statement (EIS), and are optional for projects that involving an Environmental Assessment or Corridor Study (EA/Corridor Study). INDOT and the FHWA determine when a CAC will be convened. The CAC is a group of stakeholders, convened by INDOT, who represent different community organizations and meet regularly during the project development and design process to provide input to INDOT regarding the transportation problem to be addressed, the alternative(s) to be considered, the potential impacts of the alternatives(s), the means to address these impacts, and design considerations accomplish context sensitive solutions. CAC members maintain ongoing knowledge of the development of a project and serve as channels of information to and from their friends, neighbors, associates, and constituents.

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

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

The purpose of the CAC is to assist INDOT and its partners by providing input on issues related to the environmental evaluation. Following the completion of the environmental document, the CAC may continue to provide input during the design, construction, and operations phases of the project. In particular, the CAC may assist INDOT in the development of Context Sensitive Solutions.
INDOT has adopted a policy to promote Context Sensitive Solutions that incorporate a community’s character and desires in transportation improvements. The context sensitive solution process is intended to be a flexible approach in allowing the latitude to enhance environmental, scenic, historic, and unique community elements in a transportation improvement. INDOT seeks input to the development of context sensitive solutions not only in the development of alternatives, but also in the development of strategies to mitigate impacts and in design to help the project be compatible with and beneficial to its surroundings.

PUBLIC MEETINGS

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

Public Information meetings are meetings where the public may hear and obtain information about a proposed project/action, raise questions, and talk with project staff about their needs, concerns, and ideas. INDOT policy sets the expectation that for EAs, a public information meeting may be held early in the NEPA process and again during the design phase. Other public information meetings may be held, as needed. As per SAFETEA-LU for EIS level projects, public involvement is required on the Purpose & Need and Preliminary Alternatives Screening. In addition, INDOT and FHWA will consult to determine which EAs require public information meetings to be held during the Purpose and Need, and Alternatives Screening phases of NEPA. The focus of the first meeting is to obtain public views regarding the problem that needs to be addressed and the conceptual solution that need to be considered. The focus of the second meeting is to seek public comment on the preliminary alternatives screening, reasonable alternatives to be carried forward for detailed analysis, and the associated analysis methodologies. Public information meeting(s) may also be held during final design to obtain public input regarding noise walls and the proposed design. INDOT conducts outreach for these meetings by sending a notice to potentially affected property owners, other identified interest groups, and elected officials and by issuing a media release.

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

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

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

**OPEN HOUSES**

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

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

Example of public meeting and open house
Public Hearings (required for all EISs and EAs); an Opportunity to Request a Public Hearing is required for CEIs when certain conditions are met (see public involvement criteria on page 86).

A public hearing is a formal assembly held at a convenient time and place at which the public can learn about a proposed INDOT project and make comments which will be included in a transcript of the meeting. For EAs, INDOT holds public hearings generally near the end of the environmental evaluation after the draft environmental document has been released for public involvement, but prior to environmental document approval.

- For EIS, EA, CE level projects, the public hearing is held after publication of the DEIS, EA and conditionally released CE but prior to issuance of the ROD, FONSI or approval of the CE.

PUBLIC HEARINGS

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

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

DETERMINATION BETWEEN VARIOUS MEETING FORMATS

A public hearing is held as part of the NEPA process and requires:

- Legal advertising
- Environmental document placement for public viewing
- Formal proceeding/presentation with comment session
- Requires a hearings transcript to be produced
• Held at decision making point (between draft environmental document and final/approved document)
• Signature indicating completion of public involvement requirements (i.e. Public hearings certification)

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

Public information meetings include:

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

A public information meeting can be held at any time and at INDOT’s sole discretion, is not required by law, nor is it held as a requirement necessary to approve a NEPA document.

• Open Houses (informal session where participants visit stations, talk with project team members, informal conversational format)
  o Do not require formal presentation
  o Must include a public comment station where written comments can be accepted

• Community Advisory Committees (CACs) (project stakeholder meetings, invitation based, but also open to the public)
  o Are generally small stakeholder group meetings where participates are invited to attend
  o Indiana Open Door Law – the public has the right to observe meetings and cannot be turned away
  o Meeting doesn’t have to publicized beyond posting a notice at the meeting venue

Per the Programmatic Agreement Regarding Management and Preservation of Indiana’s Historic Bridges (Historic Bridges PA), owners of historic bridges will hold a public hearing prior to completion of NEPA. The Historic Bridges PA can be found in Appendix T of the Cultural Resources Manual at http://www.in.gov/indot/2675.htm.
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.

a. 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.

(1) The proposal does not involve NEW r/w impacts but rather reacquiring past prescriptions (i.e. existing or apparent existing r/w)

(2) The proposal involves the acquisition of donated r/w from property owner

(3) Acquiring r/w presently within INDOT apparent r/w to establish legal documented ownership

(4) 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

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

c. The proposal permanently alters an existing traffic pattern;

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

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

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

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

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

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

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

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

Land necessary for transportation projects is referred to as right-of-way (r/w).
Permanent r/w is land, once purchased, is owned by INDOT.

Temporary r/w is land needed during the construction of a project and/or used for the purposes of construction related activity, but is not owned by INDOT

Purchase of an easement is not considered part of permanent r/w calculation

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

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

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

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

TYPES OF NOTICES PUBLISHED TO ANNOUNCE PROPOSED ACTIONS
The INDOT Office of Public Involvement engages in a number of activities to inform the public and solicit input from project stakeholders. The most common activity involves publishing a variety of notices in local newspapers based on project location. These notices may be mailed to one or more mailing lists, depending on the type of notice (see below) to inform the public of specific actions or information related to transportation projects. The Office of Public Involvement maintains subscription based, electronic list serve whereas people (who subscribe) will receive copies of legal advertisements, invitations to public hearings/meetings/open houses, project specific news and other information. For most projects, INDOT develops a project-based mailing list of individuals and groups who have expressed interest in or may be affected by the particular project.

**PUBLIC NOTICES**

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

**PLANNED IMPROVEMENT (OPPORTUNITY TO REQUEST A PUBLIC HEARING)**

Depending on the NEPA documentation, the public involvement activities and related notices may include:

**Notice of Planned Improvement Offering of Public Hearing Opportunity:** (required for CEs that meet the conditions which trigger the offer of a public hearing, listed above). This notice informs the public that INDOT is deciding upon a proposed project; provides a description, type, and scope of the project; requests comments; and offers the public the opportunity to request a public hearing. **A minimum 15 day deadline** in which the public may request a public hearing be held is announced within the public notice. This notice is mailed to adjacent property owners and is published in local newspaper(s). **Public notice must be published 2 times (at minimum) in the most widely circulated papers within the project area.** A public hearing for a CE may be held at INDOT’s discretion if the project meets the minimum criteria. Should INDOT elect to offer the opportunity to request a public hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of public involvement requirements; INDOT typically allows a minimum 30-day period after the publishing legal notice to complete this process and to allow INDOT the opportunity to contact property owners, project stakeholders, etc., to adequately address concerns and document the public involvement process. The Notice of Planned Improvement, and the associated Public Hearing (if required), must be completed prior to approval of the CE.
• Publish a minimum of two legal notices; notify project stakeholders
• Make draft CE document available for public review at (1) local repository (2) INDOT district and OPI Offices; it is encouraged to also make project information available via a web page/site
• Document comments and/or hearing requests received
• Determine if a public hearing will be held; if yes, then proceed to public hearing and related action items
• If the decision is to not hold a public hearing, perform coordination to ensure comments/hearing requests (if any) are addressed and responded to (in writing) to persons submitting comment
• Ensure all documentation is submitted; proceed to certification
• Public involvement phase is certified; OPI signs off on CE coversheet indicating completion of formal public involvement activities

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

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

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**NOTICE OF APPROVED ENVIRONMENTAL DOCUMENT**
**Notice of Approved Environment Document:**
Announce conclusion of environmental phase of project development and public opportunity to view INDOT responses to public comments and INDOT course of action (applicable to and required only for CE documents when a public hearing was held). INDOT will publish notice twice in the most widely circulated paper(s) and mail notification/project correspondence to project stakeholder mailing list. INDOT makes final (formally approved) CE document available for public viewing to provide and complete the feedback loop in addition to addressing issues brought forward during public hearing.

- Publish a minimum of two legal notices; notify project stakeholders
- Only applicable if a public hearing was held
- Make a final/approved CE available for viewing at public repositories

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

**NOTICE OF PUBLIC HEARING**

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

- Publish a minimum of two legal notices, notify project stakeholders
- Make draft CE/EA/EIS document available for public review
- Hold a public hearing
- Upon conclusion of comment period, prepare hearing transcript
- Public involvement phase is certified; Office of Public Involvement signs off on CE coversheet

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

**NOTICE WHEN SOLICITING COMMENTS ON HISTORIC IMPACTS**

**Notice when Soliciting Comments on Historic Impacts:** (Section 106 of the National Historic Preservation Act) Per the INDOT Cultural Resources Manual and the Programmatic Agreement regarding the Federal Aid Highway Program in Indiana (Minor Projects PA), Section 106 public notices are required for all projects other than those listed in Appendices A and B of the Minor Projects PA. This notice describes a proposed project, and seeks public comment regarding the presence of historic resources and potential effects to historic resources. This notice is issued during development of a CE, EA, or EIS document and is published in local newspaper(s) by the project sponsor or their consultant. This notice is required to be published one time, with a 30 day public comment period and may be combined with the planned improvement and/or hearing notice in some instances.
• Publish a legal notice; notify stakeholders (resource agencies, consulting parties, others)
• Make environmental documentation available for public review
• Document comments and/or hearing requests received
• Perform coordination with INDOT Cultural Services
• Project may advance to public involvement phase

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

Purpose of this action: To solicit input generally specific to historic resources and potential effects to historic resources.

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

Notice of Section 4(f) De Minimis: The NEPA public involvement process can be used to satisfy these public participation requirements, since 4(f) de minimis determinations are usually conducted as part of the NEPA process. This notice is required to be published one time, with a 30-day public comment period and may be combined with the planned improvement and/or hearing notice is some instances.

• Publish legal notice; notify stakeholders (resource agencies, others)
• Make environmental documentation available for public review

Purpose of this action: To solicit input generally specific to a proposed project’s use of or potential impact to any publicly owned park, recreational area, wildlife/waterfowl refuge or historic property.

INDOT seeks public input when proposed actions impact outdoor and/or recreational areas.
NOTICE WHEN PROJECT-LEVEL CONFORMITY DETERMINATION ASSOCIATED WITH PM 2.5 & PM 10 HOT-SPOT ANALYSIS (AIR QUALITY) IS ISSUED

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

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

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

More About Air Quality: The Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP). Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones (42 U.S.C. 7506(c) (1)). EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP (40 CFR Parts 51.390 and 93). Transportation conformity reports (when developed) may require public involvement.
Consultation Requirements in 40 CFR 93.112 address both interagency and public consultation processes. An interagency consultant group (ICG) includes FHWA, EPA, FTA, IDEM, INDOT; these groups review documents concurrent with a 15-day public comment period to ensure all requirements of the conformity determination have been met. ICG members may meet to discuss documentation and the public consultation process. Public consultation is conducted consistent with planning rule requirements in 23 CFR 450. Related documents are publicized in accordance with the INDOT Public Involvement Process.

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

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

- Publish a minimum of two legal notices; notify project stakeholders
- Make FEIS documentation available for public review
- This notice and process may be combined with the Record of Decision in some cases, pending FHWA and INDOT consultation

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

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

**Notice Issued when a Finding of No Significant Impacts is issued (required for EAs):** Following the public comment period for the EA and project decision by FHWA, a one-page notice of the FONSI is issued by INDOT on behalf of FHWA. Public notice must be published 2 times (at minimum) in the most widely circulated paper within the project area; the notice of the FONSI does not require a comment period. This is mailed to adjacent property owners and the project mailing list and is published in local newspaper(s).

- Publish a minimum of two legal notices; notify project stakeholders
- Make FONSI-related documentation available for public viewing
**Purpose of this action:** It is important to require a formal step to close out public involvement during NEPA by making the FONSI determination and approved EA available for public viewing. This allows INDOT an opportunity to engage project stakeholders at the close of NEPA.

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

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

- Publish a minimum of two legal notice; notify project stakeholders
- Make ROD related documentation available for public viewing

**NOTE:** This notice and process may be combined with Final Environmental Impact Statement, in some cases; INDOT and FHWA consultation required.

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

INDOT will consult with FHWA regarding the scope of the Additional Information and the need for public involvement action for EISs, EA and CEs. INDOT has the authority to determine the scope of re-evaluation and the need for public notice for categorical exclusions that have been delegated to INDOT for approval. Following consultation with FHWA and if determined necessary, a notice may be issued, or other public involvement activities performed, when there have been substantive changes to an earlier approved environmental document to let the public know about the changes, inform the public where they can view project documentation, and invite comments during a comment period. At INDOT’s discretion, a notice may be mailed to adjacent property owners and the project mailing list and is published in local newspaper(s) or other project correspondence (i.e, a project newsletter) may be mailed to project stakeholders. Electronic notification is acceptable. Decisions regarding additional public involvement action are made on a project by project basis and only after INDOT consultation with FHWA.

- Determine if substantive changes have occurred
- INDOT/FHWA consultation to determine appropriate action
- Upon review, public involvement may or may not be required
- Involvement may include a public comment period, duration may vary depending on level of impact
**Purpose of this action:** To require an evaluation of project changes following an approved environmental document to determine the need for additional public involvement, if changes or modifications are significant. Additional public involvement activities can range from publishing notices, updating a project website, stakeholder notification, making project documentation available for public viewing, hosting a public meeting, project open house or others activities.

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

- Notify project stakeholders
- Make information available for public review
- Hold public meeting, open house or implement other activities to inform the public of project changes
- Solicit and document public input

(See process chart on following page)

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

FHWA may choose to publish a 150-day statute of limitations (SOL) on claims against USDOT and other Federal agencies for certain environmental and other approval actions. The SOL established by SAFETEA-LU applies to a permit, license, or approval action. This is published by FHWA in the Federal Register.
NOTICE OF INTENT TO INITIATE AN ENVIRONMENTAL IMPACT STATEMENT (NOI) (applicable to and required for EISs only)

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

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

ENVIRONMENTAL PHASE OF PROJECT DEVELOPMENT

- **Early Coordination**
  - Environmental phase begins
  - Notices of Survey
  - Purpose & need
  - Develop alternatives

- **Preliminary design phase**
  - Environmental document
  - Public Involvement Phase

- **Finalize Environmental document**
  - Additional public involvement
  - Right-of-Way acquisition phase

- **Project Letting**
  - Construction

**Timeline**

- **3 to 6 months or more**
  - ahead of formal hearings phase

- **6 to 12 months or more**
  - ahead of construction

- **Public engagement during construction**

- **Hold or offer public hearing(s)**
  - 6 to 12 months or more ahead of construction

- **3 to 6 months or more**
  - ahead of formal hearings phase
NOTICE OF SURVEY

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

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

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

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

If a public hearing is to be held, INDOT will publicize the date, location, and time. INDOT will present detailed project information at the public hearing, comments will be taken from the public in spoken and written form, and question and answer sessions will be offered. Based on the feedback INDOT receives from the public, a project can be modified and improved to better serve the public.

SOLICITATION OF VIEWS RELATED TO NOISE IMPACTS AND NOISE ABATEMENT MEASURES
INDOT strives to understand the needs of residents and businesses that may be impacted by traffic noise. 23 CFR 772.11(f) states:

The views of the impacted residents will be a major consideration in reaching a decision on the reasonableness of abatement measures to be provided.

During final design for projects that involve adverse noise impacts to residents and businesses, special effort is made to solicit the views of residents and businesses who may be impacted by traffic noise, to help INDOT select noise abatement measures, and explore specific design strategies. INDOT will invite residents and businesses who may be impacted by noise to public information meetings that are held for this project. INDOT’s 2017 Highway Traffic Noise Policy may be found at [www.in.gov/indot/2523.htm](http://www.in.gov/indot/2523.htm).

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

An example of a Noise Barrier.

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

a. **Mailings** to noise-impacted residents and businesses, which may include questionnaires to elicit views regarding noise barriers
b. **Meetings** specifically held for residents and businesses which may be impacted by noise. Affected homeowners will also be given an opportunity to comment on the color and texture of the noise barrier once the contract to construct the barrier has been awarded to a contractor.

c. **Interviews** with residents and businesses

d. **General public information meetings** during the design phase, in which the public may express their views on noise impacts and abatement measures, including barriers, as part of the comment process.

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

![Noise barrier types.](image)

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

INDOT required to develop & implement noise policy based on 23 CFR 772 standards.

Visit INDOT website to view noise policy [http://www.in.gov/indot/2523.htm](http://www.in.gov/indot/2523.htm).

Noise barriers are studied and can be built for mitigation as part of projects that add capacity to the roadway or when a new interchange is constructed as these actions have the potential to affect noise levels. Recommended during the environmental phase of project development.

Noise from local roads or other sources cannot be mitigated by INDOT.

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

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. 36 CFR 800.2(d) states:
The views of the public are essential to informed Federal decision making in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

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

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

Consultation is defined as the process of seeking, discussing and considering the views of other participants and where feasible, seeking agreement with them regarding matters arising during the Section 106 process. The first step in consultation is identifying and inviting the appropriate participants. The Section 106 regulations implemented by the Advisory Council on Historic Preservation encourage early coordination with groups or individuals who have a demonstrated interest in historic properties that may be affected by a proposed project. These groups or individuals, known as Section 106 Consulting Parties, are given the opportunity to comment on identification and evaluation of historic properties, as well as provide their views on effects to these properties and proposed strategies to avoid, minimize, or mitigate adverse effects.

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

Consulting Parties should include:

- FHWA (once a finding of adverse effect is anticipated)
- SHPO (State Historic Preservation Officer)
- INDOT
- Federally recognized tribes who have expressed an interest in Indiana lands; tribes who have expressed an interest in the county in which the project is located shall be invited
- FHWA coordinates under a government-to-government relationship with Tribes with regard to federal responsibilities under Section 106; FHWA and INDOT consult with Tribes
- For EIS projects and projects on new alignment, invite federally recognized Native American tribes with ancestral interest (religious/cultural) in the project area
- Representatives of local governments with jurisdiction over the area in which the effects of an undertaking shall occur shall always be included on the list of consulting parties
- Other federal agencies issuing approval (such as permitting) should be invited to be a consulting party
- For projects with a National Historic Landmark (NHL) located within the Area of Potential Effect (APE), invite the Midwest Regional Office of the National Park Service (See INDOT CRO Manual)
• Metropolitan Planning Organizations (MPOs) with jurisdiction over the area, should be invited
• Pursuant to 36 CFR Section 800.2(c)(5), the following shall always be included on the list of consulting parties:
  o Indiana Landmarks, Inc.
  o County historian
  o County/city/regional/local historical societies.
  o Other regional or local preservation organizations and related organizations.
  o Members of the public with a demonstrated legal, economic, or preservation interest (including owners of affected historic properties)
  o For historic bridge projects: the Historic Spans Task Force

INDOT-CRO typically invites potential consulting parties to participate by simultaneously sending the Early Coordination letter and a copy of the Historic Property Report to the parties listed above. If recipients do not respond to the request to participate or provide comments on the materials, INDOT assumes they are not interested in becoming a consulting party for that project. Many consultants invite participation by sending a self-addressed postcard which includes a check box where the potential consulting party can check either "we do" or "we do not" agree to be a consulting party. After which the consulting party will receive the Historic Property Report and other correspondence as the project proceeds.

Other individuals or organizations that have a demonstrated interest in the undertaking, or concern regarding the undertaking’s impact on historic properties, may request consulting party status from the federal agency. The request, usually made in writing, should clearly state the applicant’s interest in the project. Granting consulting party status to a person or organization obligates the federal agency to involve the party in the Section 106 process. This includes but is not limited to, historic property identification and analysis. Most importantly if potential adverse effects to historic resources are found, then the consulting party may be consulted in the development of a Memorandum of Agreement to minimize or mitigate these impacts.
INDOT/FHWA practice is to invite as a Consulting Party any group or individual expressing interest in the Section 106 process and making a formal request to be a consulting party. Inviting groups or individuals early into the process may defuse controversy and encourage communication and negotiation. The NHPA defines consultation as the “process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them.” Consulting parties are not decision makers – they provide information that should be considered where feasible and prudent. In fact, members of the public may know more about the cultural resources within an Area of Potential Effect than anyone else, and they can be of great assistance in identifying historic properties. Consulting Parties should be invited early in the Section 106 process, and they should be kept informed and current concerning changes to your project.

Consulting Parties are generally afforded 30 days to comment on Section 106 documentation and findings. The Section 106 regulations state that the federal agency must make sure that adequate time is given so the public will have the opportunity to both obtain information and provide viewpoints. Sufficient information (except for archaeological site locations) must be shared to allow for meaningful comments during the various stages and decision-making points of the process. Although public notice should be conducted using existing FHWA procedures, the public can express their views at any time, without waiting for a formal request. A potential consulting party can request to become and will be accepted as a consulting party at any time in the Section 106 process. The intent of consultation with consulting parties is to allow for early and timely input. Failure to raise issues that could have been addressed during such opportunities may result in these comments not receiving the same consideration that they would have received if raised at the appropriate time. Comments on old issues will be considered if those comments derive from new information. However, backtracking to previously resolved issues will occur only if the new information is at substantial variance with what was expected and pertains to an issue of sufficient magnitude and severity to warrant reconsideration.

Where deemed appropriate by FHWA or INDOT, the applicant or their consultant will organize a Section 106 Consultation Meeting and invite consulting parties. If there is a possibility of a finding of “adverse effect,” the applicant or their consultant should convene a Section 106 Consultation Meeting. For major or very complex projects, separate consulting party meetings may be held for each step of the consultation process – the area of potential effect, the identification and evaluation of potentially eligible properties, the assessment of effects and development of mitigation. Consult with INDOT-CRO for further guidance concerning this.
Indiana Historic Bridge Inventory Program [http://www.in.gov/indot/2532.htm]

Historic bridges are an important part of the heritage, development and transportation system of Indiana. As our state has grown, certain historic bridges have been replaced with modern bridges to accommodate today's higher traffic volumes and larger vehicles. Recognizing the value of Indiana’s historic bridges, INDOT commissioned a study to complete an inventory and develop a process to manage and preserve this valued resource.

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

Historic Bridges Marketing Program [http://www.in.gov/indot/2530.htm]

When an Indiana historic bridge is planned for bypassing or replacement, the bridge is offered to any group or individual that may want to take ownership of the bridge and manage or relocate it to another site. INDOT and the Federal Highway Administration are currently working to market these historic structures for preservation in-place and for relocation (storage or to a new site).

A notice of the Non-Select Historic Bridge Marketing Program.
In addition to inviting consulting parties to participate in the Section 106 process, a legal notice must be published in a widely circulated local newspaper in the project area to satisfy Section 106’s public notice requirements for small projects. The legal notice should provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Typically, the public notice is published once FHWA/INDOT has approved and signed the Section 106 effects finding for the project. More complex or controversial projects may have additional information meetings or other public involvement which will be managed on a project-by-project basis. INDOT will usually only place Section 106 legal notices in the paper for projects for which the Section 106 is conducted by in-house staff. When a consultant is conducting the Section 106 studies, it will be their responsibility to publish the public notice. If a consultant is preparing the environmental document for a large scale project that requires a hearing, INDOT hearings staff can include the effect-finding language in the public hearing notice, however the preference is to publish the Section 106 notice separately and prior to the public hearing (if possible). This satisfies the Section 106 public notice requirement. Comments received from the public are incorporated in the final Section 106 documentation.

Other consultation can occur through public information meetings conducted for Environmental Assessments and Environmental Impact Statements, public hearings, and public notice of availability of documents as a means for seeking input from the general public, including input related to historic properties and the application of the Net Benefit or De Minimis 4(f). The NEPA documentation (CE/EA/EIS) summarizes the project’s effects on historic properties. The public notice of availability of the NEPA documents specifically requests feedback from the public regarding impacts on historic properties. Please refer to INDOT’s Cultural Resources Manual at [http://www.in.gov/indot/2521.htm](http://www.in.gov/indot/2521.htm) for more detailed guidance.

**HOW INDOT IMPLEMENTS THESE REQUIREMENTS FOR CE PROJECTS**

Required public involvement for CE includes:

**Preparation of a Public Involvement Plan (PIP)**

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

See public involvement webpage at [http://www.in.gov/indot/2366.htm](http://www.in.gov/indot/2366.htm) for sample Public Involvement Plans.

**Notice of Planned Improvement/Offering of Public Hearing Opportunity**

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

A public hearing for a CE may be held at INDOT’s discretion if the project meets the minimum criteria. Should INDOT elect to offer the opportunity to request a public hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of INDOT public involvement requirements. INDOT typically allows a minimum 30-day period after the publishing legal notice to complete this process and to allow INDOT the opportunity to contact property owners, project stakeholders, etc., to adequately address concerns and document the public involvement process. The Notice of Planned Improvement, and the associated Public Hearing (if required), must be completed prior to approval of the CE.

HOW INDOT IMPLEMENTS THESE REQUIREMENTS ON EA PROJECTS

Required public involvement for an EA includes:

Preparation of a Public Involvement Plan (PIP)

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

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

Formation of a Community Advisory Committee (CAC)

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

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

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

Public Hearing

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

Public Notice of the Availability of the Environmental Assessment

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

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

Public Notice of a FONSI for an Action

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

INDOT frequently chooses to supplement the required public involvement activities for EAs by holding additional public information meetings and by conducting public information dissemination through mailing lists, newsletters, and postings on its website www.in.gov/indot.
Project websites are often established for EA-level projects.
PUBLIC INVOLVEMENT FOR EA-LEVEL PROJECTS

PUBLIC INVOLVEMENT IN EA PROJECTS

**EA Determination**
- Preparation of Public Involvement Plan (Upon INDOT/FHWA consultation)
- Formation of CAC to provide input on nature and extent of potential environmental impacts

**Determination of Significant Impacts**
- **YES**
  - Public Notice of Availability of EA
  - Public Hearing
- **NO**
  - FONSI
  - Public Notice of FONSI

**FONSI**
- Public Information Meeting to provide input on nature and extent of impacts

**DESIGN**
- Public Information Meeting to provide input on Design Considerations

**Optional Activities**
- website
- newsletter
- hotline
- additional public meetings
- media releases
- etc.

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

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

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

**Preparation of a Public Involvement Plan (PIP)**

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

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

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

**Formation of a Community Advisory Committee (CAC)**

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

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

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

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

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

**Public Information Meetings**

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

- Draft Purpose and Need
- Draft Preliminary Alternatives Screening
INDOT may hold additional public meetings during the environmental review process. INDOT conducts outreach for these meetings by sending an invitation to affected property owners, other identified interest groups, and elected officials and by issuing a media release. See the public involvement webpage (http://www.in.gov/indot/2366.htm) for a sample media release and a sample invitation to a public information meeting.

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

**Draft EIS Availability Prior to a Public Hearing**

INDOT publishes notices in appropriate newspapers, announcing the availability of the Draft EIS (DEIS) and announcing the public hearing. INDOT must provide a minimum of 15 days public notice before holding a public hearing. INDOT mails this notice to the statewide mailing list, the project mailing list, and adjacent property owners.

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

The DEIS is transmitted to any persons, organizations, or agencies that request a copy (typically in CD-ROM format). A hardcopy is made available for public review at INDOT offices and appropriate public institutions, such as local government offices, libraries, and schools.

**Public Hearing**

INDOT is required to hold a public hearing on all EIS projects during the circulation period of the Draft EIS. The public may submit comments orally or in writing at the public hearing. Please see pages 83-84 for information on how to hold a public hearing and also what type of notice must be provided.

**Public Comments on the DEIS**

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

PUBLIC INVOLVEMENT REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENT PROJECTS

**EIS**
- Preparation of Public Involvement Plan
- Formation of CAC which continues through life of the project and provides input on:
  - Scoping
  - Purpose and Need
  - Identification of Preliminary Alternatives
  - Alternatives Analysis and Screening
  - Selection of Preferred Alternative
  - Mitigation
- Public Information Meetings to provide input on:
  - Draft Purpose & Need/Preliminary Alternatives
  - Draft Alternatives and Screening

**DEIS**
- Notice of Availability of Draft EIS
- CAC Meeting
- Public Hearing
- Public Comment Period

**FEIS**
- Notice of Availability of Final EIS

**ROD**
- Notice of Availability of Record of Decision (ROD)

**DESIGN**
- Public Information Meeting to Provide Input on Design Considerations

**Optional Activities**
- website
- newsletter
- hotline
- additional public meetings
- media releases
- speakers at meetings
- focus groups
- surveys
- etc.

**FEIS Availability**

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

The FEIS is transmitted to any persons, organizations, or agencies that request a copy (typically in CD-ROM format). A hardcopy is made available for public review at INDOT offices and appropriate public institutions, such as local government offices, libraries, and schools. The FEIS is also sent to those who submitted substantive comments on the DEIS.
Notice of Record of Decision (ROD)

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

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

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

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

<table>
<thead>
<tr>
<th>Public Involvement Activity</th>
<th>NEPA Project Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Categorical Exclusion/ Simple Projects</td>
</tr>
<tr>
<td>Notice of Survey</td>
<td>If applicable (if project requires entry onto property)</td>
</tr>
<tr>
<td>Public Involvement Plan</td>
<td>Yes, at least using a simple default template</td>
</tr>
<tr>
<td>Public Involvement Activity</td>
<td>NEPA Project Classification</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>FHWA Notice of Intent to Initiate an EIS, in Federal Register</td>
<td>Categorical Exclusion/Simple Projects: Not applicable</td>
</tr>
<tr>
<td>Community Advisory Committee</td>
<td>Environmental Assessments: To be determined early in the environmental process by INDOT and FHWA consultation; Environmental Impact Statements: Yes, beginning at NEPA Scoping</td>
</tr>
<tr>
<td>Public Information Meetings</td>
<td>Optional</td>
</tr>
<tr>
<td>Notice of Opportunity to Request a Public Hearing (notice of planned improvement) and Notice of Availability of Environmental Document</td>
<td>Yes, if criteria listed in Section IV.C.4. is present; Yes, if criteria is met. 15 day minimum to request hearing; 2 publishing dates.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th></th>
<th>Environmental Impact Statements: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Timing of Activity: Why is it needed</td>
</tr>
<tr>
<td></td>
<td>Sent at beginning of NEPA phase for EIS projects, is a federal requirement to formally announce start of EIS development</td>
</tr>
</tbody>
</table>

Can be initiated at any time during the NEPA process to engage community stakeholders regarding potential project related impacts. Early formation of a CAC during NEPA is encouraged with continuation through design. Can be convened at any time at the discretion of project sponsor. These meetings can enhance public awareness of a project and allow a forum in which input may be sought.
<table>
<thead>
<tr>
<th>Public Involvement Activity</th>
<th>NEPA Project Classification</th>
<th>Timing of Activity: Why is it needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public hearing, including Notice of Hearing and Notice of Availability of Environmental</td>
<td>Categorical Exclusion/ Simple Projects: Yes, if offered and then requested by the public</td>
<td>Yes, after DEIS has been released for public comment</td>
</tr>
<tr>
<td>Document</td>
<td>(unless INDOT satisfies the requester through other means). Must be prior to CE approval.</td>
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<tr>
<td>Public Comment Periods (Note: public comment period begins on the date the first legal ad</td>
<td>A minimum 15-day deadline in which to request a public hearing; allow time following comment</td>
<td>Following the release of the DEIS – not less than 45 day comment period. Following the release of the</td>
</tr>
<tr>
<td></td>
<td>period to address issues.</td>
<td>FEIS -30 day availability period.</td>
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<td></td>
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</tr>
<tr>
<td>Agency List Serve; INDOT uses tool to notify subscribers of upcoming public involvement</td>
<td>Notification per agency list serve is optional. Media advisories / press releases originate</td>
<td>Notification per agency list serve is optional. Media advisories / press releases originate from</td>
</tr>
<tr>
<td>events. Media Advisory and/or Press Releases are encouraged</td>
<td>from INDOT district Offices.</td>
<td>INDOT district Offices.</td>
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<tr>
<td>Notice Soliciting Comments on Historic Impacts</td>
<td>Yes, except for “minor projects” exempted under the Minor Projects PA</td>
<td>Yes</td>
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<tr>
<td>Notice Issued when the Final Environmental Impact Statement is Completed</td>
<td>Not applicable</td>
<td>Yes</td>
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<tr>
<td>Notice Issued when a final CE, ROD, or FONSI is Issued</td>
<td>Yes, when a public hearing was held for document</td>
<td>Yes, when ROD is issued</td>
</tr>
<tr>
<td></td>
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</tbody>
</table>
### REQUIREMENTS RELATED TO CONDUCTING PUBLIC HEARINGS

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

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

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

**Notice of Opportunity to Request a Public Hearing**

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

<table>
<thead>
<tr>
<th>Public Involvement Activity</th>
<th>NEPA Project Classification</th>
<th>Timing of Activity: Why is it needed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEPA Project Classification</strong></td>
<td><strong>Categorical Exclusion/ Simple Projects</strong></td>
<td><strong>Environmental Assessments</strong></td>
</tr>
<tr>
<td>Notice of Additional Information to an Approved Environmental Document</td>
<td>Decision made on case-by-case basis upon INDOT and FHWA consultation.</td>
<td>Decision made on case-by-case basis upon INDOT and FHWA consultation.</td>
</tr>
<tr>
<td>Notice of Proposed Design and Noise Study Information Meeting</td>
<td>Yes, if a public hearing was held.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Notice of Final Plans and Construction Sequencing Information Meeting</td>
<td>Not applicable</td>
<td>Optional</td>
</tr>
<tr>
<td>FHWA Statute of Limitation Notice in Federal Register</td>
<td>Optional</td>
<td>Optional</td>
</tr>
</tbody>
</table>
Public Notice of Planned Improvement

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

23 CFR 771.111(a)(2)(ii) and (iii); 23 CFR 771.111(h) states that a minimum 15-day notification period will adequately serve as the required “reasonable notice” to the public of the hearing opportunity, but suggests that a longer period may be more appropriate.

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

If a member of the public requests a public hearing, INDOT will make a determination of whether to hold a public hearing, based on, in part, the number of requests received and whether INDOT can satisfy the needs of the requester(s) through individual and direct contact including a meeting, phone conference, letter, e-mail or through other means.

If No Public Hearing is Held

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

Notice of Public Hearing

The following requirements apply when a public hearing is held.

Timing and Content

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

a. The first notice is at least 15 days prior to the hearing.

b. The second notice is approximately 5 to 7 days prior to the hearing.
The notice specifies the date, time, place, and purpose of the hearing, contains a brief description of the proposal, and specifies where the pertinent document is available for inspection. In addition, the notice provides contact information for requesting assistance for persons with a disability.

**Placement**

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

- Placement of the hearing notice in more conspicuous places within the newspaper
- Publication of the notice in media that is appropriate for traditionally underserved populations that may be impacted by the project
- Publication of notice in other relevant periodicals, as appropriate
- Distribution of press releases to the media, post information to INDOT website, announce via INDOT Public Hearings List Serve Service

**Coordination of Public Hearing Process with U.S. Army Corps of Engineers (USACE)**

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

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

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

The required format for public hearings includes the following, as appropriate:

Presentation Content

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

a. The project's purpose, need, and consistency with the goals and objectives of any local urban planning

b. The project's alternatives and major design features

c. The social, economic, environmental, and other impacts of the project

d. The relocation assistance program and the right of way acquisition process

e. The availability of the appropriate environmental document

f. INDOT's procedures for receiving both oral and written statements from the public

Methods for Public Comment

a. Public statements before an audience of concerned citizens, with a transcript made of these statements (this method is always required for a public hearing)

b. Verbal comments made privately during the meeting to a tape recorder, which INDOT can include in the hearing transcript

c. Written comments which will be accepted in person at the public hearing, by mail, or via the internet
Formal presentation given during an INDOT public hearing.

Public Hearing Documentation

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

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

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

Subsequent Public Information Meetings and other public involvement activities are held at varying stages of the project development process following the formal NEPA required public hearing. The purpose of these meetings and other public involvement activities is to provide timely information to the public regarding detailed design issues, the progression of land acquisition activities, perhaps the construction schedule, and etc. All this is to say that INDOT continues its commitment to public involvement well after the required NEPA public hearings phase.
23 CFR 771.111(h)(2)(vi) states “State public involvement/public hearing procedures must provide for:...Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements for the public, both submitted at the public hearing or during an announced period after the public hearing.”

Accessibility

INDOT conducts public meetings, open houses and hearings in places that are accessible to individuals with physical limitations (i.e. using a wheelchair and assisted walking device).

Assistance to People with Disabilities

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

Contact Person for Requests for Accommodation

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


INCLUSION OF UNDER-SERVED INDIVIDUALS AND COMMUNITIES IN INDOT’S PUBLIC INVOLVEMENT PROCESS FOR PROJECT DEVELOPMENT

INDOT believes that an effective public involvement process should actively seek out and engage those individuals who may otherwise be under-served in the transportation planning, programming, and project development process. Therefore, in keeping with the Americans with Disabilities Act, INDOT holds meetings in locations that are accessible to people who have disabilities. Upon request, INDOT provides assistance in public meetings to individuals who are hearing- or sight-impaired or in need of other language translation.

In keeping with the Title VI of the Civil Rights Act and the Executive and DOT Orders and FHWA Guidance on Environmental Justice, INDOT proactively reaches out to and solicit input from low-income, minority and traditionally underserved communities.

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

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

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

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

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

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

Environmental justice is a component of FHWA’s overall commitment to the protection and enhancement of the human and natural environment. FHWA sets forth these principles:
1. Avoid or minimize and mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.

2. Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.

3. Prevent the denial, reduction, or significant delay of benefits to low-income and minority populations.

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

1. Contacting community leaders to elicit help in reaching low-income and minority community members

2. Holding small-scale meetings or attending existing local meetings in the low-income and minority neighborhoods, hosted by community leaders

3. Translating key public information documents and posters announcing public meetings or hearings into non-English languages

4. Placing notices and advertisements in neighborhood publications and/or non-English newspapers

5. Holding public hearings/meetings in locations and at times that are easily accessible to low-income and minority people

6. Providing translators at public hearings/meetings

INDOT’s Title VI Division provides resources and guidance regarding the Title VI of the Civil Rights Act of 1964 (Title VI), as amended and all of its related statutes and regulations. Please visit http://www.in.gov/indot/2392.htm to learn more about INDOT’s commitment to Title VI and ADA Programs.
Early consultation meetings are held to discuss transportation needs. INDOT Districts initiate/coordinate meetings with local officials and planning stakeholders.

Formal involvement occurs when a STIP is produced, for STIP amendments, during non-MPO local official’s consultation process, and when key planning documents are produced and public input solicited.

MPOs conduct activities in their areas of jurisdiction.
STAKEHOLDER ENGAGEMENT DURING REAL ESTATE ACQUISITION PHASE

Real Estate Acquisition

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

The INDOT Office of Real Estate webpage is [http://www.in.gov/indot/2698.htm](http://www.in.gov/indot/2698.htm).
INDOT conducts a number of activities to communicate with the public during the construction, operations, and maintenance phases. For example, during construction, INDOT staff work with local homeowners and businesses to address access and disruption concerns. Information about road closures and delays, posted on signs during construction and maintenance activities, is a form of public involvement. INDOT communicates on an ongoing basis to the public through its website, variable message signs, and newspaper announcements.

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

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

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

Each letter or email message generates an investigation and results in an appropriate response to the customer. Our Customer Service teams also oversee a statewide customer service database to track customer concerns and responses including the response times to inquiries. The engagement of the public is greatly enhanced through the responsiveness of customer service team members.

Transportation Services Call Center

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

855-463-6848 • INDOT4U.com • INDOT@indot.in.gov
Crawfordsville District
41 West 300 North
Crawfordsville, IN 47933
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov

LaPorte District
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LaPorte, IN 46350
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov

Fort Wayne District
5333 Hatfield Road
Fort Wayne, IN 46808
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov

Seymour District
185 Agrico Lane
Seymour, IN 47274
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov

Greenfield District
32 South Broadway
Greenfield, IN 46140
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov

Vincennes District
3650 South U.S. Highway 41
Vincennes, IN 47591
Phone: 1-855-INDOT4U
Email: INDOT@indot.in.gov
Local Public Agency
Project Development Process

Planning
Project Selection
Programming

Project Development
Environmental Analysis
Public Involvement

Design
Real Estate
Utilities
Coordination
Construction
PUBLIC INVOLVEMENT IN THE LPA PROJECT DEVELOPMENT PROCESS

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

Public involvement required during the NEPA phase of project development:

- **Cannot** begin until an environmental document is released for public involvement by INDOT Environmental Services Division
- **Must be completed** prior to the approval of an environmental document
Categorical Exclusions (CEs) include projects which individually or cumulatively produce no significant adverse impacts on the human or natural environment. CEs are typically “simple” projects which have limited scope and one feasible alternative. CEs are generally used for such projects as resurfacing, restoration, and safety projects, and rehabilitation or reconstruction of existing bridges or other infrastructure. Most LPA projects fall under the CE classification. Following the preparation of the CE environmental document, the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. See INDOT’s CE Manual at www.in.gov/indot for more information.

There are four levels of CEs. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project.

- CE-1 and CE-2 require limited or no right-of-way and typically don’t require detailed technical studies; CE-1 projects typically do not meet criteria for public involvement; CE-2 projects may meet criteria for public involvement
- CE-3 may involve larger acreage or impacts to resources that require more extensive or specialized study; CE-3 projects typically meet criteria for public involvement;
- CE-4 level projects require extensive or specialized study such as noise analysis
Environmental Assessments (EAs) include actions in which the significance of the impact on the environment is not clearly established. If there is uncertainty about whether the project will have significant impacts, an EA is prepared, with some analysis to determine whether the project has significant impacts. If the answer is “Yes,” than a full Environmental Impact Statement (EIS) is prepared (see below). If the answer is “No,” then this decision is formally documented by FHWA with a Finding of No Significant Impacts (FONSI), and the project may proceed to its next steps in implementation, such as final design, right-of-way acquisition, and construction. Major reconstruction and/or minor roadway relocation projects generally fall into this category. See INDOT’s Procedural Manual for Preparing Environmental Documents at www.in.gov/indot for more information.

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

40 CFR 1502.1 states, “The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act [NEPA] are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.”

PUBLIC INVOLVEMENT CRITERIA

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

Historically most LPA projects are classified as a Categorical Exclusion (CE). Projects involving a historic bridge must hold a public hearing prior to the completion of NEPA. For CE levels 1 - 4 (not involving a historic bridge), the LPA will be required to offer the opportunity to request a public hearing or hold a public hearing.
hearing, prior to the completion of NEPA, when the (Local Public Agency) project meets any 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.

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

(4) The proposal involves noise analysis wherein a noise impact is identified.

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

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

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

(8) The proposal is determined by the Federal Highway Administration and/or INDOT to warrant a public hearing in the public’s interest.

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

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

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

- Permanent r/w is land, once purchased, is owned by the project sponsor
- Temporary r/w is land needed during the construction of a project and/or used for the purposes of construction related activity, but is not owned by the project sponsor
- Purchase of an easement is not considered part of permanent r/w calculation
Please see the Best Practices in Public Involvement document for guidance on conducting public hearings http://www.in.gov/indot/2366.htm. Important items to remember when it comes to required public involvement include:

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

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

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

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

Prior to advancing to the Public Involvement phase for LPA projects, the conditional release of the environmental documentation must be authorized by the district Environmental Scoping Manager (ESM) for Level 2 CEs or the INDOT Office of Environmental Services (OES) for Level 3 and 4 CEs and EAs. Once the conditional release of the environmental document is received by the LPA, the LPA is responsible for the preparation and placement of the legal notice(s) in widely circulated project area newspapers. The legal notice will run twice, the second at least 7-days subsequent to the first and no less than 5-days prior to the hearing or the established deadline to request one. The Section 106 legal notice offering the public and consulting parties the 30-day comment period for the Area of Potential Effect (APE), eligibility and effect finding and the legal notice offering the public the opportunity to request a public hearing may be combined in a single advertisement.

A copy of the legal notice(s) should be submitted to the following:
- Legislators / Elected Public Officials in area
- Minority groups and minority media (if any)
- Historical Societies and Historians etc. (if including the Section 106 wording)
- Metropolitan Planning Organization (if any)
- Affected / Impacted Property owners in the project area
- ESM and OES environmental document signature authority
- FHWA Indiana Division Administrator (for hearings only)
- FHWA Indiana Division Administrator (if planned improvement and only if the project is part of the National Highway System)

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

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

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

At least one representative of the LPA must attend the public hearing. The LPA should also be prepared to explain the Purpose and Need for the proposed project in addition to providing a detailed description of the project, alternatives considered during project development and impacts associated with the proposal. Use the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS prepared the INDOT Public Hearings Office to ensure that the required documentation for a public hearing is offered. If the LPA is unsure as how to proceed with the public hearing requirements, INDOT’s Public Hearings Office should be contacted.
For public hearing certification the LPA must submit the following items listed on the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS to the INDOT Public Hearings Office for review. The following items must be included in the hearings certification submittal:

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

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

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

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

**Notice of Planned Improvement/Offering of public hearing/Opportunity to request a public hearing** (required for CEs that meet the conditions which trigger the offering of a public hearing, listed above). This notice informs the public that INDOT is deciding upon a proposed project; provides a description, type, and scope of the project; requests comments; and offers the public the opportunity to request a public hearing. A minimum 15-day deadline in which the public may request a public hearing be held is announced within the public notice. This notice is mailed to adjacent property owners (optional but strongly encouraged) and is published in local newspaper(s). Public notice must be published two times (at minimum) in the most widely circulated papers within the project area. A public hearing for a CE may be held at the LPA’s discretion if the project meets the minimum criteria. (See INDOT public hearings criteria on page 54.) Should the LPA elect to offer the opportunity to request a public hearing, comments and concerns from the public will be addressed individually and documented in the project file prior to the certification of public involvement requirements; the LPA should allow a minimum 30-day period after publishing the first legal notice to complete this process and to allow LPA or representative the opportunity to contact property owners, project stakeholders, etc., to adequately address concerns and document the public involvement process. The Notice of Planned Improvement, and the associated Public Hearing (if required), must be completed prior to approval of the CE.
Purpose of this action: To inform impacted residents and community stakeholders of a proposed project and to solicit input. For projects involving a lower level of environmental impact, this action can be taken instead of holding a public hearing.

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

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

**Notice of Public Hearing**

Publish notice twice in local newspaper(s), approximately a week apart, make document available at local repositories

Public review of environmental document

Hold Public Hearing

Public comment period

Allow a minimum of 15 days from the date of 1st publishing to receive public comment

Public Hearings transcript

Public comments documented & addressed

Hearing Certification

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

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

Notice Issued when the Final EIS is complete (required for EISs). This notice is an announcement that the FEIS is approved and available for viewing at public repositories, such as libraries, public offices, and appropriate INDOT district Office(s) and on the INDOT website. Public notice must be published 2 times (at minimum) in the most widely circulated papers within the project area. There is a 30-day period following the publication of the final EIS notice in the Federal Register. This notice is mailed to the project mailing list.

Notice Issued when a Finding of No Significant Impacts is issued (required for EAs). Following the public comment period for the EA and project decision by FHWA, a one-page notice of the FONSI is issued by INDOT on behalf of FHWA. Public notice must be published 2 times (at minimum) in the most widely circulated paper within the project area; the notice of the FONSI does not require a comment period. This is mailed to adjacent property owners and the project mailing list and is published in local newspaper(s).

Notice Issued when a Record of Decision is issued (required for EISs). Following the FEIS and a project decision by FHWA, a one-page notice of the ROD is issued by INDOT on behalf of FHWA.
This is mailed to adjacent property owners and the project mailing list and published 2 times (at minimum) in the most widely circulated papers within the project area; the ROD notice does not require a comment period.

**Notice of Additional Information to an Approved Environmental Document**

INDOT will consult with FHWA regarding the scope of the Additional Information and the need for public notice for EISs, EAs, and FHWA approved CEs. INDOT has the authority to determine the scope of re-evaluation and the need for public notice for categorical exclusions that have been delegated to INDOT for approval. Following consultation with FHWA and if determined necessary, a notice may be issued when there have been substantive changes to an earlier approved environmental document to let the public know about the changes, inform the public where they can view the modified document, and invite comments during a comment period of at least 15 days. Upon receiving guidance from INDOT, a notice may be mailed to adjacent property owners /project mailing list and may be published in local newspaper(s) or other project correspondence (i.e. a project newsletter) may be mailed to project stakeholders.

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

For public hearing certification the LPA must submit the following items listed on the PUBLIC HEARING CHECKLIST FOR LPA PROJECTS to the INDOT Office of Public Involvement (Public Hearings Office) for review. The following items must be included in the hearings certification submittal:

- One copy of the public hearing notice or notice of planned improvement
- Copies of the Publisher’s Affidavits from the newspaper(s)
- Complete mailing list including the property owners contacted
- Speeches and/or presentation (for hearings only)
- Information packet (for hearings only)
- Verbal statements transcribed (for hearings only)
- Copies of all letters, e-mails, written comments, memos, or phone conversations and how each comment/inquiry was addressed must be included in submission for INDOT Office of Public Involvement certification.

The public involvement section of the environmental document must be appropriately updated with a discussion of the steps taken to satisfy the public involvement requirements. The environmental document can then be submitted to the district ESM or the INDOT ES for signature approval.
Upon receipt of the signed title page of the environmental document, which will include a signature line indicating the satisfactory completion of the INDOT Public Involvement requirements, the project may proceed to the right-of-way services phase. Please see INDOT/LPA Process Guidance Document for Local Federal-Aid Projects.

CHECKLIST FOR LPA PUBLIC HEARINGS

For Coordination purposes, to initiate the public involvement process for LPA projects, please contact INDOT’s Office of Public Involvement prior to scheduling your public hearing or offering the public hearings opportunity via the planned improvement notice. When scheduling a public hearing please submit the following to the INDOT Office of Public Involvement:

1. Draft legal notice with tentative date(s) for the public hearing or notice of planned improvement (offering hearings opportunity)
2. The signature page of the environmental document indicating that the project has been released for public involvement
3. Two notices must be published in local newspaper
4. Remember that INDOT must attend the LPA public hearing and observe the proceedings. In the event that a member of the Office of Public Involvement is unable to attend, we will coordinate with the appropriate INDOT district to ensure that another representative can attend.
5. Conduct public hearing in accordance to INDOT public hearings procedures.

<table>
<thead>
<tr>
<th>LEGAL NOTICE CHECKLIST</th>
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<tbody>
<tr>
<td>Date, time and location of hearing (if hearing is scheduled)</td>
</tr>
<tr>
<td>Project description including limits, location, length, and construction to be performed</td>
</tr>
<tr>
<td>New permanent right-of-way, easements, and temporary right-of-way in acres</td>
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<tr>
<td>Displacement of residents, businesses etc. (if applicable)</td>
</tr>
<tr>
<td>Maintenance of traffic (briefly explain details if known)</td>
</tr>
<tr>
<td>Cost estimate for the project</td>
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<tr>
<td>Wetlands involvement</td>
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<tr>
<td>May combine Section 106 legal notice with public hearing opportunity legal notice</td>
</tr>
<tr>
<td>Deadline date (for comments or hearing requests) for a Planned Improvement needs to be at least 15 days from the first advertising date. The second advertising date should be at least one week (seven days) after the first.</td>
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</table>
To advertise a public hearing, the first ad must appear in the newspaper no less than 15 days prior to the date of the hearing and the second ad no less than five days prior to the hearing.

At minimum, two notices must be published when advertising a public hearing or offering the public hearing opportunity via the Planned Improvement notice. The advertisement should be published in the most widely circulated paper in/near the project area.

Public viewing location(s) for environmental documents, plans, and legal notice. A reasonable effort should be made to select viewing locations that are accessible to the public. NOTE: Municipal offices and public libraries are good locations. The LPA may also elect to post information electronically to a website in an effort to allow greater access to project documents.

Legal ads need to be placed in local paid minority newspapers (when applicable).

**MAILING OF LEGAL NOTICE CHECKLIST** (mailings to supplement legal notices are strongly encouraged but are not required as a condition of public involvement certification)

- Legislators in area (for hearings only)
- Minority groups and minority media (if any)
- Historical Societies and Historians etc. (if including the Section 106 wording)
- Metropolitan Planning Organization (if any)
- FHWA Indiana Division Administrator for hearings
- FHWA Indiana Division Administrator, if planned improvement and only if the project is part of the National Highway System
- Affected property owners
- Appropriate district ESM and ES Signature authority
### LOCAL HEARING FOR FEDERAL-AID PROJECT CHECKLIST

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

### SPEECH / SPEAKING NOTES (power-point presentation preferred)

- Hearing Process
  - How to comment and deadline for comments
  - Legal Notice of Intent (explain the sign-up sheet)
  - How comments will be addressed in the final environmental document
- Location and description of the project
- Need for improvement
- Alternatives studied including the Do-Nothing Alternate
- Amount and description of right-of-way requirements
- Right-of-way acquisition process
- Costs associated with the project
- Environmental document approval (Level)
### Fifteen Days Subsequent to Holding the Public Hearing

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<tbody>
<tr>
<td><strong>Submit the following:</strong></td>
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<tr>
<td>Legal notice of public hearing or of Planned Improvement</td>
<td></td>
</tr>
<tr>
<td>Copies of the Publisher’s Affidavits from the newspaper(s)</td>
<td></td>
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<tr>
<td>Complete mailing list including list of property owners (if a mailing was used)</td>
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<tr>
<td>Speaking notes/presentation (for hearings only)</td>
<td></td>
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<tr>
<td>Information Packet (for hearings only)</td>
<td></td>
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<tr>
<td>Verbal statements transcribed (for hearings only)</td>
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<tr>
<td><strong>Copies of all letter, e-mails written comments of memos or phone conversations and how each question or comment was handled.</strong> A transcript is required when a public hearing is held. For projects where a public hearing has not been held, include correspondence noted above in formal submittal to the Office of Public Involvement for certification of public involvement requirements.</td>
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### Hearings Checklist for LPA (CE Level) Projects

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

#### CE Level Projects

1. Draft legal notice with tentative date(s) for the public hearing or notice of planned improvement (offering hearings opportunity)

2. The signature page of the environmental document indicating that the project has been released for public involvement

3. Two notices must be published in local newspaper

4. If a hearing is to be held, please remember that you must coordinate with the Office of Public Involvement. An INDOT employee must attend the LPA public hearing and observe the proceedings. In the event that a member of the Office of Public Involvement is unable to attend, we will coordinate with the appropriate INDOT district to ensure that another representative (INDOT employee) can attend and observe. Failure to coordinate with the Office of Public
Involvement will result in non-certification action of your public hearing; public involvement requirements must be certified as a condition of CE document approval.

5. Conduct public hearing in accordance to INDOT public involvement procedures

6. Prepare hearings transcript upon conclusion of public comment period

7. Submit transcript to Office of Public Involvement along with environmental document coversheet

8. **Communicate project decision to the public**

9. Request certification of public involvement requirements; include brief description of what action was taken to inform public of project decision

10. Office of Public Involvement issues hearings certification

11. Finalize environmental document and submit to Environmental Services Division to request approval

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

**EA & EIS Level Projects**

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

1. Formal public hearing phase begins once EA/EIS document has been released for public involvement. FHWA, through coordination with INDOT Environmental Services (ES) will initial coversheet of the document indicating that public involvement may begin.

2. The LPA will coordinate with its project management team and schedule a public hearing. A public hearing must be held for all EA and EIS projects. The LPA will prepare copies of the draft EA/EIS document and make copies available for public viewing locations/repositories, draft and arrange publishing of the required legal notice, mail/contact property owners and stakeholders within project area, and other activities to engage the public. A public hearing is held. An official hearings transcript is prepared following the hearing and if all documentation is in order, then INDOT Office of Public Involvement (OPI) signs off on the EA/EIS coversheet indicating completion of public involvement requirements.

3. Upon formal issuance of the Finding of No Significant Impact (FONSI), the Final Environmental Impact Statement (FEIS), the Record of Decision (ROD), the LPA will publish legal notice (1 time) in the local newspaper, make the document (FONSI, FEIS, ROD) available to public viewing
locations/repositories and notify impacted property owners as well as interested project stakeholders of the project decision and the availability of the FONSI, FEIS or ROD.
Appendix
PUBLIC INVOLVEMENT PLAN

1.0 INTRODUCTION

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

2.0 PURPOSE

This public involvement plan is designed to provide for early and continuous engagement of project stakeholders beginning in the _____________ phase of project development. While this public involvement plan contains elements that would be useful during the early planning stages of project development, this public involvement plan is expected to require _______ months beginning at the start of NEPA and continue through the completion of project design.

Both the public and decision-makers need to fully understand the problems, opportunities, and the various options or alternatives on the table that may lead towards finding an acceptable solution. Effective public participation increases understanding and improves decisions by bringing all issues, ideas, opinions, and perspectives to the table. Sustainable decisions are those that are technically feasible, economically viable, environmentally compatible, and publicly acceptable.

The purpose of this public involvement plan is to:

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

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

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

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

4.0 APPROACH

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

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

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

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

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

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

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

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

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

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

**Tool 8 – Project Newsletters, postcards, flyers, brochures, project correspondence.**
Tool 9 – Agency List Serve to disseminate project information to vast stakeholder group via routine electronic notification.

Reminder: Public involvement tools should be tailored to fit the project you are developing. Not every tool is appropriate for every project.
Frequently Used Terms
FREQUENTLY USED TERMS

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

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

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

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

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

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

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

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

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

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

Archaeological Resource – The location of a building, structure, district, site or objects constructed or deposited at least 50 years ago where the location itself possesses research value.
**Area of Potential Effect (APE)** – Under 36 CFR Part 800.16(d) “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist”.

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

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

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

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

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

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

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


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

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

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

**Consultant** – An individual, partnership or firm with expertise in engineering, environmental or public involvement disciplines that is contracted by the originating office to provide technical services. Expertise is determined by comparison to consultant prequalification criteria.
Consultation – The process of soliciting input, discussing and considering the views of other stakeholders (historic properties/places) and when possible, reach an agreement and/or consensus with this group of stakeholders regarding matters related to the Section 106 Process.

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

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

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

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

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

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

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

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

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

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

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

Effect Finding – A finding made by FHWA that a proposed project has an effect on a property included on or eligible for the National Register of Historic Places. The three findings of effect are “No Historic Properties Affected”, “No Adverse Effect”, and “Adverse Effect”.
**Environmental Assessment (EA)** – National Environmental Protection Act (NEPA) document prepared when the environmental significance is not clearly established.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Historic District** – An area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan of physical development.
**Historic Property** – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This includes artifacts, records and remains that are related to and located within such properties.

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

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

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

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

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

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

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

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

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

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

**Legal Notice** – A formal announcement published according to legal requirements in a newspaper or periodical to provide official public notice of a proposed action/project, an approval and/or a project decision as part of the NEPA process.
Level of Service (LOS) – A commonly used indicator of a highway’s performance. Levels of service range from A, which indicates unrestricted free flow conditions, to F which indicates high congestion and generally restricted operating speeds.

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

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

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

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

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

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

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

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

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

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

National Register of Historic Places (NRHP) – The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture.
No-Build Alternative or No-Action Alternative — Option of maintaining the status quo by not building transportation improvements. The no-build serves as a baseline for comparison of build alternatives.

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

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

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

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

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

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

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

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

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

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

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

Red Flag Investigation — A review of resources and features in a project area to determine whether any range of potential environmental concerns are present. This information is used as a first-step screening tool to identify and eliminate any alternatives which may be fatally flawed in terms of environmental impact.
**Red Flags** – Identified points of concern, including environmental and engineering issues, within the project study area.

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

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

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

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

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

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

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

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

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

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

**Small Structure** – A small structure is any crossing which is shorter than exactly twenty feet. Structure that are twenty feet or longer are considered bridges.
State Historic Preservation Officer (SHPO) – The Governor or his/her appointed representative responsible for directing the State Office of Historic Preservation.

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

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

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

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

Start Process

March
- Draft Future-Year Needs Plan Document Update (as needed)
- 5-Year Construction Plan Update
- Draft STIP Update Document Development (as needed)

April - July
- 30-45 Day Public Comment Period for Planning documents
- Annual District Meetings
- Process Recommended Changes & Comments
- Federal STIP Approval & INDOT Plan Document Adoption

Jan - July
- Early Coordination Meetings (MPO, RPG, Districts, & Stakeholders)
- Review Identified Needs
- Needs prioritization/screening opportunities for public input

Nov - Dec

- Identify Major Transportation Needs:
  - Pavement
  - Bridge
  - Safety
  - Congestion
  - Mobility
  - Emergency Needs
  - Screening of needs

Note:
- Various processes and activities overlap
- Needs identification and analysis is ongoing throughout the year
- Timelines are subject to change

Aug - Sept
- Initiate Call for Projects
- 30-Day Public Comment Period
- Process Recommended Projects
- Revisions & Public Comments
- Project screening & review
- Project prioritization

Oct - Dec
- Statewide Project Review & Scoring
- Fiscal Constraint Analysis
- Statewide Project Prioritization
- Update Program Update
- Start Major Needs Identification for next Calendar Year (See Start Process)

January - March
- Capital Program Management Committee Review & Discussions
- Executive Briefing & Review
- Executive Program Approval
- Inter-Agency Coordination

Project Selection Activities Graphic
Community members arriving at INDOT public meeting

The public involvement webpage contains resource material for public engagement
Public Involvement Activity Tables
<table>
<thead>
<tr>
<th>Project Selection</th>
<th>Explanation - Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call for Projects</td>
<td>Partner with MPOs’ public involvement processes for the MPO TP. TP projects are coordinated with the INDOT Long Range Plan</td>
</tr>
<tr>
<td>Early Consultation</td>
<td>District-wide APDP Early Coordination Meetings</td>
</tr>
<tr>
<td></td>
<td>Website feedback link</td>
</tr>
<tr>
<td>STIP, including draft STIP and amendments to the STIP (done at least once every 4 years)</td>
<td>Public participation through appropriate MPO</td>
</tr>
<tr>
<td></td>
<td>Reliance on MPOs’ public involvement processes for the MPO TIP. TIP projects are coordinated with the STIP.</td>
</tr>
<tr>
<td></td>
<td>District-wide Early Coordination Meetings with non-metropolitan local officials with transportation responsibilities.</td>
</tr>
<tr>
<td></td>
<td>District Public Meetings – presentation of draft STIP for public review and comment</td>
</tr>
<tr>
<td></td>
<td>Publication of draft STIP and ultimately final STIP</td>
</tr>
<tr>
<td></td>
<td>Availability of STIP and amendments thereto on INDOT’s Website</td>
</tr>
<tr>
<td></td>
<td>District Public Meetings</td>
</tr>
<tr>
<td></td>
<td>Minimum of 60-day public comment period on effectiveness of existing consultation process and proposed modifications</td>
</tr>
<tr>
<td></td>
<td>Correspondence sent to local municipalities outside MPO areas directly engaging local officials regarding project submission process</td>
</tr>
<tr>
<td>District Open Houses (when STIP is updated) public involvement activities take place</td>
<td></td>
</tr>
<tr>
<td>Update of Annual Program Development Program (APDP) Consultation Process (done every 5 years)</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** The table provides a summary of Project Selection processes, activities, and explanations.
### Summary of Planning Steps

- Transportation needs & projects are identified
- Coordination with planning partners, transportation stakeholders and the public
- Public input welcomed, considered and included
- Call for Projects issued
- List of proposed projects reviewed
- List of proposed projects narrowed for inclusion in the draft Statewide Transportation Improvement Plan (STIP)
- Proposed projects may or may not be selected; non-selected projects may be resubmitted later
- Selected projects are advanced and incorporated into draft STIP
- Public input again solicited and included
- STIP is formally approved by the Federal Highway Administration
- Projects entered into the INDOT production schedule
- Project development begins
<table>
<thead>
<tr>
<th>Project Development</th>
<th>Public Involvement Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Development can begin once a project is accepted into INDOT production</td>
<td>• Early Coordination</td>
</tr>
<tr>
<td>schedule</td>
<td>• Notice of Survey</td>
</tr>
<tr>
<td>• Prepare public involvement plan (require proof of plan)</td>
<td>• Environmental document</td>
</tr>
<tr>
<td>• Environmental document includes description of public involvement activities</td>
<td>to be required per INDOT</td>
</tr>
<tr>
<td>• Environmental document includes description of public involvement activities</td>
<td>public involvement criteria</td>
</tr>
<tr>
<td>• Conduct and document public involvement activities</td>
<td>• Conduct and document public</td>
</tr>
<tr>
<td></td>
<td>involvement activities</td>
</tr>
<tr>
<td>Hearings Opportunity / Formal public hearing</td>
<td>• Public involvement criteria</td>
</tr>
<tr>
<td>Community Advisory Committees</td>
<td>/ threshold (what triggers</td>
</tr>
<tr>
<td></td>
<td>formal public involvement</td>
</tr>
<tr>
<td>Section 106 / Historic</td>
<td>activities)</td>
</tr>
<tr>
<td></td>
<td>• Public involvement steps</td>
</tr>
<tr>
<td></td>
<td>vary per document type</td>
</tr>
<tr>
<td></td>
<td>(CE, EA, EIS)</td>
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<tr>
<td></td>
<td>• Legal notices describe</td>
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<td></td>
<td>proposed actions</td>
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<tr>
<td></td>
<td>• Public involvement activities</td>
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<tr>
<td></td>
<td>as part of Section 106</td>
</tr>
<tr>
<td></td>
<td>Process</td>
</tr>
<tr>
<td></td>
<td>• Historic Bridge Inventory</td>
</tr>
<tr>
<td></td>
<td>Program – Select/Non-</td>
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<tr>
<td></td>
<td>Select bridges public</td>
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<tr>
<td></td>
<td>involvement</td>
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<tr>
<td></td>
<td>• Noise survey process,</td>
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<tr>
<td></td>
<td>meetings with impacted</td>
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<tr>
<td></td>
<td>stakeholders (when</td>
</tr>
<tr>
<td></td>
<td>applicable)</td>
</tr>
<tr>
<td>District Customer Service Centers – Raise profile of service centers and what they</td>
<td>• Customer engagement,</td>
</tr>
<tr>
<td>offer to INDOT stakeholders</td>
<td>outreach, timely response</td>
</tr>
<tr>
<td></td>
<td>• Where a customer lives</td>
</tr>
<tr>
<td></td>
<td>matters</td>
</tr>
<tr>
<td></td>
<td>• Raise the public's awareness</td>
</tr>
<tr>
<td>INDOT Activity</td>
<td>Description - Explanation</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------</td>
</tr>
</tbody>
</table>
| Post Public Hearing                  | • Stakeholder notification once environmental document is formally approved  
                                          • Make approved environmental document available via public repository  
                                          • Place legal advertisement to announce end of environmental phase and availability of document  
                                          • Required for INDOT projects  
                                          • Encouraged for LPA projects |
| Title VI of Civil Rights Act / Limited English Proficiency | • Public Involvement Survey to collect data, LEP services made available to encourage participation and ensure access to project information |
| Americans with Disability (ADA)      | • Community Advisory Working Group (CAWG)  
                                          • Provides recommendations regarding INDOT’s ADA Transition Plan to improve accessibility to our programs and facilities  
                                          • CAWG meets several times throughout the year and at various locations statewide |
| Public Involvement Event             | Required activities |
| Public Hearings                      | • Environmental document must be released prior to initiate hearings phase  
                                          • A minimum of two legal notices must be published in project area’s most widely circulated paper; publishing in non-traditional & papers serving minority communities when applicable  
                                          • 1st notice must be published a minimum of 15 days prior to hearing date; 2nd notice published 5 to 7 days prior to hearing date  
                                          • All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases  
                                          • Draft environmental document must be made available for public review  
                                          • Public hearing is held between draft and final environmental document and is held at a decision-making point  
                                          • Formal public hearing held consisting of a presentation, a public comment session (comment in presence of audience) and time prior to and following the formal session for informal conversation with project officials  
                                          • Public comments presented during comment session must be recorded  
                                          • A minimum two week public comment period following the public hearing date  
                                          • A public hearings transcript must be prepared to document formal proceedings, pre-hearing activities and public comment  
                                          • Certify completion of public hearing and requirements via signature on coversheet of environmental document  
                                          • Environmental document cannot be finalized until public hearing requirements are certified  
                                          • Conduct additional public involvement activities once environmental document has been finalized/approved |
| Public Information Meetings          | • Can be held at any time and at the project sponsor’s discretion  
                                          • No legal notice, document availability, transcript or document signatory requirement  
                                          • All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases  
                                          • Format of meeting should consist of a presentation and must include a comment station where verbal and written comments can be accepted  
                                          • A public comment period following the public meeting is encouraged  
                                          • Document public meeting activities and public comments |
<table>
<thead>
<tr>
<th>Public Open Houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Can be held in conjunction with a public hearing or public meeting</td>
</tr>
<tr>
<td>• Can be held as a separate event but not in place of a required public hearing</td>
</tr>
<tr>
<td>• All reasonable measures should be taken to notify project stakeholders (residents, local officials, public, others) by mail and/or electronic notification, social media, news/media releases</td>
</tr>
<tr>
<td>• Should be an informal session, include a station where public comment (verbal and written) can be submitted</td>
</tr>
<tr>
<td>• A general comment period following the event is encouraged</td>
</tr>
</tbody>
</table>

**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
Thank You

INDOT team member greeting guest during project open house

Face to face meetings allow INDOT to connect with our customers
INDOT will plan, build, maintain and operate a superior transportation system enhancing safety, mobility and economic growth