ALDOT PUBLIC INVOLVEMENT PLAN FOR THE ENVIRONMENTAL PROCESS

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THIS ACTION COMPLIES WITH

40 CFR 1506.6
And
23 USC 128
And
23 CFR 771

7-29-2015
Date of Approval

Mark D. Bartlett
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Date of Approval

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I. PUBLIC INVOLVEMENT PLAN FOR THE ENVIRONMENTAL PROCESS

Public involvement is an essential part of the National Environmental Policy Act (NEPA) process for proposed transportation projects. Coordination with stakeholders (persons or groups with a specific interest in the project) and the public continues throughout the environmental process and preliminary design stages of proposed improvements to ensure that local interests and needs are considered by decision makers.

This document serves as the Alabama Department of Transportation's (ALDOT's) Public Involvement Plan (the Plan) for the Environmental Process. It has been developed in accordance with 23 CFR 771—Environmental Impact and Related Procedures. This Plan guides the public involvement process for all ALDOT projects under Environmental Technical Section (ETS) purview, including those that may be sponsored by cities and counties as appropriate. It may also be useful to Department staff not directly involved in scoping and design, as well as for municipalities and other transportation partners. The following items are considered by ALDOT ETS in planning and implementing public involvement activities:

- Early opportunities for participation
- Public meetings at convenient and accessible locations and times
- Timely information on transportation issues, processes and procedures
- Reasonable access to technical and policy information
- Electronically accessible and available public information via the World Wide Web
- Adequate notice for participation opportunities at key decision points
- Methods for considering and responding to public input
- Seeking and considering the needs of traditionally underserved groups (minorities, low income, elderly, etc.)
- Periodic review and evaluation of the participation process

The Plan may be updated or revised in response to changes in laws or policies, or as required to satisfy legal opinions or findings.

II. OVERVIEW

1. Why Public Involvement Is Necessary

Public involvement allows the public input to the decision-making process. It promotes two-way communication between governing agencies and the public. The public is encouraged to participate, solicited for input, and provided the opportunity to become informed about the project as it develops. Public involvement is important in making a proposed transportation improvement responsive to the community's concerns and needs. As such, it should be tailored to the specific project, with consideration given to appropriate strategies for reaching communities within a project area. Comments received from the public during the NEPA process are made a part of the project's administrative record. ALDOT accepts comments by email, fax and mail.

2. Laws, Legislation and Executive Orders

The following are the major laws, regulations and executive orders that impact public involvement. These requirements are normally addressed under ALDOT's standard NEPA public meetings.

- The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and its 1998 successor, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), emphasize public participation in the transportation planning process. MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law on July 6, 2012, which utilizes NEPA to promote improved transparency and accountability to the public.
- Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508) require that agencies make a diligent effort to involve the public in preparing and implementing NEPA procedures. They also require that agencies provide public notice of NEPA-related hearings, public meetings, and environmental document availability so as to inform persons and agencies that may be interested or affected.
- Environmental regulations of the FHWA and FTA can be found in 23 CFR 771. In accordance with CEQ requirements, these regulations were adopted to implement NEPA requirements for transportation projects. Under 23 CFR 771.105(b), agencies involved with federally funded transportation activities must make decisions in the overall public interest.
- The Americans with Disabilities Act (ADA) encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services. All meeting sites must be ADA accessible.
- Executive Order on Environmental Justice (EJ) (EO 12898) emphasizes the need for the full and fair participation of minority and low-income communities in public involvement and the decision-making process. If environmental justice appears to be an issue for the project, additional outreach may be needed for the environmental justice community.
- Section 4(f) of the Department of Transportation Act of 1966 requires transportation agencies to avoid public parks, wildlife refuges, and significant cultural resources when a feasible and prudent alternative is available. For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public involvement meeting(s) or public hearing(s).
- Executive Order on Wetlands (EO 11990) requires federally funded project developers to avoid wetlands where practicable and to minimize and compensate for impacts to wetlands that cannot be avoided. Agencies shall provide early public review of any plans or proposals for new construction located in wetlands.
- Executive Order on Floodplains (EO 11988) requires federally funded project developers to avoid floodplains where practicable. Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains
- US Army Corps of Engineers' Section 404 (b)(1) guidelines restrict the placement of dredge and fill material in the waters of the United States. The Corps' NEPA regulations require the Corps to

proceed along a defined path in making its decision, including (where appropriate) public involvement.

- Section 106 of the National Historic Preservation Act (NHPA) requires agencies to develop alternatives that would avoid or minimize impacts to cultural resources. If Section 106 involvement appears to be an issue for the project, the public must be provided with information about a project's effects on historic properties, and be given the opportunity to provide input into the Section 106 process.

III. LEVELS OF PUBLIC INVOLVEMENT[1]

Public involvement for a given project can be broadly categorized into one of four levels of public involvement[2] based on the potential degree of project impact(s). ALDOT ETS, in conjunction with the appropriate ALDOT Region and FHWA, determines the level for a given project.

The table at the end of this section identifies typical activities associated with each level of involvement.

1. Level I

Projects anticipated to have minimal impact require virtually no public involvement. Some temporary change on or adjacent to the project (e.g., temporary construction detours) could require notification to nearby property owners or the general public. Level I projects are typically Programmatic Categorical Exclusions covered under 23 CFR 771.117(c).[3] These projects include no or only limited amounts of right-of-way, no relocations, and no individual permits. They do not involve use of Section 4(f) resources nor changes in access control. Typical examples are lighting, resurfacing, drainage control, striping, some bridge replacement projects, etc.

2. Level II

Projects with anticipated minor impact typically require notification to local residents and property owners by newspaper advertisement. A public meeting may be held if determined to be necessary by the Environmental Team.[4] Level II projects are typically Categorical Exclusions covered under 23 CFR 771.117(d).[5] These projects may require some additional right-of-way, relocations, individual permits, etc. Typical projects are widening projects with limited impacts, larger intersection improvements, etc.

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[1] The requirements of NEPA in regard to public involvement are outlined in 40 CFR 1506.6. FHWA also has regulations for implementing NEPA. Those for public involvement are outlined in 23 USC 128 and 23 CFR 771. As stated in 23 CFR 771.105, it is the policy of FHWA that "public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions."

[2] Identification of levels of public involvement has been current practice at ALDOT since 1973 and the development of the original Environmental Action Plan (EAP) Manual in 1976.

[3] Excerpts of the applicable regulations are provided in Appendix A.

[4] ALDOT's "Environmental Team" includes the Project Leader, assigned ETS Project Manager and Region Area Environmental Coordinator working together.

[5] Excerpts of the applicable regulations are provided in Appendix A.

3. Level III

Projects with anticipated moderate impact typically require notification to local residents and property owners through the media and newspaper advertisement. This level of involvement necessitates active identification of local groups likely to have an interest in the project (e.g., homeowner associations, conservation groups). Once identified, the ALDOT Region Environmental Coordinator will send a letter notifying the local groups of the project and inquiring into any particular area of concern. An early public involvement meeting is typically held before any preliminary plans are initiated and well before any required public hearing. Individual and group meetings will be held on request. Level III projects are typically Environmental Assessments covered under 23 CFR 771.119.[6] These projects normally require additional right-of-way, relocations, individual permits, etc. Such projects usually involve adding lanes for capacity, smaller projects on new location, larger interchange proposals, and unknown environmental impacts.

4. Level IV

Projects with anticipated major impact typically require considerable effort to involve people who may be affected, including development of an inventory of social groups within the project area and their leaders. Extensive media exposure is sought, and public meetings on project progress may be held in more than one location and at multiple times. Individual or group meetings may also be held if requested. Written and/or phone contact with affected and interested individuals or groups is maintained throughout the process. Options for gathering public opinion and comments may include surveys and questionnaires.

ALDOT's Region Environmental Coordinator, in coordination with ETS, determines and arranges the method of notification to the general public, interested groups, and others. For projects requiring mass media notification, ETS determines the appropriate time for such a release. The Region Environmental Coordinator prepares a draft news release and forwards it to ETS. After review, ETS forwards the draft to ALDOT's Media and Community Relations Bureau for release, as appropriate.

Level IV projects are typically Environmental Assessments covered under 23 CFR 771.119 or Environmental Impact Statements covered under 23 CFR 771.123 and 23 CFR 771.125.[7] These projects typically require larger amounts of right-of-way, relocations, individual permits, etc., and may include substantially increased capacity, major environmental impacts, etc.

[6] Excerpts of the applicable regulations are provided in Appendix A.

[7] Excerpts of the applicable regulations are provided in Appendix A.

Summary of Four-Level Approach to Public Involvement

Examples of PI Activities Typically Associated with PI Levels	Level of Involvement			
	Level I	Level II	Level III	Level IV
(Individual) Notification to affected property owners	X	X	X	X
Public Meetings		X	X	X
Notice to local residents by newspaper ad and ALDOT website		X	X	X
Identification of and letter to local groups			X	X
Continuing contact with groups by internet/mail/telephone			X	X
Public info meetings on project progress			X	X
Public hearing(s)			X	X
Mass media notification				X
Possible use of surveys/questionnaires				X
Inventory of social groups				X
Progress reports via mass media				X

IV. COORDINATION PLAN

For projects determined to require an Environmental Impact Statement (EIS), a written Coordination Plan is prepared and filed with the Federal Highway Administration (FHWA) early in the project development process. It is prepared by ALDOT, sometimes in coordination with other government agencies, and approved by the FHWA[8]. The plan helps to organize and guide the public involvement effort through the project development process. An example is provided in Appendix B.

V. TYPES OF MEETINGS

ALDOT utilizes two different types of meetings to inform the public about projects and solicit input. The first type is called public involvement meetings (PIMs). The purpose of PIMs is to both inform citizens and receive their input on a developing project. PIMs should be open to the public, relevant, timely, and appropriate. The second type of meeting is a public hearing. Although similar in purpose to PIMs, public hearings follow detailed requirements for notification, content, comment opportunity and transcripts.

More information on these two meetings is provided in the following paragraphs.

1. Public Involvement Meetings

Public involvement meetings (PIMs) are information sharing meetings held early in the development of the initial environmental document. These meetings are usually informal in nature and utilize an "open house format." PIMs are designed to provide the public with adequate opportunity to learn about and provide input into the purpose and need for a proposed project, alternate courses of action, alternative

[8]For federally funded transportation projects, the US Department of Transportation (USDOT/FHWA Alabama Division) acts as the lead federal agency. Therefore, it manages the NEPA process and exercises final approval of NEPA documents.

project locations, major design features, social/economic/environmental/other effects of the alternatives, and project consistency with local planning goals and objectives.

It is important to consider an initial PIM as soon as the project has been identified. The purpose of this meeting is to provide an opportunity for an open dialogue with potential project stakeholders as a means to discuss not only identified transportation issues and needs, but to identify for further exploration community and environmental issues. The aim of early meetings is to fully recognize the extent of problems to be solved before refining possible solutions.

To allow maximum participation by the public, PIMs are held at a convenient time and place and at a location that meets ADA requirements. The meeting should preferably be held at a facility on or near the project site. The generally preferred meeting time is weekdays (excluding holidays). Clear and easily understood project exhibits are made available for review. The public is encouraged to view the displays and speak with ALDOT personnel or consultants for explanation of the project. The public is furnished handouts which describe the project and include comment sheets. Participants are encouraged to complete the comment sheet and return it to ALDOT representatives at the meeting, by mail or email within ten (10) days after the meeting. All written and recorded comments become part of the administrative record.

The Region Environmental Coordinator or project sponsor prepares a written summary of the public meeting, which includes written and verbal comments made by the public. Following the close of the comment period, the Region prepares a public meeting report that includes a summary and a copy of all comments received. All comments and responses including any that are received after the comment period are submitted to ETS for inclusion in the environmental document. Appendix C includes a step-by-step process for planning and conducting a public involvement meeting.

2. Public Hearings

In contrast to PIMs, public hearings typically occur after a draft EIS or EA has been circulated for public comment, and before finalizing the NEPA environmental process. A public hearing, or opportunity for one, is typically offered for federal EIS/EA projects and any project for which FHWA determines that a public hearing is in the public interest.

Conducting a public hearing follows a process similar to the PIMs; however, federal regulations stipulate specific details pertaining to hearing advertisement and format. These include:

- A notice of public hearing must be advertised at least 30 days prior to the hearing.
- The ad must also include an explanation of the informal and formal portions of the meeting, as well as the procedures for registering to speak during the formal portion.
- Project maps must present all alternates, including the preferred if determined, and right-of-way details/information.

Appendix D includes a step-by-step process for planning and conducting a public hearing.

When 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, or otherwise has a significant social, economic, environmental or other effect, a formal type of meeting offering the public an opportunity to be heard is incorporated into the meeting. This formal portion of the meeting is referred to as a Public Forum. This allows the project sponsors to address the audience in a formal setting followed by an opportunity for participants to have their comments heard and recorded.

Procedures for conducting a Public Forum are included in Appendix E.

On some occasions, the public's questions about a particular project are fully satisfied during the PIM held earlier in the process. In these cases, a notice of the opportunity for a public hearing will be advertised. A public hearing will then be held when anyone with a substantial social, economic, or environmental interest in the matter requests one, unless their concerns are subsequently addressed through consultation with ALDOT. If no requests are received, a public hearing may then be deemed unnecessary.

3. Additional Public Involvement/Hearing Opportunities

As part of the ongoing public involvement process, additional opportunities for involvement may be offered under any of the following conditions:

- Reevaluation due to substantial change in the project design or unanticipated development in the area affected by the project
- Unusually long lapse of time since the last public outreach meeting
- Identification of substantial social, economic or environmental effects not previously considered during earlier public outreach meetings

On some occasions, ALDOT receives comments and questions from concerned citizens, interested groups, environmental groups, and other agencies about proposed projects. It is ALDOT's policy to respond to comments received throughout as well as after the NEPA documentation process.

Comments received by the Region offices should be sent to the ETS project manager to ensure that all comments are received and that responses are provided by the appropriate ALDOT personnel or project sponsor. When a comment is received prior to the completion of the NEPA documentation, the comment and appropriate response will be included in the NEPA document. Any comments received after the completion of the NEPA document should also be forwarded to the ETS project manager. The comment will be addressed by the appropriate personnel and the ETS will keep a copy of comments and responses on file.

APPENDIX A – CODE OF FEDERAL REGULATIONS: 23 CFR 771

I. CODE OF FEDERAL REGULATIONS

Title 23 - Highways

Volume: 1Date: 2002-04-01Original Date: 2002-04-01Title: Section 771.111 - Early coordination, public involvement, and project development.

Context: Title 23 - Highways. CHAPTER I - FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION. SUBCHAPTER H - RIGHT-OF-WAY AND ENVIRONMENT. PART 771 - ENVIRONMENTAL IMPACT AND RELATED PROCEDURES.

§ 771.111 Early coordination, public involvement, and project development. (a) 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. Applicants intending to apply for funds should notify the Administration at the time that a project concept is identified. When requested, the Administration will advise the applicant, insofar as possible, of the probable class of action and related environmental laws and requirements and of the need for specific studies and findings which would normally be developed concurrently with the environmental document. (b) The Administration will identify the probable class of action as soon as sufficient information is available to identify the probable impacts of the action. For UMTA, this is normally no later than the review of the transportation improvement program (TIP) and for FHWA, the approval of the 105 program (23 U.S.C. 105). (c) When FHWA and UMTA are involved in the development of joint projects, or when FHWA or UMTA acts as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis. (d) During the early coordination process, the Administration, in cooperation with the applicant, may request other agencies having special interest or expertise to become cooperating agencies. Agencies with jurisdiction by law must be requested to become cooperating agencies. (e) Other States, and Federal land management entities, that may be significantly affected by the action or by any of the alternatives shall be notified early and their views solicited by the applicant in cooperation with the Administration. The Administration will prepare a written evaluation of any significant unresolved issues and furnish it to the applicant for incorporation into the environmental assessment (EA) or draft EIS. (f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall: (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope; (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. (g) For major transportation actions, the tiering of EISs as discussed in the CEQ regulation (40 CFR 1502.20) may be appropriate. The first tier EIS would focus on broad issues such as general location, mode choice, and area wide air quality and land use implications of the major alternatives. The second tier would address site-specific details on project impacts, costs, and mitigation measures. (h) For the Federal-aid highway program: (1) Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508.

(2) State public involvement/public hearing procedures must provide for: (i) Coordination of public involvement activities and public hearings with the entire NEPA process. (ii) 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. (iii) 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 project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest. (iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive orders, and regulations. (v) Explanation at the public hearing of the following information, as 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 State highway agency's procedures for receiving both oral and written statements from the public. (vi) 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 from the public, both submitted at the public hearing or during an announced period after the public hearing. (3) Based on the reevaluation of project environmental documents required by § 771.129, the FHWA and the State highway agency will determine whether changes in the project or new information warrant additional public involvement. (4) Approvals or acceptances of public involvement/public hearing procedures prior to the publication date of this regulation remain valid. (i) Applicants for capital assistance in the UMTA program achieve public participation on proposed projects by holding public hearings and seeking input from the public through the scoping process for environmental documents. For projects requiring EISs, a public hearing will be held during the circulation period of the draft EIS. For all other projects, an opportunity for public hearings will be afforded with adequate prior notice pursuant to 49 U.S.C. 1602(d), 1604(i), 1607a(f) and 1607a-1(d), and such hearings will be held when anyone with a significant social, economic, or environmental interest in the matter requests it. Any hearing on the action must be coordinated with the NEPA process to the fullest extent possible. (j) Information on the UMTA environmental process may be obtained from: Director, Office of Planning Assistance, Urban Mass Transportation Administration, Washington, DC 20590. Information on the FHWA environmental process may be obtained from: Director, Office of Environmental Policy, Federal Highway Administration, Washington, DC 20590.

APPENDIX B – COORDINATION PLAN EXAMPLE

COORDINATION PLAN

For

PROJECT: ST-059-261-004
HELENA BYPASS
SHELBY COUNTY

Purpose(s):

The purposes of the coordination plan are to facilitate and document the lead agencies' structured interaction with the public and other agencies and to inform the public and other agencies of how the coordination will be accomplished.

I. PROJECT DESCRIPTION:

The proposed project is to provide a bypass around the historic downtown area of Helena (Shelby County) Alabama. The project will begin southwest of the downtown area on Shelby County Road 52 (CR-52) approximately 6,600 feet west of the existing intersection of CR-52 and State Route 261 (SR-261) and traverse northeasterly approximately four miles to a terminus with SR-261 near Bearden Road. The total cost for the project is estimated to be $22 Million.

II. IMPACTS:

a. **Human Environment:** Studies will commence in August 2006 and continue through August 2007.

i. Historic & Archaeological Preservation

A Historical Building Survey and a Phase I Cultural Resource Assessment (CRA), and later, if needed, a Phase II CRA, will be conducted on all project alternatives in accordance with the requirements of the Alabama Historical Commission (AHC) and Section 106 of the National Historic Preservation Act. The Phase I surveys will be conducted by Southeastern Anthropological Institute under the supervision of Mr. Hunter Johnson. Coordination with AHC on the initial survey and Phase I CRA results is expected to occur between October-December 2006.

Should a National Register of Historic Places (NRHP) eligible site be identified as impacted, ALDOT will promptly inform FHWA. FHWA, in turn, will notify the Advisory Council on Historic Preservation (ACHP) by letter that they have a project which negatively impacts a NRHP eligible site. A Memorandum of Agreement and additional cultural resource documentation necessary will be accomplished, in accordance with AHC and Section 106. The MOA will be submitted to the ACHP by FHWA.

Initial tribal coordination was accomplished by letters that were mailed on August 4, 2006 during the Scoping Phase of the project. ALDOT will provide additional information or details per any tribal request. Depending on tribal responses or the types of historic sites identified, additional coordination may occur. FHWA will handle any coordination beyond initial contact and providing supplementary data. If any issues or problems with tribal coordination arise, FHWA should be informed immediately.

ii. All other social impacts will be conducted in accordance with FHWA's Technical Advisory 6640.8A and ALDOT's policy.

1. Relocations
2. Environmental Justice. ALDOT will promptly inform FHWA if it appears environmental justice will be an issue.
3. Noise
4. Air Quality
5. Economic

b. **NATURAL ENVIRONMENTAL**: Studies will begin in August 2006 and continue through August 2007. Environmental impacts will be conducted in accordance with existing regulations and guidance of the various resource agencies. These studies will be performed by either Solid Civil Design or Gallet and Associates and include the following:

i. **Wetlands:** Wetlands will be delineated on all project alternatives in accordance with the Corps of Engineers guidelines. Permit requirements will be determined and commitments will be made during the NEPA process. A Wetlands Finding will be included in the FEIS.

ii. **Water Quality:** Water quality will be assessed and coordinated with the Alabama Department of Environmental Management. Permit requirements will be determined and commitments will be made during the NEPA process.

iii. **Floodplains:** A risk assessment will be performed in order to evaluate the potential for work below the 100 year flood. Coordination with FEMA will be accomplished and the necessary studies will be conducted throughout the NEPA process and prior to any construction activities.

iv. **Endangered Species:** Initial contact will be made with the US Fish and Wildlife Service (USFWS) to identify species of concern. A survey will be conducted for all species noted by the USFWS. These surveys will be conducted by a well-qualified and experienced individual that meets USFWS standards. The results of the surveys will be submitted to USFWS for their concurrence. Further coordination will occur if any endangered or threatened species is in proximity to the project.

v. **Hazardous Materials:** A survey will be conducted to identify possible hazardous materials sites and to assess the associated risks. The survey will be coordinated with the ALDOT's Environmental Technical Section and Hazardous Materials Section. For any low risk hazardous materials sites, drilling will be deferred until the FEIS. For any other risk level of hazardous materials sites, drilling to assess the clean-up costs will be completed prior to DEIS approval.

vi. **Public Park, Recreation Area or Wildlife Refuge:** ALDOT will promptly inform FHWA if it appears that a Section 4(f) Resource will be impacted.

c. **CULMULATIVE AND SECONDARY IMPACTS** will be identified and if appropriate, mitigation measures.

III. COORDINATION POINTS:

NOTICE TO PROCEED

A Notice to Proceed (NTP) was issued on June 8, 2006. Upon receiving this NTP, initial coordination efforts began.

NOTICE OF INTENT

In order to inform a broad spectrum of the Public, the FHWA has published a Notice of Intent (NOI) in the Federal Register. This NOI was published on August 1, 2006.

SCOPING MEETING

Pursuant to publishing the NOI, a Scoping Meeting was planned. The Scoping Meeting Invitation Letters along with a map of the study area were mailed on August 4, 2006 in order to provide sufficient time for attendees to schedule their attendance. The meeting was scheduled for September 7, 2006.

Attendance at the scoping meeting is by invitation only and is focused on obtaining input from public agencies. Invitees for the Scoping Meeting were identified using ALDOT's list of invitees which included the local elected officials, regulatory agencies, and Native American contacts.

Comments were solicited regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Comments were received at the scoping meeting and will be received for 30 days following the meeting.

PUBLIC INVOLVEMENT MEETINGS

A Public Involvement Meeting (PIM) was held on September 14, 2006. Prior to this meeting, advertisements of the meeting were published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT mailed invitations to citizens who registered their attendance at the PIM's held for adjacent projects. Comments were requested via comment forms regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Participants were able to provide their comments at the meeting or mail them in within 10 days as provided in the ALDOT Public Involvement and Public Hearing Procedures.

A second PIM was held on July 17, 2007. This meeting was held to present an alternate intersection tie of the bypass on the South/West end of the corridor. Prior to this meeting, advertisements of the meeting were published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT mailed invitations to citizens who registered their attendance at the PIM's held for adjacent projects. Comments were requested via comment forms regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Participants were able to provide their comments at the meeting or mail them in within 10 days as provided in the ALDOT Public Involvement and Public Hearing Procedures.

PURPOSE AND NEED and RANGE OF ALTERNATIVES

After the comments from the Scoping Meeting and Public Involvement Meeting have been received and reviewed, a final statement of purpose and need and range of alternatives will be drafted by ALDOT for FHWA approval. This is scheduled for Oct 2007. A preferred alternative may be selected during preparation of the DEIS.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Upon completion of the DEIS, copies will be distributed to Cooperating Agencies, Participating Agencies, and others who requested to be included in the distribution. A comment period of 45 days has been established. This comment period will be communicated to the recipients in the cover letter distributing the DEIS. The DEIS comment period begins on the date that EPA publishes the notice of availability of the DEIS in the *Federal Register*. This is scheduled for April 2007.

PUBLIC HEARING

A Corridor/Design Public Hearing will be held after approval of the DEIS. Prior to this meeting, advertisements of the meeting will be published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT plans to mail invitations to citizens who registered their attendance at the PIM. Comments will be requested via comment forms regarding the DEIS. Participants will be able to provide their comments at the meeting or mail them in within the 45 day comment period. This is scheduled for July 2007.

IDENTIFICATION OF THE SELECTED ALTERNATIVE

After the comments from the Public Hearing have been received and reviewed, an alternative will be selected and any additional studies or conceptual design required will be accomplished. This is scheduled for September 2007.

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

Upon completion of the FEIS, copies will be distributed to Cooperating Agencies, Participating Agencies, and others who requested to be included in the distribution. A 30 day waiting period is provided between the FEIS notice in the Federal Register and the signing of the ROD. This period is required by CEQ regulations [40 CFR 1506.10(b)] provides time for other Federal agencies that find the project environmentally unsatisfactory to refer the decision to CEQ [40 CFR 1504]. The FEIS comment period begins on the date that EPA publishes the notice of availability of the FEIS in the Federal Register. This is scheduled for Jan 2008.

Occasionally, the FHWA will seek comment on a specific unresolved issue discussed in the FEIS. In those cases, the comment deadline provisions of SAFETEA-LU apply and the comment period will run concurrently with the required 30-day waiting period. Even if the lead agencies do not request comments on a FEIS, they will address any new and substantive comments submitted during the 30 days following the FEIS publication.

After the FEIS, comments typically should focus on commitments discussed in the FEIS and on conditions that parties want the lead agencies to include in the ROD. The process should avoid duplication, and the lead agencies are not required to re-address comments that present issues specifically raised during the DEIS comment period and addressed in the FEIS. Comments to which the lead agencies respond would be addressed in the ROD or in an attachment to the ROD.

ROD

SAFETEA-LU requires USDOT to report to Congress when project decisions by other Federal agencies are not completed within 180 days after the later of two statutory milestones. The first milestone is the completion of decision-making by the USDOT agency, for this project the FHWA, which occurs with the signing of the NEPA ROD. The second milestone is the date of submission of a complete application to the Federal agency for a permit, license, or approval for the project. The completeness of the application will be determined by the FHWA. This is scheduled for March 2008.

COMPLETION OF PERMITS, LICENSES, OR APPROVALS AFTER THE ROD

It is anticipated that the following permits, licenses and approvals will be required prior to construction. Because funding for construction has not been appropriated, an estimated construction start date has not been determined.

National Pollutant Discharge Elimination System (NPDES) Permit from ADEM: This permit will be applied for by the ALDOT approximately one year prior to the construction start date.

Section 404 Permit from the US COE: This permit will be applied for by the ALDOT approximately one year prior to the construction start date.

No other permits, licenses or approvals are currently anticipated for this project.

The FHWA Division Office, in cooperation with the City of Helena and ALDOT, are responsible for tracking these decision-making timelines as a part of their management of the project. The FHWA Division Office will address schedule problems as soon as they occur. If it appears likely that project decisions will not be completed by the 180-day deadlines, then the FHWA Division Office will comply with the requirements established by SAFETEA-LU, Section 6002, codified in Subchapter I of chapter 1 of title 23, United States Code.

IV. Designated Groups

LEAD AGENCIES: The FHWA and ALDOT are joint leads for this project.

PARTICIPATING AGENCIES: ALDOT will send invitations to potential participating agencies. FHWA will review and approve the invitations. The invitation should request a response either accepting or declining the role of participating agency. Per SAFETEA-LU, a Federal agency invited to participate shall be designated as a participating agency unless the agency declines the invitation by the specified deadline. If a Federal agency chooses to decline, their response letter must state that the agency (1) has no jurisdiction or authority with respect to the project, (2) has no expertise or information relevant to the project, and (3) does not intend to submit comments on the project. If the Federal agency's response does not state the agency's position in these terms, then the agency will be treated as participating agency.

A State, tribal, or local agency must respond affirmatively to the invitation to be designated as a participating agency. If the State, tribal, or local agency fails to respond or declines the invitation, regardless of the reasons for declining, the agency will not be considered a participating agency.

The project sponsor and the FHWA will be responsible for determining who will be invited as a participating agency. The following agencies have been identified as potential participating agencies:

i. **County of Shelby,** Engineering
ii. **Alabama Historical Commission,** Cultural Resources
iii. **Alabama Department of Environmental Management,** Water Quality
iv. **U.S. Fish and Wildlife Service,** Rare and Endangered Species and/or Critical Habitat

Each participating agency will be asked to provide information and guidance for matters related to their area of special expertise. The invitations will be issued in September 2006.

COOPERATING AGENCIES: Cooperating agencies have a slightly higher degree of authority, responsibility, and involvement in the environmental review process. Cooperating agencies are, by definition in 40 CFR 1508.5, agencies with jurisdiction by law or special expertise.

The U.S. Army Corps of Engineers is the only cooperating agency expected for this project.

PROJECT SPONSOR: This is the City of Helena. The project sponsor has the same responsibilities as the participating agencies.

PUBLIC: Anyone with an interest in the project. Opportunities for input occur at the PIM and the public hearing.

APPENDIX C – PUBLIC INVOLVEMENT MEETING (PIM) PROCEDURES

I. Public Notification

- ☐ The Region Environmental Coordinator (REC) prepares the newspaper advertisement. (Example ads are located in Exhibit D of the Toolkit.) **No small legal ads will be used.**
- ☐ The REC coordinates with the Environmental Technical Section (ETS) on the ad prior to publishing it.
- ☐ The ad specifies the date, time and location of the PIM and contains a description of the proposed project.
- ☐ Procedures for the submission of written statements following the PIM are also described in the notice.
- ☐ The ad should be published in local newspapers 30 calendar days prior to the PIM and at minimum 15 days prior to the PIM. When practical, the meeting is also announced on local radio stations.
- ☐ The ETS Project Manager is responsible for arranging updates to ALDOT's website to announce the date, time, and location of the meeting.
- ☐ The REC arranges for the placement of physical signs advertising the meeting in the project area (i.e. local businesses, churches, etc.) approximately 15 days prior to the PIM.
- ☐ The ETS Project Manager notifies FHWA and the Title VI Coordinator of the PIM a minimum of 10 days in advance.

II. Facility Requirements

- ☐ Americans with Disabilities Act (ADA) compliant
- ☐ Facility on project site or in close proximity
- ☐ Ample parking in close proximity
- ☐ Audio/visual compatibility (2 microphones, including one that can be turned on/off as needed, projector, screen, etc.)
- ☐ Adequate availability of tables and adult-sized chairs

III. Staffing Requirements/Preferences (arranged by REC in coordination with ETS)

- ☐ Sign-in table staff

- ☐ Region representatives
- ☐ FHWA representative(s)
- ☐ ETS representative(s)
- ☐ Project sponsor representatives
- ☐ Right-of-way representatives
- ☐ Title VI representative
- ☐ Law enforcement presence or availability is arranged by the REC
- ☐ Recording device (audio and/or video) operator(s)

IV. PIM Specifics

- ☐ The PIM is usually held from 5:00 PM to 7:00 PM, with consideration given for the work hours of the affected population. The PIM is usually held on Tuesday or Thursday evenings to encourage maximum attendance.
- ☐ Typical time allotment for the entire PIM is approximately two (2) hours.
- ☐ Citizens can view the displays and talk with ALDOT representatives.
- ☐ Directional signs for parking and identification of entrance are used.
- ☐ Staff attending the PIM is fully briefed about the project particulars and are clearly identifiable with name badges (pre-meeting).
- ☐ Sign-in sheets are provided and a list of all attendees is included in the meeting summary.
- ☐ Handouts must be provided, and include:
  - ☐ Project purpose and need
  - ☐ Project location map
  - ☐ Comment sheet to be completed and returned at the meeting or by mail or email
- ☐ Display(s) will be available for public viewing. Adequate personnel will manage the displays and answer questions from the public on an informal basis.
- ☐ A recording device is provided by the REC to record verbal comments.
- ☐ The following applies to organizations not affiliated with ALDOT:

- ☐ If an outside organization requests a presence, they must be separated from the ALDOT meeting.
- ☐ Organizations must clearly identify themselves as a group that is not affiliated with ALDOT or the project.
- ☐ The REC, in coordination with the site manager, is responsible for designating the location for these organizations at the PIM and providing a sign that indicates that they are not affiliated with ALDOT.

☐ Comments received at the PIM and during the comment period following the PIM (10 working days) become part of the administrative record. All comments are taken into consideration when evaluating project alternatives.

☐ The Public Involvement Meeting Summary is prepared by the REC in cooperation with the Environmental Team, and includes:

- ☐ Description of the advertisement process utilized to notify the public, including copies of newspaper ads and signs
- ☐ Copy of handouts given to attendees
- ☐ Completed sign-in sheet
- ☐ Description of displays
- ☐ Copies of completed comment sheets, letters, recorded oral comments and emails received during the meeting and the comment period after the meeting
- ☐ Summary of comments
- ☐ Response to substantive comments (prepared by ALDOT Project Leader or City/County sponsor)

**NOTE: On occasion the public forum may be conducted during a Public Involvement Meeting or Hearing on a project for which ALDOT anticipates potential controversy. See Public Forum in Appendix E*

APPENDIX D – PUBLIC HEARING (PH) PROCEDURES

I. Public Notification

- ☐ The Region Environmental Coordinator (REC) prepares the newspaper ad. (Example ads are located in Exhibit D of the Toolkit.) **No small legal ads will be used.**
- ☐ The REC coordinates with the Environmental Technical Section (ETS) on the ad prior to publishing it.
- ☐ The ad specifies the date, time and location of the PH, and contains a description of the proposed project. The notice specifies that maps and drawings, engineering, social, economic and/or environmental studies, and other pertinent information (such as alternatives being considered, environmental impact statements, noise and air quality studies, relocation programs, and tentative schedules for right-of-way acquisition and construction) will be available for public inspection, and explains where this information is available.
- ☐ Procedures for the submission of written statements following the PH are also described in the notice.
- ☐ The first newspaper ad is published in local newspapers and, when practical, announced on local radio stations 30 days prior to the PH. The second ad is published in local newspapers 5 to 12 days prior to the PH. For noncontroversial projects, only one notice may be run at least 15 days prior to the PH.
- ☐ The ETS Project Manager is responsible for arranging updates to ALDOT's website to announce the date, time, and location of the meeting.
- ☐ The REC arranges for the placement of physical signs advertising the meeting in the project area approximately 15 days prior to the PH.
- ☐ The ETS Project Manager notifies FHWA and the Title VI Coordinator of the PH a minimum of 10 days in advance.
- ☐ The environmental document must be available for public review during the entire public comment period. Hard copies of the document are maintained in the ALDOT Central Office and the appropriate Region office.

II. Facility Requirements

- ☐ Americans with Disabilities Act (ADA) compliant
- ☐ Facility on project site or in close proximity
- ☐ Ample parking in close proximity

- ☐ Audio/visual compatibility (2 microphones, including one that can be turned on/off as needed, projector, screen, etc.)
- ☐ Adequate availability of tables and adult-sized chairs

III. Staffing Requirements (arranged by REC in coordination with ETS)

- ☐ Sign-in table staff
- ☐ Region representatives
- ☐ FHWA representative(s)
- ☐ ETS representative(s)
- ☐ Project sponsor representatives
- ☐ Right-of-Way representatives
- ☐ Title VI representative
- ☐ Law enforcement presence or availability is arranged by the REC.
- ☐ Recording device (audio and/or video) operator(s)
- ☐ A court reporter, arranged by the REC, may be used for controversial projects.

IV. Public Hearing Specifics

- ☐ The PH is usually held from 5:00 PM to 7:00 PM, with consideration given for the work hours of the affected population. The PH is usually held on Tuesday or Thursday evenings to encourage maximum attendance.
- ☐ Typical time allotment for the entire PH is approximately two (2) hours.
- ☐ Citizens can view the displays and talk with ALDOT representatives.
- ☐ Directional signs for parking and identification of entrance are used.
- ☐ Staff attending the PH is fully briefed about the project particulars and are clearly identifiable with name badges (pre-meeting).
- ☐ Sign-in sheets are provided and a list of all attendees is included in the meeting summary.
- ☐ Handouts must be provided, and include:
  - ☐ Project purpose and need
  - ☐ Project location map identifying alternatives, with preferred alternative indicated (if chosen)

- ☐ Summary of impacts presented in EA
- ☐ Comment sheet to be completed and returned to ALDOT at the meeting or by mail or email

☐ Display(s) will be available for public viewing. The preferred alternative and other alternatives are depicted on the display maps. Adequate personnel will manage the displays and answer questions from the public on an informal basis.

☐ A recording device is provided by the REC to record verbal comments.

☐ The following applies to organizations not affiliated with ALDOT:

- ☐ If an outside organization requests a presence, they must be separated from the ALDOT meeting.
- ☐ Organizations must clearly identify themselves as a group that is not affiliated with ALDOT or the project.
- ☐ The REC, in coordination with the site manager, is responsible for designating the location for these organizations at the PH and providing a sign that indicates that they are not affiliated with ALDOT.

☐ Comments received at the PH and during the comment period following the PH (10 working days) become part of the administrative record. All comments are taken into consideration when evaluating project alternatives.

☐ The Public Hearing Summary is prepared by the REC in cooperation with the Environmental Team, and includes:

- ☐ Description of the advertisement process utilized to notify the public, including copies of newspaper ads and signs
- ☐ Copy of handouts given to attendees
- ☐ Completed sign-in sheet
- ☐ Description of displays
- ☐ Copies of completed comment sheets, letters, recorded oral comments and emails received during the meeting and the comment period, 30 days after the hearing
- ☐ Summary of comments
- ☐ Response to substantive comments (prepared by ALDOT Project Leader or City/County sponsor)

**NOTE: On occasion the public forum may be conducted during a Public Involvement Meeting or Hearing on a project for which ALDOT anticipates potential controversy. See Public Forum in Appendix E*