Technical Report Documentation Page

1. Report No.	2. Government Accession No.	3. Recipient's Catalog No.
FHWA/TX-01/1875-1		

4. Title and Subtitle	5. Report Date
AN ASSESSMENT OF PUBLIC INVOLVEMENT STRATEGIES	November 2000
	6. Performing Organization Code

7. Author(s)	8. Performing Organization Report No.
Cynthia A. Weatherby Gilliland	Report 1875-1

9. Performing Organization Name and Address	10. Work Unit No. (TRAIS)
Texas Transportation Institute The Texas A&M University System College Station, Texas 77843-3135	11. Contract or Grant No. Project No. 0-1875

12. Sponsoring Agency Name and Address	13. Type of Report and Period Covered
Texas Department of Transportation Construction Division Research and Technology Transfer Section P. O. Box 5080 Austin, Texas 78763-5080	Research: September 1999 - August 2000
	14. Sponsoring Agency Code

15. Supplementary Notes

Research performed in cooperation with the Texas Department of Transportation (TxDOT) and the U.S. Department of Transportation, Federal Highway Administration (FHWA).
Research Project Title: An Assessment of Public Involvement Strategies for Cost Effective and Time Efficient Project Development.

16. Abstract

The Intermodal Surface Transportation Efficiency Act (ISTEA) initiated a new era of increased public participation in transportation decision making with its requirement for major investment studies (MIS). Although the Transportation Equity Act for the 21st Century (TEA-21) eliminated specific requirements for performing an MIS, many of the provisions of the process, including public participation, remain a part of the metropolitan planning and environmental review processes. This project examines best practices nationally and in Texas to establish an understanding of effective public involvement strategies. The researcher combined information from case studies with additional research to produce:

1. an overview of the best practices in use at other state departments of transportation,
2. a description of the new techniques and technologies used in the best practice settings,
3. a review of the existing TxDOT practices and specific recommendations that would enable the consideration of best practice implementation, and
4. a review of existing TxDOT public involvement training materials.

17. Key Words	18. Distribution Statement
Public Involvement, Public Hearings, Project Development Process	No restrictions. This document is available to the public through NTIS: National Technical Information Service 5285 Port Royal Road Springfield, Virginia 22161

19. Security Classif.(of this report)	20. Security Classif.(of this page)	21. No. of Pages	22. Price
Unclassified	Unclassified	132	

Form DOT F 1700.7 (8-72) Reproduction of completed page authorized

AN ASSESSMENT OF PUBLIC INVOLVEMENT STRATEGIES

by

Cynthia A. Weatherby Gilliland
Associate Research Scientist
Texas Transportation Institute

Report 1875-1
Project Number 0-1875
Research Project Title: An Assessment of Public Involvement Strategies for Cost Effective and Time Efficient Project Development

Sponsored by the
Texas Department of Transportation
In Cooperation with the
U.S. Department of Transportation
Federal Highway Administration

November 2000

TEXAS TRANSPORTATION INSTITUTE
The Texas A&M University System
College Station, Texas 77843-3135

DISCLAIMER

The contents of this report reflect the views of the authors, who are responsible for the opinions, findings, and conclusions presented herein. The contents do not necessarily reflect the official views or policies of the Texas Department of Transportation (TxDOT) or the Federal Highway Administration (FHWA). This report does not constitute a standard, specification, or regulation.

ACKNOWLEDGMENTS

The research reported herein was performed by the Texas Transportation Institute (TTI) and was sponsored by the Texas Department of Transportation (TxDOT) and the Federal Highway Administration (FHWA). Mr. Wes McClure, P.E., of the Texas Department of Transportation's Tyler District, served as the research project director, and Ms. Mary Owen, P.E., of the Tyler District served as the project coordinator. The project monitoring committee included Mr. Orlando Jamandre, Transportation Planning and Programming Division; Ms. Becky Kureska, Corpus Christi District; Mr. Mike Leary, FHWA, Texas Division Office; Ms. Melissa Neeley, Environmental Affairs Division; and Ms. Robin Sterry, Houston District.

The author would like to thank Mr. McClure, Ms. Owen, Mr. Jamandre, Ms. Kureska, Mr. Leary, Ms. Neeley, and Ms. Sterry for sharing their valuable experiences and offering their assistance throughout this project.

The author also thanks the following individuals for their assistance:

- Ms. Amy A. O'Leary, Ph.D., Senior Research Scientist, Virginia Transportation Research Council
- Ms. Marcy Schwartz, Chair, Transportation Research Board (TRB) Committee on Public Involvement in Transportation
- Mr. Jim Schell, Office of Environment/Location, Georgia Department of Transportation
- Mr. Roger Driskell, Bureau of Design and Environment, Illinois DOT

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

Table **Page**

CHAPTER 1. INTRODUCTION

Transportation agencies at all governmental levels are engaging in more public participation activities than ever before. This increased level of activity is in part due to the more specific requirements for consulting the public during the transportation decision-making process, but it is also reflective of the understanding that a thorough public involvement process, initiated at the earliest point possible in the project development process, results in better projects. Yet the transportation public participation process remains a major challenge and a source of great frustration for the majority of transportation professionals at state departments of transportation and other transportation agencies.

As noted in the Minnesota Department of Transportation's recently published guide to public involvement, *Hear Every Voice (1)*:

> Effective public involvement often occurs between apathy and anger. The job of any public agency is to communicate in such a way that apathy is overcome and anger forestalled. This can be accomplished by ensuring that public involvement is a component of decision making. Public agencies must remember that all public involvement is local, that objectives, activities, the level of effort, and the timing of public involvement must be individualized to address the unique characteristics and needs of an affected community, region, or state.

While college planning and engineering courses have begun to incorporate some discussions of participatory planning, the planning and implementation of a public involvement process is usually something experienced at transportation agencies only through on-the-job training. These experiences are all too often ineffective and quite unpleasant for the transportation staff members, leading to a further reluctance to interact with the public. Inefficient, unproductive public involvement has a multitude of negative results, including:

- low morale – with employees taking public comments as personal attacks on their professionalism and technical skills,
- lack of trust – with the public distrusting motives of the transportation department employees and sometimes lowering its opinions of the department's reputation and transportation department employees doubting unsubstantiated statements by the public, and/or
- extended project life – with poor communications, a distrusting public, as a whole or individually, may delay or extend the process through litigation or organized protests.

BACKGROUND

The Texas Department of Transportation undertook this research project to provide its employees with additional tools and approaches for executing an efficient public involvement process. With a very broad subject matter to address, the project's Program Coordinator (PC), Project Director (PD), and Project Monitoring Committee (PMC) guided the researchers in zeroing in on areas that appeared to have the greatest potential for impact. In addition, the researcher paid particular attention to the subject of conducting public hearings, an activity that was seen as consistently resulting in ineffective communication with the public.

Thus, researchers concentrated efforts in three areas:

- public hearing issues,
- new technology issues (new techniques that have evolved or been developed since the most recent manuals and workbooks on the subject of public involvement), and
- application of best techniques for each public involvement situation.

In addition, researchers reviewed the department's manuals and training programs, looking specifically for changes that might be necessitated should the public hearing process change and new technology be utilized.

RESEARCH OBJECTIVES

The objective of the research project is a report aimed at TxDOT project development staff in advanced planning, environmental, and public information positions that assist in developing and executing public involvement programs that:

- respond to the public's desire for increased participation,
- meet the requirements of federal and state statutes and regulations, and
- provide the planners and engineers with information to be able to complete designs and execute construction projects that result in functional and appropriate facilities for the community.

ORGANIZATION OF THIS REPORT

This report organization responds to the objectives listed above. Chapter 2 provides an overview of the current process utilized by TxDOT for public involvement. Opportunities for improving

upon the existing process are presented in Chapter 3. The primary recommendation for changing the process at TxDOT addresses the official public hearing process. This recommendation is the result of a detailed examination of the process used in the Georgia and Illinois state departments of transportation, as well as national reviews of other state DOT hearing processes. The research provides other recommendations concerning the development and refinement of internal team approaches to public participation.

Chapter 4 provides information on the wide-range of resources available to TxDOT employees in planning and executing public involvement programs. A review of the TxDOT public involvement training program and public involvement coverage in TxDOT manuals is included in Chapter 5. The researcher addresses the use of the Internet and other new and evolving public involvement tools in Chapter 6. In addition to the listing of references and a bibliography, two appendices are included – one providing samples of public involvement Internet applications and the other providing TxDOT and other State of Texas rules, regulations, and forms for using the Internet.

COMMITMENT TO THE PROCESS

The findings of this research project point to the need for enhanced processes and use of new technology in conducting public involvement, but it also confirms that successful efforts must have the commitment of time, resources, and energy of employees at all levels of project development. Success comes after long, respectful two-way communications among the department, the public, and other governmental entities involved. This communication can produce information valuable to the department in planning and designing facilities and can lead to public support of the agency's efforts locally and the department's reputation.

CHAPTER 2. PUBLIC INVOLVEMENT AT TXDOT

The definition of public involvement, as included in TxDOT's *Environment in Project Development Manual (Draft)* is "an ongoing phase of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed regarding project development *(2)*."

POINTS OF INTERACTION WITH THE PUBLIC

In general, the department sees public involvement as being necessary for projects that require new or additional right-of-way, but usually not necessary for projects that do not require additional right-of-way. Districts are responsible for initiating and conducting the applicable and appropriate public involvement procedures for a project. The department suggests that while consultants may assist, a TxDOT employee should always host and direct meetings or hearings.

Meeting the Requirements

Officially TxDOT considers there to be four types of public involvement procedures, as depicted in Table 2.1 below *(2)*.

Table 2.1. Types of Public Involvement Procedures.

Type	Description
Meetings with Affected Property Owners (MAPO)	Held with property owners affected by minor or temporary projects
Public Meeting	Held at any state during project planning and development to inform the public and to provide a forum for the free exchange of project views and concerns
Opportunities for Public Hearing	Determines need for public hearing
Public Hearing	Held for projects which cause significant changes in the environment

The requirements for these specific procedures are included in federal and state law, as referenced in:

- 23 CFR 771.111 (http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0771.htm)
- 43 TAC 2.43 (b)(2-6) (http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=5&ti=43&pt=1&ch=2&sch=C&rl=Y)

However, there are many instances of continuing activities that may also be characterized as public involvement. For example, district and area engineers routinely meet formally and informally with elected officials and staff leaders from municipalities, county government, and school districts, and with state legislators in their service areas. TxDOT staff members also routinely make presentations on ongoing activities and projects in other public forums such as civic service club meetings and chamber of commerce events.

Some districts host their own informal meetings on a regular basis to describe the projects to be undertaken in the coming year. There are also ongoing activities such as maintaining mailing lists of stakeholders, media, and interested citizens; developing media releases; and mailing general and project-specific newsletters. Districts also post information on the Internet, found through the TxDOT website, and have consultants post project-specific information on the Internet. Districts have successfully promoted Internet sites through the use of a portable sign or a dynamic message sign. Districts have also used signs in the project area to promote public meetings and hearings.

Most of the TxDOT public meetings and all of the public hearings are promoted through notices published in local newspapers. The "legal notices" section of the newspaper is most often used because it costs much less than publication in other sections of the newspaper. The department allows other sections of the newspaper to be used for notices even though the cost is greater. If the "legal notices" section is used, districts may choose to supplement the notice with leaflets in the project area, temporary signs, and media releases. Mailings to affected property owners are required.

Detailed descriptions of the four types of public involvement procedures shown in Table 2.1 are included in "Chapter 4 – Public Involvement" of the Department's *Environment in Project Development Manual, Draft)* as well as in other manuals and training documents *(2, 3, 4)*. The public hearing procedure is discussed in detail in Chapter 3 of this research report. A summary of the other three types of procedures follows.

Meetings with Affected Property Owners

TxDOT staff meets directly, either one-on-one or in groups, with individual property owners who will be affected by projects. These meetings are required for categorical exclusion type projects where there is a minimal amount of additional right-of-way required (such as bridge replacement projects or adding shoulders to a facility). They are also required for projects requiring temporary construction easements and/or detours and projects requiring a minor alignment change or design revision following approval of an environmental document and completion of public involvement. The district staff prepares a brief that summarizes and documents the discussion that takes place at the meetings. That written description must be completed before the Environmental Affairs Division will grant final environmental clearance.

Public Meetings

TxDOT holds public meetings to inform the public and provide a forum for a free exchange of project views and concerns, including alternatives under consideration. There is no limit to the number of public meetings that may be held for a project. Meetings may be scheduled as early as the department determines it is feasible to assure public input into project planning. They are held before or during the preparation of a draft environmental impact statement in order to solicit public input on location and design alternatives.

The department endorses both traditional format public meetings and open format (open house) public meetings. Districts are encouraged to have the meetings at a time and place convenient to the public living and working near the project.

Traditional Format Meetings. The traditional format meeting usually is scheduled to be two hours or less in length. They are typically held on a weekday evening, unless there is evidence that the public prefers another time. They usually consist of the following elements:

- convene,
- presentation,
- recess,
- questions and answers, and
- adjournment.

Open Format Meetings. The open format public meeting is organized to allow the public to come and go. There are usually exhibits and district personnel at various stations to answer questions, including a station to take public comments. The meetings are generally scheduled for late afternoon-early evening (5-8 p.m. for example). Activities may include:

- review of exhibits and questions about the project for an extended period of time,
- an optional brief presentation period, and
- a question and answer period either during the presentation or at a separate station during the extended time for review, where questions are answered during direct one-on-one conversations with TxDOT representatives.

Verbatim transcripts are not required for public meetings. However, public comment cards are generally made available for the public to complete either during the public meeting or following the meeting. If comments are received, the department suggests that they should be responded to

by letter, newsletter, or personal contact within a suitable period following the meeting. A written summary of the proceedings and comments received, along with recommendations, are to be forwarded to the Environmental Affairs Division for review and approval.

Opportunity for Public Hearing

There are instances when the public is given the opportunity to request a public hearing on a project, such as following the approval of an environmental assessment (EA) for federally funded projects that have been found to have no significant impact (FONSI), added-capacity categorical exclusions (CEs), or state funded FONSI projects. Districts often skip the process of providing the opportunity for a public hearing and go ahead with the public hearing if even a moderate amount of controversy exists. Scheduling the public hearing saves the time that affording the opportunity for a hearing requires.

If staff believes that a project does not have any controversy on environmental or technical grounds, then the appropriate times for an opportunity for a public hearing to be activated by TxDOT staff are as follows:

- when there are significant amounts of right-of-way to be acquired;
- when there is a substantial change in the layout or function of a roadway;
- when there is an adverse impact on abutting property;
- when there is otherwise a substantial social, economic, or environmental effect; and/or
- when significant changes in land use, design, right-of-way requirements, traffic volumes, or traffic patterns have occurred since environmental and public involvement clearance (required only for projects on new location or which involve additional capacity).

The district must send the notice of the opportunity for public hearing to:

- the TxDOT Environmental Affairs Division, along with an 8 ½ inch by 11 inch project location map;
- community leaders, agencies, groups, and individuals with an interest in the subject; and
- each landowner abutting the roadway within the project limits.

If no requests for a public hearing are received by the deadline, the district drafts a certification that documents the process. If requests are received, a public hearing is scheduled.

Specialized Public Involvement

Section 106 of the National Historic Preservation Act now requires that special attention be given to potential historic and/or archeological resources that are involved in a transportation project. In these cases, district or Environmental Affairs Division personnel must direct written correspondence to these individuals to meet the requirements of agreements between the Texas Historical Commission and TxDOT. There are specific requirements for the content of the letter to be written and the length of the comment period. The Environmental Affairs Division maintains an updated list of the local interested parties in the state. Examples of those on the list are: county historical commissions, other local or regional preservation groups and organizations, and city preservation officers or landmark commissions.

Public Involvement Following Initial Project Approval

TxDOT policy also specifies the appropriate public involvement following project approvals if there are substantial changes in the project or if an unusually long lapse of time occurs between planning and construction. The types of public involvement called for in re-evaluation of plans are specified in Table 2.2.

Table 2.2. Types of Public Involvement in Re-Evaluations.

If the project…	**Then the type of public involvement is…**
Does not cause change in design concept or right-of-way requirements	None
Is minor, necessitating a small amount of additional right-of-way	Meeting with Affected Property Owners
Is a larger conceptual change	Public Meeting or Public Hearing

Prior to construction, TxDOT requires that a "notice of construction" be sent to alert landowners, local governments, and public officials of projects that involve the addition of at least one travel lane or construction on a new location.

EXAMPLES OF TXDOT PUBLIC INVOLVEMENT ACTIVITIES

TxDOT designed the process in use to meet the requirements of state and federal laws and regulations. Enhancement of the process is left to the districts. There are good examples of districts that have embellished the process in ways that improve results and the department's relationship with the community. Some of these examples support specific projects, with the goal of informing the public and requesting comments on those projects. Others are part of an

ongoing program of interaction with the community. Establishing rapport with the local communities lays the groundwork for the project-by-project public involvement. Some representative examples follow.

Document for Internal and External Use

The Corpus Christi District has published an annual Stockholders' Report with a variety of audiences *(5)*. The primary audience is the TxDOT district's own employees, but it also has other uses. In preparation for the annual report, the district surveyed its employees with a written questionnaire that helped identify good things that each office was doing and how the organizational goals were being met. It also identified what employees would like to see included in the report. The three questions asked were:

- What would you like to know, on an annual basis, about our district?
- What questions do your friends, family, and neighbors ask you about the work that you do or that our organization does?
- What information would help you do your job, increase your knowledge, or make the job you do more interesting or meaningful?

Throughout the 86-page document, pictures, charts, and graphs are employed to present information. For example, pictures of the district staff leaders, area engineers, and maintenance supervisors are included. Interesting tidbits of information are also included and set apart from the text in a box with a hard hat.

The table of contents for the document shown in Table 2.3 reflects the items that the employees felt important to know more about and why this document can be helpful to the general public involvement of the district. The publication calls attention to the contributions made by the district's employees. This report is a good tool for internal communications and to promote good morale, but it also serves well as a piece to be provided to the public. For example, summary level discussion of the TxDOT project development processes – the planning process, advance project development process, and right-of-way process – provides information that promotes a better basic understanding by all of the district staff and the general public. This information can prepare district employees, from any of the offices or functions, to be responsive to community questions and direct citizens to the most appropriate staff for assistance.

Table 2.3. Corpus Christi District Stockholders' Report Table of Contents Items.

District Overview
District Staff
Area Engineers
Maintenance Supervisors
District Organizational Chart
District Map Showing Maintenance Sections
General District Information
Major District Achievements
Employee Achievements
Safe Operator Awards
No Injury Awards
Project Achievements
Special Events
Area Offices
Alice Area Office
Corpus Christi Area Office
Karnes City Area Office
Sinton Area Office
County Maintenance Offices
Aransas County
Bee County
East Nueces County
Goliad County
Jim Wells County
Karnes County
Kleberg County
Live Oak County
Refugio County
San Patricio County
West Nueces County
Planning and Design Functions
Overview of Transportation Planning and Development Section
Planning Process
Identification of Needs
Evaluation of Needs
The Project Development Plan
Advance Project Development Process
Environmental Process
Schematic Development Process
Public Involvement Process
Right of Way Process
ROW Map Preparation
Acquisition Process
Utility Coordination
Construction Plan Preparation and Letting
Central Design
Consultant Contract Management
Construction Function
Overview of the Construction Section
Project Information
Ongoing Projects Let Prior to FY 1998
Projects Let in FY 1998
Projects Completed in FY 1998

Table 2.3. Corpus Christi District Stockholders' Report Table of Contents Items (Continued).

Construction Function (Continued) Partnering Construction Operations Construction Contract Administration **Maintenance Function** Overview of the District Maintenance Section Routine and Preventative Maintenance Work Maintenance Activities and Programs Maintenance Expenditures In-House Maintenance Activities Contracted Maintenance Activities Emergency Event Operations Special Jobs Crew
Traffic Operations Overview of the Traffic Section Traffic Engineering New Innovations Striping Signal Shop Sign Shop
Customer Service Functions External Customer Support Adopt a Highway Public Transportation Ferry Operations DBE/HUB Program Permit Operations County/City Programs Traffic Safety Program Public Information Highway Beautification Act Advisory Committees Internal Customer Support District Administrative Support Offices Human Resources District Safety Accounting Information Resources Purchasing and Warehousing Hazardous Materials Support Equipment Fleet Management Buildings and Grounds Radio Shop Public Information
On the Horizon Transportation Efficiency Act of the 21st Century (TEA-21) Impact Proposed Interstate Corridor (I-69) Year 2000 (Y2K) Impact
Glossary

Public Involvement Planning

Well-planned public involvement activities can assist with the technical planning of a project and can lead to more efficient project implementation. An example of a thorough plan for supporting the development of a project is one prepared in the Corpus Christi District for the State Highway 286/State Highway 358 interchange project *(6)*. The plan reflects the interaction of the staff groups involved in the project's development. It is summarized in Table 2.4.

Table 2.4. Public Involvement Plan for the SH 286/SH 358 Interchange Project.

Goal To plan, execute, and evaluate a continuous public involvement plan to gain public input to meet National Environmental Protection Act (NEPA) requirements and to keep the public informed about the SH 286/SH 358 Interchange Project.
Target Publics
• Affected homeowners and neighborhoods • Affected businesses • Local citizens • Area citizens including tourists, out-of-town shoppers, etc. • Elected officials
Objectives • Meet NEPA requirements • Increase public understanding and knowledge of activities • Improve design/construction sequencing through public input • Eliminate possible objections to the project
Strategies and Actions
Objective: Meet NEPA requirements **Strategy:** Public Hearing **Actions:** • Determine location, date, and time • Advertise • Devise mailing list for adjacent property owners (Central Design) • Arrange for changeable message signs • Plan media releases • Hold the public hearing • Receive comments and responses • Submit public hearing packet to TxDOT Environmental Affairs Division & FHWA for review **Strategy:** Noise Workshops (if necessary) **Actions:** • Determine if workshop is needed • Determine location, date, and time for one workshop • Schedule with Mike Shearer, TxDOT Environmental Division (ENV) to attend workshop • Gather samples for texture, color, and/or type of noise wall to display at meeting (adjacent property owners allowed to vote on only two or three choices of texture, color, or type of wall) • Mail invitations and ballots to adjacent property owners by certified mail with return date noted for ballots (include note that non-response indicates a negative vote for the noise wall)

Table 2.4. Public Involvement Plan for the SH 286/SH 358 Interchange Project (Continued).

Objective: Increase public understanding and knowledge of activities
Strategy: Use combination of media relations and community relations to provide information
Actions:

- Citizen meetings (the first one public and a second one geared toward business owners including school system, fire, police, hospital, etc.) – include elected officials at both meetings
- Meet with civic groups with "canned" presentation
- TV talk shows
  - News shows
  - Panel talk shows/public access station (group to be determined)
- Newspaper articles
- Information kiosk at the malls

Strategy: Compile mailing list of targeted audiences
Actions:

- Set up web page
- Develop mailing list for media
- Develop mailing list for business communities/associations
- Develop mailing list for homeowner associations
- Develop mailing list for officials (local, state, and federal)

Objective: Improve design/construction sequencing through public input
Strategy: Use public information opportunities
Actions:

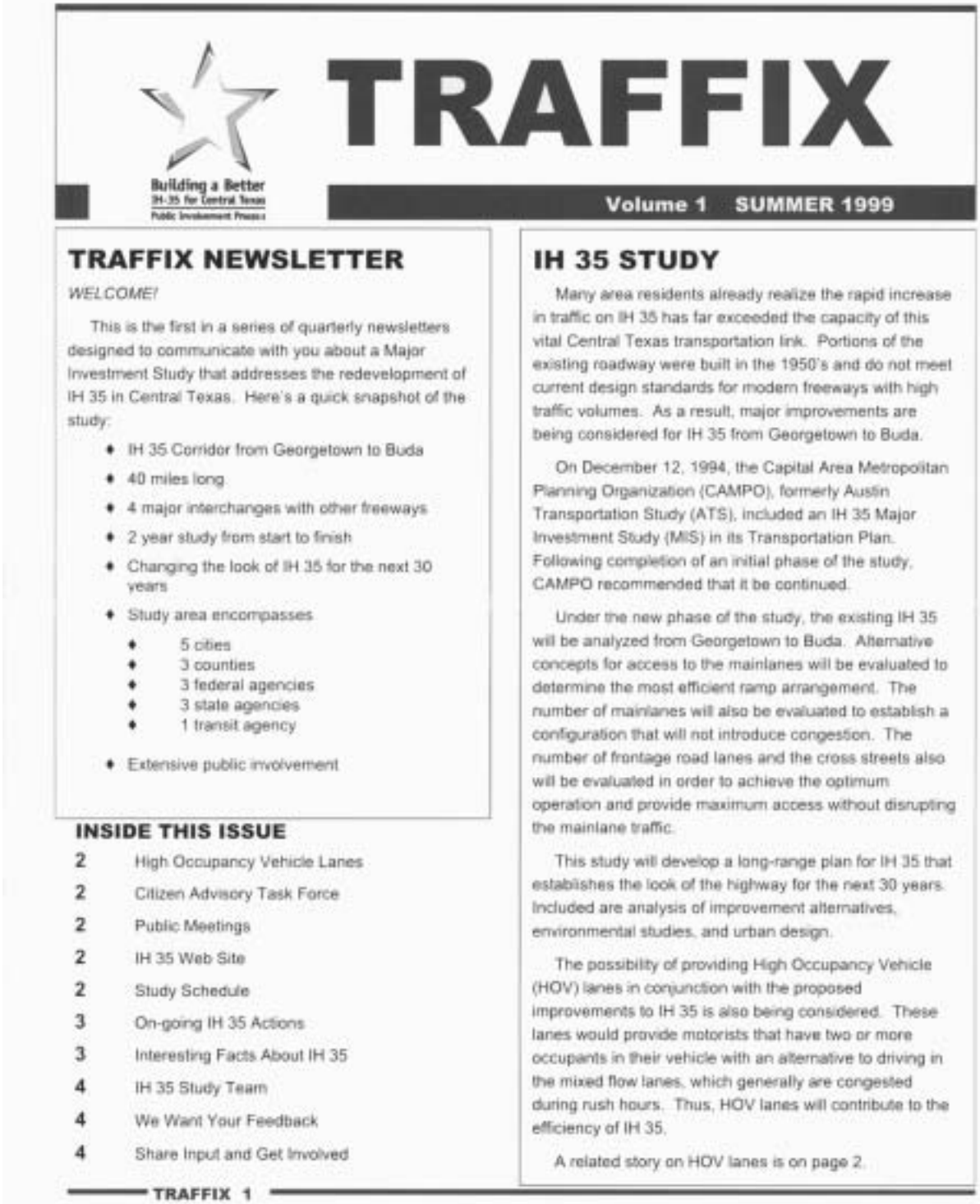
- Opportunity for responses through web page
- Comment sheets at the meetings
- Opportunities for verbal input at the meetings
- Utilize question and answer article with newspaper

Objective: Eliminate possible objections to the project
Strategy: Use public information opportunities
Actions:

- Emphasize the need for the project and its expected benefits (including use of frontage roads, congestion relief on SH 358, etc.)
- Try to address the concerns raised by the public at the meetings
- Develop a fact sheet (traffic data, delay costs, accidents, etc.)
- Categorize responses prior to the public hearing to address what the concerns are, what we have done about them, and what we cannot do about them and why

Major Planning Effort Public Involvement

There are numerous examples of TxDOT projects underway or completed that have used a wide range of public involvement techniques to promote the public's understanding and contributions toward planning efforts. A good number of these projects involve the use of consulting firm teams that support the effort. One such program is the Interstate 35 study being conducted by the Austin District. This program has employed techniques that have been used successfully elsewhere. It has also used the Internet for interaction, which is a new tool in the TxDOT public involvement toolbox. A copy of the project's first newsletter is shown in Figure 2.1 *(7)*.



TRAFFIX

Building a Better IH-35 for Central Texas Public Involvement Process

Volume 1 SUMMER 1999

TRAFFIX NEWSLETTER

WELCOME!

This is the first in a series of quarterly newsletters designed to communicate with you about a Major Investment Study that addresses the redevelopment of IH 35 in Central Texas. Here's a quick snapshot of the study:

- IH 35 Corridor from Georgetown to Buda
- 40 miles long
- 4 major interchanges with other freeways
- 2 year study from start to finish
- Changing the look of IH 35 for the next 30 years
- Study area encompasses
  - 5 cities
  - 3 counties
  - 3 federal agencies
  - 3 state agencies
  - 1 transit agency
- Extensive public involvement

INSIDE THIS ISSUE

IH 35 STUDY

Many area residents already realize the rapid increase in traffic on IH 35 has far exceeded the capacity of this vital Central Texas transportation link. Portions of the existing roadway were built in the 1950's and do not meet current design standards for modern freeways with high traffic volumes. As a result, major improvements are being considered for IH 35 from Georgetown to Buda.

On December 12, 1994, the Capital Area Metropolitan Planning Organization (CAMPO), formerly Austin Transportation Study (ATS), included an IH 35 Major Investment Study (MIS) in its Transportation Plan. Following completion of an initial phase of the study, CAMPO recommended that it be continued.

Under the new phase of the study, the existing IH 35 will be analyzed from Georgetown to Buda. Alternative concepts for access to the mainlanes will be evaluated to determine the most efficient ramp arrangement. The number of mainlanes will also be evaluated to establish a configuration that will not introduce congestion. The number of frontage road lanes and the cross streets also will be evaluated in order to achieve the optimum operation and provide maximum access without disrupting the mainlane traffic.

This study will develop a long-range plan for IH 35 that establishes the look of the highway for the next 30 years. Included are analysis of improvement alternatives, environmental studies, and urban design.

The possibility of providing High Occupancy Vehicle (HOV) lanes in conjunction with the proposed improvements to IH 35 is also being considered. These lanes would provide motorists that have two or more occupants in their vehicle with an alternative to driving in the mixed flow lanes, which generally are congested during rush hours. Thus, HOV lanes will contribute to the efficiency of IH 35.

A related story on HOV lanes is on page 2.

Figure 2.1. "Traffix" Newsletter from IH-35 Study.

Logo Development. The project team devised a logo for the project, as have many major planning projects around the country. This method of identifying the project is often maintained from project conception until the project construction is completed. Much like commercial logos develop product identification, the public knows that when it sees the logo – in this case a star with the words "Building a Better IH-35 for Central Texas" – that important information about the project is being presented *(7)*. This is especially helpful to the public in a major metropolitan area where there may be multiple major planning efforts underway at the same time.

The IH-35 study, as noted on the front page of the newsletter, is using many tools other than the required meetings and public hearings to meet the requirements. Among them are the following:

- citizen advisory task force,
- project hotline,
- Internet web site, and
- newsletter.

The team provided the public with an overall picture of the study effort, including the three-year study schedule and members of the study team. Offers were made to be available to speak with individuals or groups of interested parties. Feedback was solicited by mail, phone, or email. The website is a depository of information related to the project. Among the items included on the website -- http://www.i35austin.com--are all of the newsletters and a list of the membership of the citizen advisory task forces.

The opening page of the IH 35 study website is shown in Figure 2.2. While the consulting team developed and maintains the Internet site, a link to the website is also provided on the TxDOT homepage through an entry under "Local Information and News," "Austin District" — http://www.dot.state.tx.us/insdtdot/geodist/aus/ausdist.htm. The district successfully promoted the study website using portable signs in the study area that had nothing more than the website address.

Another project effort in the Austin District with a similar public involvement program is for the Loop 1/U.S. 183 Improvement Study. As with the IH-35 effort, a consulting team is maintaining the study's Internet presence. Newsletters can also be accessed through the TxDOT Austin District website via the TxDOT homepage. The opening page for the Loop 1/U.S. 183 project is shown in Figure 2.3. The Austin District staff believes that the Internet has been an excellent tool – allowing them to provide information, gain public input, and save time. Since they have been using the Internet beginning in July 1999, they have had more than 18,000 hits on their sites. The district not only uses the Internet to support major planning efforts, but has also found it beneficial for the following:

- listing of construction projects,
- road closure postings,
- posting of reports, and
- internal work group sites for projects (which are password secured).

Figure 2.2. IH-35 Study Website Front Page.

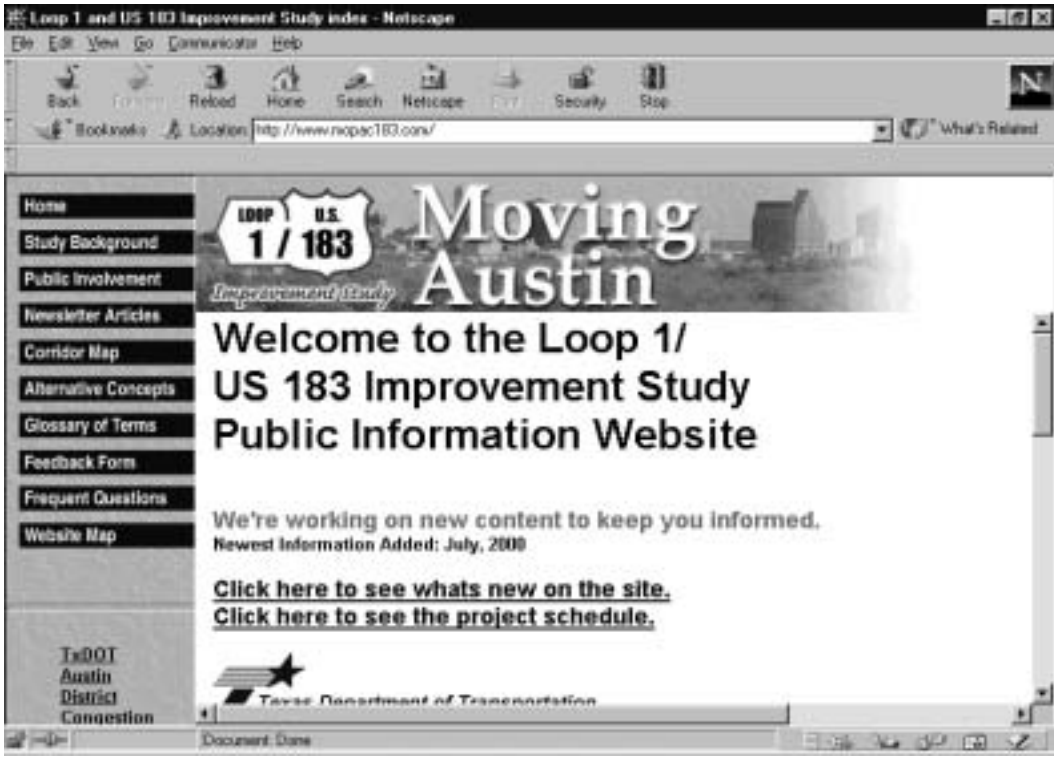


Figure 2.3. Loop 1/U.S. 183 Improvement Study Homepage.

Project Citizen Champions and Advisory Groups. The TxDOT Dallas District has benefited greatly from the concept of a project champion to assist in interaction with the public. This "citizen champion" is a volunteer who is not paid for involvement in the project and represents no governmental entity. The individual is impassioned about the goal of developing a project that will benefit the region yet respects the wishes of the citizens. He or she emphasizes objectivity and can be valuable to the planning team by asking "hard questions" and working towards consensus. A citizen champion was instrumental in the Dallas North Central project (U.S. 75), and the concept was also used for the LBJ Freeway (IH-635) corridor study.

Along with citizen champions, organized advisory groups also supported the two efforts. Figure 2.4 depicts the organization structure for the public involvement effort for the LBJ major investment study.

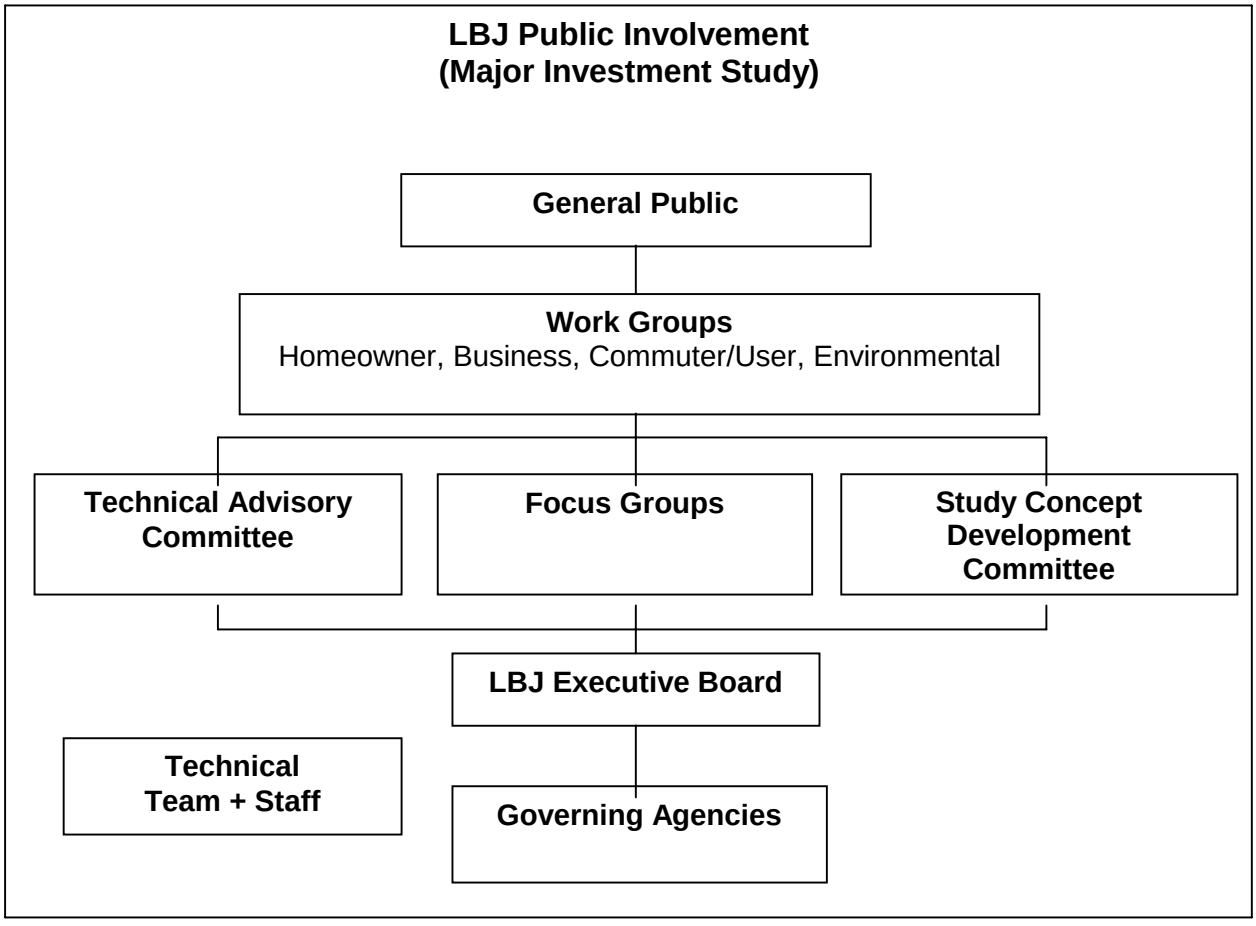


Figure 2.4. LBJ Public Involvement Organizational Structure.

Construction-Phase Public Involvement

Major Ongoing Effort. Districts are also seeing the benefit of continuing to support public involvement activities throughout the construction period, especially in major corridor projects. In the Dallas District, such an effort was underway throughout the construction of the major improvements to North Central Expressway (U.S. 75). The North Central Task Force (NCTF) was a public/private partnership that was organized, primarily through the efforts of the citizen champion, to assist in developing the consensus plan for improvements to the expressway. As the project proceeded into construction, the North Central Mobility Task Force (NCMTF) was formed as a component of the NCTF to improve mobility during the construction.

TxDOT, Dallas Area Rapid Transit (DART), and the City of Dallas provided staff support to the task force. TxDOT and DART provided one staff person exclusively assigned to the mobility task force through an agreement with TTI. Initially TxDOT assumed 80 percent of the staff costs and as the project continued, gradually assumed 100 percent of the expense. DART provided a cash budget to the task force to cover the costs of public meetings, flyers/door hangers, and newsletters. Money from the private sector was raised for major special events, such as celebrations and thank you parties for construction workers.

The mobility task force was a proactive advocate for traffic management and safety during construction through better coordination among the public agencies and their contractors. The NCMTF monitored the planning process, construction, and operations; identified potential mobility-related issues; and either modified the planning and operations or developed mitigation measures.

One key to the success of the North Central Corridor project was the establishment and maintenance of open lines of communication between and among the various stakeholders identified below:

- property owners;
- businesses;
- users;
- neighborhood organizations;
- TxDOT;
- DART;
- the cities of Dallas, Highland Park, and University Park;
- design firms;
- construction contractors; and
- utility companies.

These entities and the NCMTF partnered together as a team to build consensus for the project. The purpose was to identify ways to minimize construction impacts to the North Central Corridor users and maintain mobility as the construction was completed.

Information Sessions. In the Corpus Christi District, for example, the district staff hosts sessions with the public that include the contractor and project personnel. This provides an opportunity to discuss traffic rerouting or project specific concerns. The district has found the meetings to be beneficial to the public by providing information and allowing them to ask questions. The district hosted a recent meeting in a local park close to the project area. Whole families attended the event. Project tours are also scheduled with local officials and community leaders on ongoing construction projects. Scheduled at a time appropriate in the construction phasing, the tours give an "up close" look at major construction activities and provide an opportunity for media visits to the project site.

Surprise Developments. Occasionally, either in the environmental impact statement phase or during construction, there are developments that are not planned. Recently there have been incidents of unmarked cemeteries being found in the location of planned highway improvement projects. One of these was the mission cemetery associated with Mission Refugio along U.S. Highway 77 near Refugio. The archaeological work completed as part of the environmental impact statement for the project led to finding approximately 20 grave outlines and other relics in the project right-of-way. The former mission, known as Our Lady of Refuge, was built for nearby Karankawa Indians who once inhabited portions of the Texas coast.

The district office responded to the findings by developing a community-sensitive plan of action to increase the public's understanding of the activities, use media assistance to reach possible descendants, and provide planned opportunities for media and visitors to observe the archaeological work so that the construction project would not be impacted by delays and safety would be maintained. The executed plan included:

- using media relations and community relations to provide information on the ongoing archaeological work;
- compiling mailing lists of the target audiences -- local citizens, area citizens, descendants, and other special interest groups, including Native Americans, church-related, and historical-related organizations;
- developing a video program on the mission and discoveries that would be provided to media outlets, schools, and others;
- providing information through the media about how descendants could become involved in the re-interment decision-making process;
- hosting events for the media and the public to provide information on the site while emphasizing safety, including regular opportunities for visitors and the media to visit the site; and

- developing a brochure on the project that included historical background, information on the findings, and the rationale for prohibiting site visits except at the planned opportunities.

The district hosted several special outreach events related to the project. Among them was an open house at the Refugio County Community Center to premiere the 20-minute video entitled "Nuestra Senora del Refugio: Road to Discovery" that was produced by the TxDOT Travel Division. The district believes that the goodwill with the community generated by the outreach program is significant.

Tool Used in Furthering Citizen Education

The Dallas District developed a video on the subject of sound walls to further an understanding of the subject. The district contracted with TTI to produce a video, titled "Sound Walls: A Sound Idea," that could be viewed at public meetings. This objective view of sound wall construction, design, and placement was meant to initiate an open discussion regarding the subject. The video showed existing sound wall construction, placement, and various designs. It also showed sound wall limitations. The video incorporated some animation to show how a sound wall might reduce the effects of traffic noise and how it might affect a neighborhood or nearby business community. The district believes that the video has been successful in illustrating how sound walls work and promoting a greater understanding of the subject. The intended audience for the video is in meetings of neighborhood groups, individual homeowners, affected businesses, and environmental groups. It has also been shown to other groups such as chambers of commerce and local service organizations. While some videos visualize the improvements in a single corridor, this video has utility on any number of projects.

Activities Promoting Public Understanding and Involvement

TxDOT districts recognize the benefits of developing programs that foster the public's understanding of the department's work efforts. The goodwill and understanding that result can have positive impacts on the public involvement processes for individual projects. One example of such an activity was an open house hosted by the Tyler District. Hosted in the district's main office, the open house attendees were encouraged to tour the facilities and ask employees about their work. Each person attending the open house was provided with an 11 by 17 inch graphic that depicted the 10 steps to building and maintaining Texas highways. This handout is shown in Figure 2.5.

The Tyler district engineer has also developed a "Transportation 101" course that is used to provide a basic understanding of the project development process to local elected officials and civic leaders.

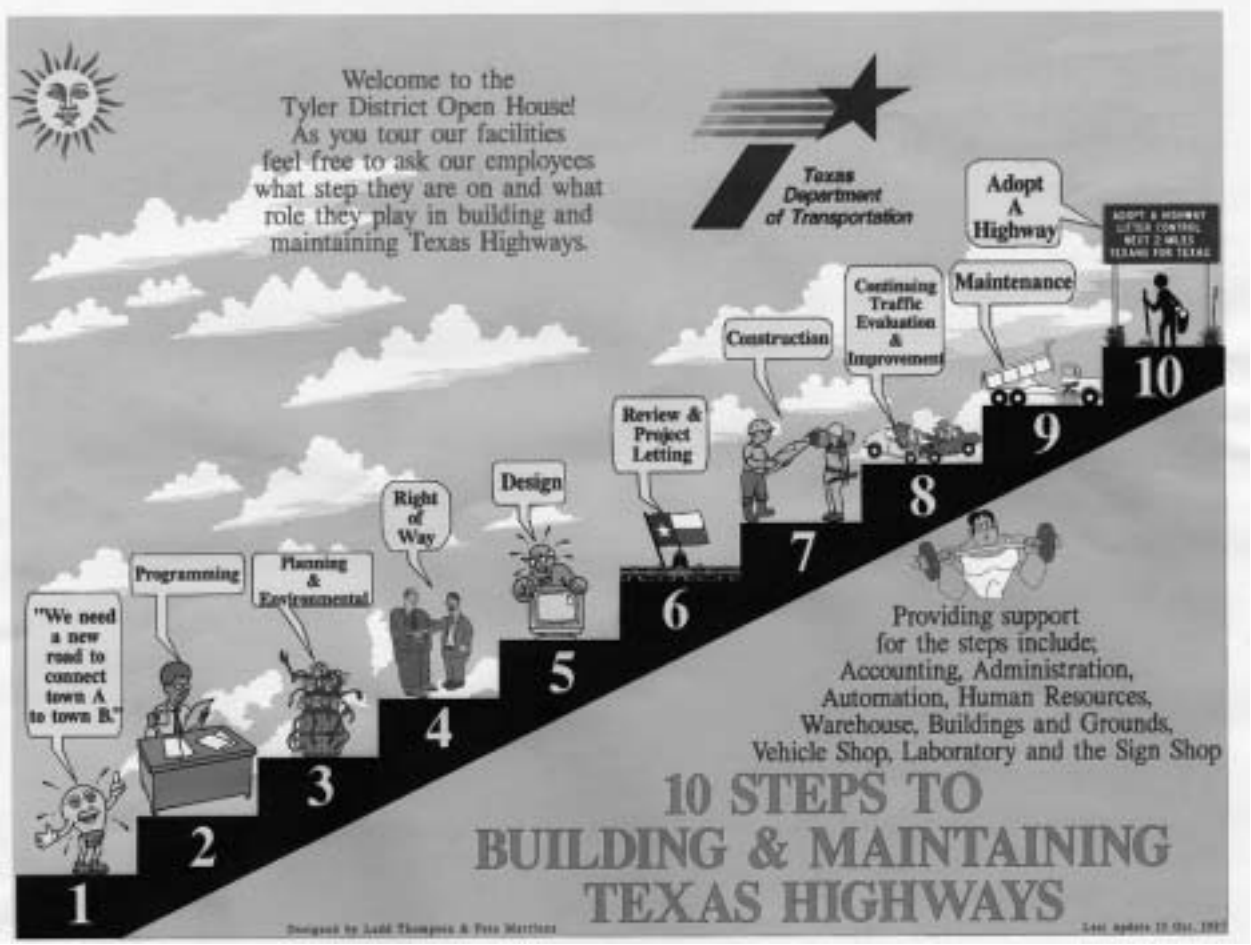


Figure 2.5. Tyler District Open House Hand-Out.

Metropolitan Planning Organization (MPO) Public Involvement Process

With the passage of the Intermodal Surface Transportation and Efficiency Act (ISTEA) in 1991 came requirements for public involvement as part of the metropolitan transportation planning process. ISTEA requires that "…each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation and other interested parties with a reasonable opportunity to comments…" on the transportation plan and Transportation Improvement Plan (TIP). The rulemaking that enforces ISTEA was more specific about the expectations for the public involvement process. Eleven requirements were specified in 23 CFR 450.316 (b) (1) and are listed below:

- develop a public involvement process,
- provide timely information on transportation issues,
- provide reasonable public access to technical and policy information,

- facilitate public involvement in development of the TIP and the regional transportation plan (RTP),
- consider public comments as an integral part of the planning process,
- seek out and consider the needs of the historically underserved,
- include public comments in the final RTP and TIP,
- make available to the public the revisions to the TIP or RTP based on public comments,
- review the public involvement process regularly,
- provide the public involvement process to FHWA and Federal Transit Administration (FTA) for review, and
- coordinate with the state DOT on the statewide public involvement process.

TxDOT district offices, through direct participation of the district engineer and other staff involvement, contribute and benefit from the MPO public involvement processes. A review of some of the MPO public involvement processes around the state shows them to have the following components:

- public meetings on the TIP (including air quality conformity in non-attainment areas), RTP, Unified Planning Work Program (UPWP), and the public involvement process;
- open meetings of the regional policy group and the technical committees;
- staff presentations to local groups as requested; and
- publications, including newsletters, technical reports, and annual reports.

The meetings called to receive comments on the TIP, RTP, or UPWP may be held concurrently, as separate agenda items in the same meeting. The TxDOT public meetings on the Project Development Plan, or other public meetings, are also sometimes held in conjunction with one of the meetings, most likely the meeting that addresses the TIP.

An example of an MPO public involvement mailing to individuals in the north central Texas area is shown in Figure 2.6. In this case there were three subjects: (1) to solicit comments on an alternative fuel program, (2) to provide an educational session on transportation planning, and (3) to solicit comments on the proposed FY 2001 program for the Transit Section 5310 – Elderly and Disabilities Program administered by TxDOT.

An example of an MPO public involvement process, that of the North Central Texas Council of Governments, can be found on the Internet at http://www.dfwinfo.com/trans/public_involvement/index.htm.

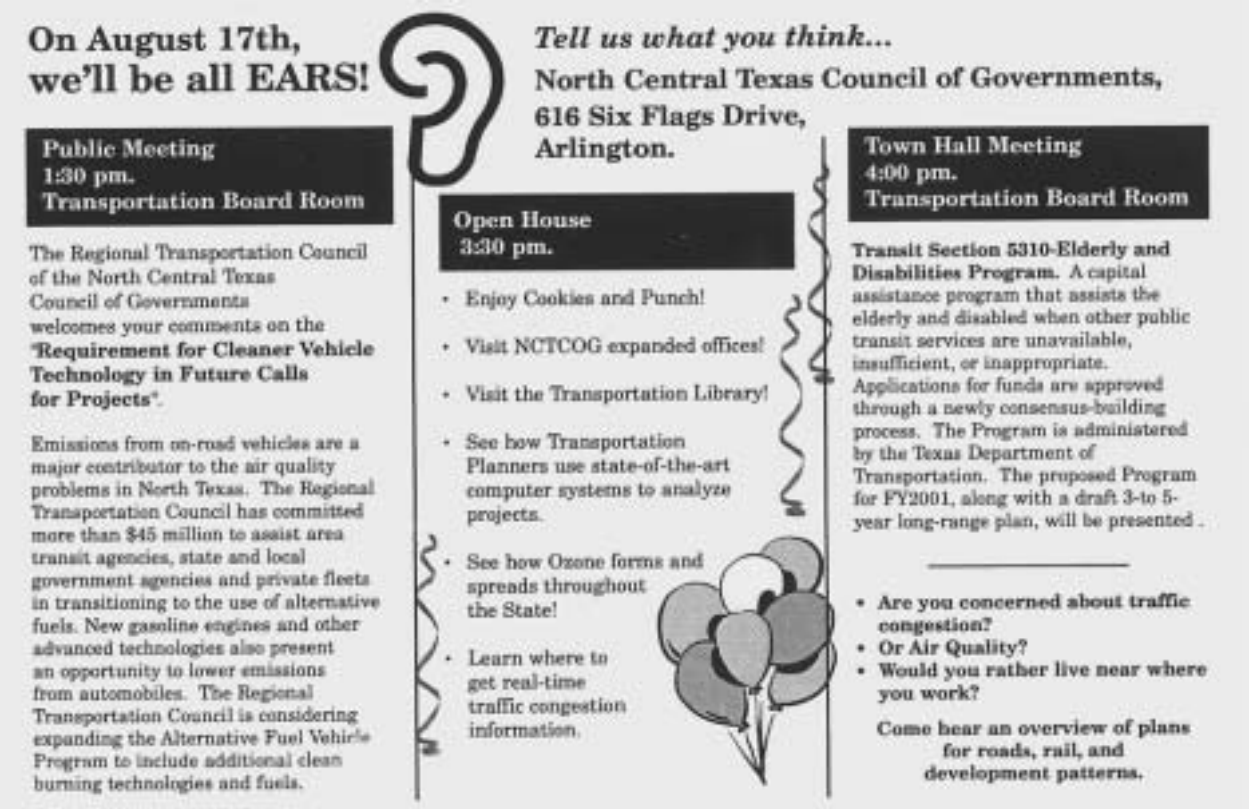


Figure 2.6. Postcard Inviting Attendance at MPO Public Meeting.

BENEFITS OF SUCCESSFUL PUBLIC INVOLVEMENT

Unfortunately there is no methodology for quantifying the impact of a successful public involvement program on a project's development. However, the benefits are quite substantial. An obvious observation is the positive benefit it brings to meeting the state and local legal requirements. It should also be observed that the establishment of credibility is among the most important components of any public outreach activity. As noted in a public involvement training document provided by FHWA and FTA when discussing credibility, "it takes a long time to build and can be lost overnight" *(8)*. For TxDOT and other agencies, institutional credibility is as important as personal credibility.

Among the major benefits of public involvement are the following *(8)*:

- improved decisions that take into account the concerns of diverse interests,
- more effective public and agency collaboration in the future,
- support from decision makers for continued public involvement efforts,

- broad-based and ongoing support for transportation decisions, and
- decisions that are generally more acceptable and therefore more easily implemented – through saved time, reduced effort, and outcomes achieved more smoothly with fewer delays.

The cost savings realized by a successful public involvement program for a project can be substantial, with the cost savings in the planning and project development effort translating into proportionately larger savings during construction by eliminating construction delays or changes that increase the final cost of a project.

Another benefit of involving the public early in the project development process is the establishment of public ownership of policies and decisions. By involving citizens in the assessment of needs and solutions and identifying problem issues early, public involvement can promote citizen "ownership" of policies. Although most transportation projects have some negative effects, citizens are more willing to accept these when they accept the need for the policy or project, participate in developing the alternatives, and understand the technical and regulatory constraints *(9)*.

Additionally, successful public involvement programs actively involve all of the staff disciplines represented in the project. At a minimum this would include advanced planning, environmental, design, and public information in the project development process. The internal coordination effort necessary to do effective outreach also results in a project benefiting from the collective contributions of all of the team members.

CHAPTER 3. OPPORTUNITIES FOR PUBLIC INVOLVEMENT IMPROVEMENTS

Two topics surfaced during the research that present opportunities for improvements. One topic is the public hearing process in use by the department. The other topic is the possibility for increased cooperation and coordination within the department to support public involvement.

A major effort during the research of public involvement best practices was focused on the official public hearing process. The research validates the belief of many TxDOT employees that are direct participants in the public involvement process that another approach could be more productive and beneficial, both for the public and the department. This chapter addresses these findings and recommendations for amending the process.

Research also identified the need for increased communications and coordination of efforts among the various groups within TxDOT who participate in the public involvement process. A discussion of the issues and presentation of a possible approach for greater coordination are also included in this chapter.

THE PUBLIC HEARING PROCESS

A public hearing is a formal, official mechanism to legally record the fact that the department provided information on a project and gave citizens an opportunity to present their remarks on that proposal – either in writing or orally. It meets legal requirements set out in federal statute and Federal Highway Administration regulations, and in State of Texas statutes and regulations.

In contrast, a public meeting is an informal communication tool. Public meetings can be recorded in a similar fashion (normally by a court reporter's transcript), but that is not required. Public meetings are seen as an integral part of the overall public involvement program, but cannot substitute to meet the requirements for an official public hearing.

There are very specific requirements for conduct of the public hearing, including the manner in which the public is notified of the meeting. Advertisements in local newspapers are specified, including the content and the timing of the appearance of the notices.

The public hearing is perhaps an anachronism in today's environment of increased communications and level of public activity in the planning of major transportation facilities. The establishment of public hearings was in response to agencies that independently determined that there was a need for a highway improvement, used technical skills to develop final designs

for such a project, and went about the construction of the facility. The idea that the public would be able to contribute to that process, with its limited technical knowledge, was often not considered.

To address the public's demand to be included in the decision-making process, federal and state laws and regulations were adopted that required an open discussion of plans, known as a "public hearing." These laws and regulations were very specific in detailing how the public must be included.

However, in today's project development process, contact with the public is an activity that runs throughout a project's life – from conception of the project idea to construction. A typical public hearing on a major project comes after multiple public meetings, one-on-one meetings with property owners, wide distribution of the regional plan in which the project is detailed, newsletters that detail the planning and design progress, possibly a local advisory committee, and any number of other points of interaction with the public. Thus, while the public hearing once was the **only** point of contact with the public on a project, now it comes at the end of a lengthy public interaction. But, because of the manner in which the public hearings have traditionally been conducted – meeting the requirements of the laws and guidelines written initially when such a hearing was the only way for the public to influence a project – public hearings have sometimes become a frustration to both transportation professionals and the general public.

These frustrations come primarily from the requirement that the public will receive a presentation on the project without the opportunity to ask questions and have those questions addressed at the hearing. This is a frustration to both the transportation staff and the public. Staff members listen to citizen comments that often include very specific questions, unable to respond with answers and factual information. Citizens may, through a lack of knowledge, make statements that are quite untrue. Staff members again, cannot point out the inaccuracies and correct misconceptions.

The public, too, is frustrated by the process, as more than anything citizens want to know how projects will affect them personally. They attend public hearings and ask these specific questions about how a project will affect them individually and the response, following the directions for conduct of a public hearing, is that the hearing is only to "hear" comments from the public, not to respond to them.

In addition, the process of speaking before a large group of people intimidates many individuals. Others may be unable to attend public hearings because of schedule conflicts or may be put off by the sometimes-lengthy waits to be called upon to speak. If there is a large number of individuals who wish to speak, time limits will be invoked and remarks limited to three to five minutes.

Too often, public hearings on transportation projects turn into intensely emotional events with the public frustrated by not getting answers and fearful that the agency is not being forthcoming with them for some unspoken reason. These sessions are often the occasion for very outspoken individuals to represent themselves as speaking for the others and to attack the transportation agency staff personally. The effect of this sort of session on staff is often quite demoralizing. The staff member often feels unable to defend technical competence with no opportunity to respond to questions. The personal attacks on staff leveled by the public further discourage the professional from wishing to engage in future contact with the public.

As a result, new methods of conducting public hearings have evolved. The researcher investigated the experience with these models and includes detailed information about them in this chapter. The new processes have led to measurable increases in the comments received from the public and establishment of a more fruitful interaction.

Description of the TxDOT Process

The researcher reviewed the current public hearing process directed by the department. TxDOT fully describes this process in a number of department documents:

- "Chapter 3 - Environmental" of the *Project Development Process Manual (3),*
- "Chapter 4 – Public Involvement" of the *Environment in Project Development Manual (Draft) (2),* and
- "Lesson 6: Conducting Public Involvement Interactions" of the *Public Involvement Module of the Advanced Environmental Project Development Training Course (Draft) (4).*

Texas legal references that stipulate procedures for public hearings are contained in:

- 43 Texas Administrative Code (TAC) 1.5,
- 43 TAC 2.42, and
- 43 TAC 2.43.

These procedures were drafted to follow closely the state's interpretation of the procedures developed by federal law and regulation. FHWA and FTA regulations (23 CFR 771) implementing the National Environmental Policy Act of 1969, as amended by 42 U.S.C. 4321, ET. Seq., outline minimum requirements for providing opportunities for the public to be informed and involved in the project development process for proposed improvements supported, at least in part, with federal funds. These minimum standards include published legal

notices and public hearings (as required) to obtain public input regarding environmental documents for transportation projects.

There are additional federal laws and regulations that affect the process as well, such as the Americans with Disabilities Act (ADA) (42 U.S.S.A. 12101, ET. Seq.), ISTEA and its successor, in 1998, TEA-21. The ADA requires involving the community, particularly the disabled, in the development and improvement of transportation and paratransit plans and services. ISTEA and TEA-21 emphasize public participation in the transportation planning and programming process. ISTEA fostered the development of federal regulations to implement the intent of the act, including: 23 U.S.C., Section 134 and 135 and 49 U.S.C. app. 1607. Federal FHWA/FTA staff drafted regulations to implement TEA-21, but the regulations have not been officially approved as of the date of this report.

Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analysis of a project. As outlined in the TxDOT *Environment in Project Development Manual (Draft)*, public hearings occur when:

- large amounts of additional right-of-way are proposed;
- the roadway function changes substantially;
- there is a good deal of public controversy;
- there is a high-profile finding of no significant impact (FONSI) project;
- if required, after an environmental assessment for a FONSI-type project is approved as satisfactory for further processing by the FHWA for a federally funded project or by the Environmental Affairs Division (ENV) for a state-funded project;
- a draft environmental impact statement (DEIS) has been approved by FHWA or ENV;
- a request for a hearing is received as a result of affording a public hearing opportunity, and the requestor(s) concerns cannot be satisfied without a hearing;
- a project requires the acquisition of public land designated as a park, recreation area, wildlife refuge, historic site or scientific area, as covered under Section 26.002 of the Texas Parks and Wildlife Code; and/or
- public land is proposed for taking:
    - State law requires that public hearing notices involving the acquisition of public land be published for three consecutive weeks with the last publication not less than one week or more than two weeks before the date of the hearing.
    - When a project affects publicly protected land, a separate written notice must be provided to the agency with jurisdiction over the land. The notice must be sent at least 30 days before the hearing date.

The public hearing format required by TxDOT is depicted in Table 3.1, as included in the draft public involvement training module *(4)*. It is also addressed in detail in the *Environment in Project Development Manual (Draft) (2).*

Table 3.1. TxDOT Public Hearing Format.

Order	Content
1	Convene the hearing: • Introduce TxDOT personnel. • Introduce any elected officials in attendance and state whether or not they will be speaking. • State purpose of hearing. • State that the public has 10 days following the hearing to submit written comments (indicate where to find the address and give the closing date).
2	Review hearing procedures and agenda: • State the ground rules for public comment, such as one speaker representing a group, agency, association, etc.
3	Discuss the state-federal-local governmental relationship on this project.
4	Present proposed project, including: • Alternatives • Major design, considerations, features • Right-of-way (existing and proposed) You may need to limit speakers to 3-5 minutes for comments if a substantial number of people signed up to make oral comments.
5	Discuss environmental document; include the high points about: • Relocation/economic issues • Wetlands, flood plains, forests, etc. • Section 4(f) and historic properties • Etc.
6	Recess for about 10 – 15 minutes to: • View displays • Answer individual, one-on-one questions, as appropriate • Let public fill in comment cards
7	Reconvene to hold formal comment period. Allow adequate time.
8	Discuss project advancement time frame.
9	Restate where to send comments within 10-day period.
10	Adjourn

The public hearing format used by TxDOT, as outlined in the table, is commonly referred to as the "traditional public hearing." To summarize, this traditional public hearing format includes:

- advertising the meeting by published public notice in advance of the meeting (following a detailed format provided in statute and regulations);
- staff making a formal presentation on the proposed project;
- allowing a brief period for the public to view displays and ask questions;
- receiving public testimony, normally limited to three-five minutes and documented by a court reporter's transcript; and
- receiving additional written testimony for 10 days following the hearing.

In this format, the citizen stands at a podium, often using a microphone, to make oral comments that are captured word-for-word by a court reporter. The transcript of the court reporter also includes the presentations and all statements made by TxDOT staff.

Following the public hearing, TxDOT district staff acknowledges by letter written comments received post hearing, and responds in writing to all comments received. The district staff also compiles the following items to be sent to the Environmental Affairs Division:

- copies of the verbatim public hearing transcript;
- certification from the District Engineer that the hearing was held, that economic and social effects of the project on the environment were considered, that environmental justice was considered, and that the project is consistent with the goals and objectives of the community's urban planning;
- an analysis and summary of the hearing and all comments received during and after the hearing; and
- a comment and response report that includes responses to all comments received (both at the hearing and for 10 days afterwards).

Minor Modifications to the TxDOT Process

There have been some cases when districts have hosted open house periods before the formal public hearing got underway. That staging sequence was successful in providing answers to citizen questions prior to the pubic hearing, but has not eliminated all of the negative aspects of the formal hearing setting.

There is also an example of a recent set of hearings that used a slightly more amended process. The Texas Turnpike Authority Division held public hearings in 1999 on the State Highway 130

project. The public hearing was held in three locations on the same date. Sessions were concurrently held in Round Rock, Seguin, and Austin. A one and one-half hour open house (from 6 to 7:30 p.m.) preceded each of the public hearings. During the open house, a video of the project area (including footage taken from a helicopter) was played continuously. In the public hearing sessions, a prepared script was used for the presentation (so that all three hearings would have identical presentations), printed materials about the project were available, and written comment sheets were provided.

The major departure from the traditional TxDOT public hearing process was the use of court reporters outside the public hearing room while the public hearing was in progress. Because of the anticipated number of individuals expected to attend the public hearings, court reporters were stationed in an area outside the public hearing. An additional four court reporters were used outside the hearing room in Round Rock and Austin, and an additional two were stationed outside in Seguin. Turnpike Authority staff estimate that court reporters outside the public hearing room recorded approximately twice as many comments as were recorded in the formal public hearing setting, where only one person could speak at a time.

Case Studies of Public Hearing Processes in Other State DOTs

A review of the general transportation public involvement literature and discussions with TxDOT and other state DOT personnel revealed that a great many states now employ a hybrid of the traditional public hearing process known usually as the "open forum public hearing." To learn more about the processes in use and experience with the processes, researchers contacted state DOT staff in two states often mentioned in the literature as having exemplary public hearing processes – Georgia and Illinois. A recent Virginia DOT-sponsored research project and survey of all of the states on the subject also provided researchers with a wealth of information on the subject.

State of Georgia

The Georgia Department of Transportation has been using the open forum hearing method for public hearings since 1983 *(10,11)*. From all reports uncovered by the researcher, there have been excellent results with the method. In addition to reviewing written descriptions of the process, the researcher talked directly with Mr. Jim Schell of the Office of Environment/Location who was personally involved in the transition from traditional to open forum hearings.

Prior to 1983, the Georgia agency used the traditional format of a formal hearing, very similar to that now employed in Texas. The department decided to change the format because it believed that the agency "was not receiving the comments necessary to make decisions and the public was not receiving the information necessary to understand the project or make comments" *(10)*.

The Georgia DOT attributed the problems to several factors:

- One of the greatest fears for most people is speaking in public. Only a few people (approximately 12 percent of those people in attendance) would speak at a formal hearing. A great majority of those who would speak were very upset about the project.

- Mostly one-sided comments were received. Individuals would be afraid to speak in public, fearful of what their neighbors would think about them.

- The public would not understand completely the proposal or the possible impacts for several reasons:
    - It was difficult to see the displays from where the public was seated.
    - The public had a difficult time understanding the engineering and technical terminology that was used during the presentations.
    - There was no opportunity for a one-on-one discussion of the proposal except for a brief period late in the evening after the formal hearing was ended.
    - A few speakers wanted to gain control of the public hearing.

In early 1983, the Georgia Commissioner of Transportation directed the Office of Environment and Location to develop a new method of conducting public hearings. Using lessons learned from conducting public information meetings, the open forum public hearing format was crafted.

The Georgia DOT first tested the new public hearing format on a very controversial project -- the Presidential Parkway. Three open forum hearings were conducted and one traditional format hearing was employed. At the three neighborhood open forum hearings, more than 1,400 people attended. The sessions were open from 1 to 8 p.m. More than 700 individuals provided their comments to court reporters. At least three court reporters were employed for each meeting. At the one hearing conducted in the traditional format, fewer than 50 individuals recorded their comments. The hearing ended at 1 a.m. Following that experience, the Georgia DOT began the process of exclusively using open forum public hearings.

Various FHWA offices were involved in monitoring and reviewing the Georgia DOT's development of the details for conducting open forum hearings. There was a somewhat lengthy review process prior to final approval. The FHWA Division Office gave a temporary approval of the methodology, and a representative of the office attended 12 public hearings using the method. The Division Office made several recommendations for improvements and recommended that the FHWA Region IV Office approve the methodology. The Regional Office requested that the state DOT prepare a procedures manual, which was prepared and presented to the Regional Office for review. The Regional Office legal section reviewed the legality of the

open forum hearing and several representatives of the Regional Office attended approximately six public hearings and recommended approval to the Washington office.

The Washington FHWA office reviewed the procedures manual and sent several representatives to approximately six public hearings during a six to nine month period. Finally, in November 1986, the FHWA Director of Public Involvement attended a public hearing using the format and approved it.

According to recent interviews, the process has not changed in the intervening years. There is a solid commitment to the format, which is used exclusively. There have been no lawsuits or other challenges to the format.

Description of Georgia Open Forum Public Hearing Format. The Georgia public hearing format appears to be successful for a number of reasons. Major contributing factors appear to include convenience to the public and the true information exchange involved. Details for conducting the open forum public hearing are included in the department's *Public Hearing Format, Procedures and Federal Guidelines, 1985*, which is still in use *(12)*. The department further documents the process and makes that information available to new employees (and other state DOTs) in a training video the DOT produced in May 1987 *(11)*. The video is of a real life public hearing, including media coverage. Elements of the format are included in Table 3.2.

Table 3.2 Georgia DOT Public Hearing Format.

Activity	Comments
Signs in the project area	Normal, required advertising is also done, but the use of signs that notify the public of the date, time and place of the hearings have been deemed helpful. For a typical widening project, six to ten signs are used. They are placed in the project area two weeks prior to the hearing.
Preparatory meeting	Two weeks prior to the hearing, a meeting is held with all representatives who will be working at the public hearing. Displays are reviewed, handouts are discussed, and potential problems are predicted.
Selection of public hearing site	A location for the hearing is selected in the project area that is convenient to attendees. A large open room with no fixed seating is required. Examples of rooms used are school cafeterias and church fellowship halls.
Public hearing day preparations	Department representatives arrive at least one hour prior to the hearing to begin set-up.

Table 3.2 Georgia DOT Public Hearing Format (Continued).

Determination of length of hearing	Normally a three-hour period is used, such as 4 to 7 p.m. Projects with major controversies may be longer, such as 1 to 8 p.m.
Room arrangement	At the entrance to the room (preferably in the hallway just outside the hearing room) a table is set up for handouts and other available information. Greeters also personally hand information to citizens entering the area. Rooms are arranged with a "u" or horseshoe traffic pattern, so that those in attendance can flow through the exhibits. Tables and chairs are provided in the middle of the room for those wanting to sit and prepare written comments. Space is also provided for one or more court reporters in highly visible areas. Several displays of the proposed project are arranged in the room. The number of displays depends upon the anticipated attendance.
Content of displays	Displays usually include aerial photos of the project with colored lines depicting the existing and proposed roadway. The existing right-of-way, proposed right-of-way, proposed easements, property lines, property owners' names, sidewalks, and any other information that might contribute to a better understanding of the proposal are identified on the displays. A typical section for the project is also displayed at every aerial photo.
Information handouts	Because the handout replaces the official presentations by the department, they are very important. This printed handout is given to each citizen in attendance. It contains: • A welcome letter signed by the Director of Preconstruction. The letter describes the hearing format, how to make comments (both at the hearing and in written form following the hearing), where displays and the transcript of the hearing will be available for review after the hearing, and a summary of the remainder of the handout. • A location and design description and map of the project. The description includes the termini of the project, proposed right-of-way needed, typical section, and any other design features. • Planning background and the need and purpose statement. • A summary of the environmental study. • A discussion of the department's right-of-way and relocation assistance procedures.

Table 3.2 Georgia DOT Public Hearing Format (Continued).

Information handouts (continued)	• A comment card or form. In addition, the department provides the right-of-way and relocation assistance brochure for any individual requesting it.
Greeting citizens	A department greeter meets each person entering and leaving the hearing. On the way into the public hearing, the greeter presents citizens with a handout and explains how the hearing is set up and the various methods available for making comments. Normal public hearings require two to three greeters. More controversial hearings have required up to eight. Greeters also ask all persons leaving the public hearing if they had an opportunity to make a comment and have their questions answered. Greeters thank them for attending.
Staffing of displays	The appropriate department employees staff each display. At each display there are representatives from the location and/or design office, right-of-way office, and the district office. There are also representatives from planning, environmental, and FHWA circulating in the room to answer questions. This allows one-on-one discussions. Staffers also remind the public to make their comments.
Record of comments	Citizens can provide comments in three ways: • Complete a comment card included in the handout materials. Pens and pencils are provided at the tables in the middle of the room. Comment boxes are available throughout the room. • Speak to a court reporter. • Send written comments following the hearing. The address and the deadline for written comments are included in every handout, and signs with the information are placed in the hearing room.
Additional resources in the hearing room	Copies of the full environmental document are available in the room. The handout includes information on obtaining a full copy. For larger, more controversial projects, a specialist section in the middle of the room is provided that may include: noise experts, air quality experts, historians, specialists in right-of-way, and engineers from traffic and safety. For major projects or those that include interaction with other transportation entities, tables are provided for representatives of the regional planning agency, regional transit authority, or local governments (cities/counties).

Table 3.2 Georgia DOT Public Hearing Format (Continued).

Documentation	Following the deadline for receiving written comments, an official public hearing transcript is constructed from the court reporters' transcripts and written comments. The official transcript is sent to the location stated in the handout for public review, FHWA, and other appropriate DOT offices.
Response to comments	The Georgia DOT responds to every comment received from the public hearing. A general thank you or a response to specific questions is sent to each commenter.
Media accommodations	The format allows the media to interview DOT representatives and the public during the hearing. Some hearings benefit from live television coverage at the hearing in the 4 to 6 p.m. period, when there is still time for individuals watching to attend the hearing. Media wishing to record individuals giving testimony to court reporters are asked to get the individual's permission.
Advocacy group accommodation	Tables are made available outside the public hearing room for advocacy groups wishing to hand out information or get petitions signed.

Georgia DOT Experience with Open Forum Public Hearing. The major impact of the change in public hearing formats has been the number of comments received. The department now receives more than five times the number of comments that were recorded using the traditional format. According to the state DOT, an average of 62 percent of individuals attending the public hearings make comments, compared to the 12 percent that were recording comments using the traditional format.

In addition to the increased number of comments, the Georgia DOT lists the following benefits from making the format change:

- The public may discuss the project with the designer, right-of-way representative, environmental planner, DOT managers, or FHWA representatives.
- The format provides an open exchange of information, with the DOT receiving first-hand knowledge or information they may not yet have obtained. For example, designers may learn of alternatives or design changes that may make for a better project with less impact; an environmental planner may learn of potential historical or archaeological sites, endangered species, or underground storage tanks; or a right-of-way representative may learn of differences in property lines or changes in ownership.
- The format greatly reduces the emotional factor. Comments are made by those who might be hesitant to speak in a formal hearing because of intimidation by other speakers

or nervousness. It is also an enabling environment for individuals who may be physically challenged.

- Individuals can attend the hearing at their convenience during the hearing.
- Since the atmosphere is informal and cordial, the more comfortable environment encourages more participation.
- All citizens in attendance receive the same presentation through the printed handout. This allows an individual to review the handout materials, rather than hear a technical presentation that may be difficult to see or hear by the entire audience and could be a challenge to retain.
- The format allows elected officials to attend the hearing and discuss the project with their constituents.
- The media can cover the hearing at a time convenient to them for meeting their deadlines.

State of Illinois

The Illinois Department of Transportation began using what is known as the "Open House Public Hearing" in the 1980s. The Bureau of Design and Environment Manual included the option for open house public hearings in 1988, according to conversations with Mr. Roger Driskell of the Bureau of Design and Environment, Illinois DOT. Mr. Driskell estimates that approximately 90 percent of all hearings are conducted using the open house public hearing format. In rural districts the estimate of the use of open house hearings is close to 100 percent.

FHWA has commended the department for adapting the open forum approach to large-scale hearings more successfully than any other state. In surveys conducted by the DOT Special Studies Unit, more than 85 percent of citizens preferred the open house format over the traditional format. The format is judged to be particularly effective in controversial projects, with the traditional format seen as encouraging grandstanding and confrontation.

Description of Illinois Open House Public Hearing Format. The Illinois DOT provides a description of sanctioned public hearing formats in the *Bureau of Design and Environment Manual, Chapter Nineteen, Public Involvement Guidelines (13).* While most of the public hearings are conducted in the open house format, traditional format public hearings are also permitted and included in the manual.

The guidelines state, "The open house hearing format is less intimidating to participants and offers a more workable option for conducting hearings for very large audiences. FHWA has recognized the benefits of this format and encourages its use as an effective public involvement method that meets the hearing requirements of the U.S. Code" *(13).*

Descriptions of the activities that are part of the Illinois DOT open house public hearing format are presented in Table 3.3.

Table 3.3. Illinois DOT Public Hearing Format.

Activity	Comments
Greeting citizens	Staff members greet the public, advise them of hearing procedures, distribute handouts, obtain names and addresses, and note the opportunity to submit oral and written statements.
Presentation of information	Visitors are directed to a presentation of general information on the project to orient them to the project purpose, alternatives under consideration, and major project features. This is accomplished normally with a slide or videotape presentation that is repeated without variance. The preparation of the presentation may require outside media services. A printed brochure or handout is also made available. It includes a summary of the basic information included in the slide or tape presentation.
Displays	Following the orientation, district staff directs visitors to an area with graphic displays and staff experts for small group or individual discussions on specific questions or concerns. A variety of disciplines is represented to answer questions. Citizens may remain as long as they wish in this area. Staff members remind visitors of the opportunity to submit comments. Staff members should be clearly identified and initiate discussions with attendees. The district may wish to identify and staff a fixed location for providing special expertise on matters such as land acquisition. Because displays will generally be viewed from relatively short distances, they do not necessarily need to be large. The displays will generally include aerial photography with superimposed design and location features, but preliminary plan and profile sheets may also be suitable. Where visual impacts are a major concern, the district may provide exhibits produced through video imaging, computer imaging, or photomontage, which depict how alternatives will look in the project setting.
Citizen comments	An opportunity is presented to citizens to give oral comments using recording devices. Court reporters have been used in some cases but are not the norm. Most comments are received using the written comment cards that are either left at the hearing or mailed following the hearing.

Table 3.3. Illinois DOT Public Hearing Format (Continued).

Room arrangement	A controlled entrance is required so that greeters can effectively guide attendees. A separate room is desirable for the orientation presentation so the sound does not interfere with individual discussions. If a separate room is not available, screening is helpful. The orientation room should preferably be near the entrance and before the discussion area to encourage a natural flow in the proper sequence. If room is available, recorders for oral statements should be located in a separate room or screened area to reduce interference from other activities.
Hearing notice	The notice for the hearing should specifically state that the open house format will be used and all information and presentations will be available throughout the time period specified.

A depiction of the typical setup for an open house public hearing is shown in Figure 3.1, taken from the Illinois DOT public involvement guidelines *(13)*.

Illinois DOT staff notes that prior to the open house public hearings there are usually one-on-one meetings with the local elected officials in the community where they preview the information that will be presented at the public hearing.

The major difference between the Georgia and Illinois open public hearing format appears to be the use of a slide show or video tape in Illinois to describe the project, versus major reliance on the printed handout, displays, and individuals in Georgia. In addition, the Illinois DOT allows both formats to be used, while the Georgia DOT relies exclusively on the open format.

National Reviews of Public Hearing Processes

The Virginia Transportation Research Council recently conducted a study of the use of public hearing formats by state DOTs *(14)*. The study also included surveys of Virginia citizens on public hearing formats. A written survey of public involvement professionals in the 50 states was also a part of the project. Each element of the Virginia effort points to the distinct advantages of using an open forum or open house public hearing format rather than the traditional format.

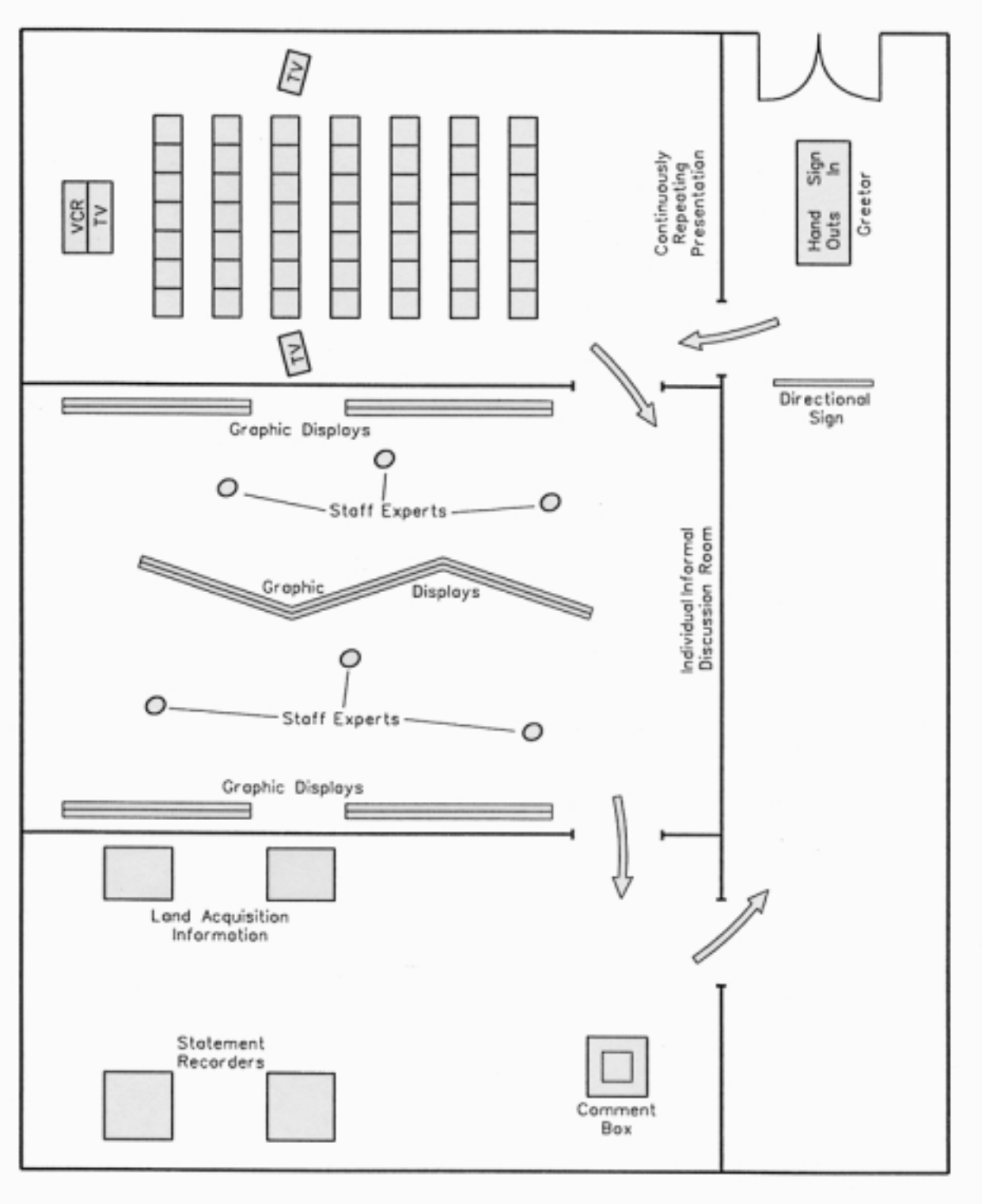


Figure 3.1. Illinois DOT Open House Format Hearing Room Layout.

In the survey of the state DOTs, the Virginia study found that states overwhelmingly use the open forum public hearing. Researchers sent the survey to 193 individuals who fell into one of the following categories:

- state DOT location and design directors from the current American Association of State Highway and Transportation Officials (AASHTO) directory,
- state DOT public affairs directors from a list provided by the Virginia Department of Transportation (VDOT) Public Affairs office,
- VDOT public hearing consultants from a list provided by the VDOT Location and Design Division, and
- members and friends of the Transportation Research Board's Committee on Public Involvement in Transportation.

Of those responding to the survey, the open forum format is being used always or often by 71 percent, with the traditional format seldom or never used by 52 percent. Only two percent of the respondents said that they always use the traditional format. Eighty-four percent of the respondents gave the open forum format a high rating for obtaining a full range of opinions. Eighty-nine percent of the respondents gave it high ratings for obtaining more public comments. The survey respondents gave the highest ratings for open forum hearings in the following areas:

- facilitating two-way communication,
- explaining technical project information,
- obtaining many public comments,
- obtaining a full range of public opinion,
- attracting high turnout of individual citizens,
- making exhibits accessible, and
- providing what individuals want in a hearing format.

The only dimension on which the combined and traditional formats were rated more highly than the open forum was in "providing what interest groups want in a public hearing format."

The Virginia researchers also reported on two surveys of Virginia citizens on the subject. One survey was conducted in 1995 and 1996, using face-to-face "exit" surveys of individuals leaving Virginia DOT meetings. Of the 690 citizens interviewed, 86 percent said they preferred the open forum format, and 13 percent expressed a preference for the traditional format *(14)*. Researchers report that before the open forum hearings were instituted comments were received from approximately 15 percent of those attending public hearings. Following adoption of the open forum format the average of those individuals attending rose to 35 percent.

A written survey of 235 individuals attending one of three public hearings in 1999 was also conducted. In that survey, between 76 percent and 61 percent of those surveyed indicated they liked or liked very much the format of the hearing they attended (using the open forum format). Overall, the citizen surveys indicated that citizens:

- prefer one-on-one interaction, rather than formal presentations;
- prefer an opportunity to provide comments in the type of flexible schedule offered by the open forum format, rather than in a specified time after a formal presentation; and
- prefer to comment privately, rather than in a public setting.

Like Illinois, the Virginia DOT allows a variety of public hearing formats. The traditional public hearing format is generally only used if it is requested. However, some combination hearing formats are used, with most of the elements of the open house format employed, but perhaps with a more formal presentation or a public comment period.

Conclusions

The existing literature on the subject of public hearing formats and other information gathered by the researchers indicates that employment of an open forum or open house format is widely used by state DOTs. Additionally, the open public hearing format is markedly more efficient and effective than use of the traditional format.

Advantages to the Citizen

The open format provides the following advantages to citizens:

- the opportunity to better determine how the project will affect them;
- greater accessibility to and understanding of plans and exhibits;
- flexibility to come and go during a period of time that accommodates both those who work and those who do not work;
- the opportunity to comment in private, not worrying about speaking in front of a crowd, disagreeing with individuals with overpowering or intimidating personalities or a strong personal interest in the outcome; and
- the opportunity to review information at their leisure following the hearing (if written materials are provided).

Advantages to the DOT

The DOT benefits from open format hearings in these ways:

- the opportunity for two-way communications with citizens that can enhance the project,
- reduction or elimination of the emotional atmosphere created by the traditional format hearing,
- better staff morale during and following the sessions than that resulting from a traditional format hearing,
- the opportunity to receive a full-range of citizen opinions,
- better media relations and coverage for the hearing than experienced in a traditional hearing format,
- greatly increased number of comments received from citizens (up to five times the number of citizens recording comments), and
- generation of much more positive goodwill in the community than with the traditional public hearing format.

Recommendations for Enhancements to TxDOT Public Hearing Process

Based upon the literature review, the research conducted, and the review of this information with the project's Project Monitoring Committee, it is strongly recommended that the Texas Department of Transportation begin utilizing some form of an open forum/open house format for conducting public hearings.

Using the open forum/open house format for public hearings will require a minor amendment to the Texas Administrative Code and changes in TxDOT policy manuals. It is recommended that a Research Implementation Project be initiated to formalize the addition of the format. The implementation project can facilitate agreement and approval of details for conducting open forum public hearings, when they may be used, and the necessary changes in the Texas Administrative Code and TxDOT manuals.

Because there are responsibilities for public hearings at the TxDOT District and Division levels, the direct involvement of parties representative of those entities is seen as a requirement for development of the details to implement a new hearing format. It is recommended that a task force be formed consisting of the division directors, or their designees, of the Environmental Affairs Division, Design Division, and Transportation Planning and Programming Division; the director of the Public Information Office; and at least two district engineers. Because of her long-standing experience in arranging for public involvement and her service as the Program Coordinator responsible for this research project, it is recommended that Tyler District Engineer Mary Owen participate.

The task of the working group would be to consider and approve a draft of specific language to amend the Texas Administrative Code (TAC) and be inserted in TxDOT manuals. The Executive Director, Deputy Executive Director, and General Counsel would then review the resulting draft for further consideration prior to initiating a change in the code and the department's policy manuals.

Researchers recommend that an open forum public hearing be an optional format available to be employed at the discretion of the district engineers. While some states have made the change from traditional format to open forum format exclusively, the opportunity afforded by the option of either format appears sufficient. It may be quite helpful to monitor results of the use of the new optional format, especially with respect to the volume of comments received, as other states have done. Once concrete results are measured and documented, the use of an open forum format may become the norm based on the experiences of other states.

Specific references to public hearings found in the TAC are included in Appendix A. The TAC is available online at: http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=3&ti=43&pt=1.

COORDINATION OF PUBLIC INVOLVEMENT

Responsibilities of Districts and Divisions

As mentioned above, there are a number of parties within TxDOT who have responsibilities for or contribute to the public involvement process. Specifically, planning and execution of public involvement in a district for a project may include individuals from advanced planning, public information, design, and environmental, in addition to the district or area engineer. This research project has found that the roles played from district to district vary to a great extent. The Environmental Affairs Division also plays a role in the public involvement process. ENV is responsible for making sure that federal and state requirements for public involvement are met. The division is the responsible party in the development of a new public involvement training module and the primary public involvement policies are maintained in the TxDOT Environmental Manual *(2,4)*.

Given the state and federal requirements for public involvement and the desire of the department to effectively and efficiently plan and implement projects, planning the public involvement process for a specific project becomes as important as making sure that the project designs are sound. Having a plan for the entire public involvement process and monitoring its execution will clarify individual responsibilities and lead to a more coordinated process. The new public involvement training course includes an exercise in the development of a plan.

Recommendations for Enhancements in Coordination of Public Involvement

As a suggested refinement to department procedures and practice, researchers recommend that an attempt be made to coordinate project public involvement activities in the districts by including advanced planning, public information, and environmental representatives in project teams. There is a benefit to be gained from individuals in each of those disciplines having a clear understanding of the project and in participating in developing the appropriate effort to involve the public. Each discipline brings different experiences and skills to the table and can contribute to developing the plan. By working together as a team, the assignment of tasks can be made to those individuals with the best skills and talents to accomplish them.

Additionally, the same sort of team approach can be used in developing the overarching environment for accomplishing public involvement goals. A multi-disciplinary team, appointed by the district engineer, could be a public involvement process resource for the remainder of the district by promoting an understanding of the process and a positive attitude on the subject. Much like some safety committees promote safe practices, a public involvement team can further the capabilities of the district in conducting successful public involvement.

In addition, public involvement activities could be incorporated into the database used for tracking environmental actions on a project, thus making the information available to all of the individuals who may be working on a specific project.

One of the ways that such a group, or the district engineer, can promote a positive culture for public involvement is to foster an understanding of the importance of public participation. A statement that was included in an EPA model plan for public participation and captures the reasons for conducting public involvement is shown in Table 3.4 *(15)*.

Table 3.4. Core Values for the Practice of Public Participation.

1. People should have a say in decisions about actions that affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process communicates to participants how their input was, or was not, utilized.
7. The public participation process provides participants with the information they need to participate in a meaningful way.

Similarly, the Minnesota DOT has developed some guidelines that are general tenets for conducting public involvement *(1)*. These are shown in Table 3.5.

Table 3.5. Minnesota DOT Public Involvement Guidelines.

1. For all Mn/DOT plans and projects, public involvement plans should be developed and tailored to the complexities of the project.
2. Solicit public involvement as early as possible.
3. When possible and appropriate, Mn/DOT employees will plan for smaller, more informal group meetings and discussion.
4. Mailing lists, including known neighborhood associations, civic and cultural groups, environmental organizations, citizens advisory committees, and organizations and associations with low income, minority, elderly, and disabled constituents will be kept up-to-date as appropriate.
5. Mn/DOT employees will make an effort to go where the people are.
6. Communication must be two-way, continuing, and consistent.
7. Mn/DOT is committed to being clear about the process of public involvement and how it ties into decision making.
8. Innovative tools and media will be used to communicate to the public.
9. Varying types of incentives may be necessary given the type of project, or plan, and the people who are invited to the meeting.

The guidelines respond to the department's public involvement vision statement:

> To proactively seek early and continuing public input and involvement so that Mn/DOT is responsive and accountable to its traditional and non-traditional stakeholders, communicates effectively with the public, and makes the best possible transportation decisions promoting safety and enhancing the quality of life of Minnesota's citizens *(1)*.

A district multi-disciplinary team can also call attention to benefits of successful public involvement efforts – such as information discovered through public involvement that enhances a project. The team can also develop awareness that all TxDOT employees can promote positive interaction with the public. Every employee can be a positive participant in supporting the goals of the public involvement process.

Any district engineer that so chooses can implement recommendations for encouraging a project team approach. However, if the district and division leaders are commissioned to suggest changes to add the open forum public hearing format, the group could also consider promoting adoption of a TxDOT public involvement mission statement or adoption of core values for the practice of public participation. Such a statement is a natural extension of the department's general mission and vision statements that are included in Table 3.6.

Table 3.6. TxDOT Guiding Statements.

TxDOT Mission	To provide safe, effective, and efficient movement of people and goods.
TxDOT Vision	To be a progressive state transportation agency recognized and respected by the citizens of Texas: • Providing comfortable, safe, durable, cost-effective, environmentally sensitive and aesthetically appealing transportation systems that work together; • Ensuring a desirable workplace which creates a diverse team of all kinds of people and professions; • Using efficient and cost-effective work methods that encourage innovation and creativity; and • Promoting a higher quality of life through partnerships with the citizens of Texas and all branches of government by being receptive, responsible, and cooperative.

CHAPTER 4. PUBLIC INVOLVEMENT RESOURCES AVAILABLE

Since the passage of ISTEA, with the emphasis on increased public involvement, there have been some excellent tools developed to assist local and state governments in planning and executing public interaction for transportation projects. This chapter will review the best examples found and will give suggestions on when to employ tools and strategies in particular applications.

DESCRIPTION OF MAJOR PUBLIC INVOLVEMENT TRAINING AND SUPPORT MATERIALS

Public Involvement Techniques for Transportation Decision-making

The publication, *Public Involvement Techniques for Transportation Decision-making*, is a major resource for anyone responsible for public involvement *(16)*. It is widely recognized as the most definitive document on transportation public involvement techniques. The book is available online for downloading at http://www.fhwa.dot.gov/reports/pittd/cover.htm. It is a collection of public involvement techniques that provide the building blocks that state and local transportation agencies can use to craft effective public involvement programs. The 233-page report was produced for FHWA and FTA in September 1996. It is a reference work that includes a wide variety of public involvement techniques, including the 14 techniques that were originally published by FHWA-FTA in the report *Innovations in Public Involvement for Transportation Planning* in 1994 *(17)*.

This document is written in a style that allows the reader to use it as a reference book. While the style is succinct, it is very thorough. For each technique presented, the following questions are answered *(16)*:

- What is it?
- Why is it useful?
- Does it have special uses?
- Who participates? And how?
- How do agencies use it?
- Who leads?
- What are the costs?
- How is it organized?
- How is it used with other techniques?
- What are the drawbacks?

- Is it flexible?
- When is it used most effectively?

In addition, contact numbers are provided of agencies that have used the tool.

The tools are categorized in four chapters:

- Chapter 1: Informing People through Outreach and Organization
- Chapter 2: Involving People Face-to-Face through Meetings
- Chapter 3: Getting Feedback from Participants
- Chapter 4: Using Special Techniques to Enhance Participation

The strategies or tools that are included in the document include:

- civic advisory committees;
- citizens on decision and policy bodies;
- collaborative task forces;
- inclusion of ethnic, minority, and low-income groups;
- inclusion of Americans with disabilities;
- mailing lists;
- public information materials;
- key person interviews;
- briefings;
- video techniques;
- telephone techniques;
- media strategies;
- speakers' bureaus and public involvement volunteers;
- public meetings/hearings;
- open forum hearings/open houses;
- conferences, workshops, and retreats;
- brainstorming;

- charrettes;
- visioning;
- small group techniques;
- online services;
- hotlines;
- drop-in centers;
- focus groups;
- public opinion surveys;
- facilitation;
- negotiation and mediation;
- transportation fairs;
- games and contests;
- role playing;
- site visits;
- non-traditional meeting places and events;
- interactive television;
- interactive video displays and kiosks;
- computer presentations and simulations; and
- teleconferencing.

While the new TxDOT public involvement training module incorporates references to the document, each professional active in public involvement programs may wish to have his or her own complete copy for ready reference.

Use of the Internet (called “on-line services” in the FHWA/FTA reference report) has evolved somewhat since the reference document was prepared. Chapter 6 of this research report provides information on using the Internet and other evolving tools.

Other Major Documents

National Transit Institute (NTI) Public Involvement Course

There does not appear to be any other document that is as comprehensive and useful as the one mentioned above. However, there are some other useful documents that could complement the FHWA/FTA reference book in a public involvement library. One such document is the training manual for the course offered by NTI on behalf of FHWA and FTA. The course is titled, "Public Involvement in Transportation Decision-making *(8)*. It is a two and one-half day training program that provides planning and project development professionals with the tools and techniques to involve the public in the transportation decision-making process. NTI indicates that the course should be available again in spring 2001. The course book is currently out-of-print, but should be available on the NTI website in the future. The NTI website is: http://www.ntionline.com.

The NTI course covers:

- developing effective public involvement plans;
- using appropriate tools and techniques;
- tailoring a public involvement plan;
- including minority, low-income, and multicultural communities;
- dealing with apathy;
- resolving conflicts;
- using limited resources efficiently; and
- evaluating the effectiveness of a public involvement plan.

Among the course's objectives are the following:

- demonstrate, using examples from real experience, how better transportation outcomes can be achieved through open, inclusive, continuous, and participatory decision making;
- dispel the fear of public involvement by building knowledge, confidence, and skills;
- promote the integration of public involvement into the planning, programming, and project development process; and
- enable agency staff to plan and conduct more comprehensive, effective, and efficient public involvement programs.

The course is free to employees of federal, state, and local government and public and private non-profit transit operators.

Environmental Protection Agency Environmental Justice Plan for Public Participation

The Public Participation and Accountability subcommittee of the National Environmental Justice Advisory Councils has developed, "The Model Plan for Public Participation" *(15)*. It is available on the Internet at the website: http://es.epa.gov/oeca/oej/nejac/pdf/modelbk.pdf. This 15-page document published in November 1996 is a good complement to the major reference document described above. It includes a 35-point checklist that speaks specifically to environmental justice issues.

Improving the Effectiveness of Public Meetings and Hearings

The National Highway Institute offers a course on public meetings and public hearings *(18)*. The course is titled "Improving the Effectiveness of Public Meetings and Hearings." It concentrates on those two activities and the actions necessary to execute them: meeting preparation, conduct, and follow-up; public hearing preparation, conduct, and follow-up; notification techniques; handouts; and graphics, audio-visual aids, and electronic communications. Examples of forms and notices are given along with samples of applications from transportation agencies. The participant workbook (revised) can be used to enhance the more complete FHWA/FTA public involvement technique document described at the beginning of this section.

SUGGESTIONS FOR CHOOSING TOOLS, METHODS, AND STRATEGIES FOR APPLICATIONS

In the 2000 TRB *Millennium paper* on public involvement drafted by the membership of the TRB Public Involvement Committee, the authors make the observation that while many "…resources are available to use in public involvement programs…the key challenge for the practitioner is to assess the needs and audience for each project and strategically choose the most appropriate tools" *(9)*. There are no real cookie-cutter answers to what should be done for each category of projects. As part of that initial assessment, the following questions should be asked:

- What are the objectives of the plan or project?
- Who is the likely audience?
- What will be the level of impact on the community?
- Are there any special barriers to communications?
- What do public officials and community leaders think?

The public involvement plan should then use the tools and techniques most appropriate to the audience and the allocation of resources needed to support those tools and techniques. The level of controversy will also greatly affect the techniques used. Choosing public involvement techniques in Texas is perhaps even a greater challenge because of the great diversity of geographic location and unique character of the 25 TxDOT districts. For example, the media plan for one district may be drastically different than the media plan in another. One district engineer may personally write a story about a project that becomes the lead story on the front page of the local newspaper, while in another district a staff of public information officers devotes major efforts to communicating with assigned transportation beat reporters.

As TxDOT district staff considers techniques to be used in developing a public involvement plan, some suggestions are provided in Table 4.1. These suggestions were developed from discussions with TxDOT staff and a review of other state DOT documents – primarily *Hear Every Voice: A Guide to Public Involvement at Mn/DOT* and the Illinois DOT's *Bureau of Design and Environment Manual, Chapter Nineteen: Public Involvement Guidelines, (1,13).* Terms used, whenever possible, are those included in the major FHWA/FTA reference book described above.

Table 4.1. Suggestions for Choosing Tools, Methods, and Strategies.

Type of Application	Tool/Method/Strategy
Planning	• mailing lists • media strategies • speakers bureau and public involvement volunteers • conferences, workshops, and retreats • brainstorming • charrettes • visioning • focus groups • public opinion surveys • facilitation • transportation fairs • games and contests • site visits • computer presentations and simulations • Internet presence • teleconferencing

Table 4.1. Suggestions for Choosing Tools, Methods, and Strategies (Continued).

Scoping	<u>Give major consideration to:</u> • mailing lists • public information materials • key person interviews • video techniques • media strategies • speakers bureau and public involvement volunteers • public meetings and public hearings • open forums and open houses • brainstorming • facilitation • games and contests • site visits • computer presentations and simulations • teleconferencing <u>Give minor consideration to:</u> • role playing
Pre-Design and Environmental Study	<u>Give major consideration to:</u> • public information materials • briefings • media strategies • open forum hearings/open houses • teleconferencing <u>Give minor consideration to:</u> • civic advisory committee • citizens on decision and policy bodies • collaborative task forces

Table 4.1. Suggestions for Choosing Tools, Methods, and Strategies (Continued).

Pre-Design and Environmental Study (Continued)	• media lists • video techniques • speakers bureau and public involvement volunteers • public meetings/public hearings • conferences, workshops, and retreats • charrettes • visioning • small group techniques • Internet presence • hotlines • drop-in centers • public opinion surveys • facilitation • negotiation and mediation • transportation fairs • role playing • site visits • interactive television • interactive video displays and kiosks • computer presentations and simulations
Detailed Design and ROW Acquisition	<u>Give major consideration to:</u> • civic advisory committee • public information materials • briefings • media strategies • charrettes • negotiation and mediation • site visits • computer presentations and simulations

Table 4.1. Suggestions for Choosing Tools, Methods, and Strategies (Continued).

Detailed Design and ROW Acquisition (Continued)	Give minor consideration to: • teleconferencing
Construction or Operations	• mailing lists • public information materials • briefings • media strategies • public meetings • open houses

There are other examples of state DOTs developing public involvement programs for specific types of projects statewide. One such example is the Florida Department of Transportation's *Public Involvement Handbook for Median Projects (19)*. The handbook includes detailed discussions on specialized use of techniques to support median projects. Among the techniques to consider for median projects are the following:

- opinion surveys or polls,
- monitoring of actual impacts,
- visual preference surveys,
- focus groups,
- task forces,
- public meetings,
- individualized meetings,
- charrettes,
- open house meetings, and
- public hearings.

The National Cooperative Highway Research Program produced a guidebook specifically on the conduct of corridor study decision making – *NCHRP Report 435 -- Guidebook for Transportation Corridor Studies: A Process for Effective Decision-Making (20)*. A chapter in that document is devoted to community involvement and outreach.

Related TxDOT Publications

There are two documents produced by TxDOT's Public Information Office that are helpful to district personnel responsible for public involvement.

Telling the TxDOT Story

The Department produced a four-page public information plan in August 1994 *(21)*. The document is available through the TxDOT Public Information Office. It presents a philosophy of proactive activities to engage in promoting a further understanding of TxDOT and its mission.

TxDOT Public Information Handbook

The TxDOT Public Information Office also produced the *TxDOT Public Information Handbook* in May 1996 *(22)*. This 78-page document describes the internal TxDOT organizational communication program, the media relations program, and the community relations program. The 11 appendices included in the document cover the following topics:

- Public Information Coordinator (PIC), the department's daily electronic summary of news;
- newspaper clipping files;
- "Transportation News" (T-News) guidelines;
- awards program;
- media contact guidelines;
- news releases, media advisories, and point paper;
- hometown news releases;
- crisis communication plan;
- customer complaint program;
- speakers' bureau; and
- public information office activity report.

LISTING OF SUPPORT ORGANIZATIONS

There is value to be gained from the exchange of ideas and information among individuals at transportation agencies who have responsibilities for public involvement. Knowing how a peer dealt with a particular situation can assist in developing a program. Information is provided

below on several organizations that provide general support and offer opportunities to individuals to participate in discussions of the subject.

Transportation Research Board Public Involvement Committee

The TRB committee on Public Involvement in Transportation is associated with the Technical Activities Division of TRB. The committee is composed of 18 members who are transportation professionals or have an interest or responsibility associated with public involvement. The group's mission is to enhance the understanding, acceptance, and practice of public involvement as an art and science in transportation planning and project development activities by fostering research, identifying best practices, promoting use of new technologies, promulgating standards, and upgrading public involvement skills of transportation professionals.

The committee maintains an Internet presence at http://www.ch2m.com/trb_p. The website is a major national source of ongoing information about the subject. It includes the following features:

- structure and mission (committee organization, purpose, and membership directory),
- research (research statements),
- papers (topical papers on public involvement written by transportation professionals),
- resources (a listing of helpful publications and articles on public involvement),
- conferences/professional development opportunities (a listing of conferences, training, and seminars related to the subject of public involvement), and
- links (Internet links to other related sites).

One should keep in mind that volunteers maintain the website and thus, directory information is not always fully up-to-the-minute in reflecting current information. However, the resources provided are quite valuable. There are Internet links provided to numerous documents listed that permit individuals to download them or read them online. Contact information is also provided that enables acquisition of the resources.

American Association of State Highway and Transportation Officials Subcommittee

The American Association of State Highway and Transportation Officials' (AASHTO) Administrative Subcommittee on Public Affairs is a group that promotes national standards of excellence through the exchange of ideas and educational programming in an effort to enhance public communications skills. The subcommittee also "works to create, provide, and utilize a cohesive, national communications network for use by AASHTO as well as the member

departments *(23)*." Information about the subcommittee's activities may be found via the AASHTO Internet page at http://www.dot.state.ia.us/ntpaw. Each of the member departments is entitled to membership on the subcommittee, as designated by each department's chief executive officer. That subcommittee member may also appoint as non-voting associate members of the subcommittee any person(s) involved in public information, communications, public affairs, public involvement or similar activities. Associate members receive information from the subcommittee and participate in professional development activities.

The major activity of the subcommittee is its annual National Transportation Public Affairs Workshop. The subcommittee and the Better Roads and Transportation Council (BRTC) sponsor the meeting annually. The workshop hosted in September 2000 included sessions on effective presentations, websites and real time information, graphics, and effective communications. There is also an annual public affairs competition sponsored by the subcommittee and the BRTC, with awards made during the annual workshop. One award is for overall excellence in a public affairs campaign; the other is for excellence in specific public affairs disciplines (radio, television, public speaking, print, internal publications, external publications, and video).

The subcommittee produced a quarterly newsletter that is also available through the AASHTO website. The newsletter is titled "prnews." It is produced with the assistance of the Iowa Department of Transportation's Office of Media and Marketing Services and Office of Document Services.

International Association for Public Participation (IAP2)

The International Association for Public Participation (IAP2) was established in 1990 as a nonprofit corporation to advance the practice of public participation *(24)*. The mission of the IAP2 is as follows:

- serve the learning needs of members through events, publications, and communication technology;
- advocate for public participation throughout the world;
- promote a results-oriented research agenda and use research to support educational and advocacy goals; and
- provide technical assistance to improve public participation.

The IAP2 hosts an annual meeting, alternating between U.S. and Canadian cities. Additional information about the organization can be found at http://www.iap2.com/.

CHAPTER 5. REVIEW OF TXDOT PUBLIC INVOLVEMENT TRAINING AND MANUALS

This research project included a review of the TxDOT public involvement training program and mention of the subject of public involvement in TxDOT policy manuals. Unfortunately, throughout the project period, both the training program and the manual with the major reference to the subject of public involvement were in development. As of the end of the project, neither had been finalized. However, drafts of the documents were reviewed, and the researcher was able to participate in a pilot of the public involvement training module.

DESCRIPTION OF NEW PUBLIC INVOLVEMENT TRAINING PROGRAM

The TxDOT Environmental Division is in the process of developing a series of training modules to assist planning environmental staff in understanding "where, when, and how to coordinate more effectively during the transportation project development process." The training program is known as "TxDOT – Advanced Environmental Training: The Environment in Project Development." The Shipley Group, a consulting firm headquartered in Salt Lake City, Utah, is developing it. There are 10 modules in the training series:

- Module 1: The Environmental Process,
- Module 2: Public Involvement,
- Module 3: Biological Resources,
- Module 4: Water Resources,
- Module 5: Cultural Resources,
- Module 6: Hazardous Materials,
- Module 7: Air Quality,
- Module 8: Traffic Noise Analysis,
- Module 9: Community Impacts, and
- Module 10: Environmental Document Preparation.

The 10 modules emphasize consideration of environmental needs and developing projects that meet these needs throughout the entire transportation project development process. It is planned that each of the modules will emphasize early public involvement and extensive coordination with stakeholders – federal, state, county, city, and affected and interested citizens. The modules are designed to be used independently, not in any specific sequential order. The advanced environmental training is to be considered as an environmentally focused, complementary

support tool to the *Project Development Process Manual*, the *Project Development Manual*, and the other TxDOT training materials.

The public involvement training is aimed at all of the TxDOT employees who may play a role in project development. The range of individuals who may benefit from the training course is reflected in the attendance list for the initial pilot test class that follows:

- engineering specialist,
- planning engineer,
- intern,
- environmental specialist,
- project manager,
- public information officer,
- public transportation coordinator,
- human resources specialist,
- engineering assistant,
- director of transportation planning and development,
- advanced project development engineer,
- transportation engineer II,
- realty officer,
- environmental coordinator, and
- area engineer.

The stated objectives of the public involvement training module are as follows:

- to prepare TxDOT staff and consultants to understand the benefits of active, outreaching public involvement;
- to provide personnel with a hands-on, working level knowledge of laws, regulations, policies, and procedure related to public involvement;
- to help staff prepare for effective public involvement (planning, setup, presentations, etc.);
- to give staff practical experience conducting effective public meetings and public hearings, and
- to help staff prepare documentation about public involvement.

The module was developed to require a two-day session with an emphasis on class participation and exercises. A high-energy consultant taught the pilot. It is anticipated that TxDOT personnel will instruct future classes. Lessons included in the training module are as follows:

- Introduction to Module 2: Public Involvement,
- Lesson 1: Introduction and Module Overview,
- Lesson 2: Understanding Public Involvement Needs,
- Lesson 3: Identifying Public Involvement Needs,
- Lesson 4: Determining Public Involvement Interactions,
- Lesson 5: Preparing to Conduct Public Involvement Interactions,
- Lesson 6: Conducting Public Involvement Interactions,
- Lesson 7: Documenting the Public Involvement Process,
- Lesson 8: Ending the Workshop,
- Appendix A: Process Flowcharts,
- Appendix B: Sample Project,
- Appendix C: Checklists,
- Appendix D: Presentation Designer,
- Appendix E: Public Hearing Packet A, and
- Appendix F: Public Hearing Packet B.

In addition to the participant manual, there is also a reference guide. The guide includes copies of the state and federal regulations that affect the department's public involvement activities and information from the Transportation Research Board Committee on Public Involvement in Transportation's website.

The training experience emphasized both an understanding of the rationale for effective public involvement as well as applications in real world cases when public involvement programs should be developed. There was a minimum of instruction and a maximum amount of participant activity centered in small groups.

DESCRIPTION OF TXDOT PUBLIC INVOLVEMENT REFERENCE MATERIALS

TxDOT has a major policy manual effort underway -- updating existing manuals or creating new policy manuals. All of the manuals are being formatted in a similar fashion and will be available

on the TxDOT Intranet. Eventually most of the manuals will also be available on the Internet for use by consultants, researchers, and others.

The major reference to public involvement policies at the department is included in "Chapter 4 – Public Involvement," in the *Environment in Project Development* manual. As this research report was being written, that manual was still in draft form. However, the Department provided researchers drafts dated February 28, 2000, and June 22, 2000.

Public involvement is interwoven in several of the other manuals. TxDOT released the *Project Development Process Manual* in August 1999. It is available on the TxDOT Intranet and through the Internet *(3)*. The manual is available on the Internet through the following address: http://manuals.dot.state.tx.us:80/dynaweb/coldesig/pdp/@ebt-link;pt=6798?target=%25N%15_12561_START_RESTART_N%25. This manual serves as an outline of the process, with the intention that additional detail will be provided by the specific subject matter manuals that will be coming soon.

As noted in the transmittal of the project development process document, the manual is intended to facilitate uniform communication of information so that districts can avoid overlooking tasks necessary for timely project development. It provides the tasks that need to be performed, who is responsible for them, and when they should be performed. It should result in improved coordination to avoid situations that may result in delaying projects scheduled for letting.

The manual contains activities and tasks grouped into six chapters:

- planning and programming,
- preliminary design,
- environmental,
- right-of-way and utilities,
- project specifications and engineering (PS&E) development, and
- letting.

The draft of the public involvement chapter in the *Environment in Project Development – Draft* manual concentrates on the actions necessary to meet the minimum requirements of state and federal laws and regulations *(2)*. It includes six sections, as follows:

- overview,
- types of public involvement procedures,

- specialized public involvement – cultural resources,
- public involvement following project approvals,
- notices and media releases, and
- example forms.

RECOMMENDATIONS FOR ENHANCEMENTS TO PROGRAMS & MATERIALS

Public Involvement Training Module

The new TxDOT public involvement training program is a major step in providing the various individuals involved in public involvement activities with the background and understanding necessary to conduct efficient public involvement. It is basic information, concentrating both on why public involvement activities must be accomplished (explaining rules, regulations, and laws) and the benefits to the project and TxDOT. The training session is presented at a level of understanding and "need to know" for individuals who are involved in the process but not necessarily those with responsibility for the process. The training provides a good foundation for individuals who will be responsible for designing, coordinating, and executing public involvement. It is the opinion of the researcher that additional details may be appropriate for individuals who carry the major responsibility for public involvement.

The training module is effective in making the point that informal, continuous involvement helps the department to build long-term partnerships with the public that will benefit TxDOT and the projects it implements. The module places an emphasis on doing more than the minimum, thereby building trust, improving relationships with constituents and stakeholders, and keeping the public informed about upcoming projects. It is also successful at laying the groundwork for building effective public involvement programs – providing guidance for developing public involvement plans, giving references to other well-respected guidance documents for executing successful public involvement programs, and offering examples of forms or notices. The participant workbook contains clearly written guidance and material. Examples are given to offer the reader choices for achieving results using a variety of techniques.

Based on the pilot presentation of the training module, the research offers the following minor opportunities for enhancement:

- add information on developing written materials for distribution at public meetings or public hearings;
- add emphasis on the need for a public involvement team to be developed in each of the districts – with members representative of the various disciplines involved (advanced

planning, design, public information, environmental) to be able to take advantage of the skills, background, and experience that each offer a project;

- add examples of exemplary notices and summaries of meetings;
- add information on what strategies or tools seem to work best in which situations;
- add emphasis on feedback to the public;
- include the reference to the Executive Order on Environmental Justice in the laws and other executive orders referenced;
- add a discussion on the use of advisory groups or focus groups;
- add a discussion on the use of a "project citizen champion";
- add discussion of a "hybrid" public meeting that includes elements of both an "open house" public meeting and a structured public meeting; and
- add the suggestion for using comment cards at initial public meetings so that the department can capture the names, mailing addresses, and email addresses of those attending the meetings for future contact.

It is possible that some of the enhancements above may have been made in the training module since the pilot was conducted.

Should the department adopt the recommendations made in Chapter 3, then the training document should reflect those policy changes. Changes would be necessary in the sections that provide details on how to conduct public hearings.

Because the level of detail and information should be enhanced for individuals with major responsibilities in public involvement, it is suggested that the department establish some ongoing method of sharing experiences. In addition, especially successful programs or projects could be highlighted and cataloged for future reference. This sort of "clearinghouse" of good ideas could be effective in maintaining motivation for developing worthwhile programs and allowing individuals to learn from "real life" application experiences of their peers. The department might want to consider establishing and maintaining such a clearinghouse under contract or interagency agreement. Such an arrangement would not place any additional duties on any TxDOT division; would allow an unbiased review of projects or programs; and would allow a continuing priority on the subject.

It would also be possible to "link" sections of this report to the training participant's workbook, such as Chapter 4 discussing public involvement resources and Chapter 6 presenting examples of new and evolving public involvement tools. The entire document could be linked in the references section.

TxDOT Policy Manuals Addressing Public Involvement

From a review of the completed TxDOT *Project Development Process Manual* and the drafts of the *Environment in Project Development* manual, the manuals present clearly the requirements for public involvement included in state and federal regulations, laws, and orders. The information is straightforward. Unlike the training materials, where a premium is placed on going beyond the requirements, the policy manual concentrates on meeting the basic requirements. This seems appropriate for the policy manual. However, with the manual to be available online, there could be an opportunity to provide links to suggestions for going beyond the minimum, including a link to the training module workbook.

For example, in the discussion of who bears the responsibility for public involvement, the manual notes that, "The district is responsible for initiating and conducting the applicable/appropriate public involvement procedure(s) for a project. While consultants may assist, a TxDOT employee should always host and direct the meeting or hearing." Districts are also required to name those individuals who are authorized to host or direct meetings or hearings. Yet, there is no discussion of which individuals in the district should be involved in the process, which could take on major responsibilities, which could have minor responsibilities, or which possess skills or knowledge that may prepare them to be most efficient in handling those responsibilities. Recognizing that districts have a unique mix of individuals and skill sets, there are some suggestions that could be made on what capabilities and skills will be best used in implementing public involvement, without being prescriptive.

As mentioned above, it could be helpful to link various points in the policy manual to the public involvement training module participant's workbook. This could be done at a variety of points. For example, the checklists for arrangements for public meetings and public hearings could be linked to the training module workbook from the descriptions of the requirements for public meetings and public hearings in the policy manual.

Should the department choose to adopt the recommendations provided in Chapter 3 of this report, each of the TxDOT manuals that include mention of public hearings would require amendment. It is estimated that the effort would require the addition of only a few paragraphs whenever public hearings are mentioned. The changes would be necessary in the *Project Development Process Manual* and the *Environment in Project Development Manual***.** A computerized word search for "public hearing" in each of the other manuals would yield any other sections requiring amendment.

CHAPTER 6. NEW AND EVOLVING PUBLIC INVOLVEMENT TOOLS

In the past several years there has been an explosion of use of the Internet and other technologies in taking information about transportation projects to the public and soliciting comments from the public. This chapter presents information on this subject and other advances because the use of the Internet has increased dramatically, and the costs of using visualization and other techniques have decreased dramatically since the FHWA/FTA publication, *Public Involvement Techniques for Transportation Decision-making*.

USE OF THE INTERNET

One of the major benefits of making information available through the Internet is that it is available 24 hours a day, 7 days a week. While there are certainly limitations, more and more people are beginning to use the Internet each day. According to a recent report issued by the U.S. Commerce Department, 46 percent of white households and 23 percent of black households had Internet access in August 2000 *(25)*. The same study also estimated that almost half of the black households logged online for the first time in the past year.

It should also be pointed out that the Internet is a tool to be used to supplement other public involvement efforts, but never to substitute for the two-way communications gained through personal one-on-one interactions, meetings, or hearings. In fact, it provides a place for the posting of information about the rest of the effort – newsletters, notices of meetings, meeting summaries, etc.

As mentioned in Chapter 2 of the research report, the TxDOT Austin District has been successfully using the Internet to support planning efforts. The district judges it to be an efficient way to provide information, gain public input, and save time. The district's use of the Internet as a tool is a collaboration with consulting firms. Other districts have chosen a variety of methods for making information available on the Internet – either developing webpages or information for posting themselves, or providing links to other sites (such as the local newspaper website).

Survey of Transportation Internet Sites

One of the research tasks in this project was identification of some representative transportation-related Internet websites and a survey (conducted primarily via electronic mail) of those sites. The survey results, not surprisingly, showed a high level of support for the benefit of websites as part of public involvement programs. Survey respondents also emphasized the need to keep information simple – allowing for fast loading of the information on computers. A premium was placed on simplified graphics and little use of 'frames' programs. Respondents also emphasized

the fact that an Internet presence is just one element of a total public involvement program and cannot replace other activities.

Respondents in the survey represented the following website subjects:

- public involvement for a major interchange project (TxDOT Corpus Christi District),
- a virtual 3D tour of a motorway (roadway) alternatives (Zwolle, The Netherlands),
- a state transportation improvement program (Alaska Department of Transportation),
- listings of public involvement opportunities throughout the state (Florida Department of Transportation),
- ongoing MPO public interaction (Metropolitan Transportation Council, San Francisco Bay Area),
- promotion of a comprehensive traffic calming program (City of Portland, Oregon),
- a major corridor study (Capital Beltway Study, Virginia DOT),
- an access management project (Covington, Washington),
- a major investment study project (TxDOT Austin District),
- an elevated freeway project (TxDOT Wichita Falls District), and
- a major bridge project (Woodrow Wilson Bridge Project, Washington, D.C. area).

Each of these sites employed a variety of techniques. The most productive transportation-related Internet sites both convey clear, concise information and also solicit public comments and suggestions.

Appendix B of this research report includes links to the websites listed above and additional transportation-related sites.

TxDOT and State of Texas Requirements for Use of the Internet

With the increased interest in using the Internet to support transportation activities, TxDOT has developed procedures for posting of material on the official TxDOT website: http://www.dot.state.tx.us/. The procedure involves completion of an Internet Information Proposal (IIP) which is initially reviewed by the Public Information Office to determine if the proposal duplicates information already posted or another proposal being considered. A copy of the procedures and forms is included as Appendix C of this research report. Also included in Appendix C are the State of Texas standards for all state websites. The information is also available at: http://www.dir.state.tx.us/Standards/S201-12.htm

SUGGESTED GUIDELINES FOR WEBSITE DEVELOPMENT

Ms. Heather Chock and Ms. Sandy Tucker of TTI's Information and Technology Exchange Center, provided the general guidelines for developing website information that are offered in Table 6.1. The guidelines are a result of their research and personal involvement in developing websites *(26, 27, 28, 29, 30, 31, 32)*.

Table 6.1. Website Development Guidelines.

Planning the Site	Begin by defining the goals (know what the website should accomplish): • identify the audience, • state the purpose, • identify the main objectives, • outline the information to be posted on the site, and • assess the benefits of creating the site. Plan for maintenance (design only what can be maintained). Be realistic about resources.
Developing the Site	Organize site information: • divide it into logical units, • establish a hierarchy of importance and generality, • use the hierarchy to structure relationships among units, and • analyze functionality and aesthetics. Make individual web pages within the site able to stand on their own by identifying: • who developed the page/site (give links to the webmaster), • what the user is accessing (provide a clear, concise title), • when the page was last updated, and • where (what site) the user has accessed (provide a link to the site's home page – consider placing a logo on each page and linking the logo to the home page).

Table 6.1. Website Development Guidelines (Continued).

Developing the Site (Continued)	Check for accessibility: • follow Texas standards for State of Texas websites (see Appendix C), and • ensure that the site has no Priority 1 accessibility errors as defined by the World Wide Web Consortium (see http://www.w3.org/tr/wai-webcontent/full-checklist.html). Ask the following questions about the usability of the site: • Is it efficient? Can tasks be performed with keyboard strokes? Does the site reflect a clear understanding of how users do their work? Are response times fast enough to keep users in a flow state? • Is it intuitive? Does it take advantage of users' mental models? Does it behave consistently throughout? Is it visually consistent? • Is it supportive? Does it allow mistakes to be easily undone? Does it provide advice? Tools? Reference materials? • Is it engaging? Do users feel in control? Do users enjoy the experience? Use correct and validated HTML code. Provide good meta data, including a title, description, keywords, and author for each page. Provide search capabilities if the site has more than 100 pages. Make navigation clear, focal, and intuitive. Use visual cues to show what elements are operational. Use straightforward button labels, headlines, and titles. Provide visual and functional feedback such as rollovers and consistent navigation.

Table 6.1. Website Development Guidelines (Continued).

Developing the Site (Continued)	Avoid pages with no links ("dead-end" pages). Provide information in the fewest possible steps. Maintain high editorial standards, current content, and properly functioning links. Enable user feedback. Use simple URLs (addresses) with descriptive, human-readable file names. Test for platform and browser differences. Include a privacy policy statement.
Page Layout	Consider bandwidth and download time. Users will be patient only for about eight seconds while waiting for a page to load. Use safe dimensions: 600 x 350 for display on 13-15 inch monitors, 535 x 670 to be printed on a sheet of letter-size paper. As an alternative, use relative table widths to create pages that "stretch" to fit the users' screens. Provide a printable version of a page. Establish visual hierarchy. The top four inches are the most important part of the page – all critical content and navigation should be there. Research shows only about 10 percent of users scroll down a page. Use design to direct the readers' eyes. Keep in mind that using "frames" makes it difficult to navigate, print, and bookmark pages.

Table 6.1. Website Development Guidelines (Continued).

Page Layout (Continued)	Balance visual sensation, text information, and interactive hypermedia links. Provide visual and functional continuity in organization, graphic design, and typography.
Text	Write text in a word processing program with a spell checker, then transfer to HTML. Do not use "smart quotes" or other special characters not supported by HTML. (See http://www.idocs.com/tags/characterentities_famsupp_69.html for character entity references. Do not construct sentences around phrases such as "click here for more information." Instead, write the sentence as you normally would, and place the link anchor on the most relevant word. Avoid scrolling (moving) text. Do not use blinking text. Avoid excessive use of links and typeface variations in paragraphs. Avoid all-uppercase headlines, as they are difficult to read.
Home Pages	Design a home page that does not require software plug-ins. Keep the audience and purpose of the site in mind when designing the home page. Determine if a more graphics-intense eye-catching page is appropriate, or if the user needs information on news from the start. Balance graphic eye-appeal with the amount of information the user requires. The homepage should answer the following questions: • Where am I? • What is it like here? • What do these people do? • What kind of information will I find?

Table 6.1. Website Development Guidelines (Continued).

Graphics	Graphics should enhance content rather than distract from it. Animation that plays continually should be avoided. Be aware of color differences between Macs and PCs and between different PC monitors. Generally, use .gifs for computer-generated graphics and .jpgs for photos and realistic, detailed illustrations. Use multimedia sparingly and wisely. When using multimedia, inform users that they are entering a high-bandwidth area and provide the tools they need to access and control the multimedia. When using animation to illustrate a concept, allow users to open the animation in a new window so that they may close it when finished.

USE OF OTHER ADVANCED TECHNOLOGIES TO ASSIST PUBLIC INVOLVEMENT

There have been references in project descriptions above to a variety of techniques that are useful in the public involvement process. The majority of these advanced techniques result in a simulation or projection of the final constructed view of a project. The various visualization techniques create very life-like images so that citizens can understand the impact of proposals under consideration.

The FHWA/FTA public involvement techniques manual includes references to the use of computer presentations, simulations, and visualizations. The major changes that have occurred since that document was drafted are:

- The computers now available have much more power at a much lower price.
- The computer projectors needed to project computer-prepared presentations (PowerPoint®, Corel® Presentations™, etc.) have much lower prices and higher quality results.

- The software used in preparing the visualizations has increased in quality to take advantage of the increased computer hardware capabilities and has decreased in price.
- The private sector has made software widely available (at no cost) that "reads" the visualizations (RealPlayer®, RealSlideshow®, Adobe Acrobat®, etc.).

Techniques continue to vary in cost and in degree of difficulty in implementation. Although many of the "off-the-shelf" software products are relatively inexpensive and can be used by TxDOT district personnel with a minimum of instruction, districts can acquire these services readily from the private sector. For example, the software program Adobe Photoshop is readily available for use on personal computers for less than $1,000. An example of the power of visualization is shown in Figure 6.1. The Wichita Falls District provided a visualization of a possible improvement in the downtown city of Muenster. The district used the services of the TTI Environmental Management Program to develop the streetscape features and to represent them in a visualization. Local citizens used the Photoshop-prepared visualization in a local mailing to encourage interest in the project.

In the Corpus Christi District, to support the public involvement process supporting a major interchange improvement, a consultant developed drive-through animations of the separate legs of the interchange. The animation was used in public meetings to provide local citizens an understanding of the project, and was posted on the local newspaper website. A link to that website was also made available through the TxDOT site's Corpus Christi pages. The animations can be viewed at the following address: http://www.dot.state.tx.us/insdtdot/geodist/crp/xtown/xtown.htm.

The 3D/4D multimedia program was developed using Quick Time Virtual Reality (QTVTR) perspectives of the existing and proposed project and animation sequences showing traffic utilizing the new roadway. The program "RealPlayer" is necessary to view the visualizations. It is available on the Internet for downloading at no charge. A link to that free download website was placed on the TxDOT site for the convenience of site visitors. The site also notes that any references to brand names is strictly for informational purposes and does not imply endorsement or advertisement of any product by TxDOT. The animation of the intersection cost approximately $100,000. The total cost of the intersection is approximately $36 million.

TTI's Information and Technology Exchange Center (ITEC) offers a full range of these kinds of services to TxDOT and other project sponsors. A description of the services is presented on the websites: http://tti.tamu.edu/inside/com/ and http://tti.tamu.edu/inside/com/services.stm. Videos for sponsors often include use of the various visualization techniques, such as video painting, layering, morphing, and 3D animation.

In summary, the evolution of tools available to TxDOT district staff, either directly or through consulting services, has reached a point of affordability and allows production of valuable products for interaction with the public.

Figure 6.1. Visualization of Streetscape Improvement.

REFERENCES

1. Minnesota Department of Transportation. *Hear Every Voice: A Guide to Public Involvement at Mn/DOT*. Minnesota Department of Transportation, St. Paul, MN, June 1999.
2. Texas Department of Transportation. *Environment in Project Development Manual (Draft).* June 21, 2000 draft.
3. Texas Department of Transportation. *Project Development Process Manual.* Texas Department of Transportation, Austin, TX, November 1999.
4. The Shipley Group. *Advanced Environment in Project Development Training, Module 2, Public Involvement, Participant Manual (Draft),* Austin, TX, July 2000.
5. Texas Department of Transportation, Corpus Christi District. *Texas Department of Transportation Corpus Christi District Stockholders' Report for Fiscal Year 1998.* Texas Department of Transportation, Corpus Christi, TX, February 1999.
6. B. Kureska. Public Involvement Plan for the SH 286/SH 358 Interchange Project. Texas Department of Transportation, Corpus Christi, TX, 1999.
7. IH-35 Study Team. "Traffix." Austin, TX, Volume 1, Summer 1999.
8. ICF Kaiser. *Public Involvement in Transportation Decisionmaking*. The National Transit Institute, Rutgers University, Princeton, NJ, 1996.
9. R. O'Connor, M. Schwartz, J. Schaad, and D. Boyd. *State of the Practice: White Paper on Public Involvement.* In Transportation Research Board's *Millennium Papers,* TRB, National Research Council, Washington, D.C., January 2000.
10. J. Lively. Standing Committee on Highways – Innovations in the Public Hearing Process. In *AASHTO Annual Meeting Proceedings,* AASHTO, Washington, DC, 1992.
11. Georgia Department of Transportation. The Open Forum Hearing (videotape). Georgia Department of Transportation, Atlanta, GA, May 1987.
12. Georgia Department of Transportation. *Public Hearing Format, Procedures and Federal Guidelines.* Georgia Department of Transportation, Atlanta, GA, 1985.
13. Illinois Department of Transportation. *Bureau of Design and Environment Manual, Chapter Nineteen, Public Involvement Guidelines.* Illinois Department of Transportation, Springfield, IL, December 1998.
14. A. O'Leary, E. Arnold, C. Kyte, and M. Perfater. *Technical Assistance Report – An Assessment of the Virginia Department of Transportation's Public Involvement Processes: Phase I Results.* Virginia Transportation Research Council, Charlottesville, VA, November 1999.
15. Public Participation and Accountability Subcommittee of the National Environmental Justice Advisory Council. *The Model Plan for Public Participation.* U.S. Environmental Protection Agency, Washington, D.C., November 1996.

16. Howard/Stein-Hudson Associates, Inc., and Parsons, Brinckerhoff, Quade & Douglas. *Public Involvement Techniques for Transportation Decision-making.* Federal Highway Administration, Federal Transit Administration, U.S. Department of Transportation, Washington, D.C., 1996.

17. Federal Highway Administration, Federal Transit Administration. *Innovations in Public Involvement for Transportation Planning.* FHWA/FTA, U.S. Department of Transportation, Washington, D.C., 1994.

18. Federal Highway Administration. *NHI Course No. 14213 – Improving the Effectiveness of Public Meetings and Hearings, Participant Workbook.* FHWA, U.S. Department of Transportation, Washington, D.C., November 1996.

19. K. Williams, M. Marshall. *A Public Involvement Handbook for Median Projects.* Prepared by the Center for Urban Transportation Research, Tampa, FL, for the Systems Planning Office of the Florida Department of Transportation, October 1995.

20. S. Smith. *National Cooperative Highway Research Program Report 435 – Guidebook for Transportation Corridor Studies: A Process for Effective Decision-Making.* TRB, National Research Council, Washington, D.C., 1999.

21. Public Information Office, Texas Department of Transportation. Telling the TxDOT Story. Texas Department of Transportation, Austin, TX, August 1994.

22. Public Information Office, Texas Department of Transportation. *TxDOT Public Information Handbook*. Texas Department of Transportation, Austin, TX, May 1996.

23. American Association of Highway and Transportation Officials. http://www.dot.state.ia.us/ntpaw.

24. International Association for Public Participation. http://pin.org/aboutIAP2.html.

25. K. Shay. Study Finds that Blacks Online More Likely to Appreciate Internet's Value. In the *Arlington Morning News*, Dallas, TX, October 24, 2000.

26. A. Head. *Web Redemption and the Promise of Usability*. Online, November/December, 1999.

27. J. Leascher. Designing Web Sites for the Blind. In "Econtent," April 2000.

28. P. Lynch. Ten Fundamentals of Web Design. In "visualLogic," February 15, 2000, http://patricklynch.net/viz/viz021500.html.

29. P. Lynch and S. Horton. *Web Style Guide*. Yale University, 1997, http://info.med.yale.edu/caim/manual/.

30. J. Nielson. *Top Ten Mistakes in Web Design.* http://www.useit.com/alertbox/9605.html.

31. State of Texas, Information Resources Guidelines, Standards and Rules. Texas Administrative Code, Section 201.12, State Web Sites. Austin, TX, 2000. http://www.state.tx.us/Standards/S20-12.htm.

32. D. Story. *Usability Checklist for Site Developers*. October 15, 1999. http://webreview.com/1999/10_15/strategists/10_15_99_4.shtml.

BIBLIOGRAPHY

American Public Transit Association. *Local Coalition Building 1999 – Workbook.* American Public Transit Association, Washington, D.C., 1999.

Barry Lawson Associates, Inc. *Public Participation Concepts and Skills*, for the Environmental Protection Agency, 1980.

D. Boyd, et al. Assessing the Effectiveness of Project-Based Public Involvement Processes: A Self-Assessment Tool for Practitioners. The Transportation Research Board, Committee on Public Involvement in Transportation (A1Do4), January 1999.

T. Bressi. High Tech and Low. In *Planning*, American Planning Association, Chicago, IL, December 1999.

M. Brostek. Federal Rulemaking: Agencies' Use of Information Technology to Facilitate Public Participation. In U.S. General Accounting Office correspondence with the House Committee on Government Reform and the Senate Committee on Governmental Affairs. U.S. General Accounting Office, Washington, D.C., June 30, 2000.

J. Cohen. Making the Most of the Internet. In *Planning*, American Planning Association, Chicago, IL, July 2000.

L. Cunningham, K. Christensen, D. Dunn, E. Gonzales, and M. Hirsch. Recommendations for Developing Customer Focus in Statewide Transportation Planning Process. In *Transportation Research Record 1552*, TRB, National Research Council, Washington, D.C., 1996.

Dan Pinger Public Relations. Fort Washington Way 2000: Connection to the Future. Cincinnati, OH, Winter 1999.

M. Dilley and T. Gallagher. Designing an Effective Approach to the Public: Alaska's Experience. In *Transportation Research Record 1685,* Transportation Research Board, National Research Council, Washington, D.C., 1999.

M. Dubé and R. Smith. Don't Dream It, See It: Desktop Simulation Comes to Main Street. In *Planning*, American Planning Association, Chicago, IL, July 1999.

Frank Wilson & Associates, Inc. *Public Outreach Handbook for Departments of Transportation*. National Cooperative Highway Research Program Report 364. Transportation Research Board, National Research Council, Washington, D.C, 1994.

S. Graves and S. Casey. A Report on the Assessment of Public Involvement in Transportation Planning in the Washington Region. ICF Consulting, Fairfax, VA, 1999.

J. Hoover. Post-Intermodal Surface Transportation Efficiency Act Public Involvement. In *Transportation Research Record No. 1463*, Transportation Research Board, National Research Council, Washington, D.C., 1994, pp. 48-52.

J. Innes. Information in Communicative Planning. In *APA Journal*, American Planning Association, Chicago, IL, Winter 1998.

J. Innes and D. Booher. Consensus Building and Complex Adaptive Systems. In *APA Journal*, American Planning Association, Chicago, IL, Autumn 1999.

J. Innes and D. Booher. Consensus Building as Role Playing and Bricolage: Toward a Theory of Collaborative Planning. In *APA Journal*, American Planning Association, Chicago, IL, Winter 1999.

H. Ishida, W. Matsuda, and C. Montalbo. People's Opinions and Road Policies: Effectives of Public Involvement Activities by the Road Council in Japan. In *Transportation Research Record 1685,* Transportation Research Board, National Research Council, Washington, D.C., 1999.

D. Julian, T. Reischl, R. Carrick, and C. Katrenich. Citizen Participation – Lessons from a Local United Way Planning Process. In *APA Journal*, American Planning Association, Chicago, IL, Summer 1997.

R. Kaufman and C. Cain. Public Involvement: Paving the Way to Success. Paper No. 00-0532 in the Proceedings of the Transportation Research Board, 79th Annual Meeting, January 2000.

D. Keever, G. Frankoski, and J. Lynott. In the Possibilities are the Solutions: Assessment and Implications for the Public-Involvement Process During the Environmental Impact Study of the Woodrow Wilson Bridge. In *Transportation Research Record 1685,* Transportation Research Board, National Research Council, Washington, D.C., 1999.

C. Khisty. Education and Training of Transportation Engineers and Planners Vis-à-Vis Public Involvement. In *Transportation Research Record 1552*, TRB National Research Council, Washington, D.C., 1996.

N. Lalani and D. Gerard. Communicating Effectively with the Public. In *ITE Journal*, Institute of Traffic Engineers, Washington, D.C., October 1995.

J. Lorenz and R. Ingram. It's Not Just for Projects Anymore: Kansas Department of Transportation's Innovative, Agencywide Public-Involvement Program. In *Transportation Research Record 1685*, Transportation Research Board, National Research Council, Washington, D.C., 1999.

J. Lynott and D. Keever. Public Involvement in Transportation Design Projects. Paper No. 00-0648 in the Proceedings of the Transportation Research Board, 79th Annual Meeting, January 2000.

Killeen-Temple Urban Transportation Study. *Public Involvement Policy – Killeen-Temple Urban Transportation Study*, Killeen-Temple Urban Transportation Study, Killeen, TX, March 18, 1999.

L. Martin and P. Green. Gaining Project Acceptance. In *Civil Engineering*. August 1995.

D. McClure. Electronic Government: Federal Initiatives are Evolving Rapidly but They Face Significant Challenges. Testimony before the House Subcommittee on Government Management, Information and Technology, Committee on Government Reform. U.S. General Accounting Office, May 22, 2000.

S. McKenzie. Virtual Tomorrows: A Prediction Made with 20/20 Foresight. In *Planning*, American Planning Association, Chicago, IL, July 1999.

A. Nederveen, S. Sarkar, L. Molenkamp, and R. Ven de Heijden. Importance of Public Involvement: A Look at Car-Free City Policy in the Netherlands. In *Transportation Research Record 1685*, Transportation Research Board, National Research Council, Washington, D.C., 1999.

Office of Policy Planning, Florida Department of Transportation. *Public Involvement Recap.* Florida Department of Transportation, Tallahassee, FL, July 30, 1996.

Office of Solid Waste and Emergency Response, U.S. EPA. *Public Involvement in Environmental Permits: A Reference Guide*. U.S. Environmental Protection Agency, Washington, D.C., August 2000.

Metropolitan Planning Organization. *Public Involvement Program.* El Paso Metropolitan Planning Organization, El Paso, TX, September 27, 1996.

L. Pignataro and J. Epling. The Telus Story: Information Tool for Transportation Planning Makes Its Debut. In *TR News*, TRB, National Research Council, Washington, D.C., No. 210, September -- October 2000.

Surface Transportation Policy Project. *Community Empowerment Program: Nurturing Public Involvement in the Transportation Planning Process*. Prepared for the Federal Transit Administration by the Surface Transportation Policy Project, Washington, D.C., July 1997.

E. Talen. Bottom-Up GIS: A New Tool for Individual and Group Expression In Participatory Planning. In *APA Journal*, American Planning Association, Chicago, IL, Summer 2000.

J. Throgmorton. On the Virtues of Skillful Meandering: Acting as a Skilled-Voice-in-the-Flow of Persuasive Argumentation. In *APA Journal*, American Planning Association, Chicago, IL, Autumn 2000.

D. Unsworth. Redefining Public Involvement. In *Transportation Research Record No. 1463*, Transportation Research Board, National Research Council, Washington, D.C., 1994, pp. 45-47.

K. Younger. Public Involvement. In *ISTEA Planner's Workbook.* Surface Transportation Policy Project, Washington, D.C., 1994, pp. 9-41.

APPENDIX A

TEXAS ADMINISTRATIVE CODE

PUBLIC INVOLVEMENT REFERENCES

(References to Public Hearings Boldfaced by the Researcher)

Title 43: Transportation
Part 1: Texas Department of Transportation
Chapter 1: Management
Subchapter B: Public Meetings and Hearings
Rule §1.5: Public Hearings

(a) Subject of hearings. The commission may hold public hearings to:

(1) consider the adoption of rules, in accordance with the Administrative Procedure Act, Government Code, Chapter 2001;

(2) receive evidence and testimony concerning the desirability of acquiring dredge material disposal sites and of any widening, relocation, or alteration of the main channel of the Gulf Intracoastal Waterway, in accordance with Transportation Code, Chapter 51;

(3) provide for public input regarding the design, schematic layout, and environmental impact of transportation projects, in accordance with Transportation Code, §203.021, and §2.42 and §2.43 of this title (relating to Highway Improvement Projects--Federal-aid and Highway Improvement Projects--State Funds);

(4) consider maximum prima facie speed limits on highways in the state highway system that are near public or private institutions of elementary or secondary education, in accordance with Transportation Code, §545.351;

(5) receive testimony regarding a proposed order establishing maximum prima facie speed limits, in accordance with Transportation Code, §545.362;

(6) annually receive public input on the commission's highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions, in accordance with Transportation Code, §201.602;

(7) receive comments from interested persons prior to transferring a segment of the state highway system to the Texas Turnpike Authority under Transportation Code, §362.0041;

(8) receive comments from interested parties prior to approving any financial assistance under Transportation Code, §21.111; and

(9) provide, when deemed appropriate by the commission or when otherwise required by law, for public input regarding any other issue under the jurisdiction of the commission.

(b) Authorized representative. The executive director or an employee of the department designated by the executive director may conduct public hearings held under subsection (a)(1), (3), and (9) of this section.

(c) Conduct and decorum. Public hearings will be conducted in a manner that maximizes public access and input while maintaining proper decorum and orderliness, and will be governed by the following guidelines.

(1) Questioning of those making presentations will be reserved to commission members, the executive director, or, if applicable, the presiding officer.

(2) Organizations, associations, or groups are encouraged to present their commonly held views and same

or similar comments through a representative member where possible.

(3) Presentations shall remain pertinent to the issue being discussed.

(4) A person who disrupts a public hearing must leave the hearing room if ordered to do so by the chair or the presiding officer.

(5) A person may not assign a portion of his or her time to another speaker.

(d) Disability accommodation. Persons with disabilities who have special communication or accommodation needs and who plan to attend a hearing to be held by the commission may contact the office of the secretary to the commission in Austin. In the case of a hearing to be conducted by the department, those persons may contact the public affairs officer whose address and telephone number appear in the public notice for that hearing. Requests should be made at least two days before the hearing. The department will make every reasonable effort to accommodate these needs.

(e) Language accommodation. For a hearing held in an area with a substantial Spanish speaking population, the department will provide:

(1) notice of the hearing in both English and Spanish; and

(2) upon request, Spanish translation.

Source Note: The provisions of this §1.5 adopted to be effective February 23, 1993, 18 TexReg 890; amended to be effective August 23, 1996, 21 TexReg 7666. (Bold face added by the researcher.)

Title 43: Transportation
Part 1: Texas Department of Transportation
Chapter 2: Environmental Policy
Subchapter C: Environmental Review and Public Involvement for Transportation Projects
Rule §2.43: Highway Construction Projects – State Funds

(a) Environmental studies. Environmental studies for highway improvement projects which utilize state highway funds will be accomplished in accordance with applicable state and federal law including, but not limited to, the Endangered Species Act of 1973 as amended, 16 United States Code §§1531 et seq., the Rivers and Harbors Act of 1899 as amended, 42 United States Code §§401 et seq., the Federal Water Pollution Act as amended, 33 United States Code §§1251 et seq. (commonly known as the Clean Water Act), 33 Code of Federal Regulations, Parts 114 through 115, the Safe Drinking Water Act as amended, 42 United States Code §§300f et seq., and the provisions under this subchapter.

(b) Early coordination and public involvement.

(1) Early coordination. Early coordination with appropriate agencies, local governmental entities, and the public shall play a vital role in project planning and environmental development of state projects. District offices and the division shall be responsible for initiating early coordination, and the continuation of coordination with local governmental entities and applicable agencies throughout project planning.

(A) Early coordination shall be achieved through rules codified at 1 TAC Chapter 5, Subchapter B, concerning state and local review of federal and state assistance applications, also known as TRACS, which are intended, among other things, to foster intergovernmental cooperation and coordination.

(B) Coordination under TRACS shall be initiated with appropriate regional review agencies (RRA).

(C) Types of state projects which are exempt from RRA review include those which do not:

(i) require additional right-of-way;

(ii) change the layout or function of connecting roads or streets or of the facility being improved;

(iii) adversely affect abutting real property; or

(iv) otherwise have a substantial social, economic, or environmental impact.

(D) The TRACS procedures shall supplement the department's traditional policy of direct coordination

with other agencies and local governmental entities.

(E) During early coordination, district offices will be responsible for:

(i) initiating a cooperative development process with local governmental entities in order to assist in the planning of state projects; and

(ii) maintaining open lines of communication with local or area offices of applicable agencies.

(F) During early coordination the division will be responsible for:

(i) the environmental processing of the state project, including interagency contacts, coordination, consultation, and approvals; and

(ii) providing state project data and analyses to applicable agencies, which shall include coordination of environmental reviews and mitigation proposals with the Texas Natural Resources Conservation Commission and the Texas Parks and Wildlife Department, prior to the written report explaining the department's decision regarding a project, thereby assisting in the determination of state project impacts and mitigation plans.

(2) Public involvement. Public involvement shall be encouraged as an important element of project planning. It shall be initiated by the pertinent district office and will depend on and be consistent with the type and complexity of each state project. Districts shall also maintain a list of individuals and groups interested in state project development, and shall provide notification of public hearing activities to these individuals and groups.

(A) Meetings, as one form of public involvement, with affected property owners and residents will be held when state projects require:

(i) detours and/or a minimal amount of right-of-way acquisition, or temporary construction easements; and

(ii) a minor location or design revision after the environmental document has been approved and the public involvement requirements have been completed (if revisions are determined to be significant, the environmental document will be revised and an opportunity for public hearing shall be afforded to the public to address these revisions).

(B) Public meetings, as another form of public involvement, will be held:

(i) at any time during project planning and development in order to keep the public informed;

(ii) during the drafting of the draft environmental impact statement, as discussed in subsection (e) of this section;

(iii) to provide a free exchange of state project views and concerns;

(iv) as early as the department determines feasible to assure public input into project planning; and

(v) at a time and place convenient to the public in the vicinity of the state project.

(C) An opportunity for public hearing, as another form of public involvement, shall be afforded for state projects in order to determine local interest for holding a public hearing, when required under Texas Civil Statutes, Article 6674w-1, or when the state project requires the acquisition of significant amounts of right-of-way; there is a substantial change in the layout or function of the connecting roadways or of the facility being improved; there is measurable adverse impact on abutting real property; or there is otherwise a substantial social, economic or environmental effect.

(i) An opportunity for public hearing will also be afforded for finding of no significant impact (FONSI) type state projects, as discussed in subsection (d) of this section, after the environmental assessment is considered technically complete and initially approved, by the division, to proceed with public involvement. (However, if deemed appropriate, the district office may decide to hold a public hearing and bypass affording a public hearing opportunity.)

(ii) Two notices of the opportunity for public hearing shall be published in local newspapers having general circulation. The first notice shall be published approximately 30 days in advance of the deadline

date set by the district office for submission of written requests for holding a public hearing, and the second notice shall be published approximately ten days prior to the deadline date. (Where the population in the immediate vicinity of the state project is predominantly Spanish speaking, the notices must also be published in Spanish.)

(iii) Notices of the opportunity for public hearing shall also be mailed to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

(iv) No further action will be taken to hold a public hearing if at the end of the time set for affording an opportunity for a public hearing no requests are received. (However, the district office will be responsible for submitting a certified statement to this effect to the division.)

(D) A public hearing, as another form of public involvement, will be held: to present project alternatives; to encourage and solicit public comment; after location and design studies are developed, to the extent that the public can be given a feasible proposal with appropriate environmental studies; after the environmental document is considered technically complete; for projects with substantial public interest such as environmental impact statement (EIS) state projects or high-profile FONSI state projects, or when a request for hearing is received as discussed in subparagraph (C) of this paragraph; or when a state project requires the taking of public land designated as a park, recreation area, wildlife refuge, historic site or scientific area, as covered in the Parks and Wildlife Code, §§26.001 et seq. The hearing notice should contain at a minimum the following information:

(i) time, date, and location of the hearing;

(ii) description of the project termini, improvements, and right-of-way needs;

(iii) reference to maps, drawings, and environmental studies and/or documents, and any other information available about the state project that are available for public inspection at the designated departmental or other location;

(iv) reference to the potential for relocation or residences and businesses and the availability of relocation assistance for displacees;

(v) a statement that verbal and written comments may be presented for a period of ten days after the hearing;

(vi) the address where written comments may be submitted; and

(vii) the existence of any floodplain, wetland encroachment, or encroachment on a sole-source aquifer recharge zone by a state project.

(E) Except for state projects requiring the taking of public land designated as a park, recreation area, wildlife refuge, historic site, or scientific area, notice of the public hearing must be given by the publication of two notices in local newspapers having general circulation, with the first notice published approximately 30 days before the hearing, and the second notice, approximately ten days before the hearing. (Where the population in the immediate vicinity of the state project is predominantly Spanish speaking, the notices must also be published in Spanish.)

(F) Notices of the public hearing shall also be mailed to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

(i) For state projects requiring the taking of public land designated as a park, recreation area, wildlife refuge, historic site, or scientific area, notice of the public hearing shall be given in accordance with the Texas Parks and Wildlife Code, §26.002.

(ii) The hearing notices must also be published in Spanish, for state projects requiring the taking of public land designated as a park, recreation area, wildlife refuge, historic site, or scientific area, where the population in the immediate vicinity of the state project is predominantly Spanish speaking.

(G) The public shall have ten days after the close of a public hearing to submit written comments

to the district office regarding a proposed state project.

(H) Public hearings shall be considered complete on the submission by the district office of a verbatim transcript and its certification to the division for review and approval.

(I) As another method of public involvement, there shall be published in local newspapers a notice of the availability of the environmental assessment in order to inform the public of its availability and advising where to obtain information concerning the state project, and that any written comments should be furnished within a 30 day period. (This notice shall be published only after the approval of the environmental assessment and only under very limited circumstances to take the place of affording an opportunity for a public hearing, and only with prior concurrence from the division.)

(3) Media releases. Following completion of the public involvement process, project specific planning and development decisions shall be publicized through press releases in order to keep the public informed of any new or public continuing issues. (Any changes to the state project may require additional public involvement.)

(4) Public involvement on projects where a public hearing is not required by law. For projects for which a public hearing is not required by law, the department will hold a public hearing in accordance with paragraph (2) of this subsection if at least ten individuals request a hearing.

(5) Public involvement following project approval. The department shall offer an additional opportunity for public hearing for projects which have already undergone public review and comment, and which involve either the addition of at least one travel lane or construction of a project on new location, and in which conditions relating to land use, traffic volumes, and traffic patterns have changed significantly from the time the project originally underwent public review and comment. The opportunity for public hearing will be afforded in accordance with paragraph (2) of this subsection.

(6) Notice of construction. The department will send notice of impending construction of a project which involves either the addition of at least one travel lane or construction of a project on new location to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

(c) Categorical exclusions (CE).

(1) A state project will be classified as a categorical exclusion (CE) if it does not:

(A) involve significant environmental impacts;

(B) induce significant impacts to planned growth or land use of the state project area;

(C) require the relocation of significant numbers of people;

(D) have a significant impact on any natural, cultural, recreational, historic, or other resource;

(E) involve significant air, noise, or water quality impacts;

(F) significantly impact travel patterns; or

(G) either individually or cumulatively, have any significant environmental impacts.

(2) If a state project involves any of the following, the department will conduct appropriate environmental studies to determine if the CE classification is proper:

(A) substantial environmental impacts; and/or

(B) substantial controversy on environmental grounds.

(3) The following actions are examples of state projects which meet the criteria of a CE as found in paragraph (1) of this subsection and will not in most cases require review or approval by the division:

(A) do not involve or lead directly to construction, such as planning and technical studies, grants or training and research programs, engineering feasibility studies that either define the elements of a proposed state project or identify alternatives so that social, economic, and environmental effects can be assessed for potential impact;

(B) approval of utility installations along or across a transportation facility;

(C) construction of bicycle and pedestrian lanes, paths, and facilities;

(D) landscaping;

(E) installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices when no substantial land acquisition or traffic disruption will occur;

(F) emergency repairs as defined in 23 United States Code §125;

(G) acquisition of scenic easement;

(H) improvements to existing rest areas and truck weigh stations;

(I) ridesharing activities; and

(J) alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

(4) Any other actions meeting the criteria for a CE as found in paragraph (1) of this subsection will require division review and approval.

(A) Departmental approval will be based on the appropriate office submitting documentation in the form of a descriptive letter or brief environmental assessment which demonstrates that the specific conditions or criteria for classification of a CE as found in paragraph (1) of this subsection is satisfied and that significant environmental impacts will not result, including the results of any coordination effected with resource agencies.

(B) Examples may include, but are not limited to, the following:

(i) modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes such as parking, weaving, turning, climbing, and correcting substandard curves and intersections with only minor amounts of additional right-of-way required;

(ii) highway safety or traffic operation improvement projects including the installation of ramp metering control devices and lighting;

(iii) bridge rehabilitation, reconstruction, or replacement, or the construction of grade separation to replace existing at-grade railroad crossings (CE classification may not be applicable when the proposed project requires acquisition of more than minor amounts of right-of-way, since in such cases the preparation of an environmental assessment may be appropriate);

(iv) addition of travel lanes to rural roadways within existing right-of-way or with minimal right-of-way required;

(v) transportation corridor fringe parking facilities;

(vi) construction of new truck weigh stations or rest areas;

(vii) approvals for changes in access control;

(viii) approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts; and

(ix) acquisition of land for hardship or protective purposes (hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels; this type of right-of-way acquisition will qualify for a CE classification only when the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects; no project development on such land may proceed until the environmental review process has been completed).

(5) The department may classify other state projects as a CE if, from the documentation required to be submitted, a determination is made that the state project meets the CE classification.

(d) Environmental assessments (EA).

(1) Preparation. For state projects in which the extent of impacts is not readily discerned, an EA will be

prepared to determine the nature and extent of environmental impacts, with either a finding of no significant impact anticipated or an environmental impact statement required.

(2) Coordination and consultation. For state projects that require an EA, the department will, at the earliest appropriate time, begin coordination and consultation with interested agencies, local political subdivisions and others to achieve the following objectives:

(A) definition of the scope of the project;

(B) identification of any alternatives to the proposed actions;

(C) determination as to which aspects of the proposed actions have potential for environmental impact;

(D) identification of measures and alternatives which might mitigate adverse environmental impacts; and

(E) identification of other environmental review and consultation requirements which should be prepared concurrently (districts will be responsible for accomplishing this through an early coordination process; a summary of the contacts and comments received will be included in the EA).

(3) Notice. As required in subsection (b)(2)(D) of this section, the notice of the public hearing will announce the availability of the EA and where it may be obtained or reviewed.

(4) Division determination. If, at any point in the EA process, the division determines that the state project may have a significant impact on the environment, the preparation of an Environmental Impact Statement (EIS) as discussed in subsection

(e) of this section will be required.

(5) Finding of no significant impact. The department, after its review of the EA, proposed mitigation measures, and any public hearing statement or comments received regarding the EA, and if in agreement with the district office recommendations, will make a separate written finding of no significant impact (FONSI), incorporating the EA and any other appropriate environmental documents and agency consultations and coordinations. The FONSI completes the environmental and public involvement process for a state project as found in subsection (b) of this section.

(6) Notification of FONSI. After issuance of the FONSI, a notice of the availability of the FONSI shall be furnished by the department to state clearinghouses. Notification will also be given to the local media through a press release.

(e) Environmental impact statements (EIS).

(1) Required. An EIS will be required for state projects in which there are likely to be significant environmental impacts. The preparation of the EIS will occur in two stages:

(A) the draft EIS or DEIS; and

(B) the final EIS or FEIS. (A supplemental EIS may be required in some cases.)

(2) Not required. If the analyses or agency review comments indicate that significant impacts to the human environment will not occur, an EIS should not be prepared.

(3) Notice of intent. As a preliminary to the preparation of an EIS there shall be prepared a notice of intent (NOI) to prepare an EIS. The initiation of the NOI will begin during the early coordination process with agencies, as described in subsection (b)(1) of this section, prior to the preparation of an EIS.

(A) The NOI should:

(i) briefly detail the state project;

(ii) identify significant impacts on the human environment; and

(iii) identify any preliminary alternatives under consideration by the department.

(B) After review and approval of the NOI by the division, it shall be sent to applicable agencies for their

early review and comment. Any comments received will be used as the basis for the DEIS, as described in paragraph (4) of this subsection.

(C) A summary of the NOI shall also be published in the Texas Register, and in local newspapers.

(4) Draft environmental impact statement. The draft environmental impact statement (DEIS) shall identify and evaluate all reasonable alternatives to the state project; discuss the elimination of other alternatives, if applicable; summarize the studies, reviews, consultations, and coordination required by law to the extent appropriate; and designate a preferred alternative if appropriate.

(A) When the division determines that the DEIS complies with these and other requirements, the DEIS will be approved for circulation by signing and dating the cover sheet, and shall be printed in sufficient number to provide review copies.

(B) The DEIS will be circulated for comment after a notice is published in the Texas Register and in local newspapers which describes a circulation and comment period of no less than 45 days, and identifies where comments are to be sent.

(C) The DEIS shall be transmitted at no charge to state agencies through the TRACS system, and directly to applicable federal agencies.

(D) The DEIS will be made available to interested public officials, interest groups, and members of the public at the request of any such group or individuals.

(E) A fee which is not more than the actual cost of reproduction of the DEIS may be charged for any written request received for a copy of the DEIS.

(F) The DEIS may also be reviewed at designated public locations.

(G) Either an opportunity for public hearing shall be afforded or a public hearing shall be held for a DEIS state project. (Notice of such public hearing shall be in accordance with subsection (b) of this section.)

(H) The DEIS will be made available at the district for the general public at a minimum of 15 days in advance of the public hearing for state projects.

(5) Final Environmental Impact Statement. After the DEIS is circulated and comments reviewed, a final environmental impact statement (FEIS) shall be prepared by the department.

(A) The FEIS shall:

(i) identify the preferred alternative and evaluate all reasonable alternatives considered;

(ii) discuss substantive comments received on the DEIS and responses to those comments;

(iii) summarize public involvement and describe the mitigation measures that are to be incorporated into the state project;

(iv) document compliance, to the extent possible, with all applicable environmental laws, or provide reasonable assurance that requirements can be met; and

(v) identify those issues and the consultations and other efforts made to resolve interagency disagreements. (Every reasonable effort shall be made to resolve interagency disagreements.)

(B) The division will indicate approval of the FEIS by signing and dating the cover page.

(C) The initial printing of the FEIS shall be in sufficient quantities to meet the request for copies which can be reasonably expected from agencies, organizations, and individuals.

(D) A fee which is not more than the actual cost of reproduction of the FEIS may be charged for purchase of the document.

(E) Copies of the FEIS may also be placed in appropriate designated public locations, such as local governmental offices, libraries, or other public institutions.

(F) Notice detailing the availability of the FEIS shall be published in the Texas Register and in local

newspapers.

(i) The notice shall include information on obtaining copies.

(ii) The public and interested organizations will have 30 days following publication of the notice in the Texas Register to submit comments.

(G) Following the approval of the FEIS, it will be made available to agencies which made substantive comments on the DEIS; however, in the event the FEIS is voluminous, the department may provide for alternative circulation such as notifying agencies of the availability of the FEIS, and by providing a method for these agencies to request a copy.

(H) The department will complete and sign a record of decision (ROD) no sooner than 30 days after publication of the availability of the FEIS notice in the Texas Register. Until any required ROD has been signed, no further approvals may be taken except for administrative activities taken to secure further project funding. The ROD will:

(i) present the basis for the decision and summarize any mitigation measures; and

(ii) be published in the Texas Register.

(6) Re-evaluations. An evaluation to determine whether a supplement to the DEIS or a new DEIS is needed shall be prepared by the department if an acceptable FEIS is not submitted within three years from the date of circulation of the DEIS. The re-evaluation will:

(A) not be circulated for agency review, although resource agency coordination may be required;

(B) be required before further approvals may be granted if major steps to advance the action such as authority to undertake final design or acquire significant portions of right-of-way, or approval of the plans, specifications, and estimates have not occurred within three years after the approval of the FEIS, supplemental FEIS, or the last major departmental approval.

(7) Supplemental environmental impact statements. A DEIS or FEIS may be supplemented at any time.

(A) An EIS will be supplemented whenever the department determines that:

(i) changes to the state project would result in significant environmental impacts that were not evaluated in the EIS; or

(ii) new information or circumstances relevant to environmental concerns bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS.

(B) A supplemental EIS will not be necessary when:

(i) changes to the state project, new information, or new circumstances result in a lessening of adverse impacts evaluated in the EIS without causing other environmental impacts that are significant and were not evaluated in the EIS; or

(ii) the department decides to approve an alternative fully evaluated in the approved FEIS but not identified as the preferred alternative (in such cases, a revised ROD shall be prepared and published in the Texas Register).

(C) When there is an uncertainty of the significance of new impacts, the department will develop appropriate environmental studies, or if deemed appropriate, an EA to assess the impacts of the changes, new information, or new circumstances.

(D) If the department determines, based on studies, that a supplemental EIS is not necessary, it shall so indicate in the project record.

(E) A supplemental EIS shall be developed using the same process and format as an original EIS, except that early coordination shall not be required.

(F) A supplemental EIS may be required to address issues of limited scope, such as the extent of proposed mitigation, or the evaluation of location or design variations for a limited portion of an overall

state project. In this situation the preparation of the supplemental EIS shall not necessarily:

(i) prevent the granting of new approvals;

(ii) require the withdrawal of previous approvals; or

(iii) require the suspension of project activities for any activity not directly affected by the supplement. (If changes at issue are of such magnitude as to require a reassessment of the entire action, or more than a limited portion of the overall action, the department shall suspend any activities which would have an adverse environmental impact or limit the choice of reasonable alternatives, until the supplemental EIS is completed.)

Source Note: The provisions of this §2.43 adopted to be effective March 8, 1995, 20 TexReg 1339.

Title 43: Transportation
Part 1: Texas Department of Transportation
Chapter 2: Environmental Policy
Subchapter C: Environmental Review and Public Involvement for Transportation Projects
Rule §2.42: Highway Construction Projects – Federal Aid

(a) Environmental studies for highway construction projects which utilize federal aid highway funds will be accomplished in accordance with applicable state and federal requirements and, in particular, 23 Code of Federal Regulations Part 771.

(b) Public involvement for highway improvement projects which utilize federal aid highway funds will be consistent with applicable state and federal law and §2.43(b) of this title (relating to Highway Construction Projects--State Funds).

Source Note: The provisions of this §2.42 adopted to be effective March 8, 1995, 20 TexReg 1339; amended to be effective March 24, 1997, 22 TexReg 2626. (Boldface added by researcher.)

APPENDIX B

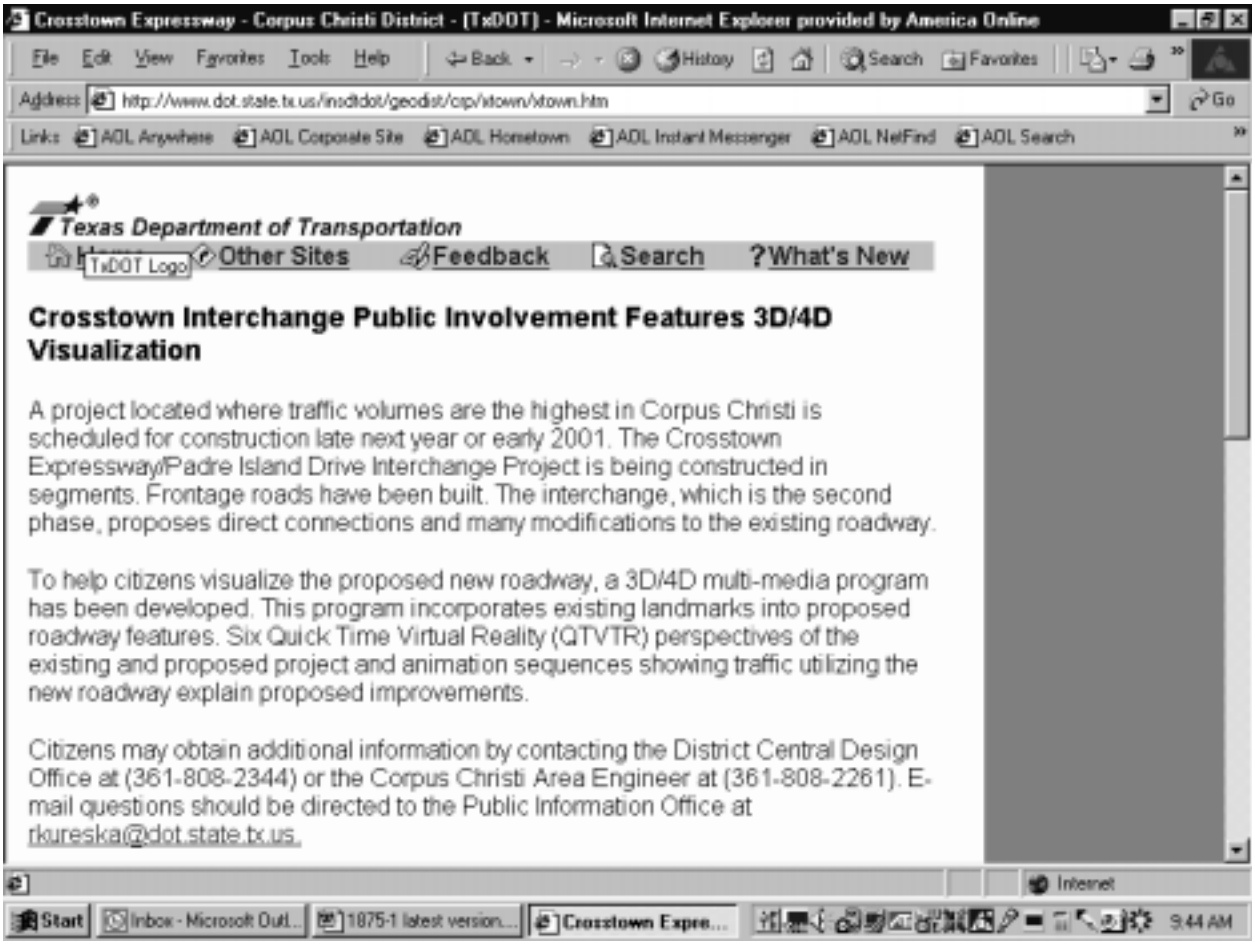
SAMPLES OF TRANSPORTATION PUBLIC INVOLVEMENT INTERNET APPLICATIONS

SURVEYED WEBSITES

As described in Chapter 6, researchers conducted a survey of websites that were representative of various uses of the Internet for transportation public involvement. The work of the TRB Committee on Public Involvement in Transportation and the Institute for Civil Infrastructure Systems at New York University was helpful in selecting these sites. This appendix includes "opening page" graphic representations, the website address, and contact information.

Corpus Christi Interchange Project

- Visualization of interchange operation
- Feedback through email messages



This project was referenced in Chapter 6. The website address for accessing the information is http://www.dot.state.tx.us/insdtdot/geodist/crp/xtown/xtown.htm. To find out more about this site, contact: Ms. Becky Kureska, Public Information Officer, TxDOT Corpus Christi District, P.O. Box 9907, Corpus Christi, TX 78469, 361-808-2231, fax – 361-808-2462, email address – Rkureska@dot.state.tx.us. Rocha Visualization, Inc. of Houston performed the interchange visualizations. The primary purpose for development was in public meetings. CD ROMs of the simulation were furnished to local television stations for their use and to the local newspaper, the Corpus Christi Caller Times, for posting on the paper's website. The district sees an increase in requests for information via the website and sees the Internet as becoming increasingly useful in public involvement efforts.

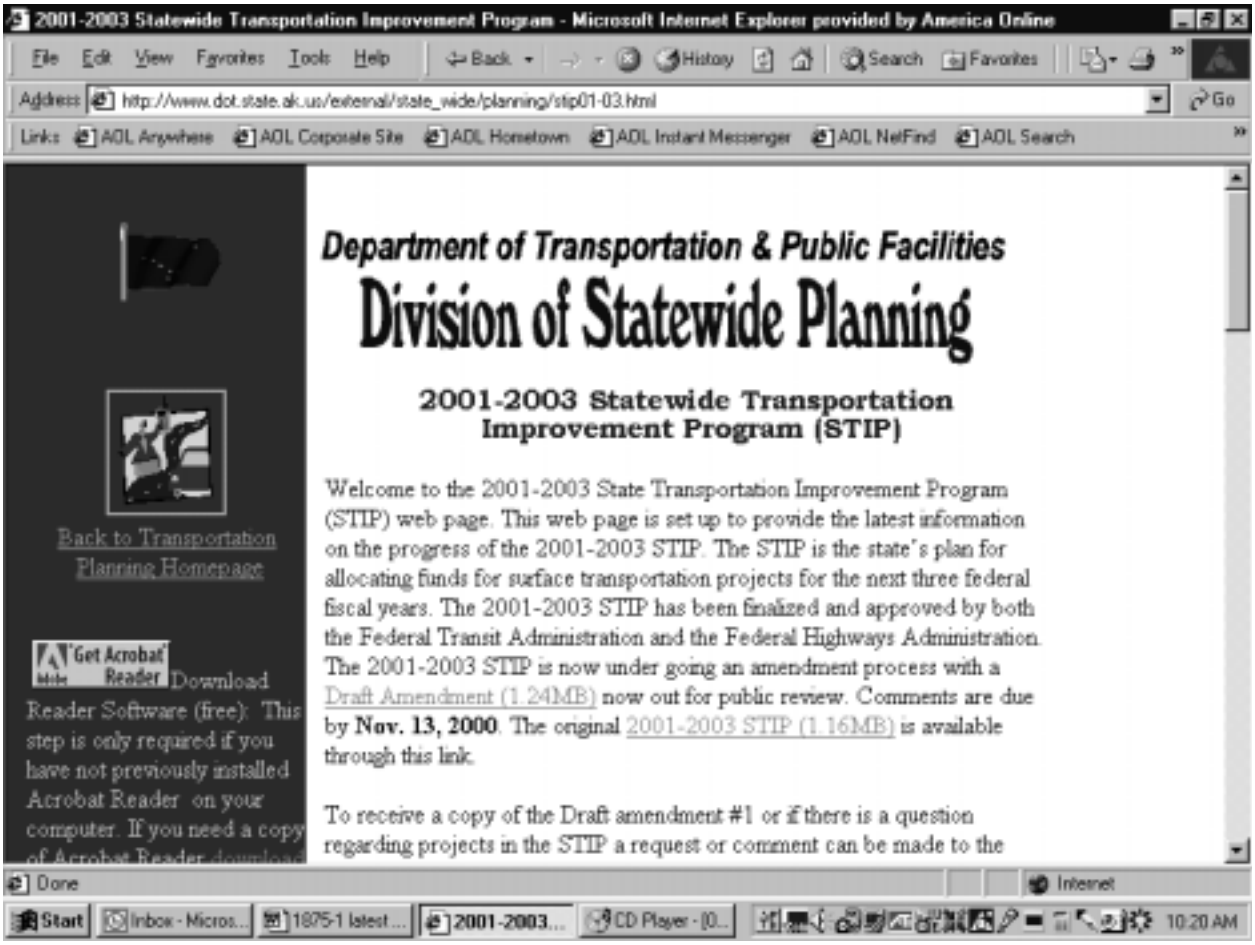
Virtual 3D Tour of Motorway A28/Central City Zone

- Virtual tour of an area under study
- Feedback in form of design alternative submissions

The City of Zwolle in The Netherlands solicited ideas and designs for a motorway development project. The site is available at: http://www.zwolle-city-development.nl/htmlversion/default.htm. A contact for the project is: Mr. Marco Kerstens, Municipality of Zwolle, P.O. Box 538, 8000 AM Zwolle, The Netherlands; +31 38 4983315, fax - +31 38 4982316; email – Mcj.kerstens@chello.nl. The agency developed the website in cooperation with a consulting team. Development costs were approximately $35,000. This project was the agency's first experience using a website, and they plan to use it for similar projects in the future.

Alaska State Transportation Implementation Plan (STIP)

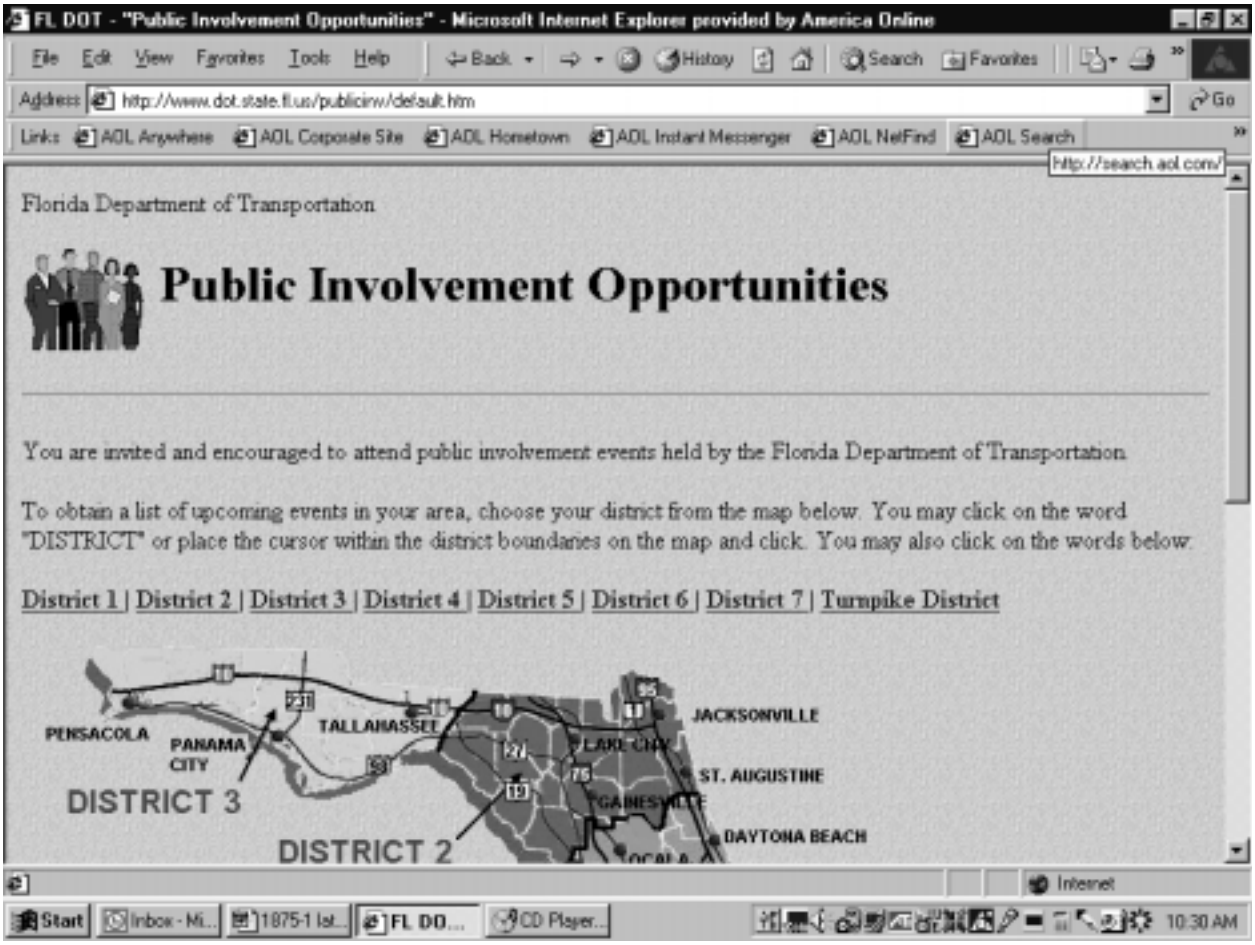
- Provides information on statewide improvement program
- Feedback through links to variety of email addresses
- Forms provided for suggesting improvement projects for future consideration



The Alaska Division of Statewide Planning posted information about the STIP and provided an email address for submission of comments on the plan. The site is: http://www.dot.state.ak.us/external/state_wide/planning/stip01-03.html. The contact is Mr. Jeff Ottesen, Statewide Planning Chief, Alaska DOT, Division of Statewide Planning, 3132 Channel Drive, Juneau, AK 99801; 907-465-6971, fax – 907-465-6984; email – Jeff_ottesen@dot.state.ak.us. The agency developed and maintains the website. In the Internet survey reply, the DOT statewide planning chief said that the DOT "embraced the Internet early and with gusto." Using the Internet for project outreach has become standard practice.

Florida Department of Transportation Public Involvement Opportunities

- Compilation and presentation of public involvement opportunities statewide
- Feedback through email messages



The address for the website is: http://www.dot.state.fl.us/publicinv/default.htm. Contact person for the site is Ms. Kim Shively, FDOT, 605 Suwannee Street, M.S. 54, Tallahassee, FL 32399-0450, 850-414-4590, fax – 850-488-6155, email – fdot.pio@dot.state.fl.us. A consultant developed the initial site. The Public Information Office now maintains the site and its content. In the month the survey was returned there were more than 33,000 visits to the page. The site includes a list of all of the public meetings, public hearings, grand openings, and other public involvement activities in the state. It also provides links to other information in which the public might have an interest and provides a separate icon linking to the DOT's homepage "What's New" site.

Metropolitan Planning Organization Information Sharing

- Publications made available online
- Grant application information (including forms) available for download

The Metropolitan Transportation Commission in the San Francisco Bay Area provides extensive information resources on its website. The address is: http://www.mtc.dst.ca.us/ A contact for the site is: Brenda Kahn, MTC, MetroCenter, 101 Eighth Street, Oakland, CA 94607, 510-464-7773, fax – 510-464-7848, email – bkahn@mtc.ca.gov. The agency maintains the main website and sponsors three satellite sites, one maintained in-house (www.travinfo.org) and two by consultants (one offering transit schedules/route maps and the other dealing with the pavement management system). The main site had more than 325,000 visits in the month of the survey. The agency has found the site to be an "extremely helpful resource for the public and the media – providing meeting schedules and agendas, news releases, newsletter articles, statistical information, etc."

City Traffic Calming Project

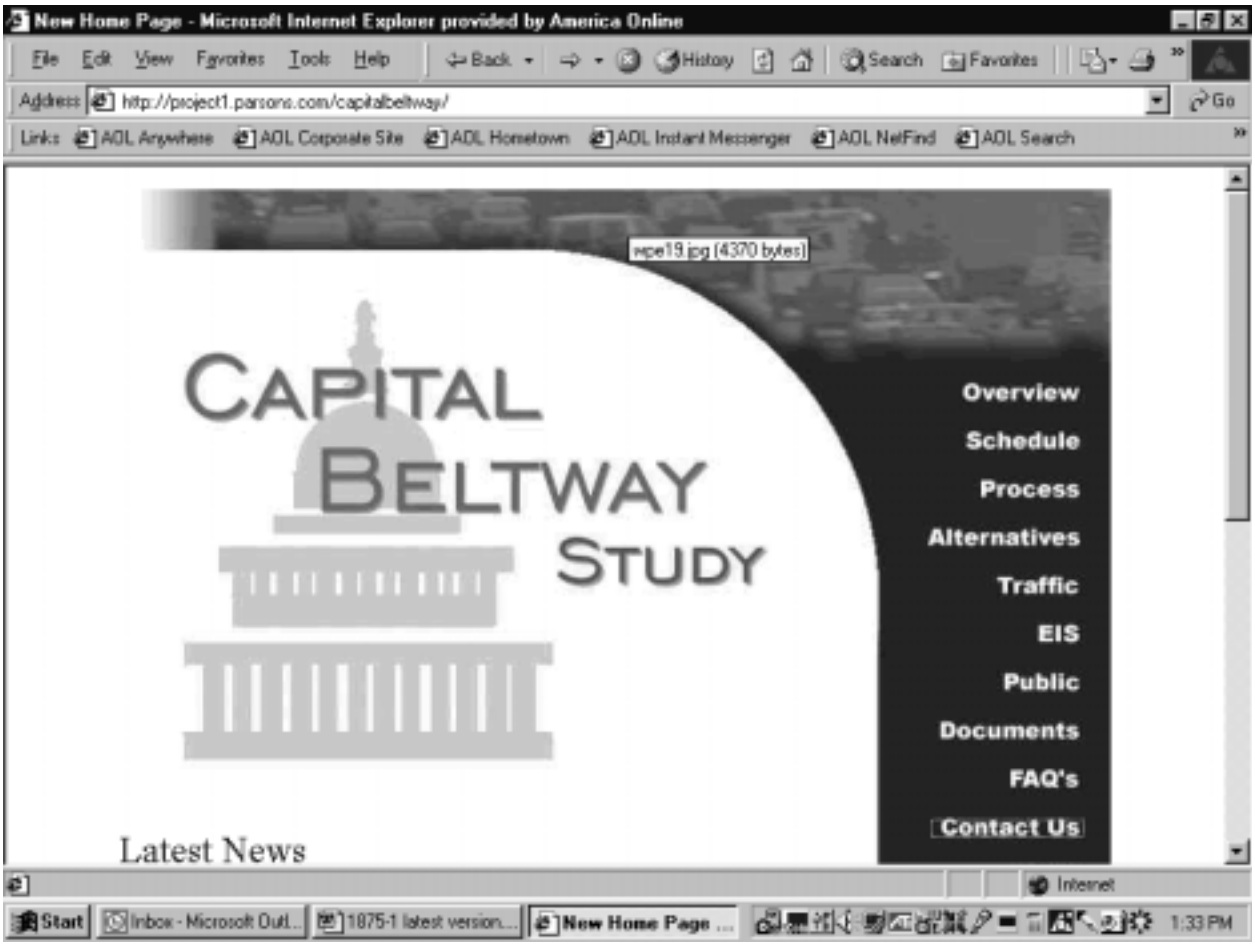
- Information sharing on transportation design/operations technique
- Sharing of innovative program with professional peers
- Feedback through email messages

The City of Portland established a website on its traffic calming program. The website address is: http://www.trans.ci.portland.or.us/Traffic_Management/Trafficcalming/. The contact for the site is: Ms. Linda Ginenthal, City of Portland, Office of Transportation, 1120 SW 5th Avenue, Suite 800, Portland, OR 97204, 503-823-5266, fax – 503-823-7576, email – Linda@trans.ci.portland.or.us. An internal staff committee developed the website. The committee included representatives from information technology, communications, graphic design, and bureau management. Approximately 10 emails are received daily about the site. Emailed questions are responded to within 24 to 48 hours under city policy.

The traffic calming site was designed primarily for urban planners and traffic engineers looking for information on this internationally recognized program. Using the site, the City is able to reduce printing and mailing expenses and the amount of staff time involved in discussing the program with other cities. Callers are first referred to the website.

Capital Beltway Study – Virginia DOT

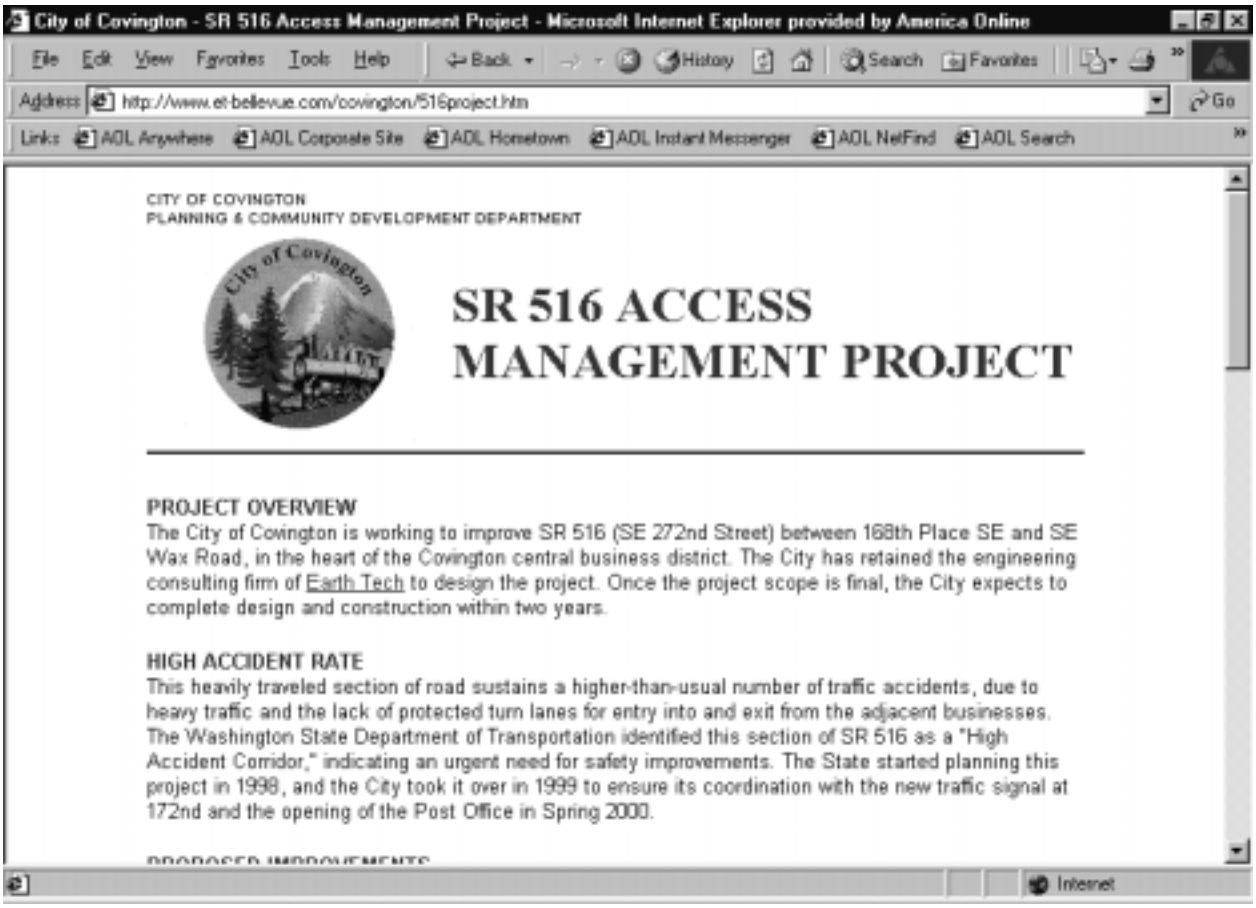
- Major investment study/environmental impact project information
- Feedback through email messages



The Capital Beltway site is available at: http://project1.parsons.com/capitalbeltway/. The contact is Anne McNulty, Parsons Transportation Group/DeLeuw, Cather & Co., 11320 Random Hills Road, Suite 100, Fairfax, VA 22030, 703-352-1163, fax – 703-385-1147; email – Beltway.Study@Parsons.com. The website was designed to provide information and gain comments during the major investment study and environmental assessment for a portion of Interstate 495 in Virginia. The project team believed that use of the site allowed them to explain the project in much greater detail than possible in newsletters, brochures, or meeting display boards. The site is organized to allow readers to get only an overview or much more detailed information. Emailed comments or information requests are handled as if they were received at public meetings and documented for project files.

State Highway Access Management Project (Covington, Washington)

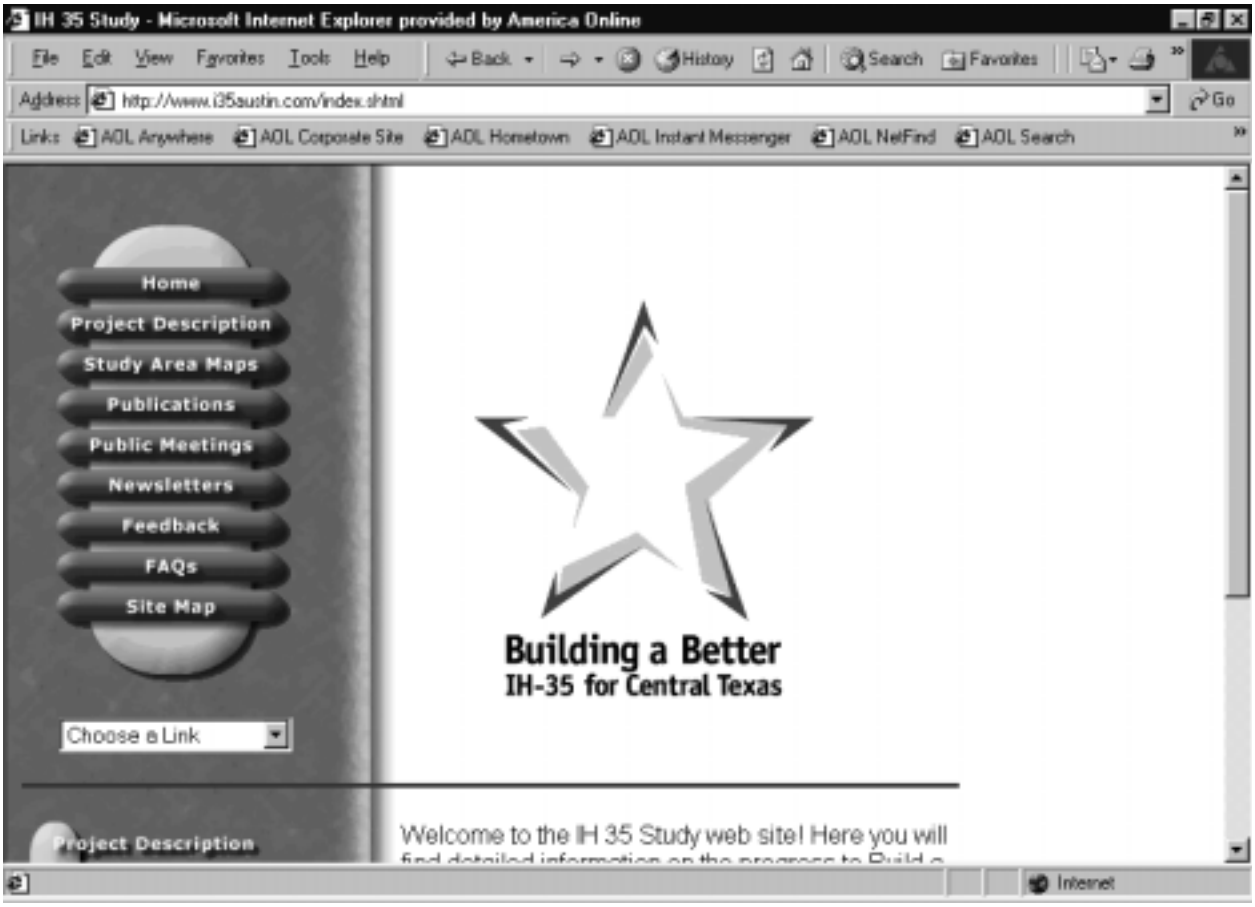
- Public interaction to support access management improvement design
- Feedback through comment form



The City of Covington, Washington, used a website designed and maintained by an engineering consulting firm to present information about proposed improvements to a high accident corridor. The site can be accessed at: http://www.et-bellevue.com/covington/516project.htm. The contact person for the website is Mr. Jon Pascal, Earth Tech, 10800 NE 8th Street, 7th Floor, Bellevue, WA 98004, 425-455-9494, email- jon_pascal@earthtech.com. The website was gauged to be very useful in the overall effectiveness of the public involvement program.

Interstate 35 Study (Austin, Texas)

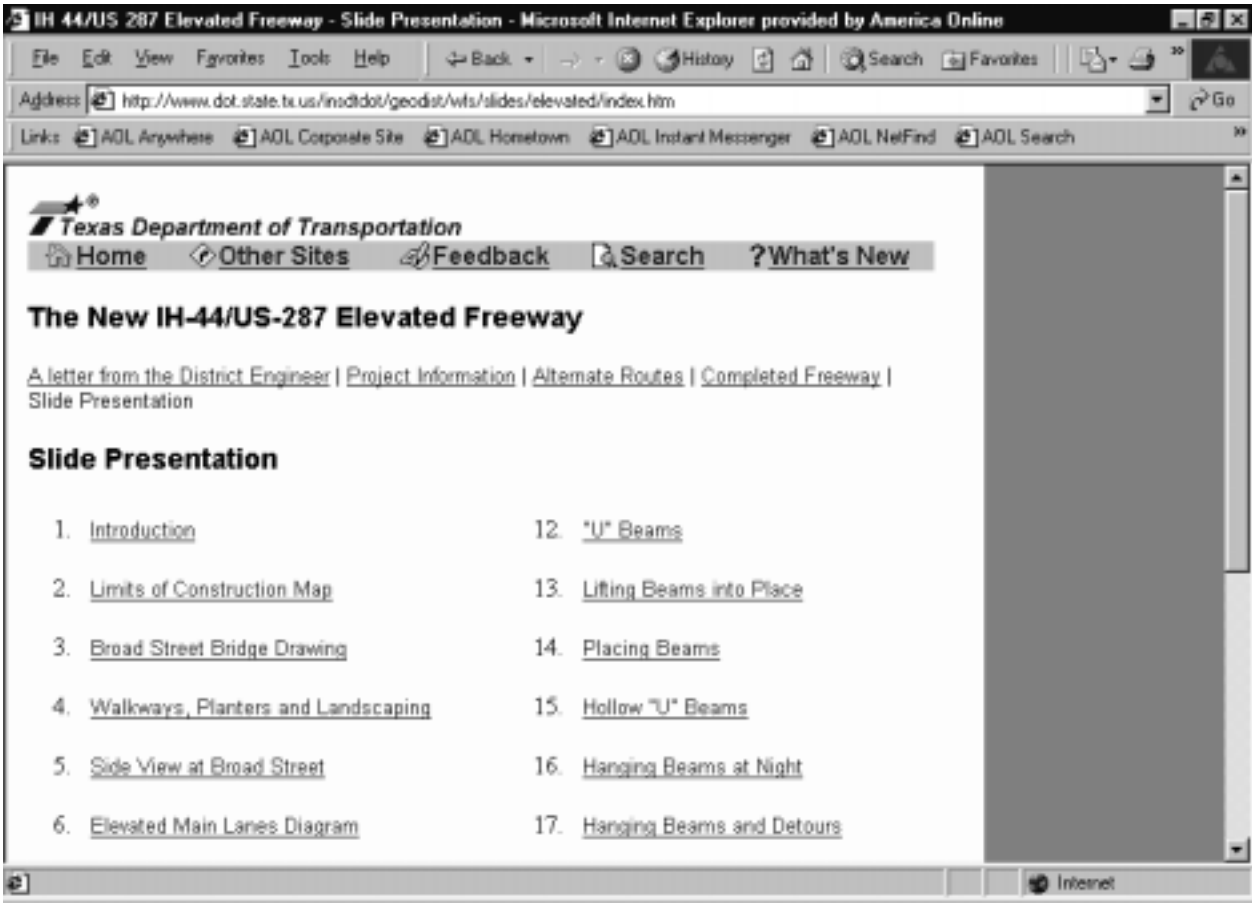
- Sharing information about highway improvement study with the public
- Feedback from the public through survey form completion, hotline (no email contact offered)
- Use of succinct website address and advertisement of site through portable signs on freeway



The website address is http://www.i35austin.com/index.shtml. Contact for the website is Mr. Jon Engelke, Earth Tech, Inc., 1420 West Mockingbird Lane, Suite 300, Dallas, TX 75247, 214-630-8867, fax – 214-631-8428, email-jon_engelke@earthtech.com. The TxDOT project contact is Glenn McVey of the Austin District, – email – cmcvey@dot.state.tx.us. The website incorporates a variety of means for feedback, including an electronic survey form to complete, a hotline telephone listing to call, and an address for written comments to be sent. The consulting firm designed the site, with input from TxDOT's Austin District. The approximate cost of development and maintenance of the site is $30,000. A public involvement firm, working as a subconsultant to the engineering design firm, collects the survey responses and summarizes the results. The same Internet site has a secure section accessed by password that is used by the project study team to collaborate on the project.

Posting of Computer Slide Presentation for Highway Improvement (Wichita Falls District)

- Simplified posting of information on a planned project
- Posting of letter from the District Engineer
- Email feedback through TxDOT homepage



The Wichita Falls District utilized a presentation developed to explain the new Interstate 44/U.S. Highway 287 elevated freeway project for a simplified posting in the "Local Information and News Page" of the TxDOT website. The site address is: http://www.dot.state.tx.us/insdtdot/geodist/wfs/slides/elevated/index.htm. This is an example that shows that elaborate graphic programs are not required to present useful information to the public. The contact person for the project is Ms. Adele Lewis Calhoun, Wichita Falls District, 1601 Southwest Parkway, Wichita Falls, TX 76302, 940-720-7728, fax – 940-720-7851, . The District sees the Internet site as an effective tool. It promotes the availability of information on the web through personal contact.

Woodrow Wilson Bridge Project (Washington, D.C. area)

- Sharing background and information on a multi-jurisdictional major bridge project
- Posting of public meetings and other public activities
- Survey of site users

The project includes the federal government and the states of Maryland, Virginia, and the District of Columbia, as well as other local and regional governments. The site can be accessed at: http://www.wilsonbridge.com/. The contact person is Ms. Norine M. Walker, URS – Potomac Crossing Consultants, Woodrow Wilson Bridge Center, 1800 Duke Street, Suite 200, Alexandria, VA 22314, 703-519-9800, fax – 703-548-4593, email – walkern@wwbgec.com. The consulting team for the project maintains two Woodrow Wilson Bridge Centers – one in Alexandria, Virginia, and another in Oxon Hill, Maryland. The site is used to provide background and information on the project, but also to encourage individuals to visit the centers in person. Interestingly, the website was developed by one consultant team and then transferred to the consulting team in charge of the current phase – going from planning to construction.

OTHER EXAMPLES OF TRANSPORTATION WEBSITES

There are countless other examples of innovative and creative uses of websites for supporting transportation efforts or that could be adapted for transportation uses. Below is a listing of some representative ideas:

Online Citizen Complaint Form

The City of San Carlos, California, provides a form online for citizens to report problems.

http://www.ci.san-carlos.ca.us/forms/scfield.html

Online Contest Calling Attention to Construction Staging

The Pennsylvania DOT sponsored an online contest, with winners winning a site visit to a bridge construction zone, as well as prizes that included: hard hat, vest and PennDOT gear; brownbag lunch; photo souvenir of the visit; and "secret project information." The construction update site also offers email updates.

http://www.epenndot.com/project/projecttime.htm

Interstate Freeway Reconstruction Updates

The New Mexico State Highway and Transportation Department provides information on major reconstruction of the interstate freeways in Albuquerque. The site features video drive-throughs, traffic cameras and message boards, traffic reports, project information, a summary of the construction activities for the coming week, commuter information, and milestones.

http://www.thebigi.com/

Corridor Planning Project Information and Updates

A PennDOT website provides information on the study of improvements along the existing State Highway 322 from Interstate 99 to Interstate 80, known as the Corridor O Project. The site

includes background information, public involvement information (including a listing of public meetings, local project office, speakers bureau, school outreach program, public outreach, and a history of the project area), maps, news room (copies of news releases), a “kids” page, other links, and a feedback link.

http://www.corridor-o.com/index.html

Internet News Conference

In July 1999, the New York Metropolitan Transportation Council hosted a news conference on the Internet to discuss the regional transportation plan, “Mobility for the Millennium.” Information about the conference is still posted at the site.

http://www.videonewswire.com/ARCH/070199/

APPENDIX C
TXDOT AND STATE OF TEXAS RULES, REGULATIONS, AND FORMS FOR USE OF THE INTERNET

This appendix includes the following documents:

- Public Information Office Internet Request Review Procedures
- Internet Information Proposal (IIP) Process
- Internet Information Proposal (IIP) Request Form
- Sample Memorandum Used to Report on Review of the IIP Request
- State of Texas Regulations on State Web Sites (1TAC Section 201.12)

Public Information Office
Internet Request Review Procedures

Background

Just as the Web site itself has evolved to its current state, the process for requesting the placement of information on the site has also evolved through several changes. In March 1995, TxDOT's Electronic Information Access Advisory Team (EIAAT) was chartered to "design, develop and incorporate approved information into TxDOT's Internet repository…." During the initial development phase of this team, an Internet Information Proposal (IIP) form was developed to allow districts, divisions and offices to submit suggestions regarding the information to be available on the Web site. Initially, all Internet Information Proposals were reviewed by the EIAAT, but were approved and prioritized by the executive director during monthly meetings with EIAAT members.

In August 1995, a memo from the director of the Information Resource Management (IRM) Office formally established the process for submitting an IIP. Under these procedures, IIPs were forwarded to IRM for review; however, the executive director continued to have the final approval for all IIPs. A month later, a memo from the deputy executive director for administrative services disbanded the EIAAT.

The Standing Committee on Internet Business Strategies (SCIBS) was formed in June 1996. This committee was charged with the responsibility of coordinating "all TxDOT information and/or services proposed for inclusion on the Internet World Wide Web…." The committee reviewed all IIPs and made recommendations to the senior management team which continued to retain final approval authority. On February 4, 1999, a memo from the executive director disbanded this committee and transferred the responsibility for reviewing and approving IIPs to the Public Information Office "because of their expertise in communication matters, ...and the continuing effort to reduce the number of committees throughout the department…." The deputy executive director was designated to "handle any appeals of the decisions made by PIO."

Submitting a proposal

The Office of Primary Responsibility (OPR) for a proposal must submit a completed Internet Information Proposal (IIP) Form 1932 to the Public Information Office (PIO). The request may be submitted in either hard copy or electronic format. The preferred format is electronic which facilitates the coordination and review process. The completed IIP must 1) thoroughly describe the information proposed for posting on the Internet, 2) identify the primary recipients of the information and 3) provide a complete discussion of the benefits to TxDOT from posting the information on the Internet.

PIO review process

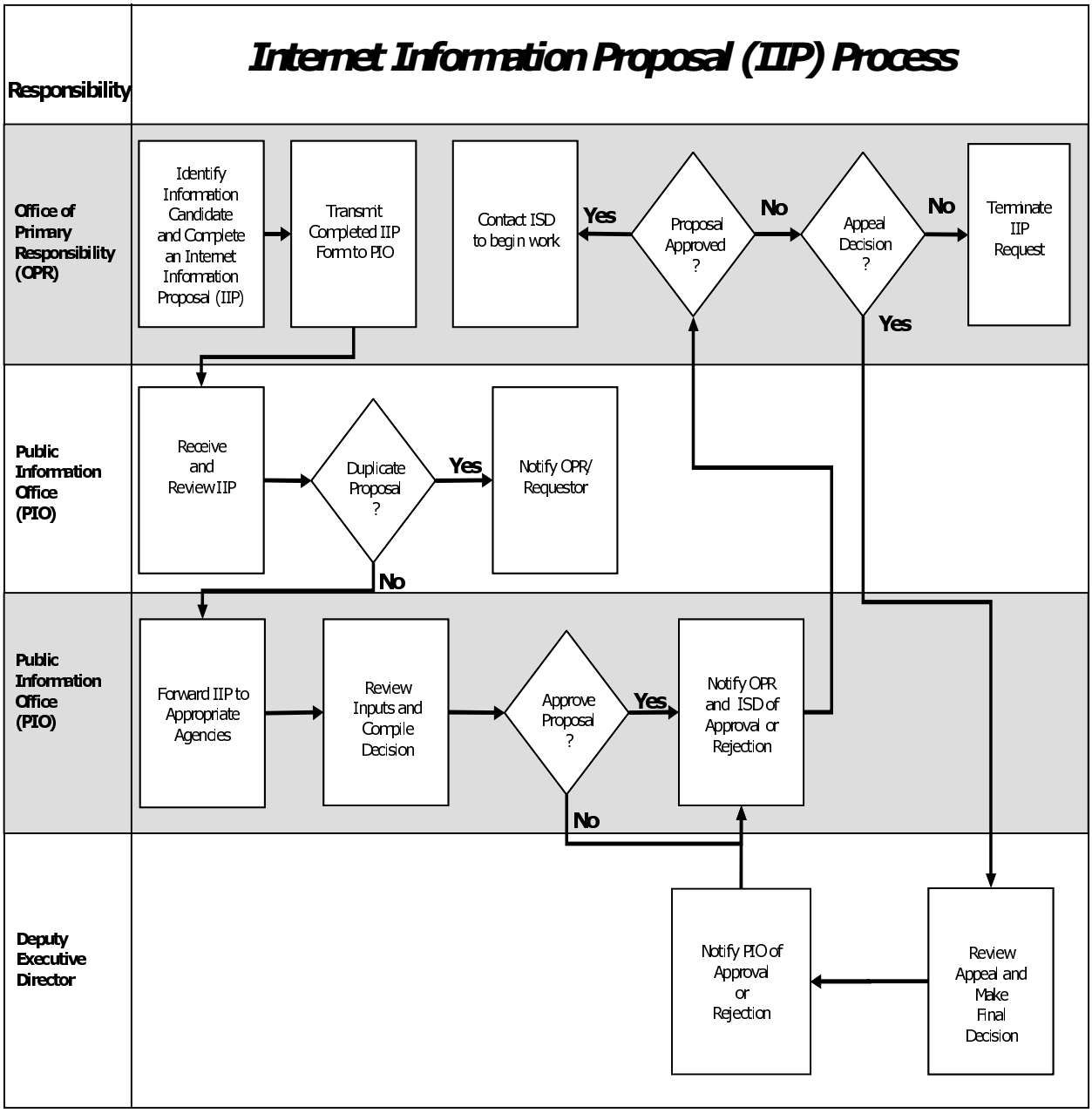
Internet Information Proposals are initially reviewed by PIO to determine if the proposal duplicates information already posted on the TxDOT Web site or duplicates another proposal being considered. If it does, the IIP is rejected and returned to the OPR with an explanation of the duplication.

If the IIP is not a duplication, PIO assigns a tracking identification number to the proposal, establishes a suspense date for completion of the review process and forwards a copy to Information Systems Division (ISD) for review and comments. Based on the scope and content of the proposal, it may also be sent for review to other offices or agencies within or outside TxDOT.

The IIP is reviewed:

1. To determine if there are technical constraints and/or costs which would prohibit posting on the Web site.
2. For business utility to include:
    - Will the information be useful or of interest to the general public, contractors, government agencies, etc.
    - Satisfy a legal mandate.
    - Reduce TxDOT personnel costs (i.e. telephone/written inquiries)
    - Reduce TxDOT monetary expenditures (i.e. public information campaigns, postage, printing, etc.)
    - Consistency with TxDOT's mission and goals.

After all requested offices and/or agencies have reviewed the IIP, a decision to approve or reject the proposal is made by PIO. A memo identifying the IIP and the decision regarding the proposal is forwarded to the OPR with a copy to ISD. After an IIP has been approved, it is the responsibility of the OPR to coordinate the actual development and posting of the Web site with ISD. If an IIP is rejected, the OPR has the option of appealing the decision to the deputy executive director, who will then inform PIO of the decision regarding the appeal. PIO will advise the OPR and ISD.


Responsibility
Internet Information Proposal (IIP) Process
Office of Primary Responsibility (OPR)
Identify Information Candidate and Complete an Internet Information Proposal (IIP)
Transmit Completed IIP Form to PIO
Contact ISD to begin work
Yes
Proposal Approved ?
No
Appeal Decision ?
No
Terminate IIP Request
Yes
Public Information Office (PIO)
Receive and Review IIP
Duplicate Proposal ?
Yes
Notify OPR/ Requestor
No
Public Information Office (PIO)
Forward IIP to Appropriate Agencies
Review Inputs and Compile Decision
Approve Proposal ?
Yes
Notify OPR and ISD of Approval or Rejection
No
Deputy Executive Director
Notify PIO of Approval or Rejection
Review Appeal and Make Final Decision

FOR PIO USE ONLY
IIP Number: _____

Internet Information Proposal (IIP)

Texas Department of Transportation

Form 1932
(Rev. 11/99)
(Electronic version GSD EPC Word 97)
Page 1 of 1

Requestor _____ **Phone** _____

District/Division/Office _____ **Date** _____

Description of proposed information for Internet
Attach sample pages or provide a word description of how the information will be presented on the Web site. Identify primary recipients of information (for example, general public, contractors, research community, other government office or agencies).

Benefits to TxDOT
Describe how posting this information will benefit TxDOT(for example, decreased support cost, increased customer satisfaction, advertising, response to request for public information, item of interest, decreased postage, etc.).

Update procedures
Explain the procedures to be used to ensure the information posted remains current (for example, how often will the information be reviewed, who will be responsible for the review, who will provide updated information to ISD for posting, etc.).

Proposal Authorization _____ **Date** _____
D/D/O Engineer or Director

Please forward completed proposal to the director of the Public Information Office (PIO)

MEMORANDUM

Texas Department of Transportation

TO: September 18, 2001

FROM: C. Eloise Lundgren, Director, Public Information Office

SUBJECT: Internet Information Proposal (IIP)

Your Internet Information Proposal dated ,_____, 2000, requesting a Web site has been reviewed and approved with the following stipulations:

1. The Web site must be established and maintained on the TxDOT Internet server system.
2. Links to the new site should be established on appropriate, currently existing pages, not including the TxDOT home page.
3. The layout/format of the Web pages must comply with the TxDOT Standards for the Internet.
4. All technical aspects of the new site, including off-site links, must be coordinated with ISD.

Please contact James Pennington in ISD to coordinate the development and posting of this new site.

cc:
James Pennington, ISD

1 TAC §201.12 State Web Sites

As of April 3, 2000

The rule was published in the Texas Register March 31, 2000 Volume 25 Number 13, see http://www.sos.state.tx.us/texreg/index.html.

1 T.A.C. Sec. 201.12. State Web Sites.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings unless the context
clearly indicates otherwise.

(1) Agency contact information--a list of key personnel and/or position or program contacts, including public contact telephone numbers, general e-mail address, and other information deemed necessary by the agency for facilitating public access.

(2) alt tag -- Alternative tag; an HTML code option associated with an image file on a Web page that is used to give a text description of the image. This information will assist a person using a text browser to understand the page content and navigation directions.

(3) Document image files -- Files published in vendor-specific file formats (e.g., portable document format (pdf) files) that create an image of a document.

(4) Frames -- A coding technique used to present information on a Web page.

(5) Generally accessible Internet site -- A state Web site that:

(A) complies with the Web Content Accessibility Guidelines for persons with visual disabilities promulgated by the W3C;
(B) contains no priority 1 errors; and
(C) complies with HTML standards published by the W3C.

(6) Historical document -- either a document dated prior to 1991 for which the agency does not have the original document in electronic format, or a document dated prior to 1997 that contains a handwritten signature.

(7) Home page -- The initial page or entry point to a state Web site.

(8) HTML -- HyperText Markup Language.

(9) IETF -- the Internet Engineering Task Force.

(10) Internet -- the network of interconnected networks employing the TCP/IP standards as published by the IETF.

(11) Key public entry point -- A Web page that a state agency has specifically designed for members of the general public to access official information (e.g., the governing or authoritative documents) from the agency.

(12) Meta tag -- An HTML code option for identifying information about a Web page that facilitates locating specific information on Web pages by search engines.

(13) P3P -- Platform for Privacy Preferences; a technical specification published by the W3C that enables Web sites to identify their privacy practices in a manner that can be understood by commercially-available Web browsers.

(14) Priority 1 error -- An HTML coding error on a Web page that will cause persons with visual disabilities to be unable to access information on the page.

(15) Priority 2 error -- An HTML coding error on a Web page that may make it very difficult for persons with visual disabilities to access information on the page.

(16) Privacy Policy -- a statement about what information is collected by a Web site, how the information will be used, and under what conditions the information may be shared or released to another party. Privacy Policy guidelines are available at http://www.state.tx.us/Standards/srrpub11-privacy-policy.htm

(17) Server log software and cookies -- Particular methods employed for the purpose of tracking visitors to Web sites. The information collected for analysis can include where the request came from, time, pages visited, and identifiable information about the visitor.

(18) State Web site -- a state agency-owned, -operated, or -funded Web site connected to the Internet, including a state agency's home page and any key public entry points.

(19) SSN -- Social Security Number.

(20) SSL -- Secure Sockets Layer; The Internet security standard for point-to-point, encrypted connections between Web servers and client browsers.

(21) Statewide Search -- a link to the TRAIL Web site.

(22) TCP/IP -- Transmission Control Protocol/Internet Protocol; a suite of protocols developed by the IETF and published as Request for Comments (RFCs).

(23) Texas home page -- http://www.state.tx.us/.

(24) TRAIL -- Texas Records and Information Locator or its successor. Additional information is available at http://www.tsl.state.tx.us/

(25) Transaction payment information -- bank account and routing number, credit, debit, or other forms of card-based payment systems.

(26) Transaction Risk Assessment -- An evaluation of the security and privacy required for an interactive Web session providing public access to government information and services. Additional information and guidelines are available at http://www.state.tx.us/Standards/srrpub11.htm

(27) W3C -- World Wide Web Consortium. For additional information and copies of standards and recommendations.

(b) All state agencies will adhere to the following:

(1) As of July 1, 2000, the home page of all state Web sites, and any new or changed key public entry points, shall meet the definition of a generally accessible Internet site and the following guidelines:

(A) Every image on a state Web site shall use an alt tag with sufficient information describing the image, or a null for simple images (e.g., a dot or bullet), so that a person unable to see the image can understand the content and meaning for its use. Except for geographic information systems, if image maps are used that do not comply with the Web Content Accessibility Guidelines for persons with visual impairments, a text alternative shall be provided.

(B) A state agency implementing frames on a state Web site shall:

(i) Not have any page that contains priority 1 or 2 accessibility errors.

(ii) Drop the frame(s) when indexing or pointing to other non-agency Web sites.

(C) A state agency posting document image files to a state Web site, for which the associated reader does not fully support accessibility, shall also make available an accessible version of the same information. The document image version will include a link to obtain a free copy of the associated reader, and accessibility instructions. Excluded from this provision are:

(i) Historical documents.

(ii) Documents for which the agency is not the original author.

(iii) Document image files of forms that are not currently designed for electronic use, but for which the use depends on a structured layout. These forms shall be identified in the section of the agency's Information sources Strategic Plan that describes the agency's plans for receiving forms or payments electronically.

(D) A state agency shall publish a privacy policy for its Web site. The privacy policy shall address the following:

(i) Use of server logs and/or cookies.

(ii) Information collected by other technologies and processes.

(iii) Information collected via e-mail and Web-based forms. A Web-based form shall post a link to the policy. The form may include a provision for the individual to opt-out of sharing the information with another party, or a warning that the information may be a public record and therefore subject to the Texas Public Information Act.

(E) Web pages designed for children must comply with all applicable federal and state laws intended to protect minors.

(F) State agencies shall plan on implementing P3P on the home page and key public entry points to a state agency Web site.

(G) All Web pages, whether static or dynamic, must be accessible using generally available browser software, and be designed with consideration for the types of Internet connections available to the citizens of Texas. Standards Review and Recommendation Publication 11 (SRRPUB11) contains additional information that may assist agencies in the design of their Web sites. The guideline is available at http://www.state.tx.us/Standards/srrpub11.htm

(2) As of July 1, 2000, all new or changed HTML documents on a state agency Web site that meet the criteria of a "state publication" as defined by the Texas State Library and Archives Commission shall include the following meta tags:

(A) Title - page topic or subject.

(B) Description - brief description of the subjects covered.

(C) Keywords - specific to the page subject, and should not exceed 25 words.

(D) Author - State of Texas and state agency name.

(3) As of July 1, 2000, the home page of a state Web site shall incorporate TRAIL metadata and shall:

(A) Provide links to the following State of Texas resources:

(i) Texas home page

(ii) Statewide Search

(B) Provide links to the following agency information:

(i) Privacy policy

(ii) Agency contact information

(iii) Description of the agency's open records policy/procedures

(4) As of July 1, 2000, all key public entry points shall provide links to the following:

(A) Agency contact information

(B) Agency home page

(5) Prior to providing access to information or services on a state Web site that require user identification, each state agency shall conduct a transaction risk assessment, and implement appropriate security and privacy safeguards. At a minimum, state Web sites that require a citizen to enter the following information shall use an SSL session or equivalent technology to encrypt the data:

(A) Both the individual's name and other personal information, such as an SSN;

(B) Transaction payment information; or

(C) An individual's identification code and password.

Further guidance concerning server certificates and encryption key length are contained in SRRPUB11 at http://www.state.tx.us/Standards/srrpub11.htm

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on March 14, 2000.