

**ARIZONA DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS OFFICE**

**TITLE VI NONDISCRIMINATION PROGRAM
IMPLEMENTATION PLAN**



Federal Transit Administration

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December 1, 2022

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INTRODUCTION

Title VI Implementation Plan for FTA

This Title VI Nondiscrimination Program Implementation Plan has been adopted by the Arizona Department of Transportation and is an inclusive plan applicable to the:

Federal Transit Administration

The Title VI Program Compliance Plan is designed to aid the Civil Rights Office to ensure that there is Title VI compliance throughout ADOT. This document will be reviewed triennially to reflect changes in law, administrators, regulations, and/or policy. This document is intended to provide guidance to ADOT personnel and other interested entities and is not intended to, does not and may not be relied upon to create any right or benefit, enforceable by law by a party against ADOT.

A translation of this plan into alternate languages will be made available upon request. For individuals with disabilities, this document will be made available upon request in alternate formats. To obtain a copy in one of these alternate formats or for questions or concerns, please call or write:

Para obtener una copia de este documento en formatos alternativos o si tiene preguntas por favor llame o escriba a:

**Arizona Department of Transportation
Civil Rights Title VI Program
Attn: Title VI Nondiscrimination Program Coordinator
206 S. 17th Avenue
Mail Drop: 155A
Phoenix, AZ 85007
602-712-8946**

ABOUT THE ARIZONA DEPARTMENT OF TRANSPORTATION

The Arizona Department of Transportation (ADOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. ADOT is responsible for planning, building, and operating a complex highway system. In addition, ADOT is responsible for building and maintaining bridges and the Grand Canyon Airport. Finally, major components of ADOT also include the Motor Vehicle Division (MVD), which provides title, registration, and driver license services to the general public and the Enforcement and Compliance Division (ECD) that is committed to the safe and efficient movement of goods and services through the State of Arizona.

ADOT is primarily funded by the people who drive or own private and commercial vehicles, purchase fuel, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration, and license fees to build and operate the state's transportation systems. About 80% of the money ADOT collects returns to the private sector in the form of paychecks and payment for transportation services and materials. In addition, ADOT is also annually awarded federal funds by the United States Department of Transportation (USDOT) including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), Federal Aviation Administration (FAA), and Federal Motor Carrier Safety Administration (FMCSA) to help support ADOT's agencies and programs, and their continued growth.

ADOT, with the support of USDOT, is proud to have created a transportation system that creates job opportunities through the planning, building, and maintenance of its projects and other innovative ideas. These projects, in turn, generate economic development and attract a varied workforce to join our community. ADOT consistently strives to successfully deliver a range of transportation projects through the efficient use of funds and the annual proposed budgets.

Although ADOT does not operate transit facilities nor does it provide transit services, FTA allocates federal funds to ADOT for the development and support of bus transportation services. ADOT's primary responsibility is to provide fair and equitable distribution of FTA grant funding financial assistance to qualified grantees within the state of Arizona. Funding is provided to private providers, nonprofits, counties, cities, towns and Native American tribes to provide transportation services. As a recipient of federal funds through USDOT, ADOT is responsible for ensuring nondiscrimination throughout the organization; nondiscrimination policies are further described in this document. These guidelines, identified as "Title VI Nondiscrimination Implementation Program Plan" (Title VI Plan), were developed in accordance with the federal compliance guidelines. Furthermore, the Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

To request further information, please contact the ADA/Title VI Nondiscrimination Program Coordinator, Krystal Smith, at (602) 712-8946.

TITLE VI NONDISCRIMINATION STATEMENT OF POLICY

Title VI

In compliance with Title VI and the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, the Arizona Department of Transportation (ADOT) assures through its policies, assurances and procedures that no person shall on the grounds of race, color, national origin or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT or ADOT-sponsored program, service or activity.

Environmental Justice/Limited English Proficiency

ADOT assures that every effort will be made to prevent discrimination against low-income and/or minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to address Environmental Justice in Minority Populations and in Low-Income Populations. Likewise, ADOT also assures every effort will be made to provide meaningful access to persons with limited English proficiency in accordance with Executive Order 13166, improving Access to Services for Persons with Limited English Proficiency.

Questions about ADOT's Title VI Program may be directed to:

Arizona Department of Transportation
Civil Rights Title VI Program
Attn: Title VI Nondiscrimination Program Coordinator
206 S. 17th Avenue
Mail Drop: 155A
Phoenix, AZ 85007
602-712-8946
Email: civilrightsoffice@azdot.gov

<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>

Title VI Nondiscrimination Program objectives:

- I. To be transparent with the public on ADOT's standard operating procedures to ensure nondiscrimination in all ADOT programs and activities.
- II. To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related nondiscrimination statutes.
- III. To assure that all participants and beneficiaries affected by ADOT's programs, projects, and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, creed, age, sex, disability, income status, or limited English proficiency.
- IV. To bring awareness to all ADOT employees, including consultants and contractors performing work on behalf of ADOT of their roles and responsibilities to ensure nondiscrimination in all ADOT programs, services, and activities, regardless of funding source.
- V. To establish procedures for identifying and eliminating discrimination when found to exist.
- VI. To establish ADOT processes for conducting Title VI internal program area reviews and subrecipients reviews to determine effectiveness of the area's compliance activities at all levels.

- VII. To establish ADOT compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients.
- VIII. To describe the procedures for processing complaints by persons who believe that they have been subjected to discrimination under Title VI in any ADOT service, program, or activity, to include programs administered by ADOT subrecipients.

ADA/TITLE VI NONDISCRIMINATION POLICY STATEMENT

The Arizona Department of Transportation (ADOT), as policy, assures nondiscrimination compliance on the grounds of race, color, national origin, age, sex, disability, limited English proficiency (LEP) and low-income status as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), 49 Code of Federal Regulations (CFR) § 21, and related authorities.

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. ADOT’s subrecipients, grant recipients, and contractors must also comply with this policy.

The ADOT Civil Rights Office and program areas will work closely to implement Title VI Nondiscrimination Program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all ADOT programs and activities.

The Director assures compliance with Title VI and delegates full authority to the Civil Rights Office to oversee and implement Title VI regulations and related nondiscrimination authorities.

By signing below, I certify that this Title VI Program Plan for FTA has been reviewed and approved by the Director of the Arizona Department of Transportation.

DocuSigned by:
John Halikowski
7EB3155ED0704AC

John S. Halikowski
Director

11/27/2022

Date

TITLE VI PROGRAM ADMINISTRATION

The ADOT Civil Rights Office oversees the development and implementation of Civil Rights programs for ADOT in compliance with 49 CFR Part 21 and other regulatory authorities. The administration of the Title VI programs is delegated to the Title VI Nondiscrimination Program Coordinator who is ADOT's Title VI expert. The Title VI Nondiscrimination Coordinator is assisted in the day-to-day administration of Title VI by Program Managers and Title VI Specialists.

OVERVIEW OF TRANSIT PROGRAMS

ADOT does not operate transit facilities nor does it provide transit services. FTA funding allocated for the development and support of bus transportation is awarded to eligible grantees within the state of Arizona.

The Multimodal Planning Division (MPD) within ADOT oversees FTA and state-funded transit programs. Management responsibility is designated to the Multimodal Planning Division's Transit Programs Section to administer the following programs:

- Sections 5305: Long-term Statewide and Metropolitan Planning Grants.
- Section 5307: Urbanized Area Formula Funding Program
- Section 5310: Enhanced Mobility of Seniors and Persons with Disabilities Program (Capital, Mobility Management and Operating Awards by Region)
- Section 5311: Formula Grants for Rural Areas Program
- Section 5329 State Safety Oversight
- Section 5339: Bus and Bus Facilities

Sections 5305 programs provide funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas and statewide.

Section 5307 makes federal resources available to urbanized areas and governors for transportation-related planning and transit capital and operating assistance in urbanized areas. ADOT provides funding to small urban transit programs who apply directly to FTA for these funds.

Section 5310 programs provide funds for capital and operating expenses in each region of the state and are allocated by urban, small urban and rural apportionments.

Section 5311 programs provide administrative, capital, planning, operating and technical assistance to support public transportation in rural areas with populations less than 50,000 and include non-fixed route paratransit services.

Section 5329 programs provide funds for the State Safety Oversight program which oversees the Light Rail and Streetcars in the Greater Phoenix and Tucson areas.

Section 5339 programs provide capital funding for bus and bus facilities to existing transit programs in the small urban and rural areas.

DISSEMINATION OF TITLE VI INFORMATION

ADOT'S NONDISCRIMINATION NOTICE TO THE PUBLIC

The Arizona Department of Transportation (ADOT) provides posters, self-identification survey cards and brochures at every public hearing and meeting. These materials are available in English and Spanish. Translation into other languages is available, upon request. ADOT's Nondiscrimination Notice to the Public is posted in the front lobby of all ADOT buildings statewide and is included herein. It can also be found on ADOT's website at:

<http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/title-vi-implementation>



ADOT'S NONDISCRIMINATION NOTICE TO THE PUBLIC

The Arizona Department of Transportation (ADOT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all of its programs and activities.

ADOT's Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person, who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the ADOT Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about ADOT's Civil Rights programs and the procedures to file a complaint contact ADOT Civil Rights Office via the information listed below:

AVISO PÚBLICO DE LA LEY DE NO-DISCRIMINACIÓN DE ADOT

El Departamento de Transporte del Estado de Arizona (ADOT) informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, del Título II de la Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA) y otras normas relacionadas con todos sus programas y actividades.

Los programas del Título VI y ADA de ADOT exigen que a ninguna persona se le excluya de participar, se le nieguen beneficios o de ninguna otra manera sea sujeta a discriminación en ningún programa o actividad de ADOT por motivo de raza, color, país de origen, o discapacidad.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI o el ADA, puede presentar una queja. Esta queja debe presentarse por escrito a la Oficina de Derechos Civiles de ADOT dentro de ciento ochenta (180) días a partir de la fecha en que se alega que ocurrió la discriminación. Para recibir más información sobre los programas de Derechos Civiles de ADOT y los procedimientos para presentar una queja, por favor póngase en contacto con la Oficina de Derechos Civiles de ADOT a través la información que aparece abajo:

KRYSTAL SMITH
ADA/TITLE VI
NONDISCRIMINATION
PROGRAM COORDINATOR
KSMITH2@AZDOT.GOV

ADOT Civil Rights Office
206 S. 17th Avenue, Mail Drop 133-A
Phoenix, AZ 85007
602.712.8946
602.239.6257 FAX
azdot.gov
CivilRightsOffice@azdot.gov

LEP PLAN (LIMITED ENGLISH PROFICIENCY)

The Arizona Department of Transportation (ADOT) in the course of routine business matters related to its programs and activities will make efforts to effectively communicate with all members of the public. Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. ADOT’s LEP Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.

Authorities

The following matrix illustrates legal and policy considerations that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible persons
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons meaningful access to services using factor criteria under federally-funded programs

ROLES AND RESPONSIBILITIES

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various ADOT Program Areas. Each program area will be responsible for conducting a Four-Factor Analysis and ensuring compliance with LEP requirements on a project-by-project basis.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis). Recommended table to be used: C16001 “language spoken at home by ability to	X	

speaking English for population 5 years and over" from the 5 year American Community Survey.		
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

Program Areas will use the below LEP Four-Factor Analysis

Factor 1: Identify the number and proportion of LEP persons served or encountered and eligible for service population by the ADOT Program/Project

Factor 2: Identify the frequency in which LEP persons encounter the ADOT Program/Project

Factor 3: Identify the nature and importance of program, activity, or services provided by the ADOT Program/Project

Factor 4: Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project

AGENCY LEP FOUR-FACTOR ANALYSIS

(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

In developing this plan, ADOT undertook a U.S. Department of Transportation LEP Four-Factor analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services.

Based on data collected from the U.S. Census for Arizona, Spanish and Navajo are identified as the top LEP languages of persons likely to be served by an ADOT program, service or activity. Additional LEP languages may be identified through Four-Factor Analyses conducted on a project-by-project basis.

The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

Based on Arizona populations, Spanish and Navajo have been identified as the highest LEP languages and thus most likely to be encountered. The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

State of Arizona Limited English Proficient Populations that meet the *Safe Harbor Threshold by Counties				
County	Language	Percent	Speak English less than "very well"	Total Population
Apache	Navajo	10.97%	7,289	66,467
Cochise	Spanish or Spanish Creole	7.03%	8,373	119,128
Coconino	Navajo	3.73%	4,792	134,623
Coconino	Spanish or Spanish Creole	1.59%	2,147	134,623
Gila	Spanish or Spanish Creole	1.97%	1,006	50,970
Graham	Spanish or Spanish Creole	3.26%	1,159	35,541
Greenlee	N/A	N/A	N/A	8,731
La Paz	Spanish or Spanish Creole	5.44%	1,094	20,095
Maricopa	Spanish or Spanish Creole	6.46%	267,027	4,135,464
Maricopa	Chinese (incl. Mandarin, Cantonese)	0.32%	13,104	4,135,464
Maricopa	Vietnamese	0.24%	9,784	4,135,464
Maricopa	Arabic	0.17%	7,072	4,135,464
Maricopa	Tagalog	0.11%	4,424	4,135,464
Maricopa	Korean	0.06%	2,572	4,135,464
Maricopa	Other Indo-European languages	0.38%	15,763	4,135,464
Maricopa	French, Haitian, or Cajun	0.05%	1,926	4,135,464
Maricopa	Other and unspecified languages	0.27%	11,077	4,135,464
Maricopa	Russian, Polish, or other Slavic languages	0.13%	5,206	4,135,464
Maricopa	German, or other West Germanic languages	0.02%	966	4,135,464
Maricopa	Other Asian and Pacific Island languages	0.24%	10,080	4,135,464
Mohave	Spanish or Spanish Creole	2.67%	5,385	201,778
Navajo	Navajo	6.36%	6,340	102,851
Navajo	Spanish or Spanish Creole	1.17%	1,199	102,851
Navajo	Other and unspecified languages	5.93%	6,103	102,851
Pima	Spanish or Spanish Creole	6.39%	62,705	980,870
Pima	Russian, Polish, or other Slavic languages	0.11%	1,075	980,870
Pima	Other Indo-European languages	0.14%	1,365	980,870
Pima	Chinese	0.32%	1,531	980,870
Pima	Vietnamese	0.16%	1,531	980,870

Pima	Other Asian and Pacific Island languages	0.13%	1,321	980,870
Pima	Arabic	0.14%	1,358	980,870
Pima	Other and unspecified languages	0.27%	2,641	980,870
Pinal	Spanish or Spanish Creole	5.27%	22,264	422,382
Santa Cruz	Spanish or Spanish Creole	31.43%	13,660	43,468
Yavapai	Spanish or Spanish Creole	2.83%	6,309	222,994
Yuma	Spanish or Spanish Creole	19.39%	38,187	196,954

Source: U.S. Census Bureau (2020). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2016-2019 American Community Survey 5-Year estimates. Retrieved July 6th, 2022 from <https://data.census.gov/cedsci/table?q=c16001&g=0400000US04%240500000&tid=ACSDT5Y2020.C16001>

**Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.*

2) The frequency with which LEP individuals come in contact with ADOT programs and services. ADOT program areas identified to have the highest public interactions are listed below:

- Motor Vehicle Division (MVD)
 - Customer Service Program
 - Specialty Registration and Licensing Program
 - Division Operational Support Services
 - Commercial Licensing Program
 - Regulatory (Third Party Program)
- Communications
 - Community Relations
 - Public Information
- Enforcement and Compliance Division (ECD)
 - Office of Inspector General
 - Enforcement Services Program
- Executive Hearing Office
- Business Operations
 - Civil Rights Office
 - Human Resources
 - Employee and Business Development Office
 - Audit and Analysis
 - Administrative Services Division
 - Procurement
 - Grand Canyon National Park Airport
- Infrastructure Delivery and Operations Division (IDO)
 - Engineering Consultant Section

- Construction Group and Materials
- Contracts and Specifications
- Local Public Agency
- Joint Project Agreement Section
- Environmental Planning Group
- Right of Way
- Project Management Group
- Public Private Partnership (P3) Initiatives
- Multimodal Planning Division
 - Aeronautics
 - Transit
 - Major Projects
 - Grant Coordination
 - Research
 - Transportation Analysis
 - Planning and Programming
 - Tribal Planning and Coordination
 - Safety
 - Administrative Functions
- Transportation Systems Management and Operations (TSMO)
 - Systems Maintenance
 - Emergency Management
 - Traffic Maintenance
 - Geospatial Analysis

3) The nature and importance of the program, activities or services provided by ADOT to the LEP population.

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, ROW, environmental planning, community relations and public information are among the most important and likely to have the highest LEP interactions.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to continue to provide alternative and meaningful language formats to all LEP persons. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

4) The resources available to ADOT and overall cost to provide LEP assistance.

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT's Nondiscrimination Notice to the Public is displayed in both English and Spanish in conspicuous locations within its facilities, public rest areas, and at public meetings both in-person or virtual. Additionally, Title VI/ADA Complaint Procedures, and Title VI Informational brochures are distributed by program areas that come into contact with the public in both English and Spanish. Nondiscrimination language in both English and Spanish is also displayed on external notices/communications to the public to request language

assistance. ADOT will continue to use available resources, both internal and external, to accommodate reasonable requests for translation and interpretation services free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified the following resources for LEP:

- 1) List containing direct contact information for ADOT staff who have volunteered to assist as interpreters and/or translators, if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison and will be published on ADOTNet under the "Title VI Resources" tab for all ADOT employees to access.
- 2) Program areas that have contact with the public will use the U.S. Census "I Speak" language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 3) Use of web based translation and telephonic interpretation services under contract with ADOT, when required.
- 4) Each program area maintains a list of translation services for use, when required.
- 5) All ADOT program areas procure interpretation and or translation services through the Arizona Procurement Portal (APP) which lists ADOT "on-contract" interpretation and or translation vendors.

ADOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public
- 2) Complaint Procedures
- 3) Complaint Form
- 4) Title VI Informational Brochures
- 5) Self-Identification Cards to voluntarily collect demographic data
- 6) Outgoing voice message for CRO's main phone line

DOT SAFE HARBOR STIPULATION

Federal law provides a “Safe Harbor” stipulation, based on the United States Department of Justice’s (DOJ) guidance, so that recipients such as ADOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient (ADOT) provides written translations in certain circumstances; such action will be considered strong evidence of compliance with the agency’s written-translation obligations under Title VI.

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “Speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold of 5% or 1,000 individuals, whichever is less, of the population to be served, ADOT must provide translation of vital documents (e.g., Nondiscrimination Notice to the Public, Complaint Procedures, and Complaint Forms) in written format for LEP persons.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, even if a language does not meet the Safe Harbor Threshold, and a document is not considered “vital,” then a written translation would not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written-translation obligations under ‘Safe Harbor’ includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This Safe Harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

CONCLUSION

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year and on a project-by-project basis to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT’s commitment to nondiscrimination or to request additional information about LEP services, contact Krystal Smith, Title VI Non-Discrimination Coordinator at civilrightsoffice@azdot.gov, 602-712-8946.

LEP GUIDANCE AND RESOURCES

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)
- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001](#)
- [United States Census 2000 Language Identification Flashcard](#)
- [LEP.gov website](#)

NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 as they relate to any program or activity administered by ADOT or its subrecipients funded by the Federal Transit Administration. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the ADOT and subrecipient level.

PROCEDURES

- A. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex, disability, income status or limited English Proficiency (LEP) may file a formal complaint with ADOT's CRO. A copy of the Complaint Form may be accessed electronically at:

<https://azdot.gov/sites/default/files/2019/08/adot-nondiscrimination-complaint-form.pdf>

- B. The complaint must be filed within 180 days of the alleged discrimination, the date the alleged discrimination became known to the complainant or the last date of the incident.
- C. The complaint must be written and signed by the complainant and shall include:
1. The complainant(s) name, address and phone number.
 2. A detailed description of the alleged incident that led the complainant to believe discrimination occurred.
 3. The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date the conduct was discontinued.
 4. The names and job titles of those parties involved in the complaint.
 5. The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (race, color, national origin, or disability).

6. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations.
 7. The corrective action being sought by the complainant.
- D. Complaints may be filed by one of the following methods:
1. By completing and signing the Complaint Form and delivering it in person or by mail.
 2. By emailing or faxing the Complaint Form and sending the signed original to the CRO.
 3. By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
 4. By electronically submitting and digitally signing the Complaint Form.
- E. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.
1. Complaints against ADOT or its subrecipients in FHWA funded programs will be referred to FHWA for processing.
 2. Complaints against ADOT under all other USDOT federally-funded programs fall under ADOT's authority and jurisdiction.
- F. For acceptance, a complaint must be:
1. Timely filed.
 2. Involve a covered basis (race, color, national origin, or disability).
 3. Within ADOT's authority.
- G. Complaints may be dismissed if the complainant:
1. Requests the withdrawal of the complaint.
 2. Fails to respond to repeated requests for additional information.
 3. Fails to cooperate in the investigation.
 4. Cannot be located after reasonable attempts to reach the complainant have been made.
- H. ADOT CRO will maintain a confidential log of accepted and/or forwarded Title VI Complaints which will include:
1. Name of complainant(s).
 2. Date the complaint was received.
 3. Date of the allegation.
 4. Description of the alleged discrimination.
 5. Other relevant information, as needed.
 6. Report date.
 7. Recommendations.
 8. Outcome/Disposition.
- A copy of the Complaint Log is included in this plan as Attachment E.
- I. Upon accepting a complaint, the CRO investigator will:

1. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response.
 2. Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information.
- J. Within 45 days of accepting a complaint, an ADOT Investigator will:
1. Gather all relevant information in a fair and impartial manner.
 2. Conduct interviews of all concerned parties.
 3. Prepare a final investigative report with a recommended disposition.
- K. Upon final determination, one of two letters will be issued to the complainant:
1. A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed.
 2. A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
- L. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with ADOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:

US Department of Transportation, Federal Highway Administration, Arizona Division
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012

US Department of Transportation, Federal Aviation Administration
800 Independence Ave. SW, Washington, DC 20591

US Department of Transportation, Federal Motor Carrier Safety Administration
1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, Federal Transit Administration
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, National Highway Traffic Safety Administration
1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, Federal Transit Administration
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

For questions or to file a complaint, please contact:

ADOT Civil Rights Office
206 S. 17th Avenue
Phoenix, AZ 85007
Phone: 602-712-8946

If information is needed in another language, please contact ADOT's Civil Rights Office at 602-712-8946.

Si se necesita información en Español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al 602-712-8946.

The Complaint Form in English and Spanish is included herein and a link to the Complaint Process can be found at:

<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/fta-funded-programs>

Complaint Forms



Nondiscrimination Complaint Form for FTA Funded Programs

Note: *The following information is needed to assist in processing your complaint.*

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

Person discriminated against (someone other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

Which of the following best describes the reason you believe the discrimination took place?
Please be specific.

- Race _____
- Color _____
- National Origin _____
- Disability _____

On what date(s) did the alleged discrimination take place? _____

Where did the alleged discrimination take place? _____

What is the name and title of the person(s) who you believe discriminated against you (if known)?

Describe the alleged discrimination. Explain what happened and who you believe was responsible. (If additional space is needed, add a sheet of paper).



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List names and contact information of persons who may have knowledge of the alleged discrimination.

If you have filed this complaint with any other federal, state, or local agency, or with any federal or state court, check all that apply.

- Federal Agency
- Federal Court
- State Agency
- State Court
- Local Agency

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Alternate Phone Number: _____

Please sign below. You may attach any written materials or other information you think is relevant to your complaint.

_____ _____ Number of attachments: _____
 Complainant Signature Date

Please email form and any additional information to:

ADOT Civil Rights Office
CivilRightsOffice@azdot.gov
 ATTN: ADA/Title VI Nondiscrimination Program Coordinator
 206 S. 17th Avenue, Maildrop 155A
 Phoenix, AZ 85007
 Phone: 602.712.8946 Fax: 602.239.6257
www.azdot.gov



**Forma Para Poner una Queja de discriminación bajo FTA
(De acuerdo con ADA y Título VI)**

Nota: La siguiente información se necesita para procesar su queja.

Información de la persona que está poniendo la queja:

Nombre: _____

Dirección: _____

Ciudad/Estado/Código Postal: _____

Teléfono (Casa): _____

Teléfono (Alternativo): _____

Persona A La Que Se Discriminó (alguien que no sea la persona que está poniendo la queja)

Nombre: _____

Dirección: _____

Ciudad/Estado/Código Postal: _____

Teléfono (Casa): _____

Teléfono (Alternativo): _____

¿Cuál de las siguientes razones describe por lo que usted siente que se le discriminó?

Raza (Especifique) _____

Color (Especifique) _____

Nacionalidad (Especifique) _____

Incapacidad (Especifique) _____

¿En qué fecha(s) sucedió la discriminación? _____

¿Dónde sucedió la presunta discriminación? _____

¿Qué es el nombre y título de la persona o personas que usted cree discriminaron contra usted?

Describa la presunta discriminación. Explique qué sucedió y quién cree usted que fue responsable (si necesita más espacio, agregue otra hoja).

Escriba una lista con los nombres de las personas que puedan tener conocimiento de la presunta discriminación y cómo contactarlas.

¿Ha presentado esta queja con otra agencia federal, estatal o local, o con cualquier corte federal o estatal? Marque todas las que apliquen.

Agencia Federal _____ Corte Federal _____ Agencia Estatal _____
Corte Estatal _____ Agencia Local _____

Por favor proporcione información de la persona a la que presentó su queja en la agencia/corte.

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono (Casa): _____
Teléfono (Alternativo): _____

Por favor firme abajo. Puede incluir cualquier material escrito u otra información que usted crea que es importante para probar su queja.

Firma de la Persona que presenta la queja Fecha

Número de: _____

Someta la forma y cualquier información adicional a:

ADOT Civil Rights Office
CivilRightsOffice@azdot.gov
ATTN: ADA/Title VI Nondiscrimination Program Coordinator
206 S. 17th Avenue, Mail drop 155A
Phoenix, AZ 85007
Phone: 602.712.8946 Fax: 602.239.6257
www.azdot.gov

TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

ADOT maintains a list of any investigations, complaints or lawsuits that allege discrimination on the basis of race, color and/or national origin in transit-related activities and program. A copy of the Investigation, Complaint and Lawsuit Log is maintained by the Civil Rights Office and is available for review upon request. Below is a copy of the Investigation, Complaint and Lawsuit Log for FTA.

LIST OF FTA RELATED INVESTIGATIONS, LAWSUITS AND COMPLAINTS 2019-2022

	Date (Month, Day, Year)	Basis	Status	Action(s) Taken
Investigations				
None				
Lawsuits				
None				
Complaints				
INQ21898	9/24/20	Disability	Closed	Dismissed
INQ22002	4/1/21	Disability	Closed	Dismissed
INQ23249	10/19/22	Disability	Closed	Dismissed

TRANSPORTATION BOARDS AND COMMITTEES

ADOT does not currently have any transit-related, non-elected planning boards, advisory councils or committees or similar committees. Should ADOT form a transit-related decision-making body, every effort would be made to encourage the participation of minorities to ensure the board, council or committee is representative of the demographics of the communities they serve. Transit related committees would be subject to ADOT's Public Meeting Policy which directs that all public meetings be conducted in accordance with Arizona's Open Meeting law, Title VI of the Civil Rights Act of 1964, Executive Order 13166 and the Americans with Disabilities Act of 1990.

ADOT TRANSIT PROGRAM AREAS

MULTIMODAL PLANNING DIVISION

ADOT's Multimodal Planning Division (MVD) oversees transit programs within ADOT and management responsibility is delegated to the Transit Programs Section which administers, distributes and oversees funding provided to ADOT by the Federal Transit Administration.

TRANSIT PROGRAMS SECTION

ADOT's Transit Programs Section staff members coordinate with other divisions within ADOT to oversee and provide program specific oversight including Title VI as required by FTA. The CRO offers support to program areas to help ensure that all transit-related services and benefits are distributed in an equitable manner and to help prevent discrimination based on race, color and national origin.

Transit Programs Section staff work directly with regional transportation planning agencies statewide to solicit, review and award grant applications under the Coordinated Mobility Program. Urban areas are represented by metropolitan planning organizations (MPO) while urban areas are represented by councils of governments (COG).

STATEWIDE PLANNING

FUNDING PROGRAMS

The following information from the ADOT Transit Programs Section describes processes relative to FTA grant applications and allocation.

ADOT manages the Elderly Individuals and Disabilities (Section 5310) Program and the Formula Grants for Rural Areas Program (Section 5311) and all other FTA funds passed through to subrecipients without regard to race, color or national origin and assures that minority populations are not being denied the benefits of or excluded participation in these programs.

Section 5305: Long-term Statewide and Metropolitan Planning Grants provide funding to support cooperative, continuous, and comprehensive planning for making transportation investment decisions in metropolitan areas and statewide.

Section 5307: Urbanized Area Formula Grants for communities with populations between 50,000 and 200,000. Section 5307 Formula Grants are provided through the state to the designated or direct recipient or each small urban area. ADOT also recaptures unused funds and awards these through a pooled grant application. As with all grant requests, requests are ranked and awarded as funds are available and within the considerations of ensuring geographic fairness, social justice, and Title VI considerations.

Section 5310: The Enhanced Mobility of Seniors and Individuals with Disabilities is a grant program that provides and strengthens the transportation services available to meet the mobility needs of seniors and individuals with disabilities. It is recognized that these populations have transportation needs which are often not met by conventional automobile or public transportation, and require specialized assistance in order to access services, employment, and medical care. All Section 5310 projects must provide service to seniors (65 years and over) and/or persons with disabilities of all ages.

ADOT manages the 5310 program, funding such projects as capital equipment purchases (predominantly paratransit van and bus replacements); reimbursement of staffing and training costs under mobility management, reimbursement of preventative maintenance costs, and the reimbursement of operating expenses such as driver salaries, fuel and insurance. ADOT purchases capital equipment on behalf of the subrecipients in accordance with FTA and State procurement regulations.

Section 5311: The 5311 Grant Program supports general public transportation in rural areas. The program funds administration, operating, preventative maintenance, intercity bus, and capital needs. New agencies require a transit feasibility study to be eligible to apply for the funding.

Section 5329: State Safety Oversight funds provided to ADOT are used to oversee safety at rail transit systems. Currently Arizona has two rail transit systems: Valley Metro Light Rail in the Phoenix Metropolitan area and SunLink in the Tucson Metropolitan area. ADOT is the designated state safety oversight agency for Arizona and utilizes the 5329 funding to staff the program and provide consulting services as needed.

Section 5339: Bus and Bus Facilities Small Urban and Rural Public Transit Grantees are eligible to request funding through a grant request. Because a small urban pool set-aside is included, these funds are kept for the small urban areas. Rural public transit agencies may apply for the statewide portion. Small urban recipients must apply directly to FTA for the funding upon award. ADOT will apply to FTA for the rural funds. All applications are ranked and funding is considered based upon rank, and the priorities established through a consultative process including their continued compliance with their other public transit program funds.

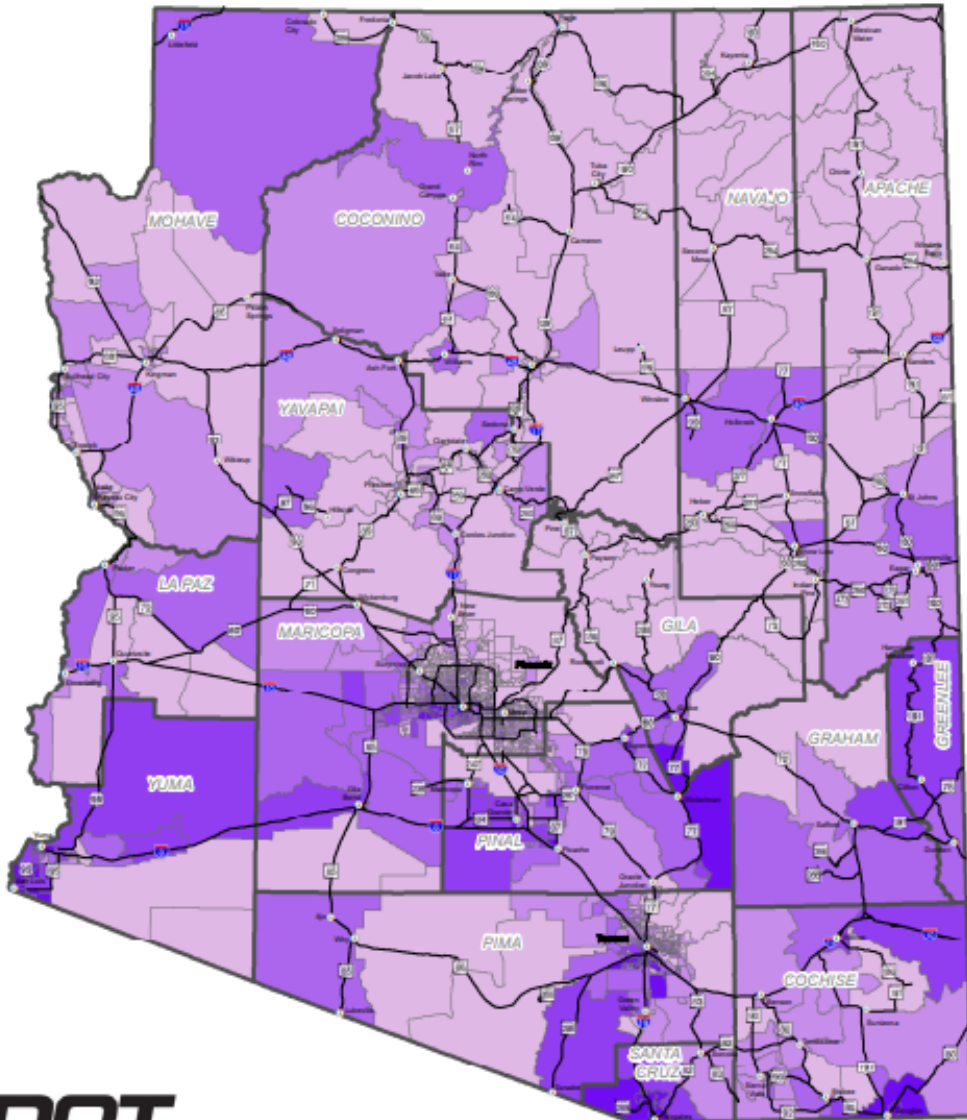
DEMOGRAPHICS & POPULATION MAPS

The ADOT MPD GIS Unit has developed demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at the Census Tract level. Demographic maps for the following populations are included below.

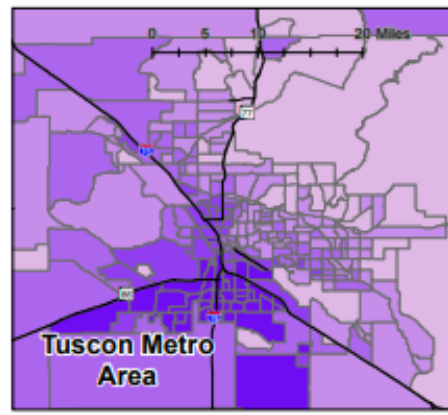
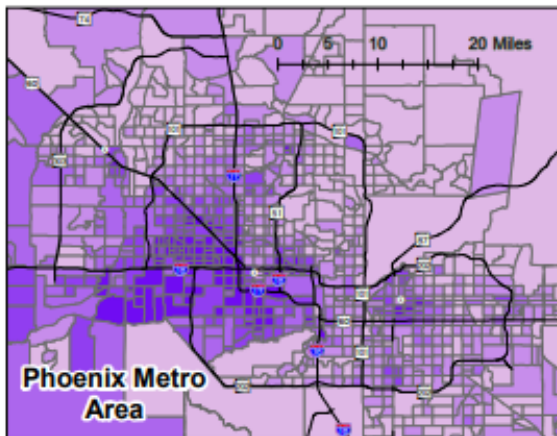
- Hispanic
- Asian
- Black or African American

- Pacific Islander
- Multiracial being two or more Races
- American Indian and Alaska Native
- Other Race
- White

Populations - Census Tract Population Percentage (Hispanic)



ADOT



Race Percentage: Hispanic

- 0% - 13%
- 14% - 28%
- 29% - 45%
- 46% - 68%
- 69% - 100%

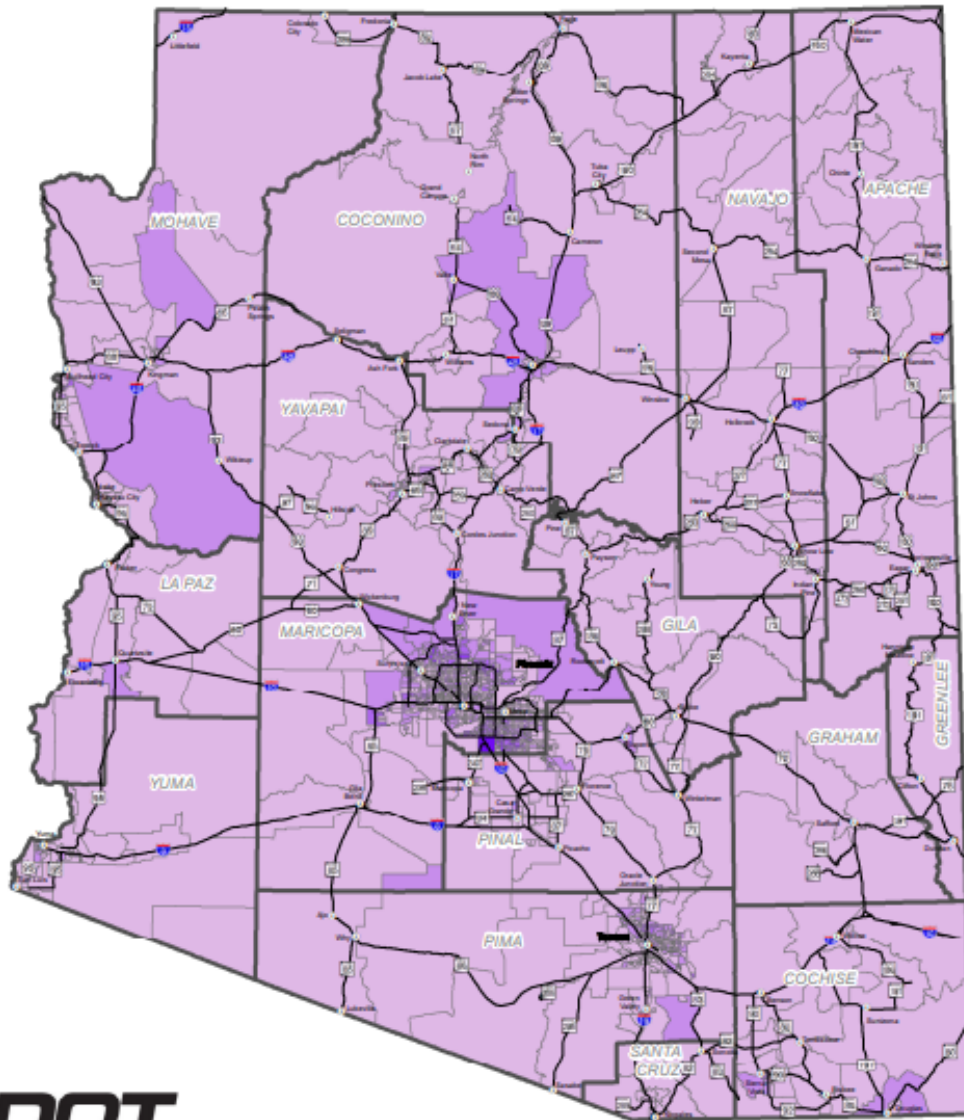
Note: The State of Arizona makes no claims concerning the accuracy of this map nor assumes any liability resulting from the use of the information herein.

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Arizona Department of Transportation
Multimodal Planning Division
Geospatial Analysis Services
MPDy@azdot.gov

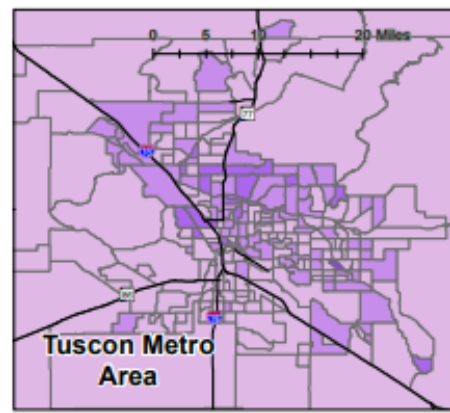
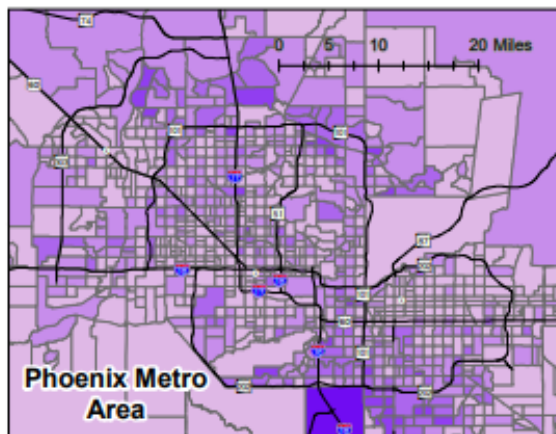
October 2022

0 20 40 80 Miles

Populations - Census Tract Population Percentage (Asian)



ADOT



Race Percentage: Asian

- 0% - 3%
- 4% - 8%
- 9% - 18%
- 19% - 42%
- 43% - 100%

Note:
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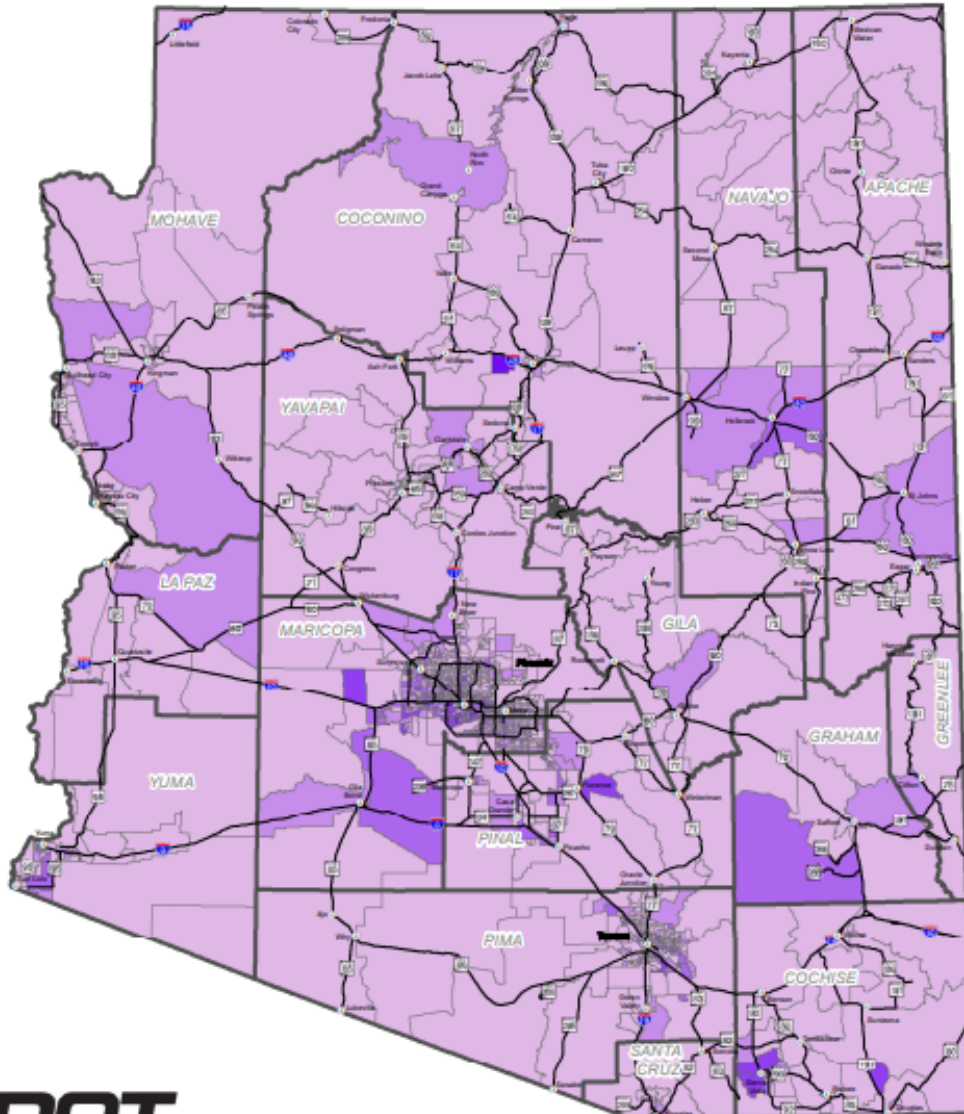
Prepared by:
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Geospatial Analysis Section
MPO@adot.gov

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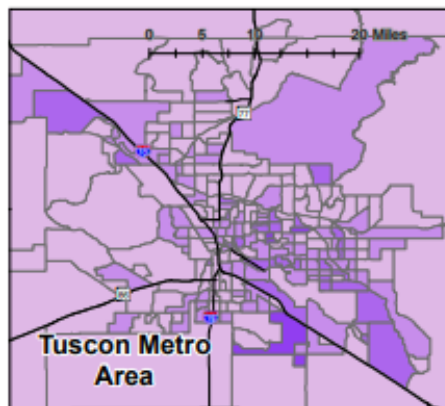
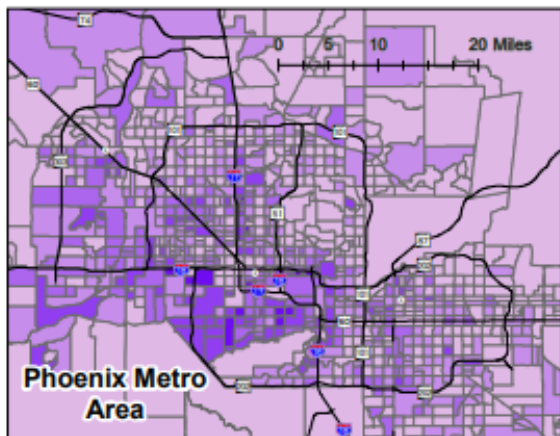


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Populations - Census Tract Population Percentage (Black or African American)



ADOT



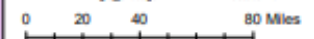
Race Percentage: Black or African American

- 0% - 3%
- 4% - 7%
- 8% - 13%
- 14% - 24%
- 25% - 44%

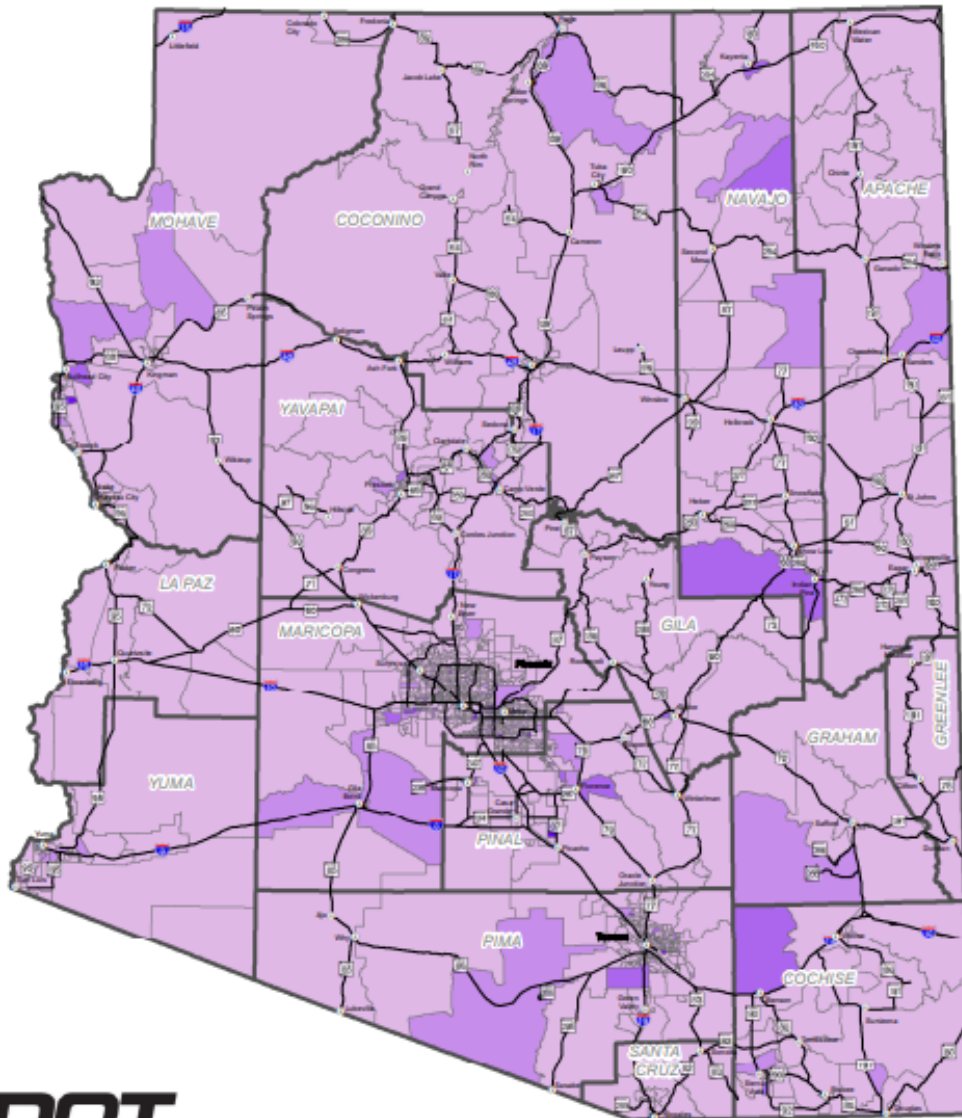
Note:
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Geospatial Analysis Section
MPDg@adot.gov

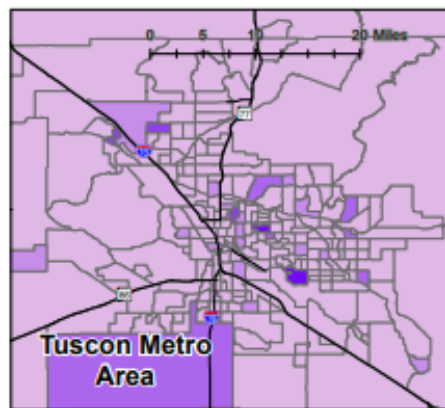
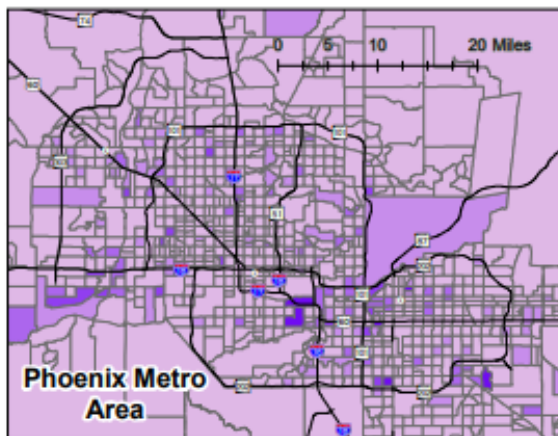
October 2022



Populations - Census Tract Population Percentage (Pacific Islander)



ADOT



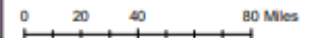
Race Percentage: Pacific Islander

- 0%
- 1%
- 2%
- 3% - 4%
- 5% - 9%

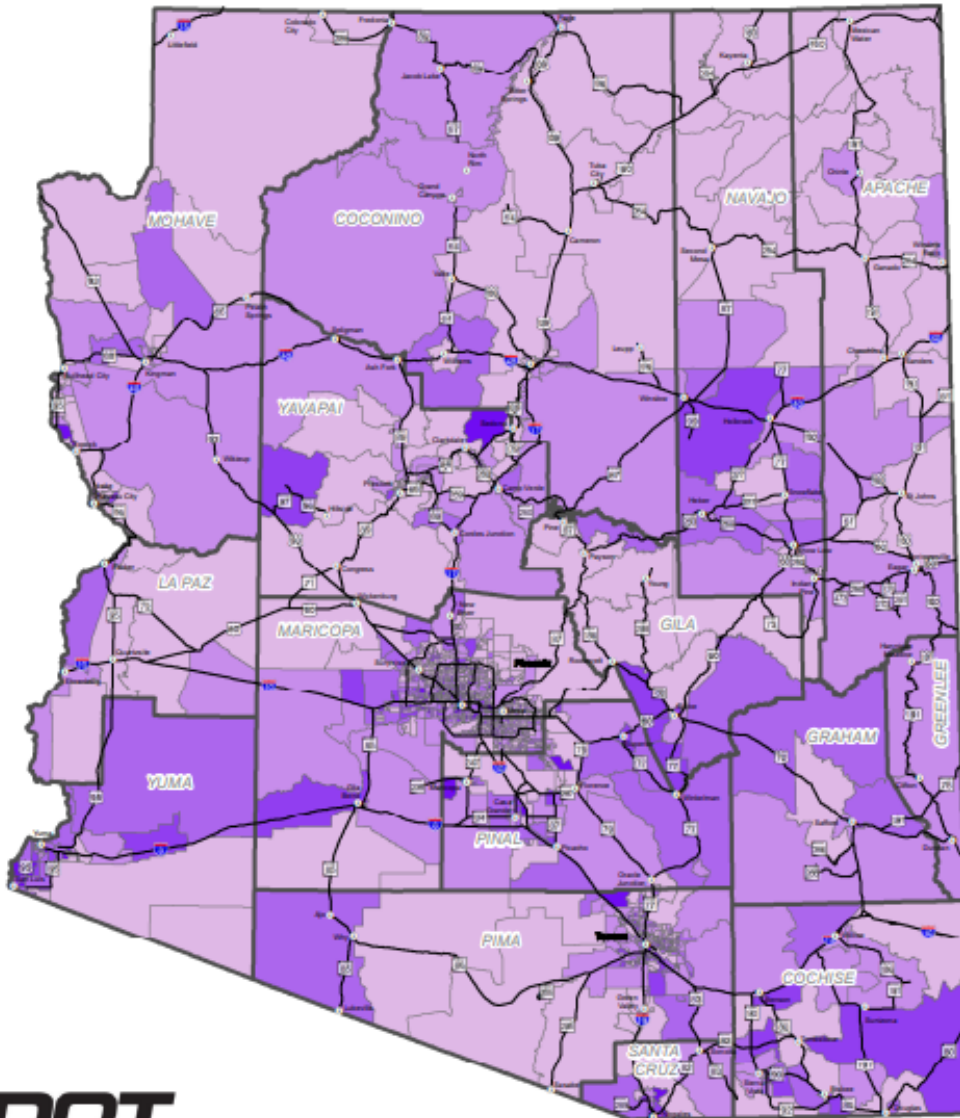
Note:
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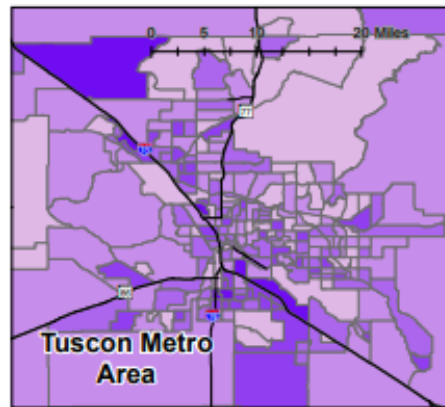
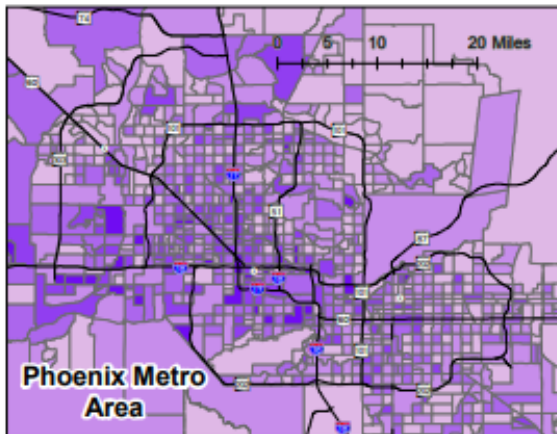
October 2022



Populations - Census Tract Population Percentage (MultiRacial)



ADOT



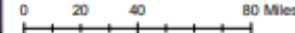
Race Percentage: Multiracial

- 0% - 3%
- 4% - 7%
- 8% - 12%
- 13% - 19%
- 20% - 40%

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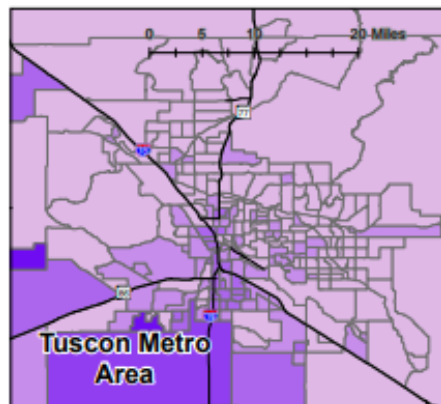
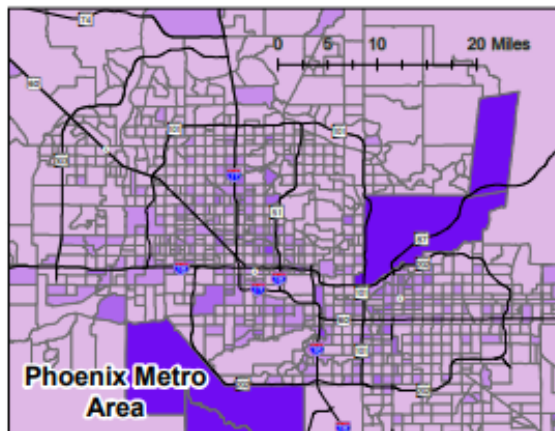
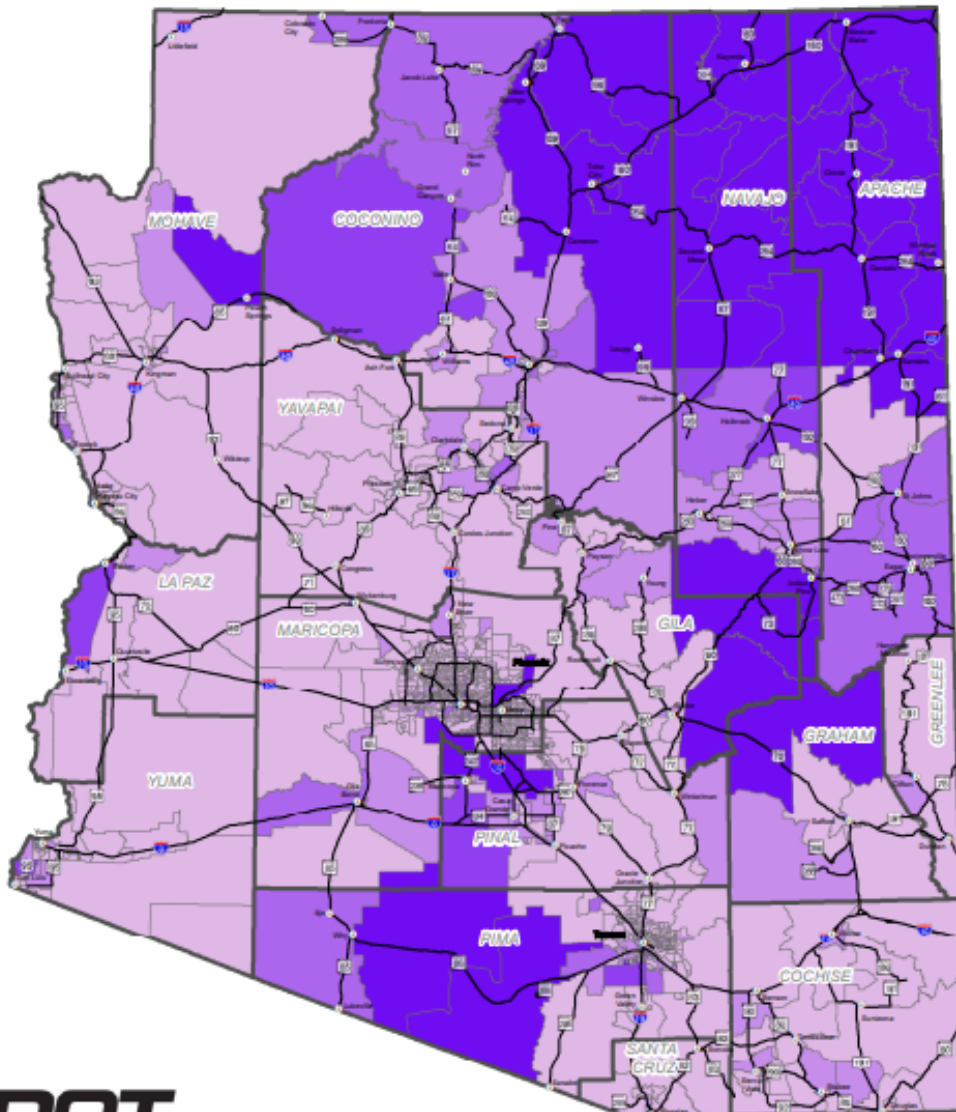
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Arizona Department of Transportation
Multimedia Planning Division
Geospatial Analysis Section
MPDgpa@azdot.gov

October 2022



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Populations - Census Tract Population Percentage (American Indian)



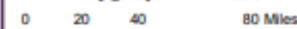
Race Percentage: American Indian

- 0% - 2%
- 3% - 7%
- 8% - 20%
- 21% - 48%
- 49% - 100%

Note:
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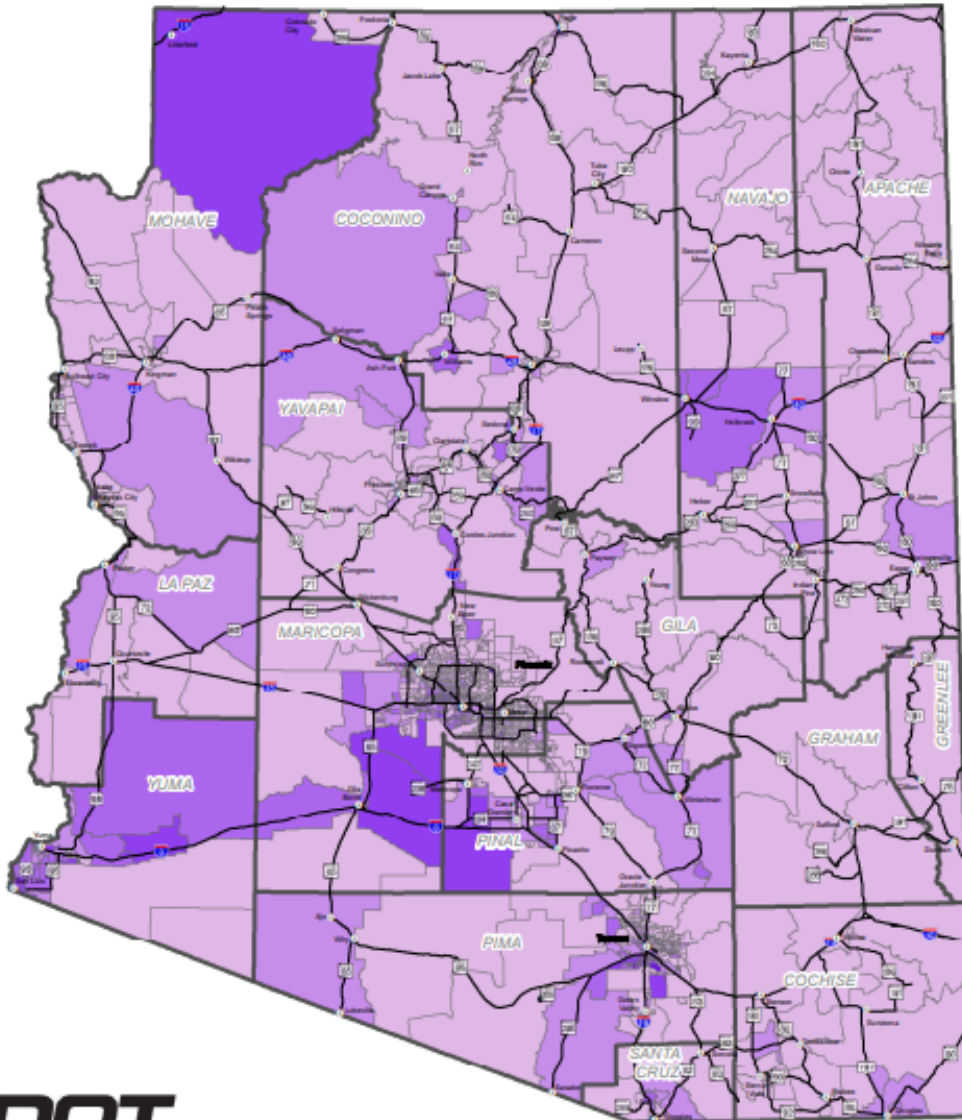
Prepared by:
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Multimodal Planning Division
Geospatial Analysis Section
MPD@azdot.gov

October 2022

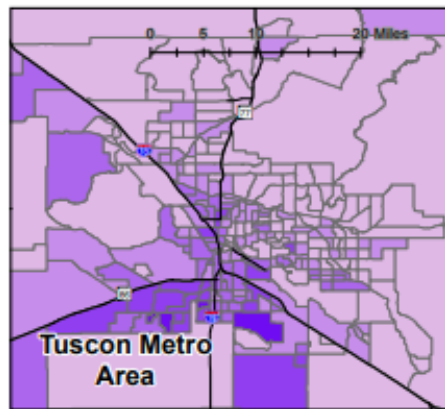
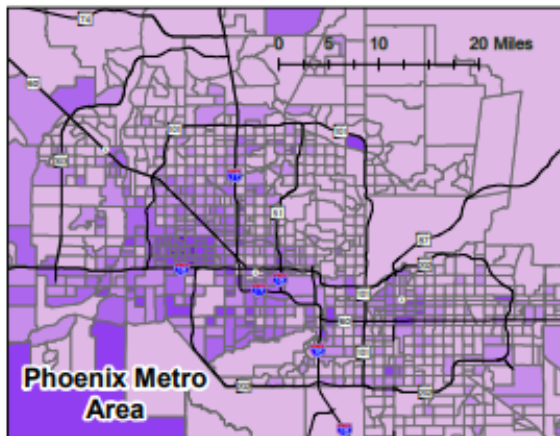


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Populations - Census Tract Population Percentage (Other Race)



ADOT



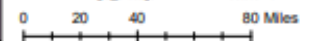
Race Percentage: Other Race

- 0% - 4%
- 5% - 11%
- 12% - 21%
- 22% - 38%
- 39% - 100%

Note:
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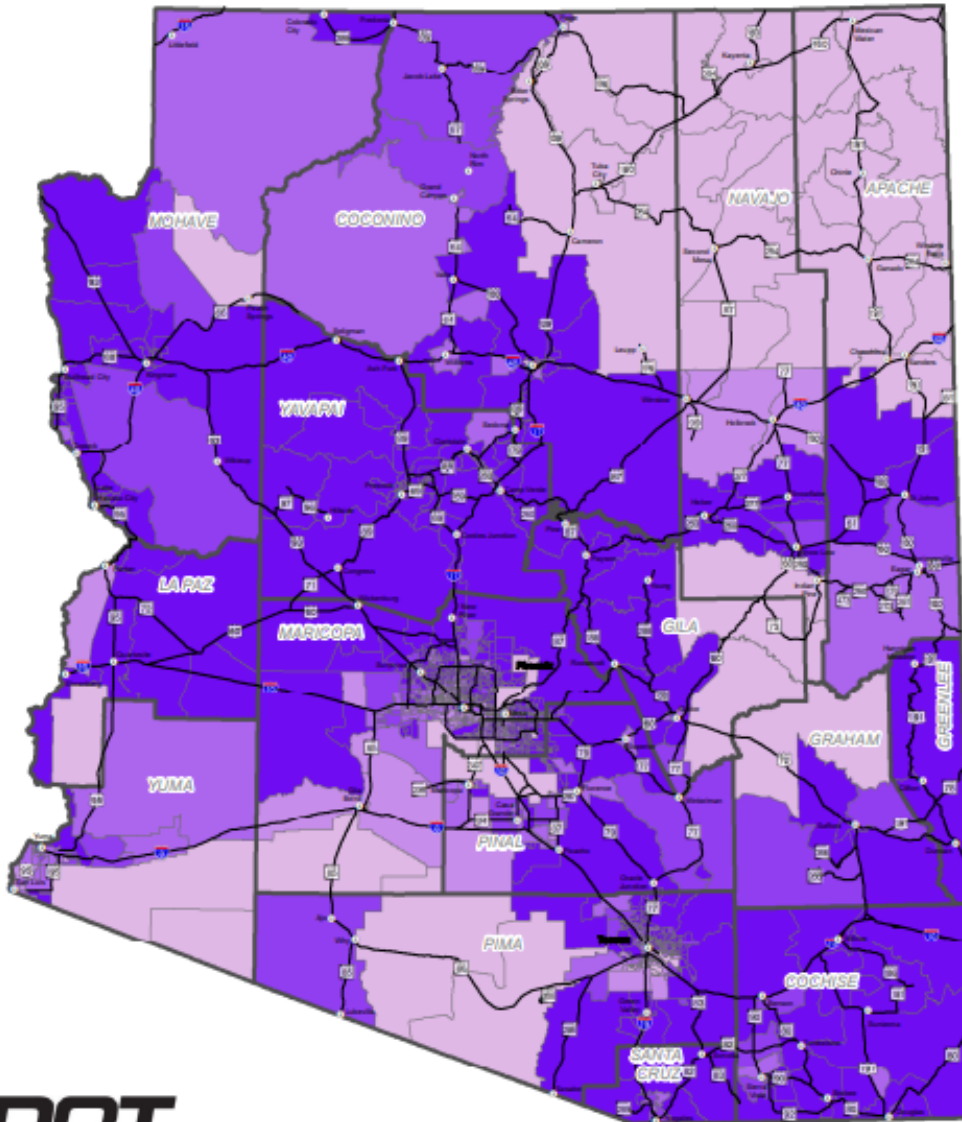
Prepared by:
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Multimodal Planning Division
Geospatial Analysis Section
MPDg@aazdot.gov

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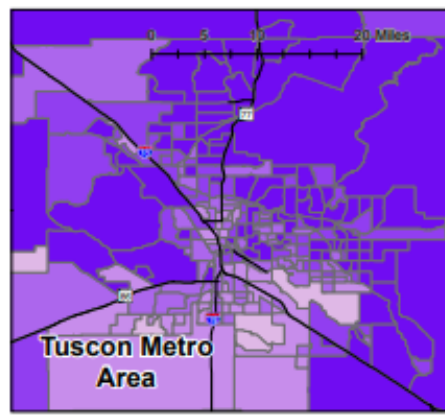
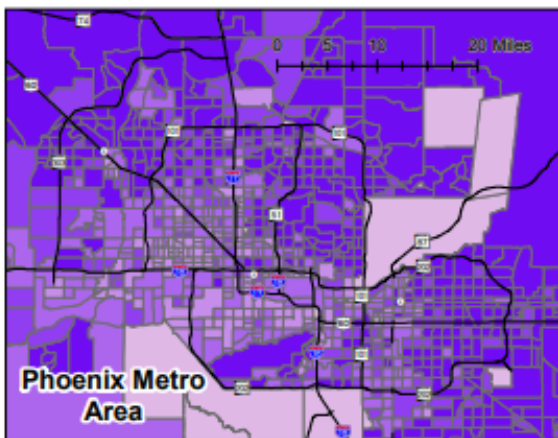


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Populations - Census Tract Population Percentage (White)



ADOT



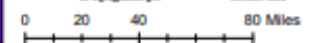
Race Percentage: White

- 0% - 22%
- 23% - 58%
- 59% - 73%
- 74% - 80%
- 81% - 100%

Note:
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Geospatial Analysis Section
MPDg@adot.gov

October 2022



DEMOGRAPHIC ANALYSIS

Based on the maps and other information provided from the U.S. Census Bureau or American Community Surveys, the transit program staff has conducted an analysis that evaluates the impacts of distribution of State and Federal funds in the aggregate for public transportation purposes. These analyses are maintained by the Transit Section Programs and are available for review upon request.

The analysis is conducted at a county level with data from the 2013-2017 American Community Survey 5-Year Estimates.

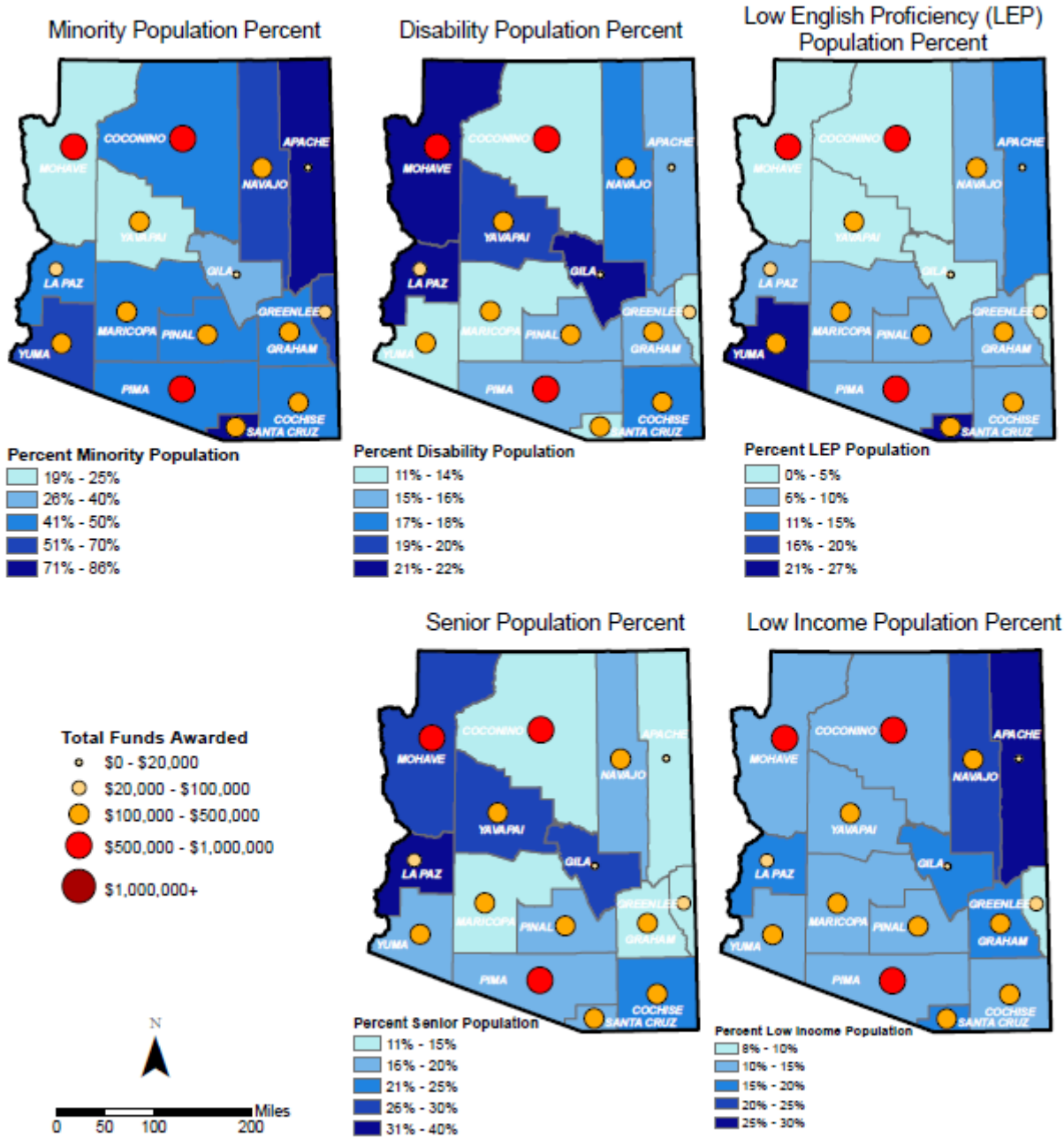
Steps in the analysis process include:

1. Select Title VI Data by County
2. Compile Awards by County
3. Calculate a Weighted Average for Title VI and Protected Classes Criteria by County
4. Compare the percent of total awards given by county and region to the percent of requested dollars by minority and weighted classes average populations by county.
5. Evaluate any disparate impacts based on these areas determined by any score that exceeded the median value for the various categories.
6. Also consider individual impacts of the different Title VI and non-Title VI protected classes to ensure that no individual area was disparately impacted.

Disparate impact is a negative adverse effect for a community of people that may not receive a transportation service if an applicant's request is not funded.

For example, if the area has a higher minority, elderly, or disabled population that would be left without any suitable transportation service if the project is not funded, and the request for service does not meet the 5310 program intent, was presented poorly with inaccurate performance measures, or the applicant does not have adequate technical capacity to facilitate the project, then ADOT's 5310 program management staff and the regional mobility managers may meet prior to the next application cycle with local stakeholders to determine the best method in order to meet the needs.

ADOT 5310 Program 2019 Funding Distribution and Demographics



Note:
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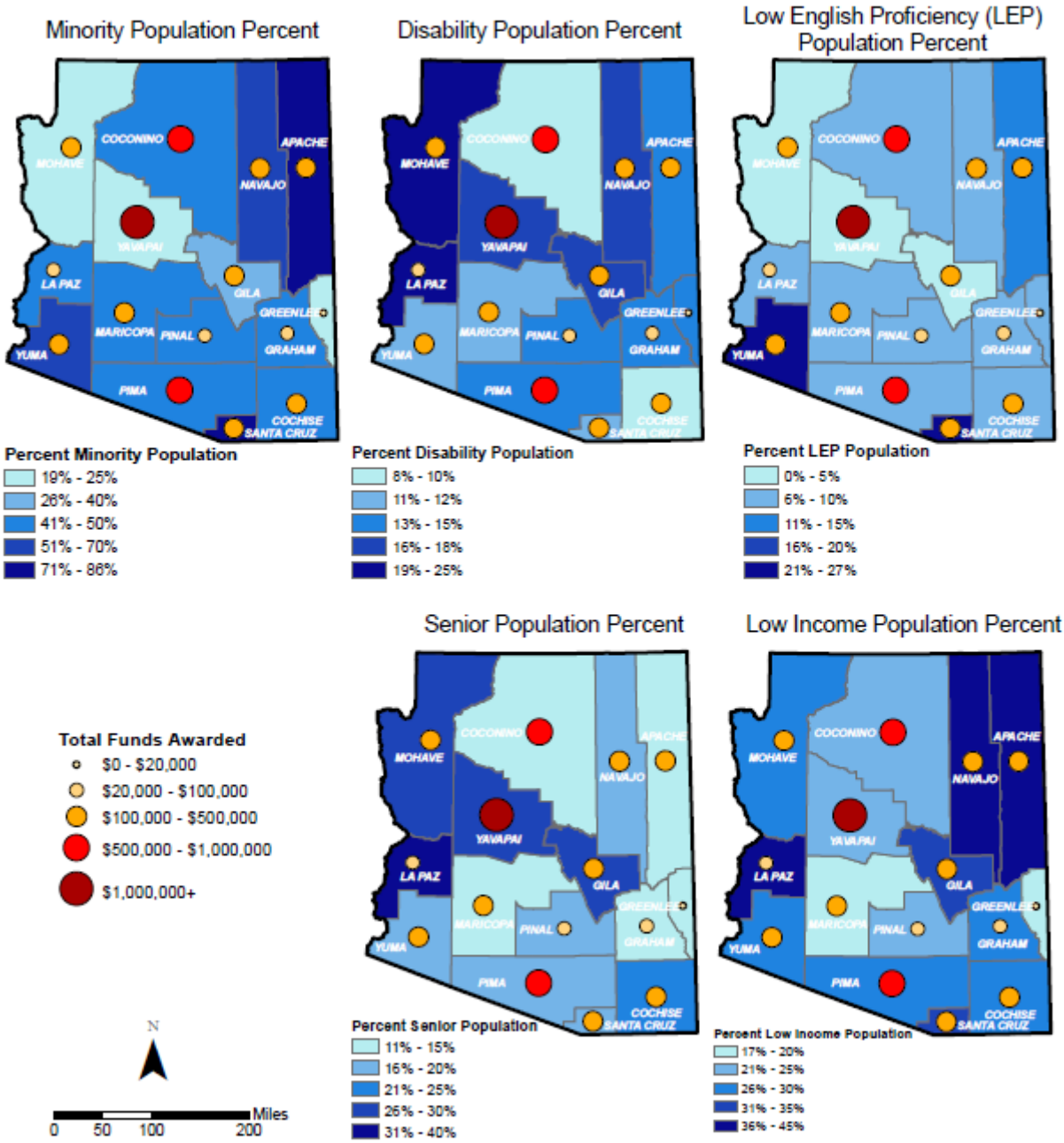
Percent population is shown by county based on 2010 Census data



Prepared by:
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ADOT 5310 Program 2020 Funding Distribution and Demographics



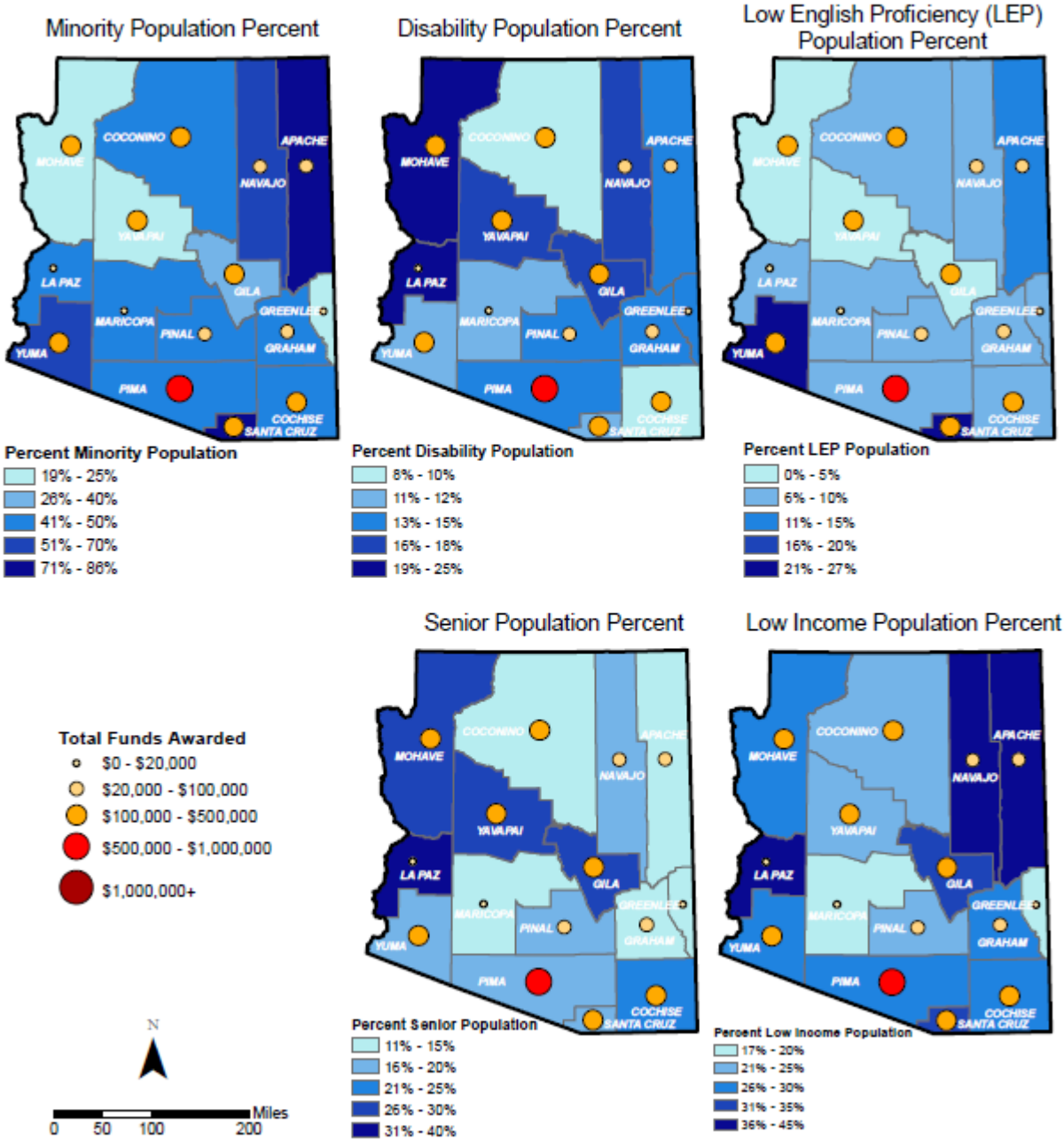
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ADOT 5310 Program 2021 Funding Distribution and Demographics



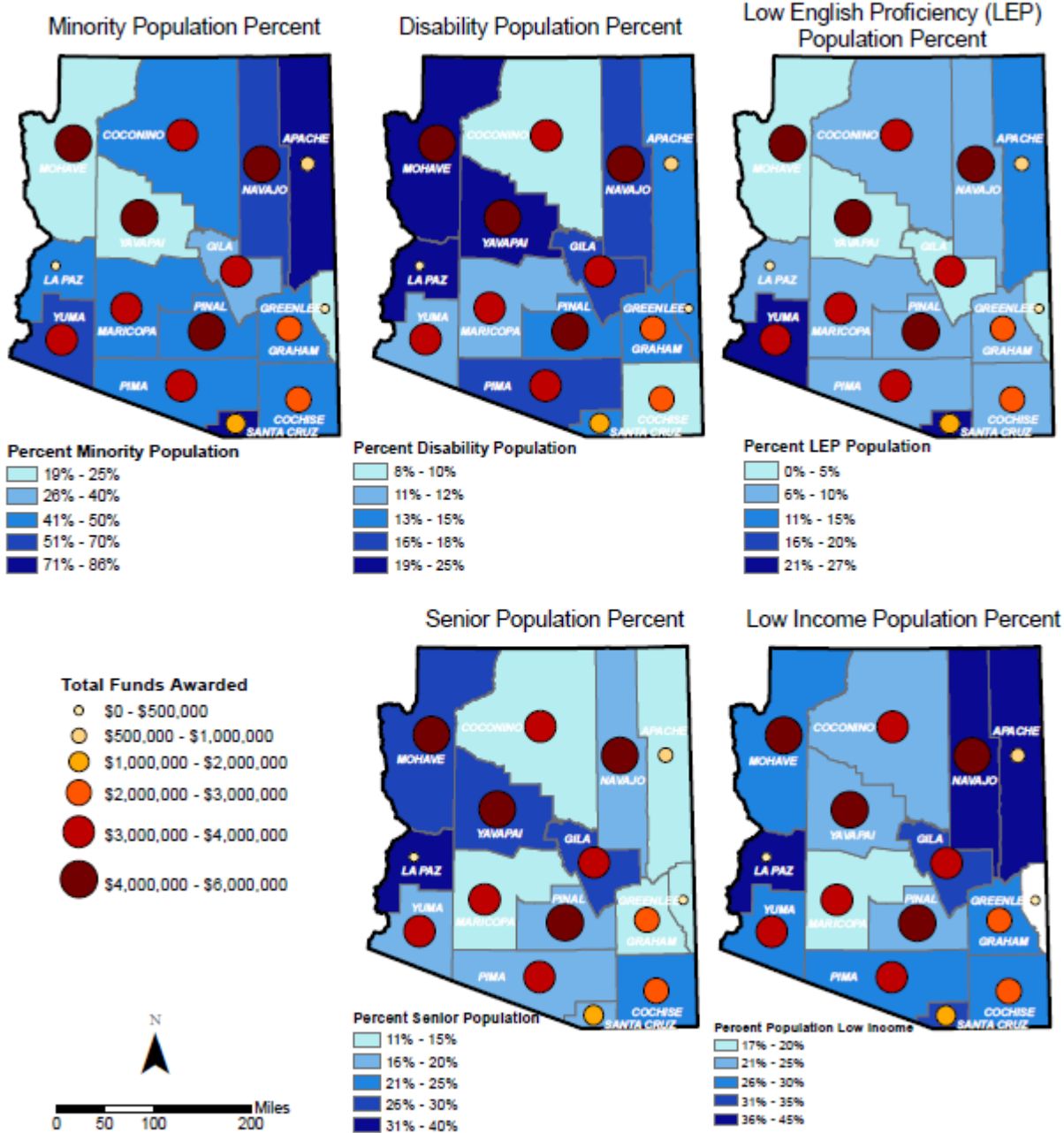
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ADOT 5311 Program 2019 Funding Distribution and Demographics



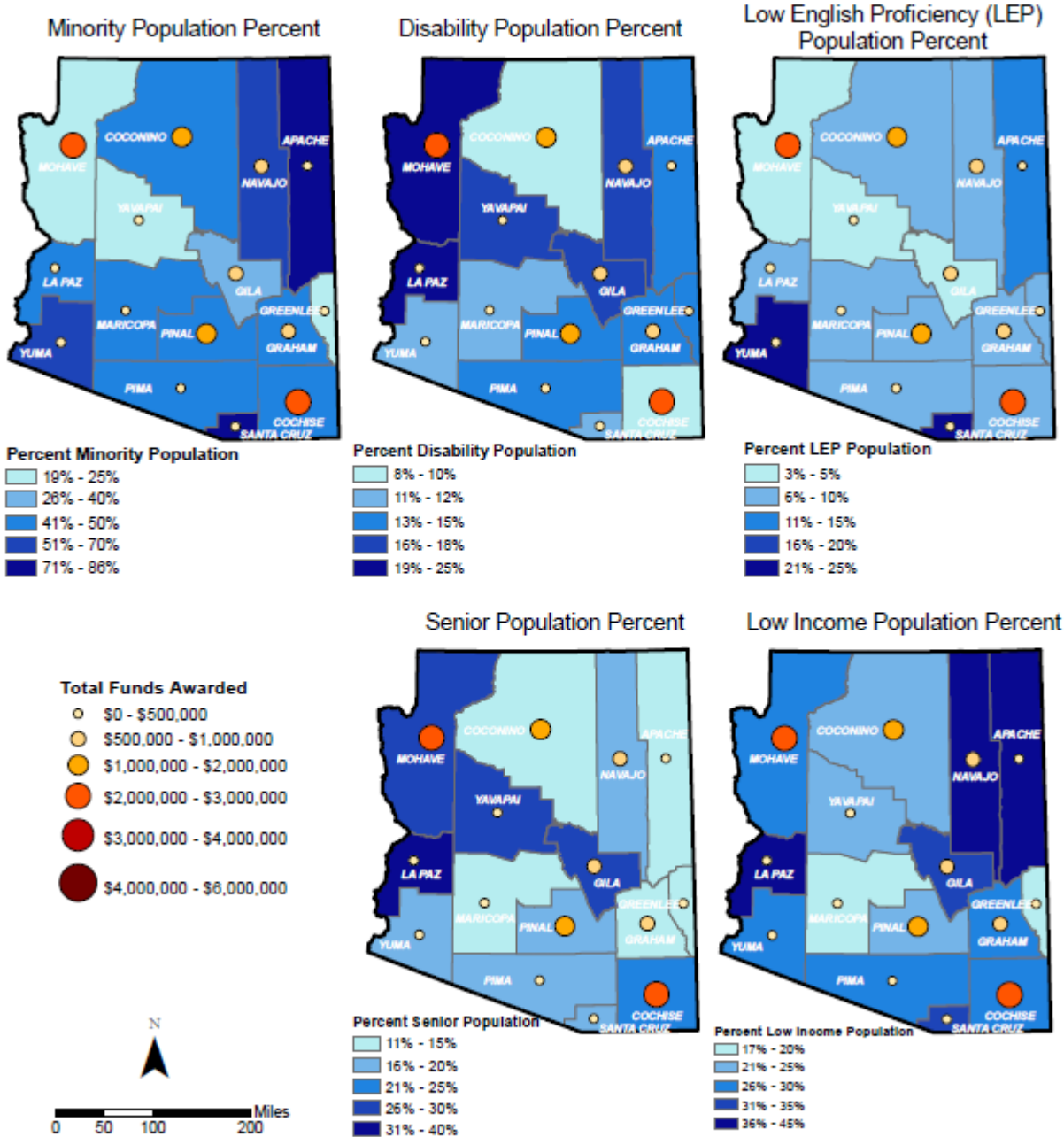
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Percent population is shown by county based on 2010 Census data



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ADOT 5311 Program 2020 Funding Distribution and Demographics



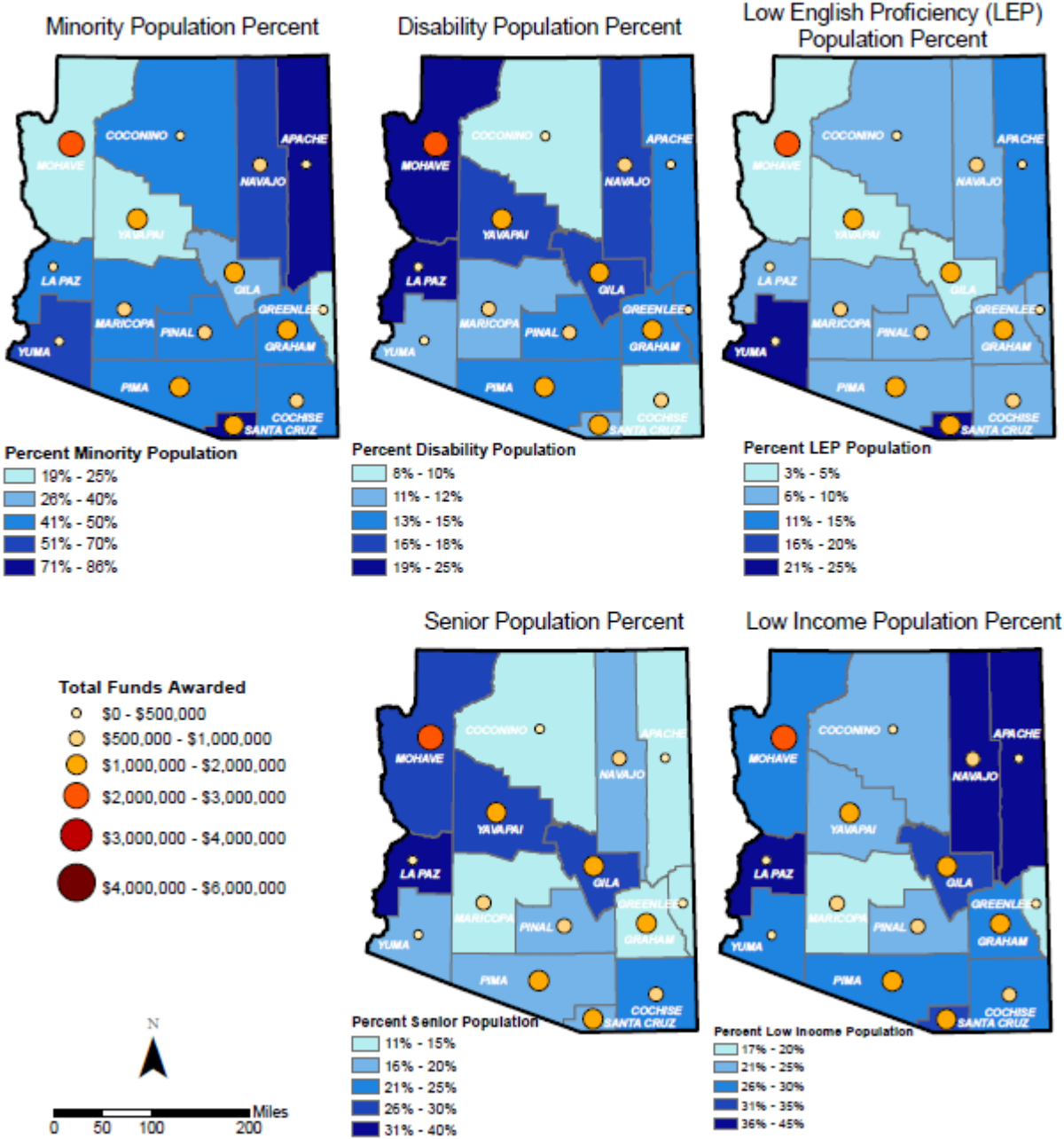
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ADOT 5311 Program 2021 Funding Distribution and Demographics



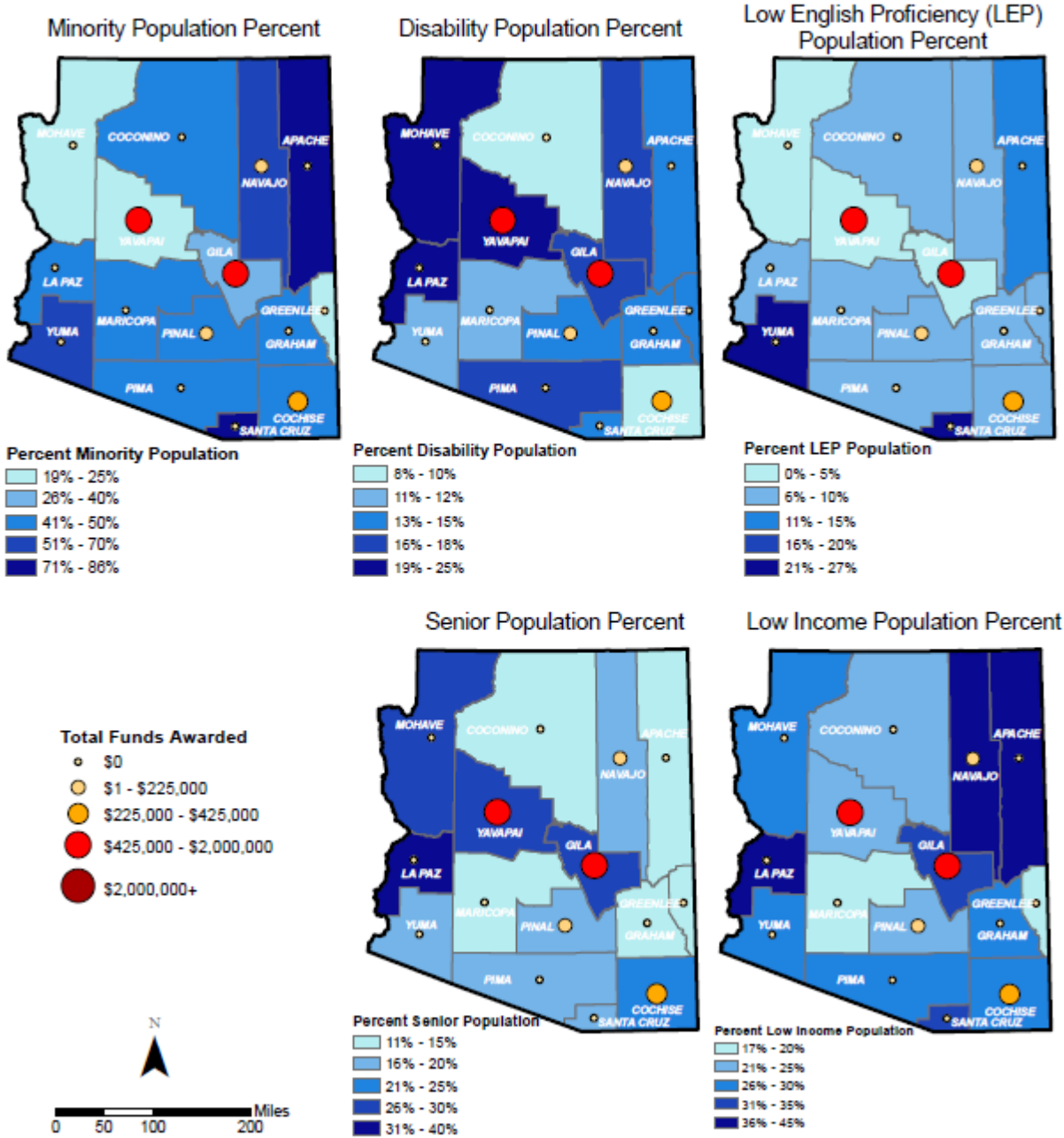
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ADOT 5339 Program 2019 Funding Distribution and Demographics



Note:
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Percent population is shown by county based on 2010 Census data

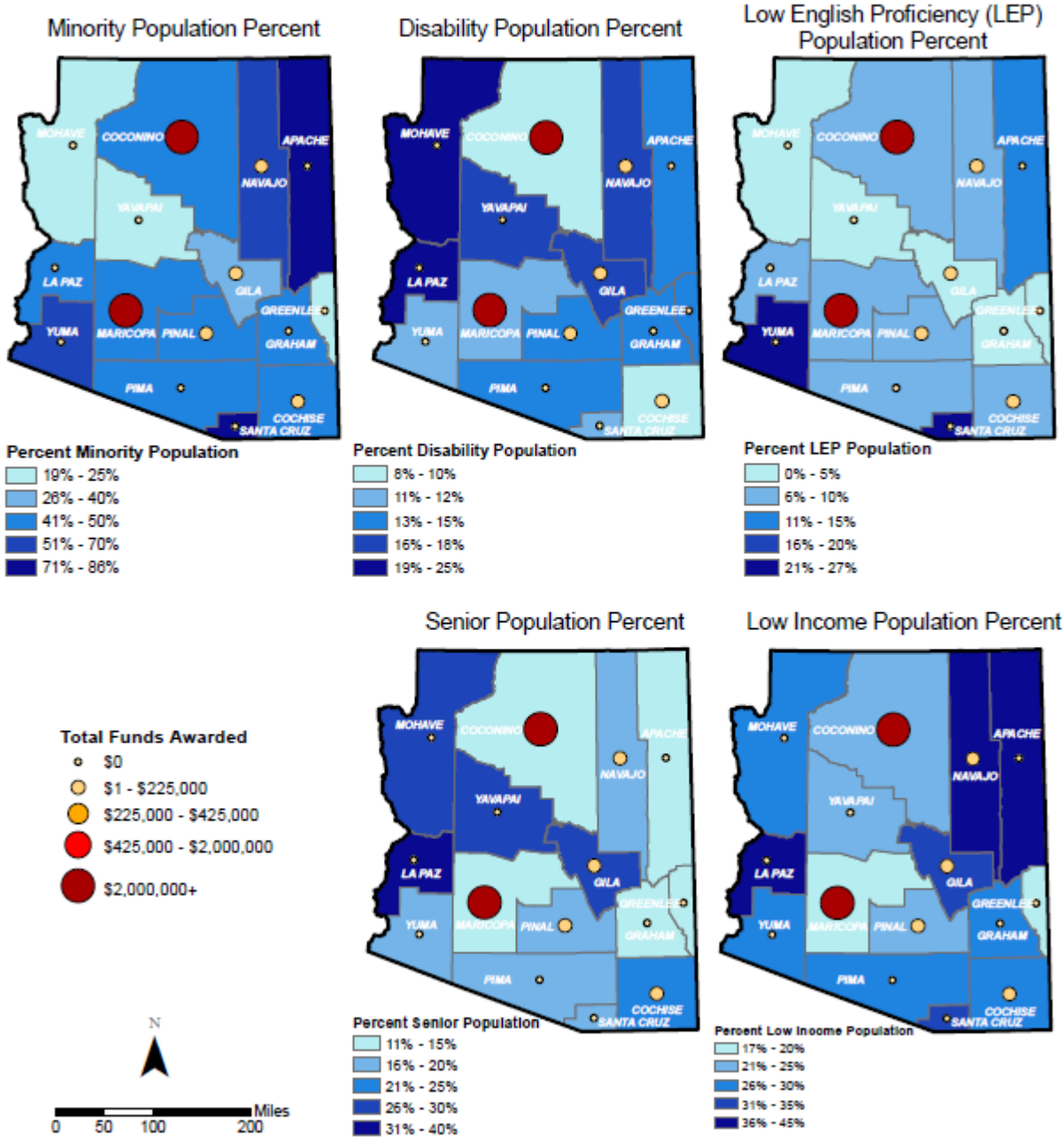


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ADOT 5339 Program

2020 Funding Distribution and Demographics



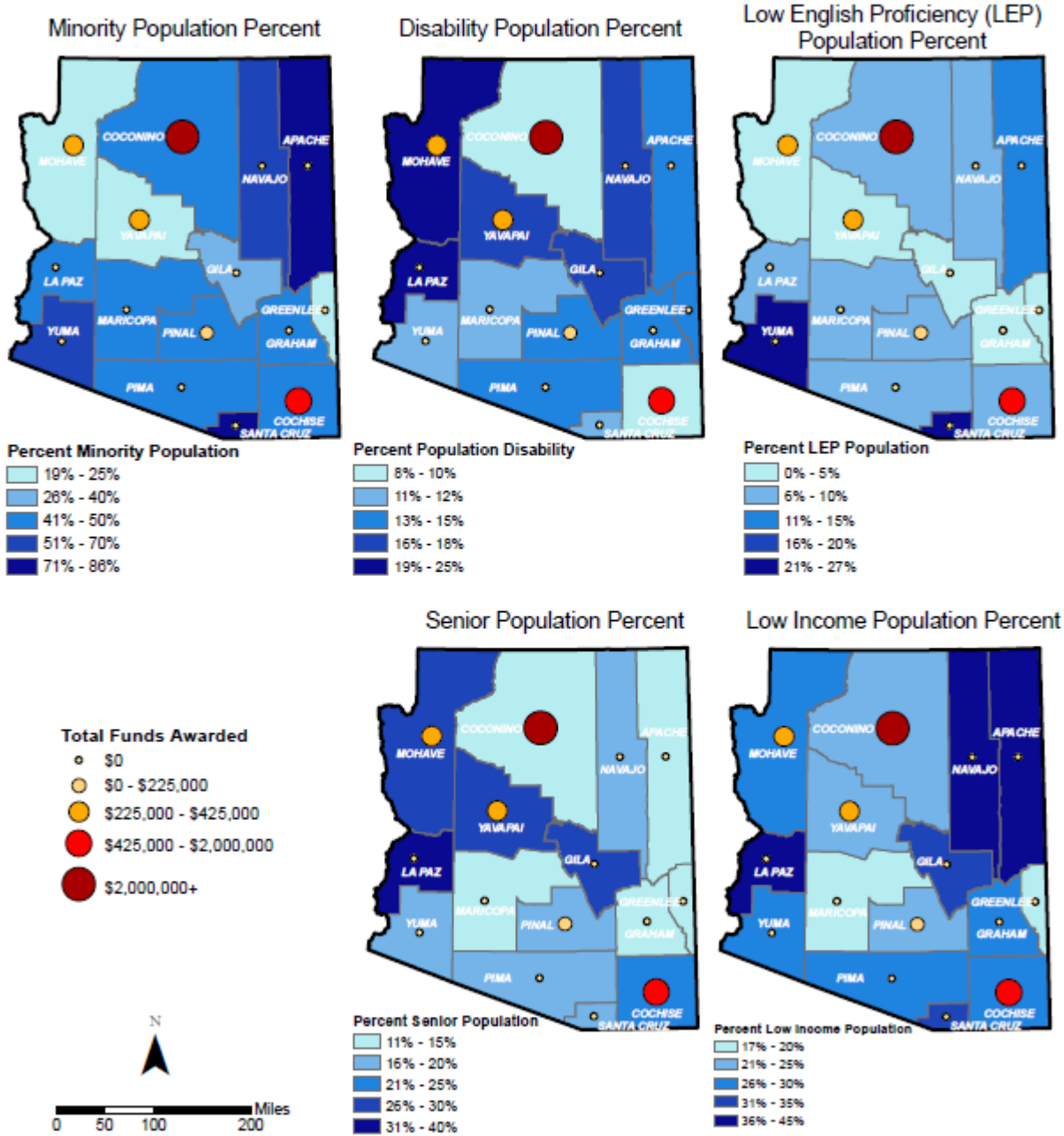
Note:
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ADOT 5339 Program 2021 Funding Distribution and Demographics



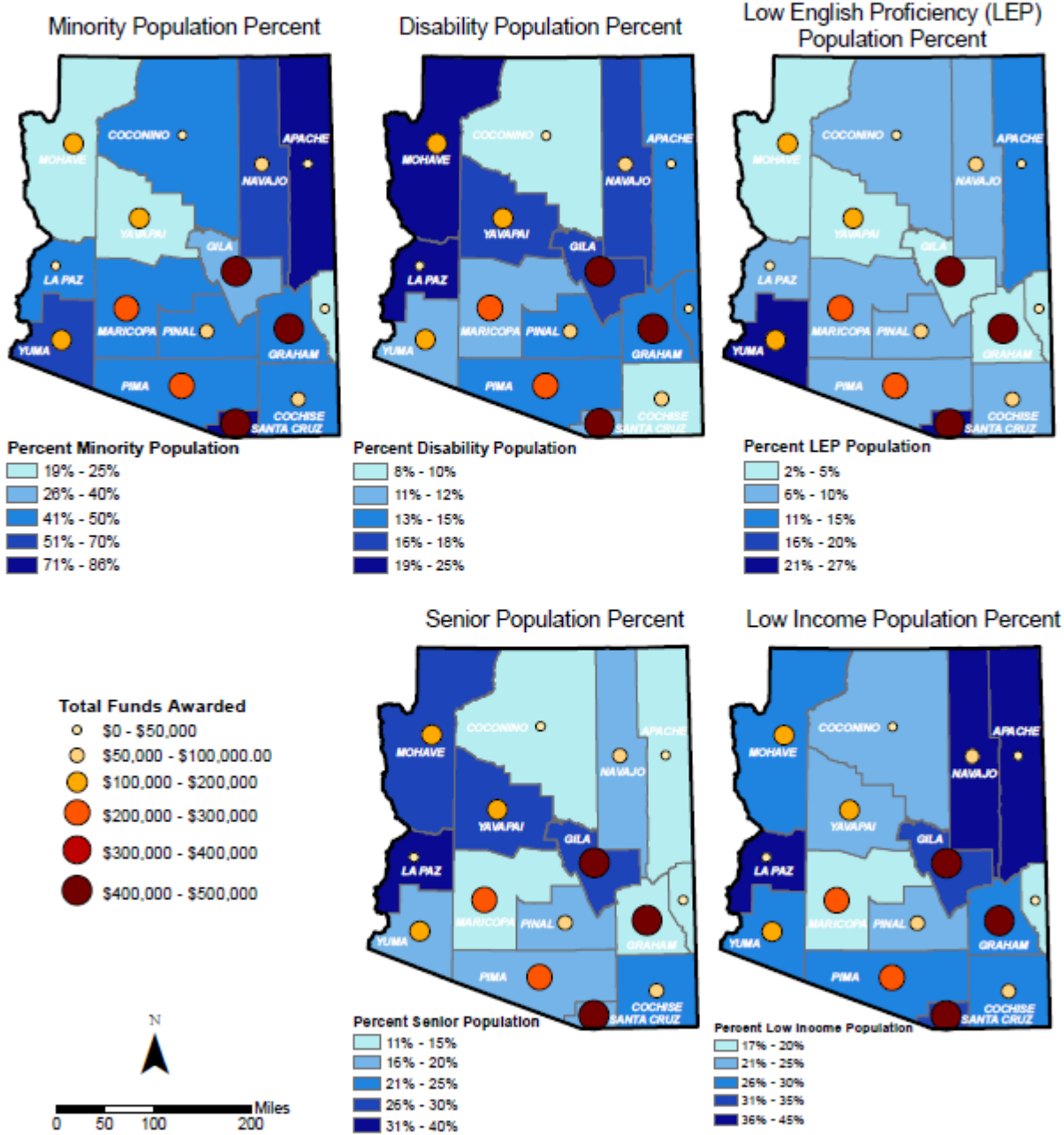
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Percent population is shown by county based on 2010 Census data



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ADOT 5311 Program ARP 2021 Funding Distribution and Demographics



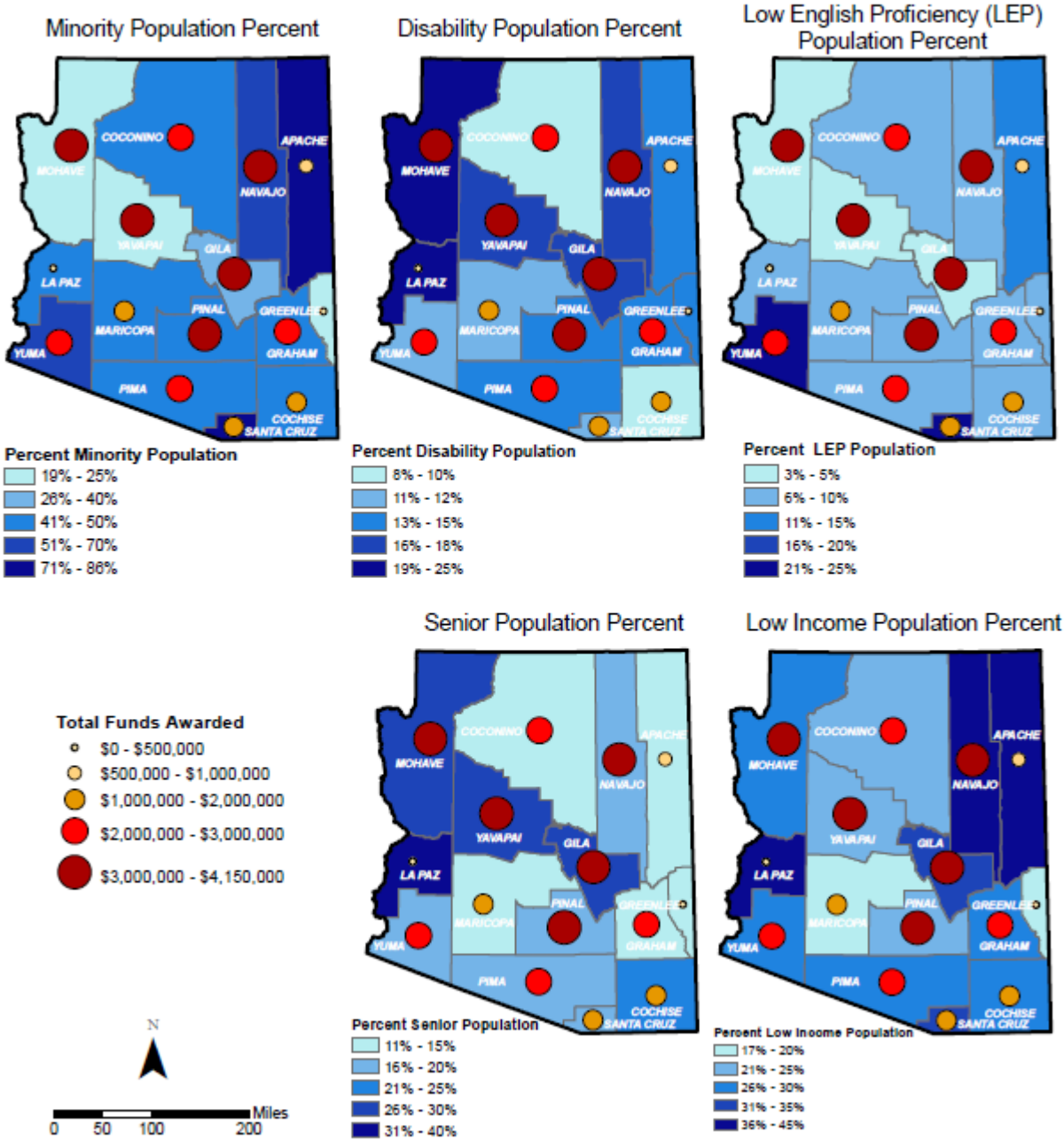
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ADOT 5311 Program CARES 2020 Funding Distribution and Demographics



Note:
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PUBLIC INVOLVEMENT, OUTREACH AND TECHNICAL ASSISTANCE

A draft of ADOT’s 2022 Public Involvement Plan, as well as a comment form provided by the Federal Highway Administration (FHWA) is included in this document as Attachment 1; the document is currently pending final approval from FHWA. Once finalized the updated Public Involvement Plan will be uploaded into the FTA’s portal Transit Award Management System (TrAMS) for review and it will also be posted on ADOT’s website at the link below:

<https://www.azdot.gov/planning/transportation-planning/public-involvement-plan>

The Statewide Transportation Plan addresses efforts to ensure that members of minority or low-income communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the planning process. A link to the Statewide Transportation Management Plan follows:

<https://www.azdot.gov/planning/TransitProgramsandGrants>

As documented in ADOT’s State Management Plan, ADOT Section 5310 and 5311 grant programs hold annual application and implementation workshops and webinars throughout the state. Public notifications of all workshops are advertised on ADOT’s website. RTAP scholarships are used to subsidize travel costs to encourage participation from individuals statewide, to include minority populations. Online options, such as “Go to Meeting,” are also utilized for application workshops and presentations to allow individuals who cannot travel to still obtain the necessary application information.

Over the last three years, Section 5310 and 5311 workshops have occurred on the following dates:

- 5311 Implementation Meeting: September 5-6, 2018
- 5310 Implementation Meeting: September 7, 2018
- 5310/5311 Implementation Meeting: October 7-9, 2019
- Reimbursement/Disadvantaged Business Enterprise (DBE) Training: September 9, 2020
- 5310/5311 Transit 101, Virtual Webinar: September 23, 2020
- Annual 5310 Virtual Implementation Meeting: September 24, 2020
- Arizona’s 33rd Annual Statewide Transit Conference: October 20-21, 2020
- 5311 Peer Group Roundtable: February 4, 2021
- Contract Reporting (DBE) Transit Training Webinar: April 14, 2021
- 5311 Peer Group Roundtable: May 5-6, 2021
- 5311 Peer Group Roundtable: August 5, 2021
- Contract Reporting (DBE) Transit Training Webinar: August 5, 2021
- 5310 Implementation Workshop: October 6, 2021
- Civil Rights & Disadvantaged Business Enterprise (DBE) LPA Contract Reporting: October 6, 2021
- 5311 Implementation Meeting: October 7, 2021
- RTAP Invoicing Webinar: December 1, 2021
- 5311 Application Webinar: January 5, 2022
- 5310 Application Webinar: February 9, 2022
- AzTA ADOT Conference: April 12, 2022

Public notification of the workshops and training is also disseminated at a regional level through the mobility management program for the Councils of Government agencies and Metropolitan Planning Organizations (COG and MPO).

COG and MPO mobility management staff post the information on their websites in English and Spanish and distribute the information to multiple programs within the COG or MPO, and their respective Advisory Committees/Councils, including Head Start, Economic Development, Aging, and Community Services. Generally they share the information with their Regional Council. The Regional Council is composed of elected officials, county, city, towns and tribal members from communities throughout each region. Individual counties, town and city governments are also included on the distribution list.

ADOT also funds specific regional planning and mobility management positions at the COG and MPO level to provide one on one assistance as well as group meetings to assist with the application process.

Regional mobility management staff also sends public information notices by email to all human service providers, transportation providers, and public transit agencies in each region. Distribution lists also include multiple departments within the following tribes: Hopi Tribe, Navajo Nation, White Mountain Apache Tribe, Gila River Indian Community, Hualapai Tribe, San Carlos Apache Tribe and Intertribal Council of AZ.

Additionally, ADOT staff, mobility managers, and/or trained contractors assist applicants in not only applying for ADOT/FTA transit grant program funding but also to secure other funding to support their transportation programs.

Local technical advisory committees are encouraged to include representatives from minority and human service agencies. Representatives from human service agencies also sit on the coordinating councils. These councils help to determine the needs of the region and how the funds should be used most effectively in the region. These plans are used to set the transit awards (specifically Section 5310 applicants).

ADOT also provides specific outreach to the state's Native American tribes through a consultative process and coordination with the ADOT tribal liaison. ADOT holds consultative quarterly meetings with the San Carlos, Hopi, and Navajo tribes. Transit staff coordinates with the tribal liaisons. Additionally, ADOT MPD FTA Section 5310 and 5311 program management staff specifically reach out to the tribes to provide information and scholarships to cover travel to application workshop sites and coordinate regularly with the ADOT tribal liaisons to ensure that staff is aware of upcoming deadlines so that they may personally encourage tribal representatives to attend training and put forward applications for funding.

In regard to the online system (E-Grants) requirements for the application itself, ADOT funds a helpdesk to provide immediate technical assistance.

PROGRAM ADMINISTRATION

Grant Application Process

ADOT follows an application process to pass through FTA financial assistance to subrecipients in a non-discriminatory manner. The application process and procedures are extensively documented and publicized in both the ADOT FTA Programs State Management Plan, as well as, specific grant program guidebooks and application

instruction materials that are updated and disseminated during each application cycle (see external web links below). ADOT MPD and Civil Rights Office also provide outreach and training in various areas of the state in regards to these documented procedures, in order to explain the requirements of the grant programs and how new applicants can become eligible for potential funding. This public information provided notates all requirements for Title VI distribution of funding and applicants are notified that financial assistance is awarded in a non-discriminatory manner.

<https://azdot.gov/planning/transit-programs-and-grants/program-handbooks-applications-and-awards>
<https://www.azdot.gov/planning/TransitProgramsandGrants>

Award Process and Environmental Justice Analysis

The award process is based on a ranking of applications against predetermined evaluation criteria in line with the goals and priorities of each grant program identified at the federal and state level. Awards are made initially based on application requests and the ability of applicants to meet these predetermined criteria. After initial awards are determined, final award amounts are developed by considering the Title VI minority and protected classes' populations by county and region.

In most instances, the Section 5310 program highlights a potential disparate impact in the COG and MPO regions that include urban and small urban areas, such as Phoenix, Tucson, Flagstaff and Yuma. But there is substantial legitimate justification for this policy as apportionment of 5310 funding are set by FTA. ADOT manages the Tucson funds, but not the Phoenix program. The urban areas of the state are served by additional 5310 program dollars as mandated by FTA apportionment levels, which document the potential disparate impact from the analysis conducted.

For the COG and MPO areas that include the cities of Flagstaff and Yuma, those areas receive a FTA 5307 program direct allocation for public transit service that supports all protected classes, including minorities, decreasing the need for 5310 funds to be put towards this purpose. Additionally ADOT transfers STBG funding towards these regions to support the transit programs.

In regard to any award adjustments based on the evaluation of Title VI categories, for 5310, this is only done if there is not a solid, justifiable policy decision (either made at the state or federal level) that supports the reason the discrepancy between the awarded amounts of funding and the number of minorities in a given population area. An alteration of the award or reconsideration of the information and type of award to be made is completed if there is a potential adverse effect that not funding a particular project or program would cause and the application/applicant meets the baseline threshold and evaluation criteria requirements of the 5310 program.

In the 5311 applications, all agencies are ranked according to their applications by a team of reviewers separately reviewing applications. Then the scores are compiled to determine a rank order. First, Intercity projects are funded at a minimum of 15% based on the requirements of FTA. Historically, ADOT funds slightly more than the 15% to ensure the 15% expenditure threshold is met. Then, ADOT funds administration and operating project requests. ADOT considers historical expenditures, future projected expenses, and the ranking to ensure that agencies are able to continue transit operations with these project dollars.

Lastly, ADOT considers capital project requests. The subrecipients are asked in their application to rank their needs. ADOT takes those rankings into consideration and prioritizes rolling stock replacement needs first, then other capital requests until the funding runs out. This does not mean that all rolling stock requests are funded; instead, ADOT reviews the need and determines whether the project could be delayed a year or two because there is always more need than funds available. ADOT has historically considered tribal programs very carefully to ensure adequate funding levels. There is also significant consideration and discussion as to how to better meet the needs of our rural areas across the state. Program management staff recognizes that requests more often than not are minimized due to lack of local funding. Therefore, ADOT meets regularly with subrecipients to discuss ways to find and secure sources of local funding so that the needs are met on a consistent basis.

The highest request this year was in Yavapai County and they were awarded close to what was requested as this region has an extremely high disabled person's population and senior population. La Paz County which has a high percentage of disabled persons, low income, and senior population that is served by the Town of Quartzsite transit program.

In regard to alternatives that could be employed that would have a less discriminatory impact, ADOT MPD FTA Section 5310 and 5311 program management staff work closely with the regional COGs, MPOs and Mobility Managers to assist with completing outreach to potentially affected populations, as is the case in the CAG region at this time.

After the initial awards are made according to the documented evaluation criteria for each grant program, the ADOT MPD FTA Section 5310 and 5311 program management staff reviews each award according to the Title VI guidelines and determines whether there has been a disparate impact. Based on this analysis, consideration is given as to whether additional outreach or technical assistance is needed for the following year's application cycle.

RECORD RETENTION

ADOT's MPD FTA Grant Program management staff maintains files and publicizes funding awards/requests by type of entity, to include private non-profit organizations, local governmental authorities, and Indian tribes. Through the analysis of county minority populations, it is documented which counties and COG and MPO regions are using their grant program funds to provide assistance to predominately minority populations.

ADOT maintains descriptive information on how the competitive selection process and annual of program of project submission process to FTA emphasizes the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations and the criteria for selecting entities to participate in FTA grant programs in its FTA Programs State Management Plan, as well as program specific guidebooks updated annually.

SUBRECIPIENTS AND REVIEW PROCESS

Subrecipients of Federal-aid in Arizona include metropolitan planning organizations, councils of governments, local governments, universities, private for profit and non-profit agencies, transit grantees, airport authorities and contractors/consultants.

There are eight metropolitan planning organizations and four councils of governments in Arizona that receive financial assistance from FTA that is passed through by ADOT.

For the fiscal year of 2023, there are approximately 43 Section 5310 grantees with 161 projects for the application cycle. There are a total of 28 Section 5311 grantees, 25 of which are funded by ADOT and 3 who report directly to FTA. All new and returning applicants apply for transit funds under a 2-Year Application cycle. 5310 and 5311 grantees' application window is scheduled in a manner in which their respective application submittals don't overlap in the same year. Each application for financial assistance will include a certification that the new or returning applicants' programs, policies and activities comply with FTA Title VI and ADA.

The Civil Rights office oversees Title VI compliance and provides technical support and training for the Metropolitan Planning Organizations (MPO), Councils of Government (COG) and all new and reapplying Section 5310 and 5311 applicants.

The Civil Rights Office uses guidance from FTA Circular 4702.1B to ensure all FTA Title VI requirements are met by all subrecipients.

MPO AND COG REQUIREMENTS

MPO and COG agencies are required to submit a Title VI Program Plan every year or as otherwise directed by FTA and to report any complaints to ADOT within 72 hours. As part of its compliance requirements, ADOT's Civil Rights Office reviews and maintains copies of MPO and COG Title VI Program Plans and provides technical support, training and monitoring of these organizations for compliance with Title VI.

ADOT and subrecipients receiving FTA financial assistance must ensure that all programs and activities are operated in a nondiscriminatory manner. ADOT documents the technical support and subrecipient monitoring activities of MPOs and COGs that are provided to:

1. Ensure compliance with Title VI.
2. Provide technical assistance in the implementation of the Title VI program.
3. Correct deficiencies when found to exist.

As part of its monitoring activities, the ADOT Civil Rights Office requires each MPO and COG to submit an annual report of its Title VI related activities including data collected, outreach methods, changes to Title VI Implementation Plans, executive management and compliance efforts for the past year and goals for the coming

year. The annual reports are analyzed and categorized on a high/low risk assessment using the following criteria to create an MPO/COG onsite review schedule:

- Amount of federal financial assistance received
- Date of last review
- Complaints received
- Number of deficiencies identified in previous Title VI Plan submissions

MPO AND COG ONSITE REVIEW PROCESS

Notification

1. Subrecipients will be notified within 30 days of the upcoming Title VI on-site review by certified letter and/or prioritized email using DocuSign. This will include a copy of the Compliance Review Form and a list of documents and other information that should be made available for review.
2. One week prior to the onsite review, a reminder will be sent by priority email to discuss agenda, logistics and expectations of the onsite visit.

Onsite Review

1. A Title VI staff member will review:
 - a. The location of the Public Notice and a sampling of meeting notices, project flyers and other similar materials used to reach minority populations and LEP individuals;
 - b. The Language Assistance Plan (LEP) and LEP efforts including a sampling of vital documents that have been translated, language assistance services offered and the number of LEP requests received;
 - c. All methods used to identify the locations of minority populations within the MPO/COG region;
 - d. Demographic maps and charts that analyze the impacts of distribution of funding for public transportation purposes;
 - e. Subrecipient means for analyzing Title VI data to identify the mobility needs of minority populations as identified within the planning process;
 - f. Procedures used to identify Title VI populations that could potentially be adversely affected by transit-related planning or projects;
 - g. Accommodations available for disabled individuals;
 - h. Compliance activities including any upcoming subrecipient reviews.
2. A description of any discrimination-related complaints received and review the subrecipient's Investigations, Complaints and Lawsuits Log.
3. During the onsite review, the Civil Rights Office Title VI representative will conduct staff interviews to determine familiarity with Title VI requirements; discuss the effectiveness of public outreach measures, as indicated by minority participation in public meetings; discuss data collection and analysis practices to

ensure minority populations are included in the planning process; examine the efficiency of Title VI complaint procedures; and, make verbal recommendations toward best practices.

Deficiencies

If deficiencies are found:

1. Within 30 days of the onsite review, deficiencies will be documented in a report provided to the MPO or COG Executive Director, ADOT's Multimodal Planning Division and the ADOT Civil Rights Administrator.
2. By expectation, the subrecipient should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report.
3. Within 30 days of report mailing, a meeting will be scheduled to discuss possible technical assistance and an action plan towards full compliance.
4. Outstanding high priority vital items such as signed Title VI assurances will be submitted within 30 days of report mailing.
5. Subrecipient will be asked to submit a formal action plan within 45 days of report mailing.
6. Within 90 days, the subrecipient MUST be fully compliant on outstanding deficiencies.
7. If not compliant, ADOT will make a formal funding recommendation to the appropriate Multimodal Planning division responsible for oversight of the subrecipient.

No Deficiencies

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of the onsite review and include a report of findings.
2. The report may provide recommendations for strengthening the sub recipient's Title VI Program.

Follow-up Monitoring

Title VI staff members will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

SECTION 5310 AND 5311 GRANTEE REVIEWS

Technical Assistance

The Civil Rights Office provides technical assistance and training to new and returning Section 5310 and 5311 applicants during the application process to ensure compliance with Title VI before funding is awarded. The Civil Rights Office provides applicants with best practices, online tutorials, sample documents and a template of the FTA Implementation Plan. The sample documents and the FTA template are located at:

<https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/fta-funded-programs>

Desk Review Process

The Civil Rights Office is responsible for carrying out subrecipient/grantee Title VI FTA monitoring and oversight responsibilities and will continue the process of Title VI monitoring by conducting annual Desk Reviews of new and returning transit subrecipients/grantees.

Prior to the Desk Review, the Civil Rights Office will review the most current FTA Title VI Circular for any updates. If updates are required to ensure compliance with Title VI, new and returning grant applicants will be notified. Once the grant application is received, the Civil Rights office will begin a 30-day desk review using the [FTA Subrecipient ADA/Title VI Program Implementation Plan Checklist](#) to determine subrecipient/grantee compliance with ADA & Title VI.

During the Desk Review, the Civil Rights Office will review each subrecipient/grantee's Implementation Plan for the following:

- Nondiscrimination Notices to the Public (English & Spanish)
- Complaint Procedures
- Complaint Form
- List of Investigations, Complaints and Lawsuits
- Public Participation Plan
- Language Assistance Plan (LEP)
- Non-elected Membership Table
- Monitoring Procedures for Subrecipient Compliance
- Title VI Equity Analysis (for new facilities only)
- Fixed Route Transit Provider Analysis (For transit providers only)
- Minutes indicating Board Approval of the subrecipient/grantee Title VI Plan
- ADA Policy

Deficiencies

1. If found to be deficient, the Civil Rights Office will send a notice to the subrecipient by DocuSign identifying the deficiencies and recommending corrective actions.
2. Within 90 days of the notice, the subrecipient must bring outstanding deficiencies into compliance.
3. The Civil Rights Office will actively provide technical support and assistance within these 90 days, if needed.
4. If the subrecipient does not become compliant within the 90-day period, the Civil Rights Office will make a formal finding recommendation to the Multimodal Planning Division Transit Program Manager.

No Deficiencies

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of the completion of the desk review.

Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review Process

On the years the subrecipients are not applying for grant funding, an Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review is submitted to the CRO. ADOT's MPD will initiate the Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review process by sending subrecipients the [Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review](#) form. This form is intended for Subrecipients to update the CRO regarding any ADA/Title VI updates that have occurred since the last application cycle and to ensure that they are still in compliance with ADA/Title VI requirements. Subrecipients must fill this form out within a 30 day-period. During this 30-day period active communication is conducted between the CRO and applicants to ensure ADA/Title VI compliance. At the conclusion of the 30 day review period CRO issues a formal letter of compliance or noncompliance.

During the Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review, the CRO will review each subrecipient's Self-Certification form to ensure that ADA/Title VI requirements are still being met. This review consists of questions regarding updates to the following sections:

- Complaints
- Leadership Changes
- Location of Nondiscrimination Notices to the Public
- Public Participation Plan
- Language Assistance Plan (LEP)
- Subrecipient Changes
- Title VI Equity Analysis (for new facilities only)
- ADA/Title VI Training Attended

New applicants for grant funding during the Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review process will be required to submit a Title VI Implementation Plan, which will be reviewed and commented on by the ADOT Civil Rights Office.

Deficiencies

1. If found to be deficient, the Civil Rights Office will send a notice to the subrecipient by DocuSign identifying the deficiencies and recommending corrective actions.
2. Within the 30 day review period, the subrecipient must bring outstanding deficiencies into compliance.
3. The Civil Rights Office will actively provide technical support and assistance within these 30 days, if needed.
4. If the subrecipient does not become compliant within the 30-day period, the Civil Rights Office will make a formal finding recommendation to the Multimodal Planning Division Transit Program Manager.

No Deficiencies

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of the completion of the Annual FTA Subrecipient ADA/Title VI Self-Certification Compliance Review.

Monitoring

As part of their oversight responsibilities, ADOT MPD Transit Section Programs are required to monitor these subrecipients/grantees to help ensure compliance with Title VI in their programs and activities. The Transit Section Programs enlist consultants to conduct on-site reviews of subrecipients which include Title VI compliance using a checklist provided by the ADOT Civil Rights Office.

Upon completion of the subrecipient on-site review process, copies of the Compliance Checklist are provided to the Civil Rights Office. If a deficiency is found to exist, the Civil Rights Office will follow up with the subrecipient to provide specific technical assistance and a timeline for the subrecipient to resolve the deficiency. This timeline will not exceed 90-days.

DETERMINATION OF SITE OR LOCATION OF FACILITIES

ADOT did not award FTA funds for the construction of transit-related facilities between 2019 - 2022.

ATTACHMENT “1”
ADOT PUBLIC INVOLVEMENT PLAN
[DRAFT AND COMMENTS PAGE]

ADOT’s Public Involvement Plan speaks to the requirements to engage the public on transportation planning- related activities, including targeted public involvement that complies with the following mandated federal authorities:

- 📄 Title VI of the Civil Rights Act of 1964
- 📄 Executive Order 13166 – Limited English Proficiency
- 📄 Executive Order 12989 – Environmental Justice in Minority and Low-Income Populations

FHWA comments on ADOT draft PIP 9/13/22

From Arizona Division – Reviewed by Rebecca Yedlin and Romare Truly

FHWA AZ Division completed our review of the document. I am submitting two sets of comments. One set below and the others are embedded in the PDF/document which I will attach to this email and an additional one due to the size. As you review the comments and have any questions or feel that a comment resolution meeting would be beneficial, please let me know. Thanks, Rebecca

Comments on the PIP:

- Section 3.1.4, page 8 – The Title VI definition here has been paraphrased to speak directly to ADOT. Please revise to ensure the Title VI definition speaks to all Recipients of federal assistance and not just ADOT. Furthermore, ADOT, as a main recipient of Federal assistance, must take concrete steps to ensure nondiscrimination in their programs and activities. ADOT’s Title VI Nondiscrimination Program Plan details the steps ADOT will take to ensure nondiscrimination throughout all of ADOT’s programs and activities. ADOT submits an updated Title VI Nondiscrimination Program Plan to FHWA for approval. The PIP was developed in concurrence with ADOT’s Title VI Nondiscrimination Program Plan. Also, Combine this information with what’s in Section 3.2.
- Section 3.1.8, page 10, 2nd paragraph – I feel like this section is out of place because it describes the Environmental Planning requirements under NEPA so it probably needs to be moved to Section 6.3. EJ doesn’t only apply to the NEPA. The requirement of EJ applies to the Planning programs as well (STIP, LRTP, etc..) Generally speak on EJ if you want to keep the information like what’s in Section 3.1.7.
- Section 3.2.5 – Change “ADOT’s Public Involvement Title VI Liaison” to “Community Relations Title VI Liaison” throughout the document to ensure consistency and concurrence with ADOT’s Title VI Program Plan.
- Section 3.2.6 – I believe ADOT CRO will be using the name ‘Civil Rights Meeting summary’ rather than ‘Title VI Post meeting summary’ moving forward. Please follow up with ADOT CRO to ensure this is correct and consistent.
- Section 3.3.1 – I believe ADOT CRO has created a language identification card that is more inclusive than the Census. Please follow up with ADOT CRO and revise.

- Section 3.6 – These additional requirements specifically apply to the NEPA process and rather than the overall general Public Involvement process so it may confuse the reader. Please incorporate the information here in Section 6 or remove. (REMOVED)
- Section 3.6.4 – “agency’s Environmental Impact Statement/Record of Decision (ROD).....” (Deleted section)
- Section 3.7.4 – change title to “USDOT Title VI Order 1000.12C”
- Section 4.7, page 24 – mentions “Title VI population” here and throughout the document but there’s no such thing. Title VI applies to nondiscrimination of all races, colors, and national origin. Not just minorities.
- Section 6 – NEPA approval is required for all ADOT projects with a ‘Federal nexus.’ This doesn’t apply to just receiving federal funding.

Page 5, 2nd paragraph: The bold language is incorrect. 23 CFR 771.111(h). The operative words are State public involvement /public hearing procedures **MUST** provide for:

The regulations are requirements. Please have the word “largely” removed from the ADOT text. The paragraph should also clearly state and hyperlink to:

Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to [23 U.S.C. 128](#) and [139](#) and CEQ regulations.

Page 7, Section 3.1.2 & 3.1.4: ADOT needs to make clear that this assignment does **NOT** include Title VI requirements. Compliance with Title VI remains under the administration and authority of FHWA and is not an assigned authority.

Page 10, Section 3.1.8, 2nd paragraph: What is ADOT defining as a simple statement? They need to explain what that means for their record keeping / information relayed to the public.

Page 17, Section 3.6: ADOT needs to indicate where the public involvement procedures related to these regulations \ statutes are located. Are they separate procedures, or are they contained and covered in this document. If in other documents, they should indicate which document and/or hyperlink.

Page 22, Section 4.4, 1st paragraph: What is the reasoning for including the second sentence in an ADOT Public Involvement Plan? This second sentence does not need to be stated in a manual involving ADOT procedures as it related to tribal public involvement **when ADOT is initiating** the action. Easements do not equate to waiver of tribal sovereignty over their lands. This sentence is not needed.

Page 35, Figure 6.2: Under Public Hearing line item, there is an inconsistency with the state regulation. *Per 23 CFR 771.111(h)(iii), One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest;*

Per the use of ADOT CE classifications as identified in the most recent audit, it is clear that in some instances the use by ADOT of a CE would meet the requirements for a hearing as spelled out above.

The figure needs to be modified to account for this provision under the CE and EA designation.

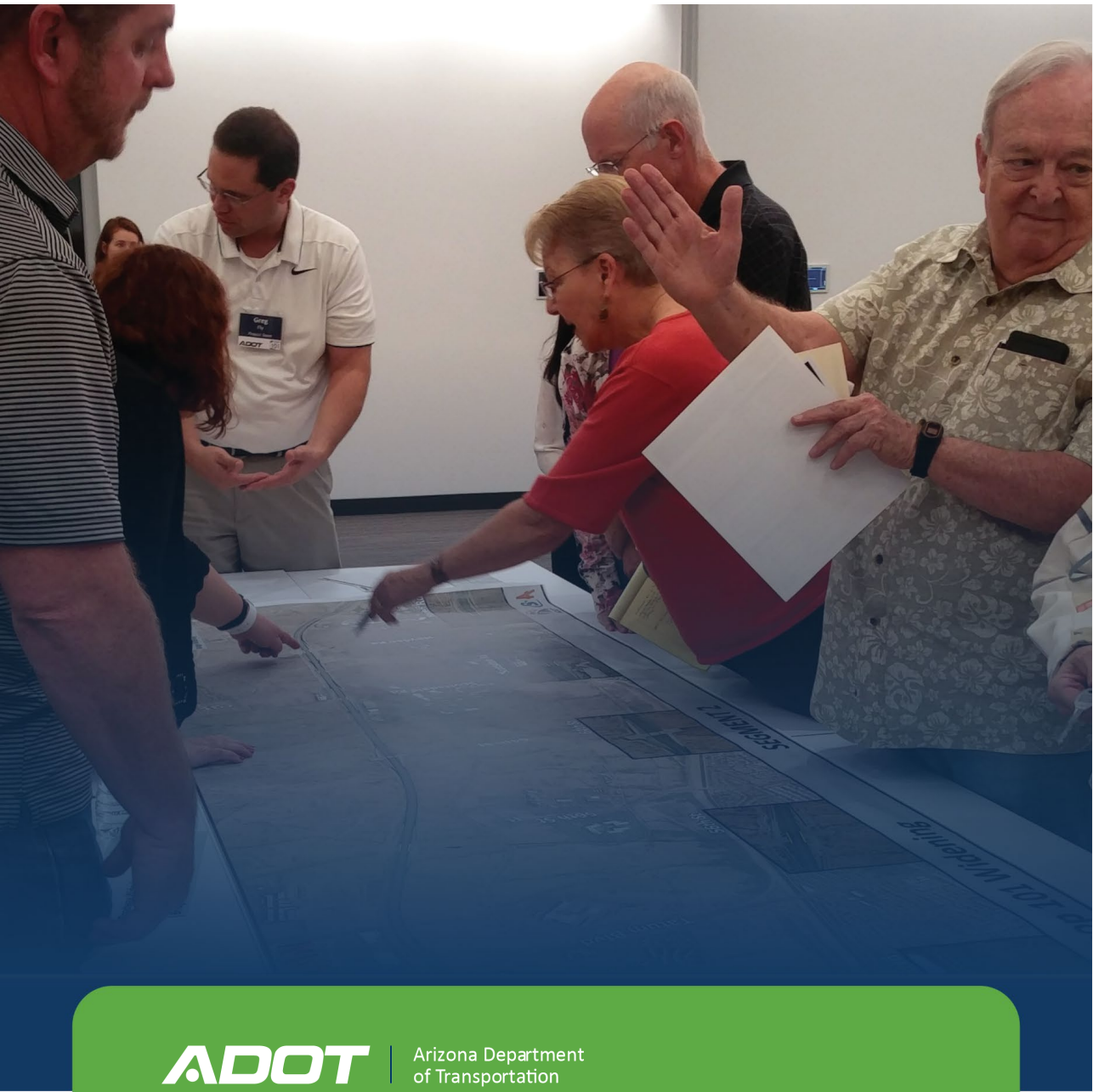
Page 37, Section 6.4: The sentence “there are no federal NEPA public involvement requirements for a CE” is **incorrect**. **Per 23 CFR 771.111, there is no distinction made between a CE, EA, or EIS class of action. Rather, the regulation details the impacts that would necessitate the need for a public hearing.** If mitigation is used to lower the threshold of impacts to non-significance or a “c” classified project or EA met the description of subpart (iii), an opportunity for a public hearing is required. They should be a parentheses to Section 6.6, especially if dollar amounts CE’s have impacts.

Page 38, Section 6.5, 5th bullet: If ADOT is going to use this language, they must clearly articulate the parameters and how a decision is made on whether to hold or not hold a public hearing. **They should include in parentheses a reference to Section 6.6.** This should also include allowing a hearing if mitigation is used to lower impacts to a non-significance threshold for CE’s and EA’s, or unusual circumstances are involved with CE determinations.

Page 87, Section 14.1: ADOT needs to document here that all public involvement activities and records must be documented and placed in an FHWA approved file structure that allows FHWA monitoring under the 326 and 327 NEPA assignment programs. They should clearly state where they will be stored so they are available for FHWA monitoring in the PIP.

Page 91, Section 15: This section does not have enough specificity. How will it be measured, recorded, and utilized? **If they have no framework on how it will be measured and documented, what is the purpose of this section.** They need to show how this will be documented and measured.

PLAN TO FOLLOW.



ADOT

Arizona Department
of Transportation

PUBLIC INVOLVEMENT PLAN

2022 Update

Notice of Availability of Reasonable Accommodations

Pursuant to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) and other nondiscrimination laws and authorities, ADOT does not discriminate on the basis of race, color, national origin, sex, age or disability. Persons who require a reasonable accommodation based on language or disability should contact ADOT's Civil Rights Office at 602.712.8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the State has an opportunity to address the accommodation.

De acuerdo con el Título VI de la Ley de Derechos Civiles de 1964, la Ley de Estadounidenses con Discapacidades (ADA por sus siglas en inglés) y otras normas y leyes antidiscriminatorias, el Departamento de Transporte de Arizona (ADOT) no discrimina por motivos de raza, color, origen nacional, sexo, edad o discapacidad. Las personas que requieran asistencia (dentro de lo razonable) ya sea por el idioma o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al 602.712.8946 o por correo electrónico al civilrightsoffice@azdot.gov. Las solicitudes deben hacerse lo más antes posible para asegurar que el Estado tenga la oportunidad de hacer los arreglos necesarios.

FOREWARD

This document outlines the Arizona Department of Transportation's (ADOT) public involvement guidelines and procedures for ensuring compliance with legal and regulatory requirements for transportation project development and delivery. In accordance with [23 CFR 771.111\(h\)\(1\)](#), each state is required to develop procedures to implement a comprehensive public involvement program, and to receive approval from the Federal Highway Administration (FHWA) that existing regulatory requirements are being met. The agency Public Involvement Plan (PIP) also complies with public requirements for other federal agencies with regulatory authority over highways and other non-highway projects implemented by or in coordination with ADOT.

ADOT is committed to integrating public involvement into project planning and development for all transportation projects. The ADOT PIP provides practical public involvement guidance that is compliant with federal and state laws and regulations. The PIP serves as a central resource for ADOT's public involvement practices and procedures to support project planning, programming and delivery, as well as operations and maintenance activities, for ADOT's Transportation Division.

The ADOT PIP is intended for use by ADOT staff, consultants, [Local Public Agencies](#) and others involved in implementing ADOT studies and projects for ADOT's Transportation Division.

ADOT's PIP is required to be updated every five years. This document supersedes the 2017 ADOT PIP.

ADOT's agency PIP will continue to evolve in alignment with innovative and effective best practices and/or new statutes governing public involvement and will be evaluated annually for compliance with federal requirements.

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Comment [1]: FHWA comment: Ensure that all appendices are referenced within the PIP text.
ADOT response: verified

Glossary

ADOT	Arizona Department of Transportation
ADA	Americans with Disabilities Act
BIA	Bureau of Indian Affairs
CA agency	Certification Acceptance Agency
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COG	Council of Governments
CRO	Civil Rights Office
<u>CWA</u>	<u>Clean Water Act</u>
DEIS	Draft Environmental Impact Statement
DOT	Department of Transportation
EA	Environmental Assessment
EIS	Environmental Impact Statement
EJ	Environmental Justice
<u>EO</u>	<u>Executive Order</u>
EP	Environmental Planning
FAA	Federal Aviation Administration
FAST Act	Fixing America's Surface Transportation Act
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
FRA	Federal Railroad Administration
HOA	Homeowner Association
HHS	Department of Health and Human Services
HURF	Highway User Revenue Fund
IAP2	International Association for Public Participation
IGA	Intergovernmental Agreement
LEP	Limited English Proficiency
LPA	Local Public Agency

L RTP	Long -Range Transportation Plan
MAP -21	Moving Ahead for Progress in the 21st Century
MPO	Metropolitan Planning Organization
MPD	Multimodal Planning Division
NEPA	National Environmental Policy Act
NHTSA	National Highway Traffic Safety Administration
NOA	Notice of Availability
NOI	Notice of Intent
PIO	Public Information Officer
PIP	Public Involvement Plan
PM	Project Manager
ROD	Record of Decision
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Program
<u>Uniform Act</u>	<u>Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)</u>
USACE	United States Army Corps of Engineers
<u>USC</u>	<u>United States Code</u>
<u>USDOT</u>	<u>United States Department of Transportation</u>
VPI	Virtual Public Involvement

Section 1

Introduction





1. Introduction

1.1 About the Arizona Department of Transportation

The Arizona Department of Transportation (ADOT) is a multimodal transportation agency serving one of the fastest -growing areas of the country. ADOT is responsible for planning, building and operating a complex highway system; building and maintaining bridges; and operating the Grand Canyon National Park Airport, the Motor Vehicle Division and the Enforcement and Compliance Division for oversight of commercial vehicles. ADOT is divided into seven engineering districts throughout the state that are responsible for project development and maintenance.

Public Involvement Plan

The ADOT Public Involvement Plan (PIP) provides guidance on ADOT's public involvement practices that will be used to inform and seek input from the public to help guide project and agency -level decisions and actions. The PIP is intended for use by ADOT staff, consultants and others in developing and implementing project -and study -specific public involvement plans (project PIPs). For simplification, throughout this document the term project shall be used to describe a proposed project under study or approved project.

1.2 Use of the ADOT



ADOT's Public Involvement Philosophy

ADOT strives to create and maintain a transportation system for Arizona that addresses transportation needs, improves quality of life and bolsters the state economy.

We actively seek the public's input on transportation decisions that affect them and will include a diversity of voices and viewpoints that provide valuable insight to ADOT during the transportation decision making process.

INTRODUCTION

The ADOT PIP should be used throughout the project lifecycle, and in the development of statewide plans and programs, to ensure public involvement occurs in accordance with federal and state laws and guidance and best practices that help ADOT improve transportation decision-making and the project delivery process, as well as foster positive relationships with the community.

Minimum public involvement requirements are included in ADOT's PIP to ensure an appropriate level of engagement is conducted for each project. However, ADOT public involvement guidelines are designed to go beyond simply meeting legal requirements, since that neglects the underlying purpose of engaging the public. Effective public involvement benefits ADOT by understanding community needs and promoting community dialogue that facilitates transportation solutions to meet the collective needs of ADOT and the communities it serves.



Section 2

Public Involvement Overview





2. Public Involvement Overview

The following section defines what public involvement is, its purpose and importance.

2.1 Who is the Public?

The public includes anyone who may have an interest in or may be affected by an ADOT study, project or program. For the purposes of this document, the public is further defined as anyone who does not work for ADOT or its contracted delivery partners for an ADOT project as part of the planning, study, design, construction or maintenance team.

2.2 What is Public Involvement?

Public Involvement is a two-way flow of communication between the agency and the public to share important information with, and receive input from, the public.



Public involvement means to:

- Involve those who are affected by a decision in the decision-making process;
- Provide the public with the information they need to be involved; and
- Communicate ~~with those who participated in the public involvement process~~ how ~~the their~~ public's input affected the decision.

2.3 Purpose of Public Involvement

The purpose of public involvement in the transportation decision-making process is to gather public input that may influence the decision. While public involvement educates the public to provide informed input, it does not seek to change the public's opinion. Rather, public involvement captures public opinion to share with project decision-makers.

The primary objectives of public involvement are to:

- **Educate and communicate** to provide information about studies and projects.
- **Gather input** from the public to inform transportation decisions.
- **Improve projects** by understanding the public's desires and concerns.

Comment [2]: FHWA comment ?
ADOT response: Added clarifying statement in the intro. Need clarification from FHWA on comment

PUBLIC INVOLVEMENT OVERVIEW

- **Build relationships** with the public and improve trust to foster a positive decision-making environment.
- **Meet federal and state requirements** to ensure compliance.

2.4 ADOT Public Involvement Principles and Practices

ADOT's public involvement process will:

- Provide early and continuous public involvement opportunities.
- Provide adequate notice of public involvement opportunities and time for public review and comment prior to key decision milestones.
- Be inclusive by inviting all potentially



ADOT

interested parties to participate, equitable by ensuring meaningful access to the decision-making process to all persons, regardless of race, color, national origin, income, age, sex or disability status, and be diverse by engaging people of all cultures, backgrounds and interests.

- Provide reasonable public access to technical data and policy information.
- Provide accommodations to allow participation from all people regardless of their abilities or spoken language.
- Demonstrate consideration of and response to public input received.
- Be conducted in accordance with federal and state laws, regulation, policies and guidance.

2.5 Why is Public Involvement Important?

Arizona's transportation system affects everyone to some degree and transportation decisions have long-lasting impacts on communities and individuals. ADOT believes the public should have the opportunity to be involved when decisions impact them.

When ADOT builds positive relationships with the public and key stakeholders that are based on a foundation of trust and transparency, it helps facilitate important transportation initiatives and project delivery. The public is ~~a~~ great-an important source of information that helps ADOT plan, design and construct the best possible projects.

Lack of effective public involvement can have potential negative effects including jeopardizing federal funding or federal project approvals, delays in the project development process to address issues, public outcry and controversy,

decreased public trust and possible formal complaints or legal action.

Section 3 Federal & State Requirements for Public Involvement



3. Federal & State Requirements for Public Involvement

Public involvement has long been an integral part of federal transportation legislation and remains a hallmark of the transportation planning ~~and National Environmental Policy Act (NEPA)~~ process. This section outlines the various federal and state authorizing legislation and requirements for conducting public involvement for transportation projects, which are reflected in ADOT's public involvement procedures.

~~Federal regulations do not specifically define how to perform public involvement. They largely identify certain activities and considerations that must be included in public involvement efforts. This flexibility allows adoption of the following guidance, which seeks to ensure public participation by a comprehensive range of stakeholders.~~

All ADOT and other core project team members (including consultants) must be familiar with ADOT's PIP and use the PIP guidance required for federal compliance for public participation.

The designated ADOT Community Relations liaison to the ADOT Civil Rights Office (CRO) or the Civil Rights Office will provide training and guidance on ensuring compliance with federal nondiscrimination requirements for ADOT and other project core team members when public involvement is required.

3.1 Authorizing Legislation

ADOT will implement public involvement efforts in alignment with federal guidelines under the National Environmental Policy Act of 1969 (NEPA), the Code of Federal Regulations (CFR) Title 23, Title VI of the Civil Rights Act of 1964, Executive Order 12898 on Environmental Justice (EJ), Executive Order 13166 for Limited English Proficiency (LEP), the Americans with Disabilities Act (ADA) and other applicable federal laws, executive orders, guidance and state statutes.

3.1.1 National Environmental Policy Act (NEPA)

Comment [3]: FHWA comment

The bold language is incorrect. 23 CFR 771.111(h). The operative words are State public involvement /public hearing procedures MUST provide for:

The regulations are requirements. Please have the word "largely" removed from the ADOT text. The paragraph should also clearly state and hyperlink to:

Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 139 and CEQ regulations.

ADOT Response: The second comment above is specific to FHWA guidance – will add to the FHWA section

FEDERAL & STATE REQUIREMENTS FOR PUBLIC INVOLVEMENT



The National Environmental Policy Act (NEPA) (<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A>) was signed into law on January 1, 1970 and was the first major environmental law established in the U.S. NEPA requires all federal agencies to consider the environmental, social and economic effects of proposed projects or actions prior to making decisions. The Council on Environmental Quality (CEQ) was created to oversee the implementation of NEPA and its associated regulations (40 CFR 1500 to 1508). 23 CFR Section 771 supplements the NEPA regulations of the CEQ and 49 CFR 1141 sets forth all prescribes the FHWA, FTA and FRA requirements under NEPA for highway, urban mass-transportation and rail projects.

The NEPA process requires consideration of numerous federal environmental laws, regulations and executive orders, as well as State of Arizona environmental statutes and regulations. Consideration of these federal and state laws and regulations falls under the concept of the “NEPA umbrella” and requires consultation, coordination and regulatory

compliance with a range of federal and state agencies, as well as Native American tribes and the public.

The following are additional federal environmental regulations that have required public involvement activities, which are integrated as part of the NEPA public involvement process. Information regarding public involvement requirements for these regulations is included in Section 6.

US Department of Transportation Act of 1966, Section 4(f) (23 CFR 774)

Section 4(f) (23 CFR 774) states that FHWA (state DOTs under NEPA Assignment) cannot approve the use of land from publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent avoidance alternative to the use of that land and the action includes all possible planning to minimize harm to the property resulting from such use, or that the use will have a *de minimis* impact (one that will not have an adverse impact). When a project qualifies for a *de minimis* finding, public notice and an opportunity for public review and comment are required in accordance with 23 CFR 774(b)(2)(i).

National Historic Preservation Act of 1966, Section 106 (16 USC 470 et seq.)

Section 106 of the National Historic Preservation Act requires an opportunity for the public to examine the results of efforts to identify historic properties, evaluate their significance and assess the project's effects upon them. Agencies shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses.

Comment [5]: Moved these here to connect them with the NEPA process as part of the federal Acts under the NEPA umbrella. Guidance on PI for these Acts is included in Section 6.

Comment [6]: Per FHWA comment we moved the additional NEPA umbrella environmental laws here as part of the NEPA section, to provide information about the regulation itself. Information about how we conduct PI for these regulations is in Section 6.

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Comment [4]: FHWA comment True? ADOT response: clarified that Section 771 supplements the CEQ regulations

FEDERAL & STATE REQUIREMENTS FOR PUBLIC INVOLVEMENT

and the relationship of the Federal involvement to the undertaking. (36 CFR Part 800.2(d))

Clean Air Act of 1970 (42 USC Code § 7401)

The Clean Air Act requires that transportation planning be consistent with air quality goals. This is determined through the transportation conformity process. Transportation conformity ensures that transportation plans, programs and projects do not produce new air quality violations, worsen existing violations or delay timely attainment of the National Ambient Air Quality Standards (NAAQS). To receive federal approval for implementation, a proposed action must be included in a conforming Metropolitan Transportation Plan and Transportation Improvement Program (TIP).

Guidelines for determining conformity of federal actions are included in 40 CFR 93, Subpart A. For any "regional conformity" determination required for a project outside of an MPO jurisdiction, ADOT shall provide opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination consistent with these requirements and those of 23 CFR 450.316(a).

Clean Water Act (CWA) of 1972, Section 404 (33 CFR 230)

The Clean Water Act (CWA) is the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the Waters of the United States. Section 404 of the Clean Water Act requires authorization through the United States Army Corps of Engineers (USACE) for the discharge of dredged or fill material into all waters of the U.S. through a Section 404 permitting process.

ADOT must comply with NEPA for all federally funded projects. Per NEPA requirements, ADOT must provide opportunities for public review and comment on certain environmental studies and associated technical analysis as applicable. ADOT Environmental Planning (EP) will work closely with ADOT Public Involvement staff to ensure NEPA compliance for meaningful public involvement based on the context and circumstances of the action.

ADOT will implement the following required public involvement guidelines, as applicable, during the NEPA process:

- Solicit input from the public.
- Ensure that individuals with disabilities, LEP, EJ and tribal communities are identified and engaged.
- Provide reasonable access to and an explanation of where information about the NEPA process and ongoing environmental documents can be found.
- Provide for public review of environmental documents, comments received and any supporting documents.
- Provide public notice of public hearing(s) or the opportunity for public hearings, public meetings, the availability of environmental documents (as defined by CEQ regulations), publication in the Federal Register for NEPA studies and actions that are primarily of local concern through the following methods:
 - » Notice to Native American tribes, when appropriate.
 - » Advertisements in local newspapers of general circulation.
 - » Notice through other local media via a news release.
 - » Notice to potentially interested community organizations.

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Comment [7]: Moved NEPA PI implementation to section 6

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FEDERAL & STATE REQUIREMENTS FOR PUBLIC INVOLVEMENT

- » ~~Publication in local newsletters that may reach interested persons.~~
- » ~~Direct mailing to owners and occupants of affected property.~~
- » ~~Posting of notice on and off site in the area where the action is to be located.~~
- » ~~Conduct public hearings or meetings when appropriate.~~

For ~~additional~~ guidance on ADOT public involvement for NEPA projects see **Section 6.** :

3.12 Categorical Exclusions and NEPA Assignment

To help implement environmental efficiencies incorporated into federal law, ADOT assumed FHWA responsibility for carrying out environmental approvals under two available programs:

- Categorical Exclusions (23 United States Code [U.S.C]. 326), known as CE Assignment and
- The Surface Transportation Project Delivery Program (23 USC 327), known as NEPA Assignment

With this assignment, ADOT is responsible for complying with all applicable federal environmental laws, regulations, Executive Orders and policies, and is solely responsible for environmental decisions made on all ADOT administered federal-aid highway projects.

<https://azdot.gov/business/environmental/planning/ce-assignment-and-nepa-assignment>)

FHWA retains an auditing and monitoring role following the execution of the programs to ensure ADOT is complying with federal environmental laws, regulations, Executive Orders and the requirements of the Memoranda of Understanding MOU. Some environmental review responsibilities remain the responsibility

of FHWA and are not an ADOT-assigned authority, such as Title VI, Section 327 Air Quality conformity determinations at the project level and government-to-government consultation. These FHWA responsibilities are outlined in Section 3 of the MOU which is available at <https://azdot.gov/sites/default/files/2019/06/mou-nepa-approved-041619.pdf>.

On March 22, 2017, Governor Doug Ducey signed into law Senate Bill 1211, which amended the Arizona Revised Statutes Chapter 2, Article 2, Section 28-334 C. to allow ADOT to assume federal environmental review responsibility and to waive sovereign immunity under the Eleventh Amendment to the United States Constitution for the limited purposes of addressing legal matters in carrying out federal NEPA environmental review responsibilities pursuant to 23 USC 326 and 23 -USC 327.

3.13 Federal Highway Administration

The FHWA (<https://highways.dot.gov>) supports state and local governments in the study, design, construction and maintenance of the nation's highway system and various federal- and tribal-owned lands.

Each state must have procedures approved by FHWA to carry out a public involvement and public hearing program pursuant to Title 23 of the U.S. Code of Federal Regulations U.S.C. 128 and 139 and CEO regulations.

FHWA public involvement requirements for transportation planning and programming are outlined in Title 23 ~~Code of Federal Regulations~~ CFR Section 450.212. The regulations specify that in carrying out the statewide transportation planning process, including development of the Long-Range Transportation Plan (LRTP) and the Statewide Transportation Improvement Program (STIP), the state shall develop and use a documented public involvement process that provides opportunities

Comment [8]: FHWA comment: retain other things like G to G, AQ conformity for 327, and Title VI

ADOT response: added note about FHWA retaining some environmental review responsibilities and provided link to MOU with responsibilities outlined.

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for public review and comment at key decision points. The LRTP and STIP will follow the guidance and policies for public involvement detailed within this public involvement plan.

The regulation requires the following minimum public involvement process for states:

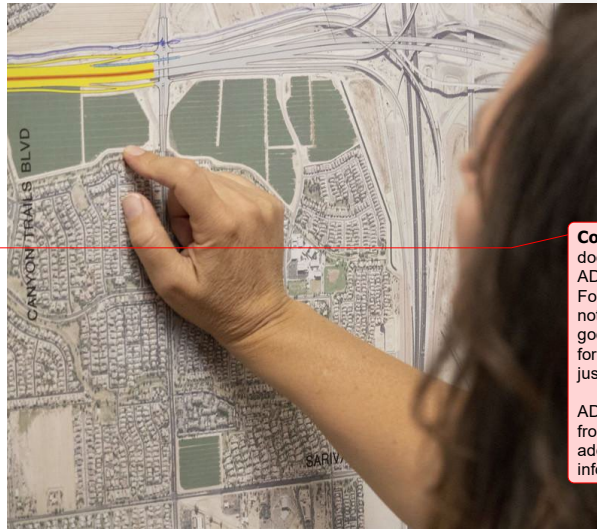
- Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to all interested and affected parties;
- Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;
- Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed LRTP and STIP;
- To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;
- To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;
- To the maximum extent practicable, make public information and outreach materials available in electronically accessible formats and means (e.g., the internet and cellular phones/devices), as appropriate to afford reasonable opportunity for consideration of public information input;
- Demonstrate explicit consideration and response to public input during the development of the LRTP and STIP;
- Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation

systems, such as low-income and minority households, who may face challenges accessing employment and other services; and

- Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

3.14 Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (<https://www.justice.gov/crt/fcs/TitleVI>) prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. The Civil Rights Restoration Act of 1987 further establishes that Title VI applies institution-wide to any entity that receives federal financial assistance. Therefore, under ADO's Title VI Nondiscrimination program, no person will be excluded from participation in,



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Comment [9]: FHWA comment: does this include access to the information ADO is obtaining input on? For example, most people have cell phones but not necessarily home computers. While it's good to provide the info electronically, the format needs to be accessible via a phone not just a computer with internet access.

ADO response: This language comes directly from the FHWA guidance language. We have added clarification regarding electronic information being available via cellular phones.

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be denied the benefits of, or be otherwise subjected to discrimination based on race, color, or national origin under any ADOT program, service or activity, whether federally funded or not.

➤ Related statutes and pre-sidential executive orders under the umbrella of Title VI address environmental justice (EJ) in minority and low-income populations and services to those individuals with limited English proficiency (LEP), women and the disabled. See sections 3.15 Limited English Proficiency and 3.1.6 Americans with Disabilities Act for more information.

Title VI of the Civil Rights Act of 1964 (Title VI)

Pursuant to the Title VI Civil Rights Act of 1964, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

3.1.5 Limited English Proficiency (LEP)

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” requires recipients of federal financial assistance to take reasonable steps to provide limited English proficiency individuals with meaningful access to their programs, activities and services.

LEP individuals are defined as those who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

The LEP guidance included in this PIP is detailed in [ADOT’s 2021 Limited English Proficiency Plan](https://azdot.gov/sites/default/files/2019/05/limited-english-proficiency-plan.pdf), (<https://azdot.gov/sites/default/files/2019/05/limited-english-proficiency-plan.pdf>) prepared by ADOT’s CRO as a part of the agency’s Title VI Nondiscrimination Program. ADOT’s LEP Plan is updated annually and posted on the ADOT Title VI Implementation website. Additional language resources available to ADOT can be found in ADOT’s LEP Plan. The plan stipulates that each program area is responsible for conducting a Four-Factor Analysis and ensuring compliance with LEP requirements on a project-by-project basis.

3.1.6 American with Disabilities Act (ADA) of 1990

The Americans with Disabilities Act of 1990 (<https://www.ada.gov>) stipulates that people with disabilities be involved in developing and improving public services. In highway planning, collaboration with persons with disabilities is essential for developing access beyond that which is required. Special efforts are required to comply with the statutory requirements of Moving Ahead for Progress in the 21st Century (MAP-21) and the [ADA](#).

The following tools can be used by ADOT, as needed, to ensure persons with disabilities have access to transportation decision-making processes throughout the project’s lifecycle:

- Conduct research through U.S. Census Bureau’s American Community Survey for data on persons with disabilities as part of a project PIP to help determine ADA outreach needs.

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Comment [10]: FHWA comment: The Title VI definition here has been paraphrased to speak directly to ADOT. Please revise to ensure the Title VI definition speaks to all Recipients of federal assistance and not just ADOT. Furthermore, ADOT, as a main recipient of Federal assistance, must take concrete steps to ensure nondiscrimination in their programs and activities. ADOT’s Title VI Nondiscrimination Program Plan details the steps ADOT will take to ensure nondiscrimination throughout all of ADOT’s programs and activities. ADOT submits an updated Title VI Nondiscrimination Program Plan to FHWA for approval. The PIP was developed in concurrence with ADOT’s Title VI Nondiscrimination Program Plan. Also, Combine this information with what’s in Section 3.2.

ADOT response: Expanded this section to address FHWA’s comments. Content related to Title VI/Civil Rights implementation is included in section 3.2.

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Comment [11]: FHWA comment are there new requirements in the BIL/IJA?

CRO response: I checked in with our ADA Program and they do not believe the IJA/BIL creates any new requirements related to public involvement and ADA. From what I have read, there are not increased requirements for public involvement except possibly within the programs specifically financed by the Act (ie the EV Plan is funded by the Act, so it may have additional public involvement requirements).

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- Include Notice of Availability of Reasonable Accommodations ([Appendix A](#)) on all digital or printed material created for public dissemination for special accommodation requests.
- For online resources, guidance should be provided on their use and resources must be ADA accessible, with special consideration of Section 508 requirements.
- All meetings or events held for programs or projects with federal -aid funds and open to the public must be made accessible to everyone. Ensure locations where public involvement takes place are ADA compliant, accessible by ADA -compliant transportation options and that information is accessible for persons with vision or hearing disabilities. Prominently display ADOT's Auxiliary Aids and Services Poster/Notice ([Appendix C](#)) at the meeting (or provide in a slide at a virtual meeting).
- When notified of a person's disability, ADOT will make an effort to provide reasonable accommodations to provide an equal opportunity for participation.
- Develop contacts, mailing lists and other means to facilitate communication with persons with disabilities.
- Conduct community interviews, including one -on -one meetings with disability advocacy groups.
- Collaborate with local a nd state agencies, such as the Arizona Department of Economic Security, which offer assistance and information for seniors and individuals with disabilities.
- Engage health care facilities, senior centers or other community facilities that may be effective locations for connecting with persons unable to attend events.

3.1.7 Environmental Justice (EJ)

Executive Order (EO) 12898 on Environmental Justice requires "the fair treatment and meaningful involvement of all people, particularly minority and low -income populations, in the environmental decision -making process."

Under E [xecutive Order 12898](#), [Federal Actions to Address Environmental Justice in Minority Populations and Low -Income Populations](#), each federal agency must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority ~~populations~~ and low -inc ome populations collectively known as environmental justice populations. The United States Department of Transportation (USDOT) Order 5610.2(a) and FHWA Order 6640.23A provides the following public involvement guidance to comply with Executive Order 128 98: USDOT Order 5610.2(a)

- Procedures shall be established to provide meaningful opportunities for public involvement by members of minority populations and low -income populations during the planning and development of programs, policies, and activities (i ncluding the identification of potential effects, alternatives, and mitigation measures).
- Steps shall be taken to provide the public, including members of minority populations and low -income populations, access to public information concerning the human he alth or environmental impacts of programs, policies, activities and proposed actions.

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FHWA Order 6640.23A

- Provide public involvement opportunities and consider the results thereof, including providing meaningful access to public information concerning the human health or environmental impacts and soliciting input from affected minority populations and low-income populations in considering alternatives during the planning and development of alternatives and decisions.

3.1.8 FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations and the U.S. Department of Transportation (USDOT) Order 5610.2 – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations form federal policy on potential impacts to minority and low-income populations, collectively known as environmental justice populations. These executive orders establish a review of whether actions are disproportionately high and adverse to either EJ communities directly or to EJ populations' natural and/or human environment.

~~FHWA Guidance on Environmental Justice and~~

~~NEPA Memorandum outlines how to consider and document impacts and EJ populations. It states if there is no impact or EJ population then a simple statement indicating this will suffice. FHWA regulations identify project types, referred to as "listed" Categorical Exclusions (CE), for which there is usually "no potential" for EJ impacts and these projects do not require a community impact assessment under ADOT EP procedures. For larger projects conducted as individual CEs, Environmental Assessments and Environmental Impact Statements, the project team will normally conduct a community impact assessment, based on the location and context of the project, that will identify potential EJ populations and potential effects, as well as inform public involvement strategies for EJ populations.~~

3.2 Civil Rights Requirements and Implementation

Title VI, along with key environmental and transportation legislation, emphasizes the need for ongoing and proactive public involvement at all stages of planning and project development including early and frequent engagement of affected parties during the transportation decision-making process.

Special consideration is given to reaching and involving the traditionally underserved, ~~such as including~~ minority, low-income individuals, individuals with disabilities, those with Limited English Proficiency and other populations facing barriers to information access.

ADOT will make efforts to include as many people as possible in the transportation decision-making process and prevent discrimination through the impacts of its programs, policies and activities.

Comment [13]: FHWA comment I feel like this section is out of place because it describes the Environmental Planning requirements under NEPA so it probably needs to be moved to Section 6.3. EJ doesn't only apply to the NEPA. The requirement of EJ applies to the Planning programs as well (STIP, LRTP, etc..) Generally speak on EJ if you want to keep the information like what's in Section 3.1.7.

you can't pre-determine whether a CIA is required based on the class of action/that it's a CE

ADOT completes CIAs on Indiv CEs, EAs and EISs?

Comment [12]: FHWA comment form should be from on line 6

ADOT response: Comment unclear

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ADOT, as a recipient of federal assistance, must take concrete steps to ensure nondiscrimination in its programs and activities. ADOT's Title VI Nondiscrimination Program Plan details the steps ADOT will take to ensure nondiscrimination throughout all of ADOT's programs and activities.

ADOT's PIP guidelines for Title VI are in concurrency with ADOT's Title VI Nondiscrimination Program Plan ~~concurrency~~ with and ADOT's CRO, which provides agency oversight and ensures Title VI compliance throughout ADOT. The CRO also provides updates on nondiscrimination Civil Rights programs through training, quarterly notifications and technical support to ADOT employees, its sub-recipients, customers and stakeholders to ensure compliance with all internal and external nondiscrimination programs.

ADOT CRO makes the below information available in English and Spanish:

1. Nondiscrimination Notice to the Public
2. Complaint procedures
3. Complaint form
4. Nondiscrimination program brochures
5. Self-Identification cards to voluntarily collect demographic data
6. Outgoing voice message for CRO's main phone line

The subsequent sections discuss the process and tools ADOT will utilize for public involvement activities to ensure compliance with Title VI, ADA and EJ requirements.

For questions or concerns regarding ADOT's commitment to nondiscrimination or to request

additional information, contact the ADOT CRO at civilrightsoffice@azdot.gov or 602.712.8946.

The following sections outline how ADOT will implement civil rights requirements in public involvement activities.

3.2.1 Title VI and ADA Notification and Data Collection Requirements

The following Title VI and ADA notices shall be used in conjunction with ADOT public involvement efforts:

1. **Notice of Availability of Reasonable Accommodations Language (Appendix A)** must be included in English and Spanish on notices used to invite the public to participate in public meetings or other engagement opportunities.
2. **ADOT's Nondiscrimination Notice to the Public (Appendix B)** shall be conspicuously displayed at all public meetings, and on the ADOT website.
3. **ADOT's Auxiliary Aids and Services Poster/Notice (Appendix C)** shall be conspicuously displayed at all public meetings.
4. **ADOT's Voluntary Title VI Self Identification Survey (Appendix D)** shall be used to collect information from participants at public meetings and other outreach activities.

See the subsequent sections below for more details about use of these notices.

3.2.2 Accommodations Notices

The **Notice of Availability of Reasonable Accommodations Language** (i.e., Accommodation Availability Language) (**Appendix A**) must be included in English and Spanish on notices used to invite the public to

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participate in public meetings or other engagement opportunities.

The accommodation notice should include the ADOT contact person's name and either the contact's person's phone number and email address or the ADOT project phone number (855.712.8530) and email address (projects@azdot.gov) for requests.

ADOT's Auxiliary Aids and Services

Poster/Notice (Appendix C) shall be conspicuously displayed at all public meetings (in-person or virtually). If a virtual meeting is held, a slide with this information should be included in the presentation and an accompanying script read aloud. The poster is linked below.

<https://azdot.gov/sites/default/files/2019/05/ada-auxiliary-notice16x20.pdf>

Requests for accommodations should be made

as early as possible to ensure the State has an opportunity to address the accommodation. For additional information and resources on meeting Civil Rights requirements for accommodations for virtual public meetings please contact the CRO.

3.2.3 ADOT's Nondiscrimination Notice to the Public

ADOT's Nondiscrimination Notice to the

Public (Appendix B) informs the public of their rights under Title VI and ADA and provides information on how to file a discrimination complaint. The notice must be conspicuously displayed in English and Spanish at all public meetings (in-person or virtually) convened by ADOT and on ADOT web pages or project web pages maintained by others on behalf of ADOT. At a virtual public meeting, the notice must be included in the slide presentation and an accompanying shortened script, which must

Notice of Availability of Reasonable Accommodations Language

Pursuant to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA) and other nondiscrimination laws and authorities, ADOT does not discriminate on the basis of race, color, national origin, sex, age, or disability. Persons that require a reasonable accommodation based on language or disability should contact at 855.712.8530 or projects@azdot.gov. Requests should be made as early as possible to ensure the State has an opportunity to address the accommodation.

De acuerdo con el Título VI de la Ley de Derechos Civiles de 1964, la Ley de Estadounidenses con Discapacidades (ADA por sus siglas en inglés) y otras normas y leyes antidiscriminatorias, el Departamento de Transporte de Arizona (ADOT) no discrimina por motivos de raza, color, origen nacional, sexo, edad o discapacidad. Las personas que requieran asistencia (dentro de lo razonable) ya sea por el idioma o discapacidad deben ponerse en contacto con al 855.712.8530 o por correo electrónico al projects@azdot.gov. Las solicitudes deben hacerse lo más antes posible para asegurar que el Estado tenga la oportunidad de hacer los arreglos necesarios.

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include the CRO contact information and the requirement to submit complaints in writing within 180 days, will be read aloud. ADOT's Nondiscrimination Notice to the Public is provided in **Appendix B** and linked below.

<https://azdot.gov/sites/default/files/2019/05/title-vi-notice-to-the-public-poster.pdf>

3.2.4 Title VI Self-Identification Survey

ADOT's voluntary Title VI Self-Identification Survey (**Appendix D**) shall be used to collect demographic information from participants at public meetings and other outreach activities to help determine public participation levels by race/ethnicity. The survey should be provided in English and Spanish through printed cards at an in-person meeting or event, as a slide in the meeting presentation for a virtual meeting (with the URL provided on the slide and a link to the URL also provided in the meeting Q&A chat to participants) and as a URL on a project web page when the public is asked to comment. Participants are not required to complete the survey but encouraged to do so. Results of self-ID surveys for public meetings and other outreach activities should be included in Title VI Meetings Summaries and Quarterly Reports.

3.2.5 Title VI Compliance Reporting Requirements

The following activities will be conducted to monitor and document Title VI compliance in public involvement activities for ADOT projects and programs:

1. ADOT's ~~Public Involvement Community Relations~~ Title VI Liaison (or trained designee) and the CRO will review project specific PIPs.
2. ADOT's ~~Public Involvement Community Relations~~ Title VI Liaison (or trained designee) and CRO will review project public notices and materials.
3. For each ADOT public meeting or hearing, the designated Public Involvement Representative for the meeting will provide the CRO and ~~Public Involvement Community Relations~~ Title VI Liaison with a Title VI post-meeting summary within two weeks of the meeting (see **Section 3.2.6** and **Appendix E**).
4. Each quarter, ADOT's ~~Public Involvement Community Relations~~ Title VI liaison shall submit a quarterly report outlining the ~~agency's Community Relations section's~~ compliance with Title VI requirements for the previous quarter (See **Section 3.2.7** and **Appendix F**).

For additional guidance see ADOT's Title VI Nondiscrimination Program at <https://azdot.gov/business/civil-rightsexternal-eeo-contractor-compliance/title-vi-nondiscrimination-program>

3.2.6 ~~Title VI~~ Civil Rights Post Meeting Summary

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All ADOT program areas that convene a public meeting or hearing must submit to CRO a ~~Title VI Civil Rights~~ Meeting summary within two weeks of the hosted event in accordance with PER 18.01 Title VI External Nondiscrimination Policy. See **Appendix E** for the Post Meeting Summary Form to be used. All ADOT -convened meetings where non -ADOT employees are in attendance are considered public meetings for the purposes of Title VI notification requirements. However, only public involvement meetings and hearings (where the general public is invited to attend) require a Self Identification Survey, a post -meeting summary

the public meeting, the report should be sent to the designated ~~public involvement~~ Community Relations Title VI liaison for submission to the CRO.

3.2.7 Title VI Quarterly Report

Each quarter the designated ~~Public Involvement~~ Community Relations Liaison to the CRO shall submit a quarterly report to the CRO outlining all Title VI efforts for the previous quarter. A copy of the Title VI Quarterly Report form with required items for inclusion is included in **Appendix F**.

3.3 Limited English Proficiency Requirements

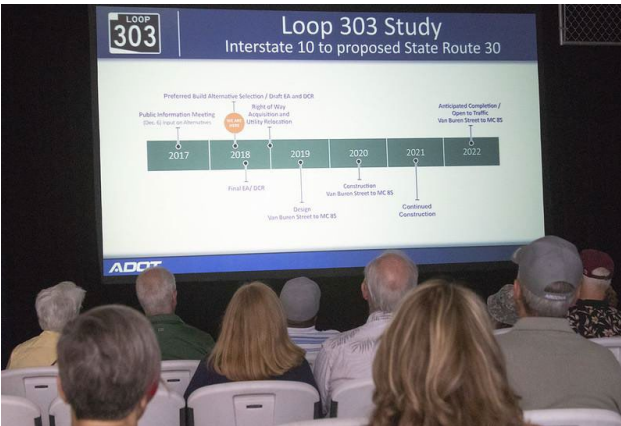
This section provides guidance on how to conduct an LEP analysis to determine translation and interpretation requirements for a project.

3.3.1 Conducting an LEP Four-Factor Analysis

An LEP Four-Factor Analysis shall be conducted for each project/study and should be conducted as part of the development of the project-specific PIP. USDOT guidance requires an individualized assessment to determine LEP language needs for a project, program or activity. An LEP analysis balances the following four factors, which is also outlined in ADOT's LEP Plan:

Factor 1: Identify the number and proportion (percent) of LEP persons eligible to be served or likely to be encountered by an ADOT Program/Project.

- LEP data may be found on the US Census Bureau website at <https://data.census.gov>. For additional instructions on how to use the Census data website for an LEP analysis visit



and inclusion in a Title VI Quarterly Report.

The summary should include copies of meeting notices and materials and any other required documentation as noted in the Public Meeting Summary Form. See **Appendix E** for the Public Meeting Summary Form.

The ~~Title VI Civil Rights~~ Meeting Summary should be submitted to the CRO by the Community Relations Project Manager (PM) or other designated ADOT staff member responsible for conducting the public meeting. The Title VI Liaison for ~~Public Involvement~~ Community Relations shall be included when submitting the summary to the CRO. If a consultant conducted

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https://www.fhwa.dot.gov/civilrights/program/s/title_vi/lep_fourfactor.cfm.

- The geographic area used for the LEP analysis should match the location of the project area. As an ADOT standard practice, the impacted project area for an urban highway/roadway project is considered to be one mile in each direction and two miles in each direction for a rural project. Project teams have discretion to adjust this distance with justification. For statewide projects/programs, the statewide LEP data should be used.
- Supplemental data from surveys, interviews and other direct sources should also be collected.

Factor 2: Identify the frequency in which LEP persons encounter the ADOT Program/Project.

Determine how frequently LEP persons of each language identified interact with the program or project.

Factor 3: Identify the nature and importance of the program, activity or service provided by the ADOT Program/Project.

ADOT has identified those related to safety, public transit, right of way, environmental planning, community relations and public information as the most important to public welfare and federal compliance.

Factor 4: Identify available resources and costs of language assistance services

varying from limited to wide ranging with varying costs by the ADOT Program/Project. ADOT has identified the following resources for LEP:

1. Use of certified translators and interpreters under contract with ADOT, when needed or required. All ADOT program areas procure interpretation and/or translation services through the Arizona Procurement Portal which lists ADOT “on-contract” interpretation and or translation vendors.

2. Contact list for ADOT staff who have volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the CRO and will be published on the ADOTNet under the “FHWA Title VI Liaison Resources” tab as an internal employee resource.
3. Program areas that have contact with the public will use the ~~US-Census~~ADOT “I Speak” language identification cards to identify language needs in order to match them with available services. Language identification cards will be verified and distributed annually by the program area Title VI Liaison.

In addition to the above information, the LEP analysis should include the date conducted, the data source used and year of the data (which should not be more than five years old), the geographic boundary of the service area, and accompanying tables with the LEP language results showing totals and percentages for LEP languages to determine how the calculations were derived.

Once completed, the LEP analysis should be submitted to the CRO for review to ensure proper application of the LEP guidance.

See **Appendix G** for the LEP Four-Factor Analysis template.

- Additional guidance can be found online from FHWA and DOT:
- https://www.fhwa.dot.gov/civilrights/program/s/title_vi/lep_fourfactor.cfm
- <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

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3.3.2 Safe Harbor Threshold and Determining Translation Requirements

The Safe Harbor Threshold is a language provision in the federal guidance that stipulates that **for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less, of the population to be served) written translation is required.**

The Safe Harbor provision applies to the translation of written documents only. The failure to provide written translations under these circumstances does not mean there is noncompliance. Rather the threshold provides a guide for agencies that would like greater certainty of compliance. Other ways of providing meaningful access, such as oral interpretation of certain vital documents, might be acceptable. The ADOT CRO should be consulted to determine compliance with alternate methods.

After completing the above four-factor analysis, the appropriate “mix” of LEP services required can be determined. The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed.

There are two main ways to provide language services: written translation and oral interpretation.

Written Translation

- If the Safe Harbor Threshold is met for an LEP language, ADOT standard practice is generally to provide written translation of vital documents, which includes project public notices and public outreach materials (fact sheets, newsletters, surveys, presentations, etc.). However, project teams who believe translation is not warranted

based on other factors in the LEP four-factor analysis should confer with the CRO.

- For languages not meeting the threshold, ADOT standard practice is to provide written translation of documents: 1) upon request; and 2) if the project team encounters specific individuals or stakeholder groups needing translated documents.
- When a language approaches the threshold, project teams should consult with the CRO and include language on public notices to determine whether a translator should be secured.

Oral Interpretation

The USDOT LEP guidance states that recipients must provide “meaningful access” to LEP individuals where oral language services are needed and are reasonable.

- ADOT recommended practice is to provide oral interpretation at project public meetings and hearings in the language of an LEP group meeting the Safe Harbor Threshold. If the project team believes oral translation is not warranted at the public meeting they should confer with the CRO.
- Interpretation for LEP languages will be provided if ADOT encounters individuals or groups needing oral interpretation service, or upon request with reasonable notice.

3.4 Demographic Data Sources

Demographic data for use in preparing LEP analysis, including LEP status and languages spoken at home, as well as other demographic information to identify Title VI and EJ minority, and low-income populations, LEP persons and individuals with disabilities populations, may be sourced directly from



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data.census.gov. When identifying languages, use tables C16001 and B16001 to locate languages by ability to speak English at the census tract or block group level. See **Section 10.8 Community and Stakeholder Assessment** for demographic data to be included in a project PIP. Data used for LEP analyses should be no more than five years old.

Other online tools, such as EPA's EJ Screen found at epa.gov/ejscreen, may be used to supplement the above data but cannot replace it at this time. The current version of EJ Screen does not tell the researcher which tracts or block groups are being counted in the report, and it does not break down the data geographically for targeted outreach planning.

3.5 Providing Equitable Access

The following guidance is provided for providing traditionally underserved populations and LEP persons equitable access to project information and opportunities for input:

- Conduct an LEP Four-Factor Analysis to determine LEP needs for the project.
- Translate materials in the language(s) of the identified LEP group(s) based on the LEP Four-Factor Analysis, and upon request or identified need for other languages.
- With reasonable advance notice, provide materials in other languages and alternative formats upon request.
- Utilize ADOT's Foreign Language Vendor List or ADOT volunteer interpreters/translators to engage LEP individuals, if needed.
- Use "I Speak" Language Identification cards during direct outreach efforts.
- Include the Notice of Availability of Reasonable Accommodations on project public notices and display ADOT's Nondiscrimination Notice to the Public at public meetings and on the website.
- Provide Nondiscrimination brochures, posters and the voluntary Self Identification Survey cards in both English and Spanish at all ADOT public meetings, hearings and events. At virtual meetings, these notices should be provided in the presentation.
- Select meeting locations that are accessible by public transportation.
- Ensure community members have multiple methods to get information and provide input on a project, even if they lack access to technology. Virtual meetings should have a call-in option for those without digital devices or high-speed internet service. Virtual engagement methods should be supplemented with non-digital methods.
- Develop contacts, mailing lists and other means to facilitate communication with traditionally underserved populations and LEP persons.
- Collaborate with local governments, community organizations and community leaders to help identify and engage Title VI and LEP communities.
- Share project materials and posters, with permission, at religious centers and community meeting places.
- Schedule public meetings at the appropriate time of day based on community assessments.
- Use graphics, visual images and simulation videos when feasible ~~images or simulation videos when feasible~~ to explain information.

FEDERAL & STATE REQUIREMENTS FOR PUBLIC INVOLVEMENT

3.6 Additional Public Involvement Requirements

The following are additional regulations required for implementation of public involvement activities:

3.6.1 US Department of Transportation Act of 1966, Section 4(f) (23 CFR 774)

Section 4(f) (23 CFR 774) states that FHWA (state DOTs under NEPA Assignment) cannot approve the use of land from publicly-owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent avoidance alternative to the use of that land and the action includes all possible planning to minimize harm to the property resulting from such use, or that the use will have a *de minimis* impact.

Public involvement during the Section 4(f) process is prescribed in the following three instances:

- **Section 4(f) Statement:** An individual Section 4(f) evaluation is required when a project requires the use of Section 4(f) property. The evaluation must demonstrate that there is no feasible and prudent avoidance alternative and summarize the results of all planning to minimize harm. A draft evaluation must be circulated to the U.S. Department of Interior and shared with the official(s) with jurisdiction. The public may also review and comment on the draft evaluation during the NEPA process.
- **De minimis:** A *de minimis* impact determination is made for a Section 4(f) use when a project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). When a project qualifies for a *de minimis* finding, public notice and an

opportunity for public review and comment are required in accordance with 23 CFR 771.111(h)(2)(viii). The official with jurisdiction over the Section 4(f) resource must provide documentation in support of the *de minimis* finding. Public notices, including the Notice of Availability (NOA) for a Draft Environmental Impact Statement (DEIS), may be used to state that ADOT, under NEPA Assignment, is seeking public input on a proposed *de minimis* finding(s) or individual notifications may be used.

3.6.2 National Historic Preservation Act of 1966, Section 106 (16 USC 470 et seq.)

Section 106 of the National Historic Preservation Act provides an opportunity for the public to examine the results of efforts to identify historic properties, evaluate their significance and assess the project's effects upon them. Section 106 applies if NEPA applies. Section 106 public involvement requirements are usually accomplished as part of NEPA approval. Documentation made available to the public should include information on whether or not historic properties are present and any effects the project will have on them. When adverse effects are found, information must also be made available to the public about the procedures identified to resolve the adverse effects.

3.6.3 Clean Air Act of 1970 (42 USC Code § 7401)

The Clean Air Act requires that transportation planning be consistent with air quality goals. This is determined through the transportation conformity process. To receive federal approval for implementation, a proposed action must be included in a conforming Metropolitan Transportation Plan and Transportation Improvement Program (TIP).

Comment [14]: FHWA comments: missing third instance

These additional requirements specifically apply to the NEPA process and rather than the overall general Public Involvement process so it may confuse the reader. Please incorporate the information here in Section 6 or remove.

ADOT response: Content related to the underlying federal laws/regulations should remain in Section 3. Shortened language for Section 4(f), Section 106, Clean Air Act and Clean Water Act was added to NEPA subsection 3.1.1. Associated public involvement for these was moved to Section 6.

FHWA comment: ADOT needs to indicate where the public involvement procedures related to these regulations \ statutes are located. Are they separate procedures, or are they contained and covered in this document. If in other documents, they should indicate which document and/or hyperlink.

ADOT response: Implementation guidance related to 4(f), Section 106 and the Clean Air Act is contained within this document and has been incorporated in Section 6. If there is additional guidance on the procedures it has been linked to another document.

Comment [16]: FHWA comment should the specific direction/notice options for EIS be here? Is there another section of this doc that details how ADOT will provide public notice for the different NEPA classes of action? If so, maybe stick to general requirement to provide public notice and comment consideration in the determination in this location of the doc.

Comment [15]: Moved information about these Acts to 3.1.1 NEPA section and the PI implementation of these Acts under Section 6 Project Development

Comment [17]: FFHWA comment Preservation Act requires an opportunity...

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Comment [18]: Moved PI activities to Section 6

Comment [19]: FHWA comment ...as part of the NEPA process. Documentation...

Comment [20]: FHWA comment: Consider this language - Section 106 public involvement should take place during all steps in the Section 106 process, from initiating the process, identifying historic properties, assessing effects on historic properties, and identifying measures to resolve adverse effects to historic properties.

FEDERAL & STATE REQUIREMENTS FOR PUBLIC INVOLVEMENT

~~Guidelines for determining conformity of federal actions to state or federal implementation plans are included in 40 CFR 93, Subpart A which outlines the following: Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with these requirements and those of 23 CFR 450.316(a). Public involvement in conformity determinations for projects may be included in the project NEPA public involvement process.~~

~~3.6.4 Clean Water Act (CWA) of 1972, Section 404 (33 CFR 230)~~

~~United States Army Corps of Engineers (USACE) is a cooperating agency on NEPA documents when they act on an Individual Permit under Section 404 of the CWA or take other substantive federal action. Federal regulations allow USACE to adopt another federal agency's Environmental Impact Statement (EIS) or Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) when considering permit applications. In these situations, the CWA public involvement requirements are met as part of the NEPA process. If the CWA is applicable to a particular action, the NEPA documents must also comply with USACE requirements, as set forth in 33 CFR 230, Procedures for Implementing NEPA. USACE public involvement requirements for an Individual Permit require a public notice and 30-day comment period, and USACE may decide to hold a public hearing. As part of the public notice for an Individual Permit, the USACE is also required to notify adjacent landowners.~~

~~Individual permits are attained after NEPA approval during the final design process.~~

3.7.3.6 New and Emerging Federal Guidance

Recent DOT guidance and Executive Orders have created new legislation that tasks federal agencies with developing implementation guidance; however, guidance is still being developed. This section references the new legislation.

3.7.3.6.1 Justice40 Initiative

In January 2021, Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad" created a government wide "Justice40 Initiative" that aims to deliver 40 percent of the overall benefits of federal investments in climate and clean energy, including sustainable transportation, to disadvantaged communities.

The U.S. Department of Transportation continues to update and refine guidance regarding implementation of the Justice40 Initiative. For more information visit the DOT's Justice40 Initiative web page at www.transportation.gov/equity-Justice40.

ADOT will continue to work with FHWA on implementation of this new directive.

3.7.3.6.2 US DOT Order 5610.2C on Environmental Justice

[US DOT Order 5610.2C](#) (May 2021) was created to outline the measures taken to address EJ in minority and low-income populations.

3.7.3.6.3 Executive Order 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

In January 2021, [Executive Order 13985](#) was set forth to assess and improve systems within

Comment [21]: Move ADOT PI process for Air Quality to Section 6.

Comment [22]: EP to resolve FHWA comment or completed through a separate air quality public involvement process.

Comment [23]: FHWA comment what is the trigger for this inclusion? For example, if a project is determined to be a Project of Air Quality concern, does that reach the threshold of heightened public involvement for Air Quality? Would this mean that air quality should be discussed in the public meetings/hearing?

Comment [24]: FHWA comment: why include the cooperating agency term? Just detail their responsibilities due to Section 404 or 408 permits needed for the project.

Comment [25]: FHWA comment

This section seems to be getting into NEPA discussion that isn't necessary and is incomplete. Instead of rewriting, maybe focus on the PI requirements of the CWA and what ADOT does to fulfill the USACE PI requirements under certain circumstances and the separate process completed by the USACE.

Federal programs to ensure racial inequities are addressed to instead offer support for marginalized communities. The Order aimed to identify barriers that specifically impacted people of color.

~~3.7.4—USDOT Title VI Order 1000.12C 23
C.F.R. 450.210, 1(VIII) Title VI Program
DOT 1000.12C~~

In June 2021, the **Title VI Program DOT 1000.12C** (https://www.fhwa.dot.gov/civilrights/programs/title_vi/title_vi_order_1000_12C.pdf) was established as a supporting safeguard to ensure all assisted DOT programs were in compliance with maintaining equal access to the public. The Community Participation Plan section within the Program sets requirements that must be assessed to ensure full compliance with Title VI and public participation.

The Program offers best practices for explaining goals and objectives; identifying affected communities; focused outreach; meaningful education; diverse communication; inclusive and comprehensive engagement; meaningful participation; accessibility; reporting outcomes in public engagement and recordkeeping.

Section 4

Tribal Consultation, Coordination and Involvement





4. Tribal Consultation, Coordination and Involvement

Approximately 1,235 miles or 20 percent of Arizona’s state highway system crosses tribal lands. ADOT is committed to working with the Tribes, Communities and Native Nations in Arizona to consult and coordinate on tribal concerns in statewide transportation planning and decision-making for planned ADOT projects on tribal land, or projects off tribal land that are of interest to Tribes.

implementation. This applies to all tribes in Arizona and tribes with aboriginal or ancestral interests in Arizona. Consultation guidelines outlined in the ADOT policy provide a basis for mutual understanding as appropriate partnerships and agreements are carried out to address state and tribal transportation issues.

4.1 Tribal Consultation Policy

ADOT maintains a Tribal Consultation Policy to provide guidance on consultation with Native Nations and Tribal Governments in statewide and metropolitan transportation planning processes. Federal statute requires statewide transportation planning to consider concerns of tribal governments with land holdings in the state, and also requires the state’s LRTP and STIP to be developed in consultation with tribal governments (23 USC 135).

Additionally, the NEPA process and Section 106 of the National Historic Preservation Act requires that tribes be consulted in any decisions affecting their historic and cultural legacy or other environmental, cultural, socioeconomic and transportation considerations throughout project development, decision making and

4.2 Tribal Consultation and Coordination Definitions

Tribal consultation involves conferring on a government-to-government basis according to an established process before taking actions on issues of mutual importance. Tribal coordination involves working cooperatively and harmoniously respectfully with the tribes and tribal staff to efficiently and effectively implement actions to achieve the objectives of the parties involved. Both consultation and coordination are conducted in an atmosphere of trust, built through mutual respect and understanding, and in consideration of the sovereignty, history, culture, protocols and views of the parties involved.

FHWA has primary government-to-government consultation responsibilities with Indian Tribes regarding policy and regulatory matters. ADOT EP staff conducts tribal consultation and environmental reviews in cooperation with FHWA.

Comment [26]: FHWA comment what about off tribal land?

Comment [28]: FHWA comment may want to discuss government to government responsibilities not being assigned and point to the ADOT/FHWA G to G Guidelines and the Letter Agreement

Comment [27]: FHWA comment more than 106, but all aspects of NEPA, project development, commitment implementation and construction

ADOT: added clarification and suggest decisionmaking and implementation language to reflect project commitment and construction

TRIBAL CONSULTATION , COORDINATION AND INVOLVEMENT

4.3 Tribes in Arizona

There are 22 federally recognized Indian Tribes, Communities and Native Nations in Arizona with tribal land encompassing approximately 27,736,000 acres or 28% of the State land base. There are seven Tribes located out-of-state with aboriginal and ancestral land interests in Arizona. A list of tribes in Arizona with links to tribal websites, as well as maps of tribal lands in Arizona, is available at: aztribaltransportation.org.

4.4 Tribal Transportation

While federal law recognizes the sovereign status of Tribal governments and their jurisdiction over lands within reservation boundaries, it also recognizes ADOT's ~~exclusive~~ control ~~and jurisdiction~~ over state highways within reservation boundaries ~~by way of~~ ~~as~~



~~designated in~~ easements granted by Tribal governments and the Bureau of Indian Affairs (BIA). ~~Federal laws and regulations require that a participating tribe must inform the state DOT, and as appropriate any MPO, on its transportation planning process to ensure any programs and projects adjacent to tribal lands are consistent and appropriate with tribal needs and interests.~~

ADOT maintains a tribal outreach and coordination website at aztribaltransportation.org to support tribal transportation activities and to improve State Tribal intergovernmental relations through resource information sharing. It is designed to be a central location for State Tribal transportation partnerships, projects, activities, groups, links and other related information.

4.5 Tribal Liaisons

To facilitate needed state-tribal discussion, coordination and consultation, ADOT's Tribal Transportation Program focuses on transportation-related partnerships, projects and activities. The tribal ~~planning~~ liaisons in ADOT's Multimodal Planning Division (MPD) ~~and Environmental Planning~~ are the agency resource on tribal consultation policy and tribal transportation issues and are assigned to work with each Arizona tribal ~~entity~~ ~~either through the planning and programming process or through the project development and Section 106 consultation process, respectively~~. The tribal liaisons serve as conduits between the tribes and the agency and ensure that coordination and consultation with tribal governments occurs on statewide efforts (such as the statewide LRTP and STIP).

Comment [29]: FHWA Comment: What is the reasoning for including the second sentence in an ADOT Public Involvement Plan? This second sentence does not need to be stated in a manual involving ADOT procedures as it related to tribal public involvement when ADOT is initiating the action. Easements do not equate to waiver of tribal sovereignty over their lands. This sentence is not needed.

FHWA comment 2
this sentence doesn't make sense - are you talking about ADOT and the MPOs involving the tribes in the planning process or the other way around?

ADOT response: sentence deleted

Comment [30]: FHWA comment will need to update with the EP tribal liaison once in place
ADOT response: reflects new EP tribal liaison position

4.6 Tribal Consultation and Engagement Protocols

Consultation and coordination support the fundamental principle that the tribes are sovereign nations, recognized as “domestic dependent nations” under the protection of the United States (Executive Order 13175, 2000). As such, proper government-to-government consultation must occur, including officials of comparable governmental stature and authority. The tribe’s highest official —its governor, president, or chairperson —represents the party to be consulted unless that official delegates authority to other personnel.

Because of this formal relationship, ADOT has designed a procedure for consulting with the tribes, which is outlined in ADOT’s Tribal Consultation Policy at

<http://www.aztribaltransportation.org/PDF/ADO-T-MGT-16-01-Tribal-Consultation.pdf>

In addition, concurrent tribal engagement often occurs through the ADOT NEPA process as put forth in the aforementioned Executive Order 13175 and as established in provisions in Sections 1501.2 and 1501.7 of the CEQ Regulations for the involvement of tribes. The ADOT EP encourages active solicitation of tribal entities—governments as participating agencies—in the development and review of NEPA documents and establishes communication protocols for tribal participation during EA and EIS undertakings. ADOT EP conducts consultation with tribes through the formal Section 106 process as part of NEPA requirements for cultural resource and historic property assessment considerations, as well as other environmental considerations throughout the NEPA process.

Tribal governments have a prescribed decision-making process that typically involves interim review and approvals by various departments and oversight committees before being

presented to the tribal council or other governing body for approval. Formal tribal review and approval processes are often lengthy, and ADOT project teams involved in proposed projects on tribal land, or projects of interest to a tribal community off tribal land, should allow adequate time for the tribal consultation process.

When ADOT projects occur on tribal lands or are off tribal land and of interest to a tribal community, the appropriate tribal representatives should be invited to participate as part of a project study, design or construction team. ADOT’s tribal liaisons and Tribal Historic Preservation Officers maintain a list of tribal representatives, which can be provided to project teams.

4.7 Tribal Public Involvement Considerations

When conducting public involvement for an ADOT project on tribal land, tribal representatives should be consulted in advance on the public involvement and communication plan. Tribes have existing communications channels to reach community members, which may include a tribal newspaper, radio station, Facebook or other social media platforms. Communication may be in English, in the tribe’s native language, or both. As part of the LEP analysis to determine translation needs, interviews should be conducted with tribal representatives to determine their preference and customary communications approach regarding translation. Tribal Communications or Transportation Offices are a good resource to determine the most effective methods to reach community members and whether translation of ADOT materials into the native language is customary.

Comment [36]: FHWA or projects off tribal land they are interested in? ADOT: added reference to interest off tribal lands

Comment [37]: same comment - applies throughout this chapter ADOT: added reference

Comment [38]: FHWA comment How is the appropriate tribal representative identified? Often there are multiple tribal representatives that need to be involved in the project consultation. ADOT response: indicated which staff maintain a list of current tribal contacts

Comment [31]: FHWA comment might be the place to talk about the FHWA G to G responsibilities ADOT response: provided info on FHWA’s Govt to Govt responsibilities in section 4.2

Comment [32]: Note: as of 11/10 link is currently broken due to tribal transportation site conversion issues. Corrected link will be provided as soon as issues are fixed.

Comment [33]: FHWA comment CEQ defined previously? ADOT: CEQ defined on page 5

Comment [34]: FHWA comment they don’t like being referred to as agencies ADOT: removed reference but note that ADOT EP documents reference tribal entities as participating agencies in NEPA documents per CEQ guidance about non federal being participating unless an approved exception is made

Comment [35]: FHWA again, need to involve them in more than just 106

TRIBAL CONSULTATION , COORDINATION AND INVOLVEMENT

Any direct mailings, hand -canvassing or posting of ADOT materials to community members on tribal land - as well as any ADOT -hosted public meetings on tribal land or virtual meetings inviting tribal community members - must be cleared in ad vance with an authorized tribal representative.

Many tribal lands encompass a large land area, are located in relatively remote rural areas and may lack access to high -speed internet access - all factors that need to be considered when planning public mee tings or other direct outreach activities in a tribal community. If a virtual meeting is planned, or if an in -person public meeting will require use of the internet for a presentation, then the meeting coordinators must verify if there is reliable high speed internet access. If an in -person public meeting is planned, staff should coordinate with a tribal representative to identify an appropriate location that is likely to have the best attendance and is ADA accessible, as well as

determine whether multiple meetings may be needed in more than one location. If possible, consider piggybacking an ADOT public meeting onto another planned tribal meeting or event to increase participation.

All ~~tribal~~ communities ~~are considered~~ have Title VI and Environmen tal Justice ~~populations~~ considerations due to their indigenous and minority status, and often face barriers to accessing information. Efforts should be made to provide opportunities for meaningful engagement for tribal community members throughout the transportation decision -making process.

Project teams should consult with tribal staff to determine alternative methods to reach community members who are unable to participate in a public meeting, or by virtual methods. Some options to consider are staff ing booths with project information at large community events or in higher -traffic community locations, such as community



TRIBAL CONSULTATION , COORDINATION AND INVOLVEMENT

centers or government buildings. Direct mailing of project information with pre-paid return postage is another way to reach and receive input from tribal members living in remote areas.

4.8 Guidelines for Demonstrating Cultural Respect and Sensitivity

When hosting a public or stakeholder meeting for a tribal community, there are a few important things the project team can ~~de-~~ consider to the extent possible to demonstrate cultural respect and sensitivity:

- Invite tribal leaders and introduce them at the beginning of the meeting, starting with the highest elected official. Offer elected officials an opportunity to speak.
- Allow tribal representatives to review the presentation and materials in advance before finalizing.
- ~~Arrange for~~ Provide for a tribal member the opportunity to offer a prayer at the beginning of the meeting.
- Offer food and drink, as this is a customary practice and expected at tribal community meetings. Ensure that procurement rules are followed for approval of food and beverage. ~~Allow tribal elders and other tribal members to be served first.~~
- Provide ample time for verbal comments and questions at the end of a presentation. If possible, do not enforce strict, short time limits on comments (three minutes or less). Do not cut off or rush those speaking, even if they run long. If possible, do not end the meeting until everyone who wishes to have had an opportunity to speak.

- Capturing verbal comments on an easel



board or laptop with projector screen also ensures that the state has heard what the attendees had to say.

- Ensure team members know how to correctly pronounce the name of the tribe and any tribal facilities, towns or geographic features being discussed.
- Confirm with tribal representatives whether a native speaking interpreter should be arranged. If an interpreter is arranged through the tribe, provide an honorarium for the interpreter (ensure ADOT procurement rules are followed).
- Seek approval from tribal representatives prior to the meeting before taking photos of tribal meeting locations or tribal meeting attendees.
- A public meeting summary should be provided and, if possible, a follow-up presentation or notice to tribal officials and community members should be provided to summarize the comments received and how their input was included in the decision-

Comment [39]: ADOT comment: This should have been removed previously based on tribal liaison comment

TRIBAL CONSULTATION , COORDINATION AND INVOLVEMENT

making process. This can be done during oversight committee meetings, community meetings or as a tribal council meeting agenda item to report project progress.

Section 5

Public Involvement

During the Planning and Programming Process





5. Public Involvement During the Planning and Programming Process

Comment [40]: FHWA comment where does the PIP cover PELs?

ADOT Response: Added a subsection on PELs at the end of this section.



The public participation process for statewide transportation planning and programming is authorized by the MAP -21, the Fixing America's Surface Transportation (FAST) Act and 23 CFR §450.210, and is intended to complement and

coordinate all planning efforts. The process is not intended to replace local (e.g., city and county -level planning) or regional public participation processes such as neighborhood and local -level transportation plans, regional corridor plans or feasibility studies. According to 23 CFR 450.210, the state shall develop and use a documented public involvement process that shall be reviewed periodically for effectiveness to ensure full and open access is provided to all interested parties.

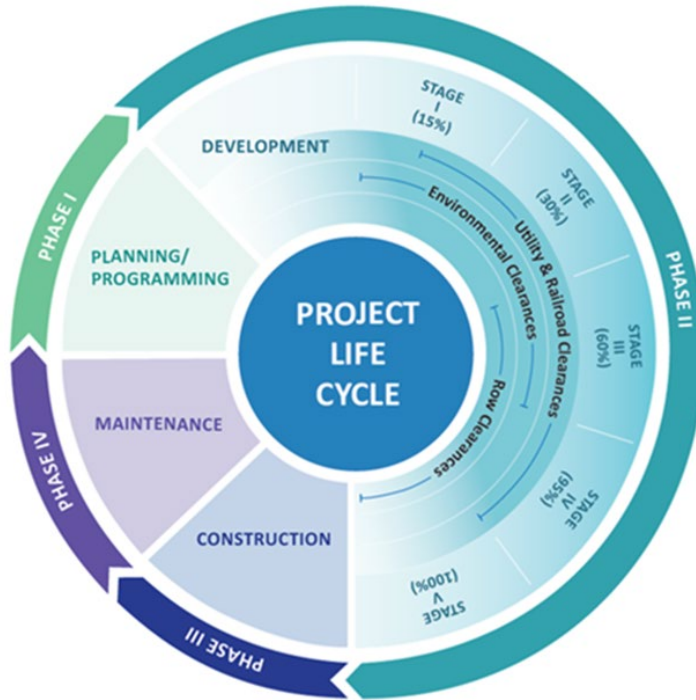
ADOT's public involvement documentation required for both planning and programming efforts should reflect the federal guidelines followed under Title VI, such as, EJ, and LEP, as well as the ADA.

Public involvement should occur at every stage of a project lifecycle. **Figure 5 -1** on the next page depicts a general overview of how projects move through the project planning and delivery process.

The first step in ADOT's transportation decision making process includes planning. Planning lays the foundation for all future projects and helps identify transportation priorities and potential projects to address a transportation issue or need. The planning process at ADOT begins with a long -range visioning process to set strategic investment priorities that are documented in ADOT's LRTP. ADOT's MPD conducts planning efforts for statewide and mode -specific plans, as well as corridor and project -specific planning efforts. In some cases, project planning efforts may be conducted by the local planning organization or jurisdiction, and ADOT implements the project delivery.

PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

FIGURE 5-1 PROJECT LIFECYCLE



Projects are prioritized for inclusion in the STIP and Five-Year Transportation Facilities Construction Program. Prioritizing projects for implementation requires both public input and a sophisticated technical evaluation referred to as the Priority Programming Process. The public and key stakeholders will have the opportunity to review and provide input on statewide plans prior to adoption.

5.1 ADOT Long-Range Transportation Plan (LRTP)

The ADOT Long-Range Transportation Plan (LRTP) provides a blueprint for how the state's transportation system should develop over the next 25 years. The plan is not project-specific but sets the overall strategic priorities that guide

ADOT's investments in system preservation, modernization and expansion based on anticipated funding levels. According to Arizona law, the LRTP must be updated every five years.

ADOT shall conduct a robust public involvement approach for the LRTP that includes:

- A **45-day review and comment period** on the draft plan before any major changes or revisions to existing procedures are adopted.
- Opportunities for public and key stakeholder input during plan development and on draft plan recommendations.
- An inclusive engagement process that seeks input from diverse audiences and stakeholder interests.

PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

- Collaboration with regional and tribal planning organizations throughout the state.
- Opportunities for engagement for those without access to technology.
- Multiple methods to provide input, including email, mail, phone and an online survey.
- Use of visualizations to the extent possible to describe the LRTP and supporting studies.
- A summary of the outreach efforts conducted and key findings.

5.2 State Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is a compilation of projects utilizing various federal funding programs and includes highway projects on the city, county and state roadway systems, as well as projects in the National Parks, US Forest Service and Indian Reservation Roads. All highway and transit projects funded under Title 23 and the Federal

Transit Act must be included in a federally-approved STIP. Projects in the STIP must be consistent with the statewide LRTP and [Transportation Improvement Programs \(TIPs\)](#) developed by the MPOs and COGs for metropolitan areas. ADOT conducts limited public involvement for the STIP, since MPOs and COGs are required to have a documented public participation process for the development of their TIPs.

ADOT shall conduct the following public involvement process for the STIP:

- Provide a **45-day public comment period** for the draft STIP.
- Place the draft STIP on the ADOT website, with commenting methods and deadline.
- Provide public notice of the availability of the draft STIP and comment period.

5.3 Five-Year Transportation



PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

Facilities Construction Program

ADOT's Five-Year Transportation Facilities Construction Program (Five Year Program) identifies design and construction projects for the state highway system and airports for the next five years and is updated annually. The program identifies near-term projects and designates how much local, state and federal funding is allocated for those projects.

ADOT will provide the following opportunities for input on the Five-Year Program:

- **A minimum public comment period of 45 days.**
- Notice of the availability of the draft program and public comment period via multiple methods.
- Post the draft program on the ADOT website during the public comment period.
- Provide multiple ways for the public to provide comments on the program. These include a public hearing of the Arizona State Transportation Board, an online comment form, and by email, phone and mail.
- ADOT shall document all comments received and provide to the board for consideration before final adoption.

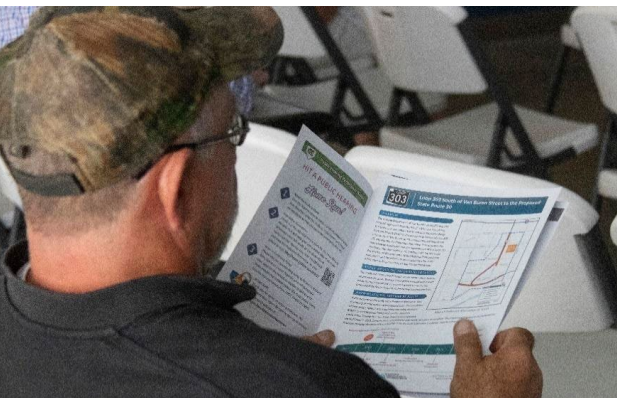
Useful Links:

- ADOT Long-Range Transportation Plan (What Moves You Arizona)
<https://azdot.gov/planning/transportation-programs/state-long-range-transportation-plan>
- ADOT State Transportation Improvement Program (STIP)
<https://azdot.gov/planning/transportation-programming/state-transportation-improvement-program-stip>
- ADOT Five Year Transportation Facilities Construction Program
<https://azdot.gov/planning/transportation-programming/current-five-year-program>

5.4 Other Statewide Transportation Studies and Plans

In addition to planning for projects on the state highway system, ADOT also conducts master plans and other planning processes for various transportation modes. Many plans are regularly updated to reflect changing conditions, trends and new technologies. These include but are not limited to the following:

- **Active Transportation Program** for biking and walking in Arizona.
- **Arizona-Sonora Border Master Plan** to improve cross-border traffic at Arizona's six ports of entry along its border with Mexico.
- **Arizona State Aviation System Plan** to provide an integrated framework for the planning, operation and development of Arizona's aviation assets.
- **Arizona State Freight Plan** to identify and prioritize near- and long-term freight related transportation investments.
- **Arizona State Rail Plan**, a comprehensive assessment of the state's freight and passenger rail needs.



PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

- **Key Commerce Corridor Plan**, which identifies the critical corridors throughout the state that are important for interstate and international commerce.

Public involvement processes for statewide plans will vary depending on the nature and importance of the plan to various key stakeholders and the public at large. The public should have an opportunity to review and provide comments on any statewide plan that makes recommendations or prioritizes future transportation investments for funding and implementation.

Statewide plans that make recommendations or prioritize investments will provide the following minimum public involvement:

- Provide a **minimum public comment period of 15 days** on a draft plan before finalizing (with the exception of the LRTP, STIP and Five-Year Program, which have longer comment periods as noted in previous sections).
- Provide an opportunity for public comment through a variety of methods - including email, phone and mail. An online survey tool is also recommended.
- Post draft and final document on the ADOT website, with information about how to provide comments.
- Send a GovDelivery email alert to interested parties to notify them of the availability of the draft document and comment period. Other methods, such as social media, should be considered to augment notification.
- Document notification and outreach efforts and comments received.

5.5 Planning and Environmental Linkages

To better connect long-range planning with the NEPA process FHWA initiated the Planning and Environmental Linkages (PEL) process. PEL allows the following types of long-range planning and environmental analysis to inform the preparation of subsequent NEPA documents:

- Project purpose and need, including planning goals
- Public and stakeholder involvement
- Description of the environmental setting
- Identification of general travel modes
- Identification of a reasonable range of alternatives
- Preliminary screening of alternatives and elimination of unreasonable alternatives
- Recommendations for future studies, including mitigation strategies

The PEL process enables potential problems to be identified and addressed early, and allows early decisions and coordination to be incorporated into the NEPA process. The extent of a planning study may vary widely based on the type of project, the time horizon and the resources available to prepare the study. The full PEL process applies primarily to corridor and sub-area planning.

Public involvement for PEL studies should follow the same public involvement process conducted for NEPA studies – whether conducted by ADOT or others, such as an MPO.

The following public involvement is required for PEL studies to be incorporated into subsequent NEPA documents:

Comment [41]: New section added based on FHWA comment asking to address PI for PEL studies.

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PUBLIC INVOLVEMENT DURING THE PLANNING AND PROGRAMMING PROCESS

- Involvement of interested State, local, Tribal, and Federal agencies. During the environmental review process, ADOT or the relevant agency shall make the planning documents available for public review and comment to members of the general public and Federal, State, local, and tribal governments that might have an interest in the proposed project.
- Public review of PEL study documents and public notice that the PEL study recommendations and documents may be adopted during a subsequent NEPA environmental review process.
- A reasonable opportunity to comment during the statewide transportation planning process or the metropolitan transportation planning process and development of the corridor or subarea planning study
- Documentation of the relevant decisions in a form suitable for review during NEPA scoping; and
- FHWA review, as appropriate.

These requirements are in addition to public involvement requirements applicable to transportation planning and the environmental review process.

5.6 Role of Metropolitan Planning Organizations and Councils of Government

Every community within Arizona is represented by a regional planning agency – Councils of Governments or Metropolitan Planning Organizations – to conduct and coordinate transportation planning. An MPO is a local decision-making body in an urban area with 50,000 or more people that coordinates with

state agencies, local and tribal governments and transit operators to facilitate transportation planning for the area. COGs serve areas with smaller populations.

The regional planning agencies, in cooperation with ADOT, have an important role in planning and coordinating transportation projects. ADOT's planning partners often are responsible for facilitating the project process between local communities, public transit providers and ADOT. Certain federal transportation funds for highways, public transit, and other modal funding are distributed to local governments through the MPO. According to the FHWA, states may carry out their public involvement processes through, or in coordination with, Regional Transportation Planning Organizations.

An MPO produces various programs and plans, including a long-range transportation plan; a regional transportation plan; and a TIP, which annually identifies capital and operational costs for transportation projects and documents an agency's intent to construct or implement projects. Once approved by an MPO's governing board, the TIP is submitted to ADOT for inclusion in the STIP. Each MPO is required to develop a Public Participation Plan that defines reasonable opportunities for interested parties to be involved in the MPO transportation planning process as identified under (23 CFR 450.316).

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Section 6

Public Involvement During Project Development Process





6. Public Involvement During Project Development

Comment [42]: FHWA comment: where is the reference to the materials in the appendices like Appendix H? Need to verify that all materials in the appendices are referenced in the main body
ADOT response: references to appendices checked

Once a project is identified and prioritized for funding through the planning processes described in section 5, it moves into the ADOT project development process. The goal of this process is to guide a project through preliminary design and authorization to proceed with final design and right of way acquisition.

Public involvement is most extensive and well defined during project development, but also extends into the final design, construction and operation of larger and more impactful projects.

NEPA approval is required for all ADOT projects that receive federal funding or have a federal action. For projects approved with an EA or an EIS. ~~The~~ NEPA process [40 CFR 1501.8(t)] considers the potential environmental consequences of projects, documents the associated analysis and makes this information available to the public for comment and agency consideration prior to project decision making and implementation.

Public involvement requirements for the NEPA process are described in the following sections. These requirements generally depend on the scope of the proposed project and the level of environmental documentation being prepared to comply with NEPA. Minimum requirements are identified in the ADOT PIP to ensure an appropriate level of public involvement is

conducted to meet federal and state requirements. However, this does not mean that each project will only require the minimum. Each project is different, and the public involvement approach should be commensurate with a project's type and complexity.

While public input is encouraged throughout the NEPA process, it is targeted at key points during major phases of the project development processes:

- Scoping to identify issues, a project's purpose and need, and a range of possible alternatives.
- ~~Developing alternatives, refining and screening possible solutions and alternatives.~~
- Evaluating potential impacts and mitigation measures.
- Reviewing draft and final NEPA documents.
- Determining the preferred alternative.

Public involvement requirements and activities vary in relation to the type of project and environmental document being prepared.

In addition to public involvement associated with the NEPA process, there are public involvement requirements to comply with other federal laws and regulations, including Title VI.

Comment [43]: FHWA comment and for CEs?
ADOT comment: Updated language

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Environmental Justice and the ADA. This includes ensuring that minority and low-income individuals, those with limited English proficiency and individuals with disabilities are identified and have meaningful opportunities to be engaged. Strategies for identifying and engaging disadvantaged populations are provided in Section 3.2 Civil Rights Requirements and Implementation.

and officials, property owners and others who may have an interest in the project should be created. These stakeholders are sent a letter or other notice that the project study process has been initiated. The notice may also serve as a right-of-entry notice that surveys and other field work are anticipated on the recipient's property within the project study area. On some projects, a meeting with local officials, small group meetings, and/or a public scoping meeting are held to introduce the project and obtain public input.

Comment [44]: FHWA comment: ADOT does this on all CE projects? How? ADOT response: Moved this content to the intro since it applies to all projects. Added info on where the guidance for engaging disadvantaged populations is located in section 3.2

Useful Links: FHWA NEPA and Public Involvement Guidance

https://www.environment.fhwa.dot.gov/nea/trans_decisionmaking.aspx

http://www.fhwa.dot.gov/planning/public_involvement/index.cfm

6.1 Project Scoping

The scoping process determines the range of issues to be addressed and identifies **significant potential** issues related to the proposed project. Specifically, it calls for early and consistent coordination with appropriate agencies and the public. Scoping also aids in determining the type of environmental review document federal action requires, the scope of the environmental review document, the level of analysis and related environmental requirements.

At the beginning of the project development process, a scoping meeting is typically held involving ADOT, FHWA, environmental agencies, **tribal communities**, the appropriate MPO or **GOVCOG**, and local government staff. This meeting helps determine the purpose and need for the project, key issues and topics, data needs and action items for moving the project through the development process.

Also, early in the project development process, a list of key stakeholders, including local leaders

6.2 Types of NEPA Approval (Class of Action)

Federal projects subject to the NEPA are evaluated in one of the following three classes of federal action and corresponding environmental documents:

- **Environmental Impact Statement (EIS):** Prepared for projects where it is known that the action will have a significant effect on the environment. The agency's decision on the project is recorded in a Record of Decision (ROD).
- **Environmental Assessment (EA):** Prepared for actions in which the significance of the environmental impact is not clearly established. An EA process determines whether a more extensive EIS is required. If analysis determines the project will have no significant impacts, a **Finding of No Significant Impact (FONSI)** is issued.
- **Categorical Exclusion (CE):** Prepared for actions that do not typically individually or cumulatively have a significant effect on the environment and are therefore excluded from the full NEPA process (i.e., CEQ requirements for an EIS or EA). Many ADOT projects, such as pavement preservation, bridges, safety projects, etc. are approved

Comment [45]: FHWA comment: Be careful using the term significant

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with ~~as "listed"~~ CEs ~~as listed~~ under 23 CFR 771.117 ~~which includes a specific list of~~ project types and actions that typically qualify under this category.

- Larger projects, such as widening projects, are normally approved as ~~individual documented~~ CEs, and typically require

Checklist Manual provides definitions of CE project types: <https://azdot.gov/business/environmental-planning/guidance-federal-aid-projects/nepa-guidance>

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ADOT EP conducts a project determination to determine what level of environmental document should be prepared for a project based on a number of factors.

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Comment [46]: added this text to address FHWA comment regarding consistency in language referencing CE types



Figure 6 -1 provides a flow chart of the NEPA project decision-making process.

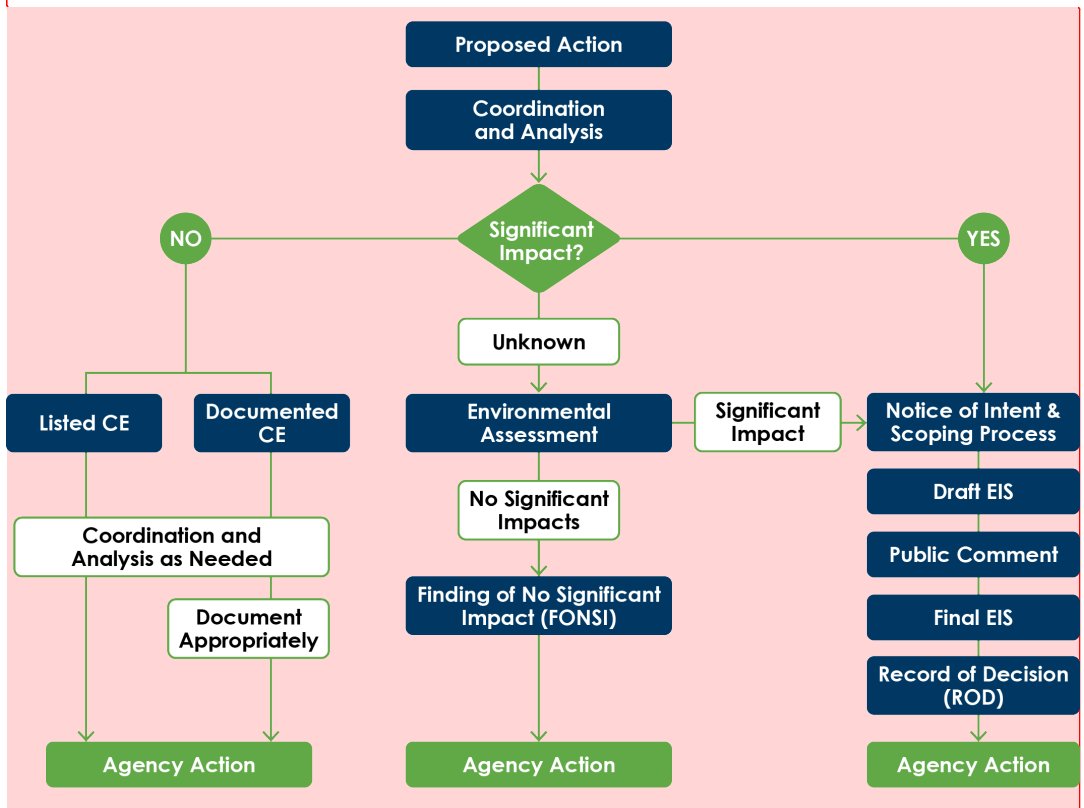
The following sections outline legally required public involvement activities for each NEPA class of action, as well as ADOT's recommended practices. **Figure 6-2 NEPA Public Involvement Requirements for Transportation**

Projects provides a summary of the public involvement requirements for transportation projects during various stages of the NEPA project development process, as well as recommended ADOT practices.

more environmental evaluation and public involvement efforts. ADOT's Environmental Planning Categorical Exclusion (CE)

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FIGURE 6-1 NEPA CLASS OF ACTION AND APPROVAL PROCESS



Comment [47]: FHWA why aren't the steps for EAs like scoping, DEA, public comment depicted?
 ADOT response: Flowchart came from FHWA website with NEPA guidance: <https://safety.fhwa.dot.gov/tsp/fhwasa1136/sec2.cfm>
 We updated the chart to include the full EA process.

Comment [48]: FHWA used term individual CE in the discussion above - need to decide what terminology to use for the various categories of CE and be consistent throughout PIP
 ADOT response:: have updated to say "listed" and "documented" CEs

Comment [49]: Comment related to Coordination and Analysis box/bubble

FHWA what does this bubble mean? You don't do analysis outside of NEPA before scoping?
 ADOT Response: This bubble is just to address and call out the common step of agency coordination and scoping that is done as part of initial analysis steps for NEPA. This table is included in FHWA guidance on the NEPA process: <https://safety.fhwa.dot.gov/tsp/fhwasa1136/sec2.cfm>

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Public Involvement	FEDERAL ACTION LEVEL		
	Documented Categorical Exclusion (CE)	Environmental Assessment (EA)	Environmental Impact Statement (EIS)
Notice of Intent	NA	◆	■
Scoping Notices(s)	◆	●	■ (30 days)
Property Owner Notification	■	■	■
Newsletter / Postcard	◆	●	●
Agency / Public Scoping Meeting(s)	◆	●	■
Public Website(s)	●	●	●
Public Information Meeting(s)	◆	●	●
Local Officials Meeting	◆	●	●
Public Hearing	NA	●	■
Availability of Environmental Documentation for Review / Notice of Availability	◆	■ (30 days)	■ (Draft 45 days; Final: 30 days)
Notice of Final Environmental Document	●	●	■

Note: *The public comment period for a Draft EIS is 45 days with an option for 60 days or longer, if needed.
No public review period is required for a combined FEIS/ROD.

Legend: ■ Legally Required ● Recommended ◆ Optional NA Not Applicable

Comment [50]: Updated graphic to address comments

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PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

Public Involvement	FEDERAL ACTION LEVEL		
	Documented Categorical Exclusion (CE)	Environmental Assessment (EA)	Environmental Impact Statement (EIS)
Notice of Intent	NA	◆	■
Scoping Notices(s)	◆	●	■ (30 days)
Property Owner Notification	■	■	■
Newsletter / Postcard	◆	●	●
Agency / Public Scoping Meeting(s)	◆	●	■
Public Website(s)	●	●	●
Public Information Meeting(s)	◆	●	●
Local Officials Meeting	◆	●	●
Public Hearing	◆	●	■
Availability of Environmental Documentation for Review / Notice of Availability	◆	■ (30 days)	■ (Draft 45 days; Final: 30 days)
Notice of Final Environmental Document	●	●	■

Note: *The public comment period for a Draft EIS is 45 days with an option for 60 days or longer, if needed.
No public comment period is required for a combined FEIS/ROD.

Legend: ■ Legally Required ● Recommended ◆ Optional NA Not Applicable

Comment [51]: Updated graphic to address comments

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FIGURE 6-2 NEPA PUBLIC INVOLVEMENT REQUIREMENTS FOR TRANSPORTATION PROJECTS

Public Involvement	FEDERAL ACTION LEVEL			
	Document Categorical Exclusion (CE)	Environmental Assessment (EA)	Environmental Impact Statement (EIS)	
PROJECT INITIATION	Notice of Intent	NA	NA	■
	Scoping Notices(s)	◆	●	■ (30 days)
	Property Owner Notification	■	■	■
	Newsletter / Postcard	◆	●	●
	Public Meeting(s)	●	●	■
	Public Website(s)	●	●	●
ENVIRONMENTAL DOCUMENT	Public Meeting(s)	●	●	●
	Newsletter / Postcard	●	●	●
	Local Officials Meeting	◆	●	●
	Public Hearing	◆	●	■
	Availability of Environmental Documentation for Review / Notice of Availability	◆	■ (30 days)	■ (Draft 45 days; Final: 30 days)*
	Notice of Final Environmental Document	●	●	■

Note: *The public comment period for a Draft EIS is 45 days with an option for 60 days or longer, if needed.

Legend: ■ Legally Required ● Recommended ◆ Optional NA Not Applicable

Comment [52]:

Comment [53]: FHWA comment: need to add to the asterisk in regards to EIS processes where there is no FEIS review period/combined EIS & ROD
ADOT response: Added

Comment [54]: FHWA Regarding Public Meetings what is the difference between this and the hearing in the environmental doc phase? Is it the alternatives public meeting? If so, maybe this should be a separate phase from environmental doc.
ADOT response: The two references to Public Meetings were intended to reflect the Public Scoping Meeting and the Alternatives Public Meeting or other supplemental public information meetings that ADOT could choose to hold depending on the proposed project. We have revised to call out the agency/public scoping meetings and other public information meetings separately.

Comment [55]: FHWA comment Notice of Intent for EA should be optional green diamond
ADOT Response: updated graphic

Comment [56]: FHWA comment: Under Public Hearing line item, there is an inconsistency with the state regulation. Per 23 CFR 771.111(h)(iii), One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest;

Per the use of ADOT CE classifications as identified in the most recent audit, it is clear that in some instances the use by ADOT of a CE would meet the requirements for a hearing as spelled out above. The figure needs to be modified to account for this provision under the CE and EA designation.
ADOT response: EP believes the figure is correct and is in line with the regulations FHWA cited. Public Hearings are indicated as "optional" for CE's which is accurate. There are a wide variety of CE's and hearings do not usually require ROW, substantial changes, or significant environmental impacts. EA's are identified as recommended as a standard practice for ADOT we commonly hold hearings for EA's unless a decision is made by project team not to.

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6.3 Public Involvement Requirements for NEPA Projects

The following public involvement activities are required for implementing NEPA provisions based on CEQ guidance

[<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506/section-1506.6>]:

According to CFR 40, Subsection 1506.6 Public involvement - Agencies shall:

- Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.
- Provide public notice of NEPA-related hearings, public meetings, and other opportunities for public involvement, and the availability of environmental documents so as to inform those persons and agencies that may be interested or affected by their proposed actions. When selecting appropriate methods for providing public notice, agencies shall consider the ability of affected persons and agencies to access electronic media.
 - » In all cases, the agency shall notify those who have requested notice on an

individual action.

- » In the case of an action with effects of national concern, notice shall include publication in the Federal Register. An agency may notify organizations that have requested regular notice.
- In the case of an action with effects primarily of local concern, the notice may include:
 - » Notice to State, Tribal, and local governments that may be interested or affected by the proposed action.
 - » Following the affected State or Tribe's public notice procedures for comparable actions.
 - » Publication in local newspapers (in papers of general circulation rather than legal papers).
 - » Notice through other local media.
 - » Notice to potentially interested community organizations including small business associations.
 - » Publication in newsletters that may be expected to reach potentially interested persons.
 - » Direct mailing to owners and occupants of nearby or affected property.
 - » Posting of notice on and off site in the area where the action is to be located.
 - » Notice through electronic media (e.g., a project or agency website, email, or social media).
- Hold or sponsor public hearings, public meetings, or other opportunities for public involvement whenever appropriate or in accordance with statutory requirements applicable to the agency. Agencies may conduct public hearings and public meetings by means of electronic communication



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except where another format is required by law. When selecting appropriate methods for public involvement, agencies shall consider the ability of affected entities to access electronic media.

- Solicit appropriate information from the public.
- Explain in its procedures where interested persons can get information or status reports on Environmental Impact Statements and other elements of the NEPA process.
- Make Environmental Impact Statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act.

6.4 Public Involvement Requirements for a Categorical Exclusion (CE)

A CE is a category of actions that typically does not individually or cumulatively have a significant effect on the environment. As a result, these projects are excluded from the full NEPA process developing an EA or EIS and there are no fewer federal NEPA public involvement requirements for a CE. Most ADOT projects fall under a CE level action and therefore do not go through an extensive NEPA process. However, environmental review is still conducted for CE level projects. P and public involvement may still be required for compliance with NEPA and other federal requirements to provide meaningful opportunities for public participation, particularly for Title VI, EJ, LEP, ADA and other disadvantaged and underserved populations.

The following are public involvement requirements for federally funded projects conducted at the CE level:

- Conduct any required public notification and review of environmental impacts related to Section 4(f), Section 106, air quality conformity and noise. See Sections 6.10 and 6.11 for more details.
- Ensure that minority and low-income communities, individuals with disabilities, and limited English proficient persons are identified and engaged.

Recommended Activities

The following activities are not federally required but are recommended ADOT practice for individual documented CE projects during project development:

- Maintain a project website.
- Seek input from stakeholders and the public regarding the project scope and design concept alternatives, if applicable.
- Send postcards, GovDelivery and other notices to the project area to provide notification to the public of the project and/or opportunities for input, including public meeting notices.
- Conduct public meetings or other outreach opportunities, such as survey comment tools, at appropriate times before key decisions are made. Public meetings are recommended for widening projects, new interchange or interchange reconstruction projects or other projects that are likely to be of high interest or concern to the public.
- Provide notification to affected property owners of any direct impacts, such as new/modified sound walls. ADOT's Right of Way Office shall notify property owners of

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Comment [57]: FHWA comment EAs? should this section be specific to EISs? The next section is CEs and the EAs. Need an EIS one. ADOT comment: This language came directly from the CEQ guidance and are the overarching requirements so we suggest keeping this content together. The EA And EIS sections address requirements and recommendations.

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Comment [61]: Including this information in the introduction since it applies to all projects.

Comment [62]: ADOT does this on all CE projects? How? ADOT response: Modified to clarify that we do this for documented CE projects, since those projects are larger and usually have some impacts and alternatives, etc. Also provided information on where we identify civil rights implementation strategies.

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Comment [63]: EP and Community Relations to address comment:

only doing for individual CEs and not all CEs? is there a discussion for the other types of CEs?

ADOT response: ADOT does not typically conduct a PI process during the project development phase for listed CE projects outside of agency stakeholder coordination. PI for design and construction phases is included in that section.

Comment [58]: EP to resolve comment

FHWA excluded from the full NEPA process? ADOT response: clarified that they don't go through the full process of developing an EA or EIS

Comment [59]: Need EP to resolve

FHWA comment: The sentence "there are no federal NEPA public involvement requirements for a CE" is incorrect. Per 23 CFR 771.111, there is no ...

Comment [60]: FHWA Most ADOT projects fall under a CE level action, and public involvement may still be required for compliance... ADOT response: The intent is to point out the ...

Comment [64]: FHWA Should there be a reference to a need to have a public meeting associated with 106/4(f) actions? ADOT response: We would not have a stand alone public meeting for a Section 106 or 4(f) ...

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right of way impacts and the right of way acquisition process.

ADOT's practice is to determine what is best for the individual project. Project teams should base the public involvement approach on the level of anticipated impacts and the unique nature of the project, community and level of anticipated public interest or concern. For example, ADOT freeway widening projects are typically conducted at a CE level when widening occurs within the existing roadway footprint without acquiring a significant amount of new right of way. From a public involvement perspective these types of projects still warrant a high level of public outreach, since motorists and adjacent communities typically have concerns about traffic, freeway noise, construction and other short- and long-term impacts.

6.5 Public Involvement Requirements for an Environmental Assessment (EA)

Public involvement requirements for an EA and the FONSI process are defined in the following



regulations: 23 CFR 771.119 (Environmental Assessments) and 23 CFR 771.121 (Findings of No Significant Impact).

In addition to the NEPA public involvement requirements identified in Section 6.3, the following public involvement activities are federally required for an EA:

- Notice of availability of the draft environmental document for review and comment, the comment period and methods for submitting comments. At a minimum this notice shall be provided in the newspaper of largest circulation within the study area at the commencement of the comment period. ~~Other notification methods, such as news releases, GovDelivery Alerts, and social media, are also recommended as a standard ADOT practice.~~ This notice will be combined with the public hearing notice if one is held.
- A minimum 30-day public comment period for the draft EA.
- Availability of draft and final EA documents in electronic formats and at convenient, publicly-accessible repository locations in the study area.
- A public hearing is not automatically required but may be held based on certain criteria (See **Section 6. 6-7** below).
- If a public hearing is held, then the same public hearing notification and hearing format used for an EIS project should be followed (see **EIS Section 6. 7-8** below).
- If a public hearing is not planned, the public must be notified of the opportunity to request a public hearing. This notification should be included as part of the required notification for the availability of the draft EA and public comment period (See **EIS Section 6.7**).
- ~~ADOT will ultimately determine whether or not to hold a public hearing~~).

Comment [65]: Removing, could be subjective

Comment [66]: FHWA comments

what is the criteria for this determination?
how is the public notified of this decision?

If ADOT is going to use this language, they must clearly articulate the parameters and how a decision is made on whether to hold or not hold a public hearing. They should include in parentheses a reference to Section 6.6. This should also include allowing a hearing if mitigation is used to lower impacts to a non-significance threshold for CE's and EA's, or unusual circumstances are involved with CE determinations.

ADOT response: The criteria for holding a public hearing are outlined in section 6.6. These criteria are also the basis for denying a requested public hearing.

Related to the comment about holding a hearing if mitigation is used to lower impacts to a non significance threshold, ADOT does not have "mitigated CE's" meaning it would have been an EA if not for certain mitigation were applied. ADOT's standard practice is to hold a hearing for an EA.

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- Comments received during the Draft EA comment period must be included and substantive comments are addressed in the final EA document, either individually or collectively as a group of similar comments.

Recommended Activities

The following activities are not federally required but are recommended and standard ADOT practice:

—If a public hearing is held, then the same public hearing notification and hearing format used for an EIS project should be followed (see EIS Section 6.8 below for public hearing requirements and Section 12.5 for more details on implementing a public hearing.)

- Maintain a project website. ADOT places all draft and final EA documents on the study web page.
- Send postcards or other notices, such as news releases, GovDelivery email alerts and social media, to announce the start of the project, public meetings, and the release of the draft EA and comment period.
- Hold public scoping meetings and public information meetings to review alternatives.
- Hold meetings with local public officials.
- Use videos, graphics, visualizations and photo simulations to convey highly technical information.
- Provide notice to the public of the Final EA and FONSI.

6.6 Determining whether a public hearing is required

A public hearing is always required for an EIS. Public hearing requirements for federally funded transportation improvements are

outlined in 23 CFR 771.111. All EISs require public hearings. ADOT requires one or more public hearings or an opportunity for a public hearing for EAs. The decision on whether or not to hold a public hearing will be based on the context, such as population and employment of an area and degree of impacts of the project, such as the amount of new right-of-way, the number of displacements or changes to highway access, as well as comments received from a review of a Draft Environmental Assessment. Requests from the public are a factor but are not the sole determinant of whether or not to hold a public hearing. It is ADOT's practice to hold a public hearing for most EAs.

The determination whether to hold a public hearing is made on a project-by-project basis by ADOT EP in cooperation with ADOT Communications, ADOT Civil Rights Office and the ADOT Project Manager.

6.7 Opportunity for a Hearing and Addressing Requests for a Public Hearing

If there is reason to believe a project is noncontroversial and it is unlikely a hearing would be requested, either by the public or any agency, a Notice of Opportunity for a Public Hearing may be utilized, rather than directly scheduling a hearing. The Notice of Opportunity should be noticed in a similar manner as a public hearing notice.

If a small number of requests are received to hold a public hearing, it is permissible for ADOT to meet with the requestor(s) to explain the proposed project and answer any questions. These meetings must be well-documented and made a part of the project record.

ADOT may conduct a public hearing for a Draft EA if one or more of the following apply to the proposed project:

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- ~~• Requires a significant amount of new right of way.~~
- ~~• Substantially changes the layout or function of connecting roadway or the facility being improved.~~
- ~~• Is controversial on environmental grounds.~~
- ~~• Otherwise has a significant social, economic, environmental or other effect.~~
- ~~• Has a significant adverse impact on abutting property(ies).~~
- ~~• Has significant floodplain encroachment.~~
- ~~• There is significant community interest/concern.~~

6.76.8 Public Involvement Requirements for an Environmental Impact Statement (EIS)

The regulatory requirements for an EIS are more detailed and rigorous than the requirements for an EA. Projects that require an EIS process are typically new freeway corridors.

In some cases, when funding is not available to implement a project, ADOT may conduct a tiered EIS approach for high-level planning purposes.

- A **Tier 1 EIS** focuses on broad issues such as general location of a corridor route, mode choice and area-wide air quality and land use implications of the major alternatives.
- A **Tier 2 EIS** addresses site-specific details on project impacts, costs and mitigation measures and more detailed project elements are defined and assessed, such as the alignment and the location of traffic interchanges.

The ROD represents the final decision for a proposed project, either the selection of the Build Alternative or the No Build Alternative. A

Tier 1 EIS identifies the selected corridor location and a Tier 2 EIS # fully defines the selected alternative that will be implemented and associated environmental commitments..... ~~or documents a decision not to build the project.~~

For projects being evaluated using an EIS, public involvement is outlined in the following federal regulations: 23 CFR 771.123 (Draft Environmental Impact Statements), 23 CFR 771.125 (Final Environmental Impact Statements) and 23 CFR 771.127 (Record of Decision).

In addition to the public involvement requirements outlined in Section 6.3, the following describes the public involvement activities that are federally required for an EIS:

- A Notice of Intent (NOI) to initiate an EIS is published by FHWA in the Federal Register.
- ~~ADOT places Placing~~ an ad in the newspaper of general circulation within the project area to provide public notice of the EIS. If there is a Spanish LEP translation requirement, an ad should also be placed well as—in a Spanish language publication or a bilingual ad should be placed if there is no Spanish language publication , ~~to provide public notice of the EIS. Additional ads and notices via a news release, GovDelivery email and social media are recommended.~~
- The 23 USC 139 environmental review process requires that a coordination plan be developed and in place within 90 days of NOI publication [23 USC 139(g)].
- Agency and tribal coordination and agency and public scoping notices.
- Availability of draft and final EIS documents in electronic formats and in printed format at ~~convenient,~~ publicly -accessible repository locations in the study area.
- Public notice of the public hearing(s) and availability of the draft EIS for public review and comment must be provided. This may

Comment [67]: FHWA comment:

be careful using the word significant in your bullets as significance equates to an EIS not an EA
ADOT response: The reference to the need for "significant" amounts of right of way as one of the criteria for a public hearing is included in the regulation and ADOT EP manual.

ADOT has modified this section to paste the language from the ADOT EP guidance, which is on the website.

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Comment [69]: FHWA comment
I don't know that all of the bullets that follow are federally required...should there be a section of those required, those ADOT commits to do on all and those recommended that may or may not be done/determined based on project size/impacts/community input/etc.?

Comment [68]: FHWA
may need to discern between a Tier 1 vs. Tier 2 ROD, because the level of definition/decision is different
ADOT response: clarification provided

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include one or more of the following notices:

- » ~~Direct mailing to owners and occupants of affected property.~~
- » ~~Notice to State, Tribal, and local governments that may be interested or affected by the proposed action.~~
- » ~~Notice to potentially interested community organizations.~~
- » ~~Posting of notice on and off site in the area where the action is to be located.~~

» ~~Placing an advertisement in the local newspaper of general circulation within the study area to advertise a public hearing. If there is a Spanish LEP translation requirement identified for the project area a separate ad should be placed in a Spanish language publication.~~
 ADOT advertises a hearing a minimum of 15 days prior but no more than 30 days prior to the public hearing. (See **Appendix T Public Hearing Ad Example** and **Section 12.5** for ad content requirements)

- » ~~A news release.~~
- ~~Notice via GovDelivery email to interested and potentially affected parties, including the study mailing list.~~
- ~~Direct mailing to owners and occupants of affected property.~~
- ~~Notice to Native American Tribes, where applicable.~~
- ~~Notice to potentially interested community organizations.~~
- ~~Publication in agency newsletters that may reach interested persons.~~
- ~~Posting of notice on and off site in the area where the action is to be located.~~

• The timing for the NOI, NOA, and required public hearing is prescribed to ensure adequate time for the public to provide comment.

- » ~~The DEIS must be available for review for a minimum of 45 days from the date of the NOA. A longer notice may be provided if desired.~~
- » ~~The DEIS must be available for review for a minimum of 15 days prior to a public hearing.~~

• ~~Within the review and comment period, ADOT must conduct one or more public hearing(s) to provide an opportunity for oral comments before a panel.~~

» ~~Hearings must be held at convenient locations and times within the study area.~~

» ~~Current federal guidance is that an in-person hearing is required for an EIS. Other supplemental virtual engagement~~

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Comment [71]: FHWA comment notice of what? what does where applicable mean?

ADOT response: Moved as sub-bullets to indicate these are required notices for the Draft EIS.

Comment [70]: It is a requirement to do public notice of the hearing, but how we do it is up to us. So these items (direct mailers, notice to state/local governments, advertisement in newspapers) are technically not legal requirements.

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PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

- may be held for an EIS but cannot be considered a public hearing.
- For an EA, a virtual public hearing may be held in lieu of, or in conjunction with, an in-person hearing. If a public hearing is only offered virtually, there must be an opportunity for in-person review of the Draft EA.
- ADOT's recommended guidance is to hold hearings both virtually and in-person if the study area is large and/or includes impacts to Title VI and EJ populations:
 - At the public hearing(s), ADOT will provide a formal presentation (live or pre-recorded) and provide procedures and deadlines for making comments for the record.
- Oral comments by the public are recorded by a court reporter and a verbatim transcript of the hearing is prepared.
- For more details regarding how to implement a public hearing see Section 12.5.
- Substantive Comments received during the comment period, written or verbal, become part of the project record and must be addressed individually or collectively in the FEIS or ROD, a document that is prepared after the FEIS has been completed.
- Once completed the FEIS is made available for public review via the website and at repository locations and another NOA is placed in the Federal Register.
- The FEIS may be released with a minimum 30-day public comment review period. Alternatively, the document may be published as a combined FEIS/ROD, in which case there is no public comment review period and the decision has been recorded.
- Although not required at this phase, it may be beneficial to hold a public meeting or

hearing if there have been substantial changes in the project design or study area conditions since the DEIS.

- ADOT provides notice of the availability of the FEIS via a newspaper advertisement (same format as the NOI/NOA).
- Following the comment public review period, the FEIS comments are addressed and the document is finalized.
- ROD is published in the Federal Register.

Recommended Activities

The following activities are not federally required for an EIS but are recommended and standard ADOT practice during project development. Additional public involvement activities may also be warranted based on the scope of proposed project and impacts, as well as level of public interest or concern.

- A project website. ADOT places all draft and final EIS documents on the study web page. Additional documents, such as scoping summaries, public involvement summaries, fact sheets, newsletters, maps and other information about the proposed project should also be placed on the website for public review.
- Postcards or other notices (e.g. email alert, news release, social media) to announce the start of the project EIS, public meetings, and release availability of the draft EIS and comment period and the final EIS and Record of Decision, and comment periods.
- Agency and public scoping meetings, and public information meetings to review the alternatives analysis as part of Alternative Selection Reports. It may be beneficial to hold a public meeting or hearing if there have been substantial changes in the project design or study area conditions since the DEIS.

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Comment [72]: FHWA comment: EIS? ADOT: Moved to EA section

Comment [75]: FHWA comment: ROD isn't published in the FR, notice for limitation on claims is if desired. Should be a notification process for the ROD, not required though. ADOT response: removed reference to ROD in Federal register and moved ROD notification to recommended.

Comment [76]: I don't recommend eliminating this - understanding from regulations is NOA is required for Final EIS/ROD.

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Comment [73]: Moved this detail to public hearing implementation section 12.5

Comment [77]: FHWA comment will you place all documents drafted as part of the EIS/NEPA process? like scoping reports and PI summaries? ADOT response: Yes, added this info

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Comment [78]: FHWA comment ROD?

Comment [74]: FHWA Comment: FEIS 30 day is a review period, not a comment period, change throughout doc. ADOT response: updated

Comment [79]: FHWA comment: if speaking from a "required" standpoint, a hearing for the FEIS, if that's what you mean by this phase, is not required, even if there are changes so this should be in the recommended list

See my previous comment about different categories for all of these bullets - required, ADOT will do for all, recommended/depends on project & circumstances

ADOT response: Moved to recommended

PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

- Meetings with local officials.
- ~~Ads in multiple local publications beyond the minimum required notice.~~
- ~~Notice via other methods is also recommended.~~
- ~~The ability to comment through multiple methods, such as email, mail, phone and an online commenting tool.~~
- Use of videos, graphics, visualizations and photo simulations to convey highly-technical information.
- Public hearing guide that summarizes the Draft Recommended Build Alternative, provide a summary of the document sections and information on how to **comment**.
- Interactive EIS documents that enable the public to zoom in and out of maps and click through layers of information are also encouraged. These interactive formats are accessible through a mobile phone, translatable into other languages and fully web accessible for those with visual impairments.

~~Although not required at this phase, it may be beneficial to hold a public meeting or hearing if there have been substantial changes in the project design or study area conditions since the DEIS.~~

6.86.9 Use of Public Involvement Consultants to Support the NEPA Process

Due to the extensive public involvement requirements involved, ADOT's standard is to utilize public involvement consultants to develop and implement public involvement plans for EA and EIS -level studies. However,

ADOT Community Relations shall continue to maintain a role on the study by attending study team meetings, reviewing Public Involvement Plans and materials from consultants, assisting in planning and attending study -related meetings and hearings, assisting in responding to public inquiries outside f ormal comment periods, posting study related materials to the study website, sending approved email notices via GovDelivery to study contact lists and other tasks. Public involvement consultants are required to follow the ADOT Public Involvement Plan and a re responsible for compliance with CRO requirements, reviews and documentation as outlined in the ADOT PIP.

6.96.10 Traffic Noise Analysis/Noise Abatement

Comment [80]: FHWA comment: ...that summarizes the decision in the DEIS, provides a summary of the...
ADOT response: Need FWHA clarification since this would be to support the DEIS and we are presenting the RBA, no decision has been made, we are presenting the RBA.

Comment [81]: FHWA comment: if speaking from a "required" standpoint, a hearing for the FEIS, if that's what you mean by this phase, is not required, even if there are changes so this should be in the recommended list

See my previous comment about different categories for all of these bullets - required, ADOT will do for all, recommended/depends on project & circumstances

ADOT response: moved to Recommended.

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PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

While ADOT must evaluate many potential environmental impacts from a planned project, highway noise is frequently one of the greatest concerns expressed by residents. Project teams can anticipate the need to address community concerns about noise as part of a new highway or highway expansion project. Therefore, additional information and guidance on this topic as it relates to public outreach efforts is included in this section.

ADOT provides mitigation for traffic noise in accordance with federal requirements (23 CFR 772). A noise analysis is prepared for all projects that involve construction of a highway on new roadway alignment; making a substantial change in the horizontal or vertical alignment of an existing highway; and adding new through travel lanes to an existing highway. The noise report showing proposed locations and details of recommended new noise barriers will be made available to the public and presented when holding public meetings and hearings.

Identification of a noise impact - predicted future noise levels approaching or exceeding the ADOT and federal noise thresholds - does not automatically warrant noise abatement measures. Abatement measures must also meet other criteria, including acoustic and engineering feasibility, as well as reasonableness and cost effectiveness. To be eligible for noise abatement, an eligible property must be permitted for development by the local jurisdiction prior to completion of the environmental document for the project. The date that the environmental document is approved is known as the Date of Public Knowledge.

ADOT follows a prescribed process for noise abatement evaluation based on federal guidance and ADOT policy, and data from the noise analysis. Therefore, public input on perceived noise levels does not influence the noise abatement recommendations regarding

whether noise abatement will be provided. However, the input could warrant additional noise evaluation to verify the previous result. However, ADOT must seek and consider the viewpoints of property owners and residents who would benefit from the new abatement measures if they do not wish to have a new wall built, for example due to concerns about scenic views or property visibility from the roadway.

To fulfill NEPA environmental requirements and determine the public's viewpoints, ADOT shall provide an opportunity for the public to review and provide input on the final Noise Analysis Report for a project with the location of new or raised noise walls or other abatement measures.

The public involvement process includes any activity by ADOT to solicit active public input that engages identified benefited residents and property owners to determine their viewpoints on the final noise abatement. This may include one or more of the following activities: public meetings/workshops, surveys, mailings, emails and community group meetings.

If ADOT becomes aware of neighborhood opposition to a noise wall, ADOT

Comment [82]: FHWA comment but the input can warrant additional noise evaluation to verify the previous result. ADOT comment: Added



PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

Communications and Public Involvement and EP staff will follow a process which includes directly notifying all affected property owners (Benefitted Receptors) via mail and offering them an opportunity to reject or approve the proposed wall through a balloting process. All noise sensitive facilities, irrespective of their Activity Category, shall be given a vote for every receptor allocated to them in the Project Noise Analysis Report. Facilities may be represented exclusively by the owner, legal representative, or legal occupant of the facility. A legal occupant must have the legal authority to act on behalf of the property owner according to Arizona Statute and/or the underlying legal property agreement. A legal representative can be the homeowner association, property manager or other entity authorized by a legal property agreement to act on behalf of a property owner.

Noise abatement measures recommended are constructed unless a majority of opposing votes are received. Property owners that were involved in the balloting process are notified of the final results of the balloting.

Additional information about ADOT's Noise Abatement Policy can be found on the website at: <https://azdot.gov/business/environmental-planning/noise/noise-abatement-requirements>

6.11 Public Involvement for Other Environmental Impacts

Public involvement activities to comply with federal regulations under the "NEPA umbrella" (Section 4(f), Section 106 historic properties, Clean Air Act, Clean Water Act and Section 404 permits) are typically conducted as part of the NEPA public involvement process for EA and EIS documents described in Section 6, with associated public notification and review of environmental documents. When a project is conducted at a CE-level but has 4(f), Section 106,

air quality or water quality impacts, there are still requirements for public notification, review and comment.

The following guidance is provided for public involvement associated with these regulations.

Section 4(f)

Public involvement during the Section 4(f) process is prescribed in the following instances.

- **De minimis Finding** When a project qualifies for a *de minimis* finding, public notice and an opportunity for public review and comment are required in accordance with (23 CFR 774(b)(2)(i)). After considering any comments received from the public, if the official(s) with jurisdiction concurs in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection, then ADOT may finalize the *de minimis* impact determination. Public notices may be used to state that ADOT, under NEPA Assignment, is seeking public input on a proposed *de minimis* finding(s) details of which are included on a project website.

- **Net Benefit Programmatic:** For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public meeting(s) or hearing(s).

- **Section 4(f) Statement:** An individual Section 4(f) evaluation is required when a project requires the use of Section 4(f) property that is not considered *de minimis*, nor can it be processed with a programmatic evaluation. The public may review and comment on the draft evaluation during the NEPA process.

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Comment [83]: FHWA Comment should be a special section for air quality as well since there are instances when ADOT completes separate PI for conformity ADOT response: Added information about PI for air quality conformity, as well as Section 4(f), Section 106 and 404 permit PI.

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PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

For CE -level projects, public notice of Section 4(f) Statements and *de minimus* findings is provided via the website and should also be included in public meeting information.

Section 106 Historic Properties

Section 106 public involvement requirements are usually accomplished as part of the NEPA process. Section 106 public involvement may take place during all steps in the Section 106 process, from initiating the process, identifying historic properties, assessing effects on historic properties, and identifying measures to resolve adverse effects to historic properties in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

If there are Section 106 historic property impacts associated with a CE -level project, ADOT EP will conduct any necessary notification to and coordination with the property owner, local jurisdiction and other potentially - interested parties. EP will consult with Community Relations to determine additional notification and outreach that may be needed to potentially interested parties, based on the nature of the project and historic property impacts, such as adjacent properties and organizations with an interest in historic preservation.

Clean Air Act & Air Quality Conformity Analysis

ADOT conducts project -level air quality conformity analysis and consultation, and submits a request to FHWA for a project -level air

quality conformity determination. Completed Project Level Project of Air Quality Concern (POAQC), interagency consultation documents and FHWA Section 327 Conformity Determinations are posted to the ADOT website for public review at <https://azdot.gov/business/environmental-planning/air-quality/transportation-conformity>, and should also be posted to a project website.

For project conformity determinations the public involvement is typically included in the project NEPA public involvement process. If a conformity determination is made later in time than the NEPA process it may be completed through a separate air quality public involvement process. For CE -level projects, pertinent information about the air quality analysis and the where the documents can be found should be provided at a project public information meeting.

Clean Water Act and Section 404 Permitting

- Federal regulations allow United States Army Corps of Engineers (USACE) to adopt another federal agency's Environmental Impact Statement (EIS) or Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) when considering permit applications. In these situations, the CWA public involvement requirements are met as part of the NEPA process. USACE public involvement requirements for an Individual Permit require a public notice and 30-day comment period, and USACE may decide to hold a public hearing. As part of the public notice for an Individual Permit, the USACE is also required to notify adjacent landowners.

When a CE-level project requires a Section 404 permit this information should be provided in a project public information meeting.

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PUBLIC INVOLVEMENT DURING PROJECT DEVELOPMENT

6.12 NEPA Assignment Disclosure Language

In addition to including in environmental documents for public review, the approved NEPA Assignment Disclosure Language shall be used in the following ways as part of the NEPA public involvement process for an EA

Comment [84]: Moved the NEPA Assignment disclosure language here and will reference throughout document.
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NEPA Assignment Disclosure Language

The environmental review, consultation and other actions required by applicable Federal environmental laws for this project are being or have been carried out by ADOT pursuant to 23 USC 327 and a Memorandum of Understanding dated 04/16/2019 and executed by FHWA and ADOT.

or EIS;

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- In any required newspaper advertisement notice,
- In a postcard or similar mailed notice for a public hearing or public meeting,
- In the public hearing or public meeting presentation slides,

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Section 7
Public Involvement
During Design





7. Public Involvement During Design

Final design involves refinement of preliminary designs and advances the design plans from the 30% level to the final plans for construction.

Project teams can anticipate that new highways, highway widening projects, new interchanges and interchange reconstruction projects, bridge removal/reconstruction projects, roundabouts, and grade separation or access management projects that create changes in business access or visibility will be of high interest to impacted residents and businesses and a corresponding level of public involvement should be conducted during final design.

Often, members of the public don't engage in projects until the final design phase when they realize a project is imminent or "real." This can be challenging because the public has an expectation that changes can still be made if a project hasn't been built. Any design elements that have already been determined and not subject to change should be conveyed to the public to manage expectations.

7.1 Public Involvement Guidelines for Design

- The public should be informed of any substantial changes in design plans that occurred after the NEPA process was completed. If these changes require supplemental NEPA documentation or a reevaluation of the NEPA documentation due to the passage of time or changes to the



design, additional public involvement or environmental requirements, and modified



effects or mitigation, coordination with FHWA and ADOT will be required along with a mutually -agreed level of public involvement.

- Project public involvement plans should include methods for soliciting input during the early design phase

before final decisions are made on project details. When input is provided during design, it should be shared with the project team with more immediacy, since project plans can progress quickly.

- If design plans require re-evaluation of, and changes to, noise abatement measures presented in the environmental document, notification to affected properties of proposed noise abatement measures is required to determine if there is substantial community opposition to the walls or other abatement measures. See **Section 6.9 Traffic Noise Analysis/Noise Abatement**.
- For larger projects likely to generate significant community interest (highway widening, new interchanges/interchange reconstruction, etc.), a public meeting to present the project features at or near the Stage III submittal (60% completion level) is recommended.
- Proactive engagement with impacted properties, nearby businesses, homeowner associations (HOAs) and other community stakeholders is recommended to ensure they are aware of project design plans.

- Additional activities and tools may be recommended in the project PIP, based on the nature of the project and community.

7.2 Right of Way Impacts/Temporary Construction Easements

ADOT administers a right of way program to acquire private property to implement transportation projects, which conforms to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) for property acquired for a federally funded project. The right of way program ensures appropriate notice is provided and the rights of property owners and tenants are protected. ADOT is legally required to notify affected property owners within project routes.

The ADOT Right of Way office is responsible for acquiring property needed for construction, including temporary construction easements, notifying and coordinating with property owners. Any property owners with questions about right of way impacts, the right of way acquisition or relocation process or timeline should be directed to the ADOT Right of Way Officer assigned to the project. Community Relations staff will refer all related right of way matters to ADOT Right of Way Office. At the request of, and in coordination with the Right of Way Office, Community Relations staff may facilitate meetings with impacted property owners or advise a property owner that ADOT has identified a right of way impact to their property and refer them to the Right of Way Office for more details. Any public outreach and information during the right of way acquisition process should be coordinated with the Right of Way Office so it doesn't negatively impact acquisition negotiations.

Section 8

Public Information and Outreach During Construction, Maintenance and Operations





8. Public Information and Outreach During Construction, Maintenance and Operations

Construction -phase public outreach by nature is typically for public information purposes since project plans are finalized. While there are no federal requirements for public involvement during the construction, maintenance and operations phases of a project, there may be specific carryover requirements from the NEPA process included in environmental commitments. In addition, all requirements for outreach to ~~Title VI, EJ and ADA~~ low-income, minority and disabled populations apply during construction, including providing reasonable accommodations and translation into identified LEP languages.

Construction is the most visible part of the project to the public and is likely to directly impact the highest number of people. Examples of these impacts include property acquisition, temporary and permanent changes in property access, construction noise, road restrictions and closures, driveway and sidewalk reconstruction, construction of noise walls and replacement of landscaping.

ADOT's Community Relations PMs have the primary responsibility for conducting public outreach for construction and maintenance projects unless this task is contracted to others or performed by the Local Public Agency (see **Section 9**).

8.1 Minimum Public Outreach for Construction Projects

The following are the minimum public outreach requirements for ADOT projects in the construction phase if there are construction related impacts to the public. If there are no impacts, no outreach or notification is required.

- Update the project PIP with a construction-phase communications plan to identify strategies, tools and anticipated timelines.
 - » Identify specific anticipated impacts, major project milestones and associated outreach/notification.

PUBLIC INFORMATION AND OUTREACH DURING CONSTRUCTION, MAINTENANCE AND OPERATIONS

- » An updated LEP analysis should be conducted if the previous LEP data is more than five years old.
- » Identify specific outreach activities to any minority, low-income and disabled populations.
- Update/develop a project contact list with email addresses.
- Update the project web page with construction information.
- Translate all project construction notices in required LEP languages. Ensure the project team is aware of the need for translation of construction notices, to allow adequate lead time to develop and distribute notices to affected properties. Text in email notices and the website does not need to be translated into required LEP languages if it can be automatically translated via Google Translate.
- Develop a fact sheet with information on what to expect see **Appendix N**.
- For projects with major restrictions or closures that affect emergency access, conduct a project-specific Transportation Systems Management meeting (or meetings) with local public safety personnel, including Department of Public Safety, police, fire and ambulance providers, to review construction closures and emergency access.
- Provide public notification of the start of the project via at least one of the following methods, which will vary according to the project:
 - » Postcard to all properties within one mile of the project for urban projects and two miles for rural areas (for larger and more impactful projects).
 - » Preconstruction public meeting (for larger/more impactful projects).
 - » Flyers to directly impacted businesses or properties adjacent to/directly impacted by work activities. See **Appendix P** Example Construction Notice.
 - » GovDelivery email alert; news release and social media.
- Provide advance notice of traffic restrictions and closures via GovDelivery email and the project web page. See **Appendix O** Example Email Notice. Additional notice is recommended via social media, news release or other methods.
- Create and distribute construction flyers to notify directly impacted parties of closures or major road restrictions lasting longer than one week. Notices shall include a map of impacted locations and detours.
- **Conduct** tribal notification and outreach for projects on or adjacent to tribal lands or of tribal interest as identified during the NEPA process and development phase – such as those that impact traditional cultural

Comment [85]: FHWA comment or tribal interest during the NEPA/development phase



PUBLIC INFORMATION AND OUTREACH DURING CONSTRUCTION, MAINTENANCE AND OPERATIONS

properties. The appropriate ADOT personnel should contact the tribe to secure any needed environmental or right-of-entry permits for the work.

- Provide project information and materials in electronic and accessible formats.
- Follow all notification requirements for Title VI and ADA Nondiscrimination and accommodation requirements.

See **Appendix H** Minimum Requirements for Public Involvement.

ADOT's construction project teams, contractors and District Infrastructure Delivery and Operations staff also play a role in public outreach and information for projects. Construction contractors may be required by the contract to provide certain notice to affected properties of construction-related activities and impacts, will have notification requirements to advise ADOT of construction schedules and needed restrictions and closures, may be required to avoid construction activities during prescribed holiday periods or special events identified in the contract and to minimize construction-related noise, dust, lighting and other impacts. ADOT Resident Engineers are responsible for enforcing contract provisions to minimize impacts.

8.2 Preparing Affected Communities for Construction

ADOT recognizes the impact that highway construction can have on local communities. ADOT works with local jurisdictional partners to determine allowable construction-related work hours, restrictions, closures and detour routes, as well as large community events to be avoided, if possible. Community-specific restrictions are identified during project development and these commitments should be memorialized in the construction contract specifications to avoid

issues with local jurisdictions and approval of traffic control plans.

Minimizing traffic impacts to heavily-traveled commuting, commerce and recreation corridors is also considered. Recognizing that all construction projects will have some impacts, ADOT attempts to balance the need to complete a project in a timely and cost-effective manner with the need to minimize impacts to drivers and the local community.

The larger and more impactful the project is to the affected community, the more advance notice ADOT should provide to notify of the start of construction and anticipated impacts so community members can begin preparing appropriately. Project teams should not necessarily wait for a project contract to be awarded to start providing advance notice of an upcoming project. General information about the scope and anticipated impacts and duration of a project can be conveyed initially until a contractor is on board, at which time more specific information can be shared.

It is imperative that contacts for directly impacted properties and other interested parties in the vicinity (e.g., HOAs, businesses, schools, hospitals, etc.) are secured, so they can be notified prior to construction activities commencing and in a timely manner prior to activities that impact them.

8.3 Preconstruction Public Meetings

If a construction project is large and will be extremely impactful to drivers and the adjacent community, a preconstruction public meeting should be considered. A public meeting allows for an in-depth overview of the project scope, schedule and impacts, as well as an opportunity for community members to ask questions to better understand the project.

PUBLIC INFORMATION AND OUTREACH DURING CONSTRUCTION, MAINTENANCE AND OPERATIONS

If a project will require reconstruction of multiple driveways and sidewalks, have extended detours for specific property access, require removal and replacement of walls adjacent to private property, permanently close streets or have extended road closures affecting certain properties or have other highly localized property impacts it is recommended that an in-person meeting be held to provide an opportunity to review plans with directly impacted property owners. An in-person meeting can be supplemented with a virtual meeting if desired, however specific property impacts should not be included as part of a virtual meeting presentation.

8.4 Notification of Traffic Restrictions, Closures and Detours

ADOT endeavors to provide as much advance notice as possible of upcoming construction projects to the traveling public and local communities, particularly those projects that will have more significant impacts to drivers and adjacent properties.

Due to the impact on the traveling public, ADOT's standard practice is to provide advance notice of major traffic restrictions, closures and detours so drivers and others impacted can plan accordingly. The more impactful the traffic restriction and the longer the duration, the more advance notice should be provided.

ADOT Community Relations and Public Information staff is reliant on the construction team to provide timely and accurate information about upcoming restrictions and closures, so they can in turn provide adequate advance notice to the public. Due to the dynamic nature of construction and the review and approval of traffic control plans, restrictions and closures may not be confirmed until shortly before they occur.

ADOT

ADOT will endeavor to provide the following minimum notice for restrictions and closures:

- Twenty-four hour notice of short-term traffic restrictions and closures (those that occur for a few hours, overnight, on weekends or over a few days).
- At least seven (7) days' notice for longer-term closures, such as extended closures of ramps and roadways for construction.
- See **Section 8.5** below for additional notification for other direct property/stakeholder impacts.

The project team should ensure that advance notification periods are included in the contract special provisions so the ADOT Resident Engineer is able to enforce them.

Notification methods for project construction will generally include:

- Traffic alerts emailed to project and corridor email lists via GovDelivery.
- Media releases for larger closures and restrictions.
- Posting construction notices and traffic alerts on the project website.
- Construction notices hand-delivered and/or emailed to affected businesses and properties for longer-term closures or direct



PUBLIC INFORMATION AND OUTREACH DURING CONSTRUCTION, MAINTENANCE AND OPERATIONS

impacts.

- Social media notices.
- Dynamic message signs on highways.
- Inclusion of closures in ADOT's AZ 511 system.

8.5 Notification of Other Impacts

It is ADOT's preference for construction contractors to be responsible for notification of direct impacts to affected properties (e.g., driveway partial or full closures, sidewalk closures, temporary change in property access, wall removals/relocations, parking restrictions, utility impacts, irrigation and landscape removal/replacement, bus route detours, park-and-ride closures and mailbox relocations, etc.). If direct property impacts are anticipated, these notification requirements should be written into the construction contract as part of the contract special provisions identifying the minimum notice requirements and acceptable methods for notification. ADOT's preference is for notices to be in writing and hand-delivered, mailed and/or emailed to affected parties. If notification

is not identified as a contractual responsibility of the construction contractor, and with adequate advance notice from the contractor and associated direct costs borne by the project, ADOT public involvement staff will make reasonable efforts to provide notice to affected parties of direct impacts. Adequate time shall be provided to develop, review, translate (if required) and distribute notices.

Extended advance notification may be necessary for affected parties who provide vital public services or need ample time to notify internal stakeholders and make alternate plans (e.g., hospitals, fire stations, post offices, schools, places of worship and shopping centers). Other on-site signage, such as portable variable message signs and static signage, may also be provided by the contractor.

As noted in the previous section, the project team should ensure that advance notification requirements are included in the contract special provisions so the ADOT Resident Engineer is able to enforce them. Draft contract specifications should be provided to the ADOT Community Relations office for review prior to finalization.

8.6 Minimizing Noise, Lighting and Dust Impacts

ADOT construction contractors are required to minimize impacts of construction to adjacent properties to the extent possible, including following any local ordinances to limit overnight construction noise levels, following requirements to limit dust, attempting to point



construction lighting away from homes and providing sound -dampening measures for construction equipment where possible. These requirements are outlined in the construction contract and may also be included in the environmental documents for the project as part of the agreed environmental mitigation measures.

It is recommended that a courtesy notice be provided to impacted properties of activities conducted during overnight hours likely to generate significant additional noise (e.g., saw cutting, demolition, rock crushing, loading/unloading of material, etc.). This notice can be provided by ADOT Community Relations or the contractor; however, if the contractor is responsible it needs to be stated in the contract specifications.

If ADOT receives complaints from adjacent community members regarding construction noise, lighting, dust or other issues, the ADOT Resident Engineer or designee will investigate to determine whether the contractor was following the approved mitigation measures and will take appropriate corrective action. The ADOT Community Relations PM or other designated public outreach representative shall communicate any follow up actions or resolution with the constituent.



8.7 Responding to Public Questions and Concerns During Construction, Maintenance and Operations

ADOT's Communications and Public Involvement Division staff has the primary responsibility of responding to questions and concerns from the public regarding the construction, maintenance and operation of ADOT

facilities.

ADOT Community Relations Project Managers (PMs) serve as the public point of contact for all active projects, including maintenance projects. Once notified of the concern, the Community Relations PM will work with the project construction team to address the concern and then follow -up with the constituent. A record of the concern and ADOT response or resolution will be documented by the Community Relations PM in a project constituent inquiry log.

The Constituent Services Office responds to a variety of public concerns related to highway operations and maintenance, such as litter, pavement conditions and other non -project related items, as well as concerns forwarded from the Governor's office or other state agencies. Concerns are sent to the appropriate ADOT staff or department for follow -up and documented in a constituent inquiry database.

ADOT's Government Relations Office has the primary responsibility for addressing questions and concerns from local, state and federal elected officials and staff. ADOT's Public

Information Office responds to inquiries from the media and public records requests.

ADOT's staff work in close cooperation with project teams and other ADOT technical staff, in developing responses and messaging related to projects and community issues.

8.8 Addressing Noise Concerns After Project Completion

If ADOT receives concerns about highway traffic noise from multiple residents in a neighborhood adjacent to a recently completed ADOT project (within three years of project completion) that met the criteria for noise abatement consideration, ADOT will make reasonable efforts to verify noise levels in that location through courtesy noise readings. If courtesy noise verification readings are taken, they will be performed in accordance with ADOT's federally approved procedures for noise readings, within 650 feet of the edge of the ADOT right of way, but not more than 900 feet in extenuating circumstances. Noise readings are not warranted outside these limits and readings may be affected by other factors at this distance.



Section 9

Public Involvement for Local Public Agency Projects





9. Public Involvement for Local Public Agency Projects

This section discusses responsibility for planning and implementing public involvement and outreach efforts for projects administered by the Arizona Department of Transportation on behalf of Local Public Agencies (LPAs) during the design and construction phases of the project.

LPAs are counties, towns, cities and tribal governments in Arizona. ADOT-administered refers to projects that are funded by the Federal Highway Administration and occur within the LPA's jurisdiction, but ADOT staff administers and manages the contract.

Certification Acceptance Agencies (CA) are LPAs that are authorized to manage most aspects of the project development process independently in alignment with all applicable agency, state, federal and tribal laws and construction regulations and requirements. Currently the state of Arizona has eight CA-approved agencies: the cities of Chandler, Mesa, Phoenix, Scottsdale, Tempe and Tucson and Maricopa County and Pima County.

9.1 ADOT Public Outreach Role on LPA Projects

If possible, LPAs should manage public outreach for ADOT-administered projects, since the LPA knows its own community and its stakeholders the best, the project "belongs" to the LPA and is

not on the state highway system and because ADOT has limited community relations resources. However, some LPAs lack sufficient community relations resources and want public outreach to be part of administering the contract, while some LPAs might wish to plan and implement public outreach efforts.

The Project Manager, in coordination with the Community Relations PM who supports the engineering district where the LPA project is located, will give LPAs the first right of refusal to plan and implement public outreach efforts. In doing so, the LPA would incur all related costs. The ADOT Project Manager will document this information in the Intergovernmental Agreement (IGA).

If desired by the LPA, the ADOT Office of Community Relations will manage public outreach for LPA projects with the following exceptions:

- Highway User Revenue Fund (HURF) HURF-funded projects (via HURF exchange) as these projects are not administered by ADOT;
- CA projects; and
- Non-CA local governments that have ample resources to provide public outreach for the project.

Comment [86]: FHWA comment Does/should ADOT have responsibility for ensuring PI involvement/outreach meets the intent of all applicable regs, policies, etc.? ADOT response: The ADOT LPA office indicated their understanding is that the CAs are responsible for their PI, therefore, they would need to confirm that they have the processes in place to be compliant. That allows ADOT to do a program level review to determine programmatic compliance. With LPA projects where ADOT is still directly involved we have project-level reviews to ensure compliance. The LPA office is meeting with FHWA on 11/29 to confirm this approach.

PUBLIC INVOLVEMENT FOR LOCAL PUBLIC AGENCY PROJECTS

Public outreach and related costs for HURF funded and CA projects are the responsibility of the LPA/CA. Per Federal Highway Administration regulations, public outreach for ADOT-administered LPA projects must be completed in compliance with ADOT's FHWA mandated Public Involvement Plan.

9.2 ADOT Office of Community Relations Public Involvement Support for LPA Projects

When the ADOT Office of Community Relations plans and manages public outreach for LPA projects, the following services will be provided with costs incurred by ADOT:

- Develop a communication plan in alignment with the ADOTPIP.
- Establish and maintain a project webpage on azdot.gov.
- Attend project meetings.
- Issue email alerts with updates or alerts to key stakeholders via GovDelivery.
- In cooperation with ADOT Government Relations, provide information and briefings to local elected officials and/or community groups, as needed or requested.
- Respond to questions or comments via the ADOT Bilingual Project Information Line, email, mail or online.
- In cooperation with the ADOT Office of Public Information, coordinate news and/or social media support when appropriate and feasible.
- Create and distribute project flyers as needed.

9.3 Additional Public Outreach on LPA Projects

Public outreach efforts that extend beyond the scope of what the ADOT Office of Community Relations can provide, and costs thereof, will be the responsibility of the LPA. This will also be documented in the IGA.

For more information about Local Public Agency Projects administered by ADOT, contact the ADOT Local Public Agency Section or review ADOT's Local Public Agency Projects Manual at <https://azdot.gov/sites/default/files/2019/06/lpa-manual.pdf>



Section 10

Public Involvement Plan Development and Implementation





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10. Public Involvement Plan Development and Implementation

This chapter focuses on the development and implementation of project-specific Public Involvement Plans. The purpose of a project PIP is to identify public involvement strategies, goals and tools to reach and engage the public affected by or interested in a proposed project. The PIP provides an outline of anticipated public outreach efforts for a project and shows ADOT's deliberate and conscious efforts to include the public in project decision making. A PIP is used as a roadmap to guide public involvement activities at each stage of a project.

10.1 Developing a Project-Specific Public Involvement Plan

Though not required for every project, any project that requires public involvement and outreach activities should have a project PIP. A PIP should be developed at or prior to the start of the current project phase. Depending on the type and size of a project, the PIP can range from a brief summary to a full, stand-alone report. The construction phase of a PIP is referred to as a Communications Plan since public outreach is focused on public information during construction.

Public involvement activities for a project should not occur prior to the development and approval of the PIP. For larger studies and projects, such as new freeways or major freeway reconstruction projects, teams should develop a PIP well in advance of the start of the project to allow adequate time to determine the approach.

PIPs should be developed or updated for each phase of project development (planning, environmental study, design and construction) and reflect previous public involvement efforts, stakeholders, issues and outcomes.

10.2 Preparation and Review of the Public Involvement Plan

The PIP should be prepared by the ADOT Community Relations PM or a Public Involvement consultant for the study or project, with input and review from the technical Project Manager, the Public Involvement Title VI liaison (or trained designee), the Civil Rights Office and EP staff (if an EA or EIS level action) to ensure federal requirements are met. If a PIP is developed by a consultant, ADOT Community Relations shall be consulted and review the draft PIP before any public involvement activities occur.

PUBLIC INVOLVEMENT PLAN DEVELOPMENT AND IMPLEMENTATION

Public involvement plans must ensure all audiences have equal access to the same information and that opportunities for input are equitable across community demographic groups. ADOT may also seek review and concurrence of the PIP with federal or local agencies, MPO(s) and other partners on a project.

ADOT is responsible for ensuring public involvement was conducted in accordance with federal and state requirements and in alignment with the agency PIP. Whether drafted by ADOT staff or a consultant, project specific PIPs should follow the agency PIP requirements and guidelines and drafters should ensure adequate review of the project PIP by appropriate parties.

10.3 Public Involvement Plan: Determining Level of Effort

The level of public involvement needed on a project depends on a number of factors including:

- Type, size, location and duration of the project.
- Complexity of the project.
- Significance of direct, indirect, cumulative and disproportionate impacts to the public.

PIPs for EIS and EA actions and large and impactful projects will need to be more comprehensive given the extent of public involvement involved. Other projects may be relatively short where only a basic level of public notification and outreach is needed.

A project PIP is not needed for smaller projects or studies that:

- Have no direct, substantive (long-term) social or environmental impacts to the public.

- Will not result in ongoing or significant traffic restrictions or closures of an ADOT facility.
- Affect a single stakeholder or a small group of stakeholders.
- Are not making decisions about alternatives, priorities or funding.
- Do not need to seek public input to meet federal requirements.
- Are otherwise not likely to be of interest to the public.

Many routine, short-term maintenance and repair activities, such as fog sealing work that occurs over a weekend, do not require a PIP. Another example is a bridge project in a remote area that is widened without needing lane restrictions or closures. While there still may need to be notification conducted to drivers or directly impacted properties, and an LEP analysis conducted to determine translation needs for any notices, a PIP is not required in these situations. If there are no impacts to the public from a project and the public is not likely to have any interest, no public outreach or notification is needed.

Consult the sections below, as well as **Appendix H** Minimum Public Involvement Requirements for Projects, to assist in determining the level of PIP effort needed for a project.

10.4 IAP2 Public Participation Spectrum

The International Association for Public Participation (IAP2), the recognized international leader in public participation, developed the Spectrum of Public Participation (**Figure 10 -1**) to help agencies clarify the desired role of the public in a planning and decision-making process. The Spectrum provides helpful clarity on the public's role on the project.

PUBLIC INVOLVEMENT PLAN DEVELOPMENT AND IMPLEMENTATION

The Spectrum identifies the five levels of public participation: Inform, Consult, Involve, Collaborate and Empower. Each level is an indicator of how much the agency will consider public input in the decision and how the agency will involve the public.

FIGURE 10-1. IAP2 PUBLIC PARTICIPATION SPECTRUM

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Source: International Association for Public Participation,

<https://www.iap2.org>

The IAP2 Spectrum should be used in the development of ADOT project -level PIPs to identify the public’s level of input.

The **Project Public Participation Assessment Worksheet (Appendix L)** will help gauge the minimum level of public participation for the project. This worksheet should be updated when a project moves through different phases of the project development process.

10.5 Determining the Appropriate Level of Public Involvement for a Project

The recommended level of public participation should be based on several factors including: federal requirements, the anticipated public interest, concern or controversy, expectations by local stakeholders, the significance of the project and decision and the authority of ADOT to make the decision versus other stakeholders involved. The public will become involved according to its perception of the importance of the issue to them.

10.6 Developing an Appropriate Scope of Work, Schedule and Budget

Public involvement activities should be tailored to the project and public/stakeholders affected. The ADOT Community PM or Public Involvement consultant will work in conjunction with the ADOT technical project manager to determine the appropriate scope of work schedule and budget for public involvement as part of the Project PIP development.

PUBLIC INVOLVEMENT PLAN DEVELOPMENT AND IMPLEMENTATION

The ADOT technical project manager should provide the anticipated project schedule for all major deliverables, such as preparation of draft environmental documents, design plan submittals, etc. The schedule will help determine the appropriate points where public input is needed and allow adequate time in the schedule to implement public outreach and share with the project team for consideration prior to moving forward.

The Project PM is responsible for ensuring there is adequate budget allocated for the project to implement required public involvement and outreach activities, such as newspaper ads, direct mailings, translation or other accommodations, public meeting or hearing implementation, comment/response log preparation and other items.

10.7 Project Public Involvement Plan Elements

ADOT's project -specific PIP template includes the following elements:

- Current phase of the project.
- Project overview, including purpose and need, scope and schedule.
- Key project milestones/decisions during the current phase.
- Community and stakeholder assessment,

including LEP analysis, Title VI/EJ/ADA demographics and identification of stakeholders.

- Community concerns (previously expressed or anticipated) and history relevant to the project.
- Public involvement goals and measures of success.
- Public involvement activities and tools to be used.
- Anticipated timeline/schedule of public involvement activities.
- Responsibilities matrix.

See **Appendix I** Project Public Involvement Plan Template.

Comment [87]: Note: The Appendix I language was cut off in PDF version.

10.8 Community and Stakeholder Assessment

By understanding the stakeholders and demographics of the community in the project area, public involvement efforts can be customized to more effectively engage affected and interested members of the public. Additionally, ensuring all interested members of the public are identified and provided an equal opportunity to have input helps ADOT comply with federal nondiscrimination regulations.

Elements of a Community and Stakeholder Assessment

- Required community demographics:
 - » Language spoken at home (LEP analysis)
 - » Race/ethnicity
 - » Median household income by block group
 - » Individuals with disabilities



PUBLIC INVOLVEMENT PLAN DEVELOPMENT AND IMPLEMENTATION

- Community demographics to help inform the public involvement strategy
 - » Age
 - » Sex
 - » Employment
 - » Home ownership and occupancy
 - » Vehicles available/use of transit
 - » Household availability of broadband internet
 - » Household availability of digital devices (computers, smartphones, etc.)

The Census website <https://data.census.gov> is an approved data source to obtain LEP and other demographic data to include in a community assessment. This site aggregates data from both the most recent census, as well as the American Community Survey.

- A list of project stakeholders.
- Community concerns (actual or anticipated).

If ADOT EP staff conducts a demographic assessment of the project area to identify affected EJ populations or other protected classes, this data should be shared with Community Relations staff to include in the Community Assessment.

Stakeholder interviews should be conducted prior to beginning a project to help understand community issues, needs and desires. Typically, these interviews are done with local government staff or elected officials representing the project area, but should also include other stakeholders representing community interests, such as engaged community organizations, HOA representatives, places of worship and schools to better reach the people traditionally underrepresented in the transportation decision-making process. These

ADOT

interviews will help determine potential community issues and determine how various stakeholder groups would like to be informed and engaged.

See **Appendix K** for sample stakeholder interview questions. See **Appendix J** for an example of a community and stakeholder assessment.

10.9 Public Involvement Goals

Public involvement goals indicate the desired outcome of the public involvement approach and help guide the public involvement activities to be conducted. There can be more than one goal for the public involvement and goals can vary according to phases of the project.

Public involvement goals may be included to reflect the unique nature of the project and stakeholders. These might include such things as:

- **Education and Awareness** : Educating the public about the project, purpose and need, alternatives and schedule.
- **Diversity, Equity and Inclusion** : Engaging stakeholders representing a full range of interests, values, and opinions.
- **Geographic Diversity** : Reaching and receiving input from individuals throughout the study/project area.
- **Participation Levels** : Meeting certain target goals for total level of participation in the project or particular outreach activities.

For example, a diversity goal may be to obtain participation in outreach activities from ~~middle-~~
minority, and low-income



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and EJ—populations in proportions equal to or greater than community demographics.

The goal for the level of public input should be identified for activities within the PIP. For example, if a public meeting is held, indicate whether the meeting is to simply inform the public, or to inform *and consult* the public on elements of the project. The levels of public involvement are listed below and discussed in more detail in **Section 10.4** IAP2 Spectrum of Public Participation.

- Inform.
- Consult.
- Involve.
- Collaborate.
- Empower.

10.10 Public Involvement Success Measures

The PIP identifies the measures that will be used to determine if the public involvement efforts were successful. The success measures should be tied to the public involvement goals and activities. For example, if a goal of the project is to provide diversity, equity and inclusion, consider including specific target goals for participation by traditionally underserved minority, indigenous, low-income and **ADA-disabled** populations. If a goal is to have a high overall level of participation in outreach activities, success measures might include certain targets for attendance at public meetings or participation in project surveys or commenting tools. See **Section 15 Measuring Success of Public Involvement Efforts**.

10.11 Public Involvement Activities and Tools

This section of the project PIP identifies all public involvement activities and tools to be

used at each phase of the project. Existing community communications channels through local government partners, school districts, tribes, social media groups, places of worship and community organizations should be identified as well.

See **Section 12** for a comprehensive list of public involvement tools.

10.12 Schedule of Public Involvement Activities

A target schedule of public involvement activities and deliverables, such as public meetings/hearing dates, development of project website and fact sheets; and comment periods, along with a schedule of major project milestones, such as release of draft environmental documents and plan submittals, should be included in this section. This master schedule is necessary to ensure that public involvement activities are aligned with and support the overall project schedule. The schedule should be updated according to project schedules change.

Use of a Gantt chart or timeline is highly encouraged so team members understand the relationship between public involvement activities and project milestones.

10.13 Public Involvement Responsibility Matrix

Various responsibilities for carrying out the activities in a PIP may be provided by ADOT Community Relations staff, a public involvement consultant, the project manager or project technical team. The public involvement responsibilities matrix should clarify team responsibilities for development and review of various public involvement deliverables, stakeholder notification and coordination, and other tasks.

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See **Appendix M** for a sample Project Responsibility Matrix.

Section 11

Project Stakeholders



11. Project Stakeholders

This chapter outlines how to identify populations affected by a project. Stakeholder identification is a critical first step in engaging the public.

11.1 Definition of a Stakeholder

A stakeholder is an individual or group, organization or political entity with an interest in, or that is affected by, an ADOT project, plan or program. A complete list of project stakeholders will include individuals, special interest groups, public agency staff members and public officials representing a broad and diverse range of perspectives.

- **Agency stakeholders** on a project represent various federal, state and local government entities, some of which have a role in review of project documents.
- **Interested stakeholders** may not be impacted by a project but could represent

people and groups who are impacted, such as local elected officials, HOA property managers or environmental organizations.

- **Affected stakeholders** are those who are directly or indirectly impacted by various aspects of a project such as noise, air quality, real estate acquisition, business displacement or disruption, modified access or parking.
- **Other stakeholders** provide important community services or facilities, such as schools, libraries, community centers, social services, transit, utilities, places of worship or faith-based organizations.

During the development of a community assessment, it is important to physically assess the community to see first-hand who may need to be included.

Examples of stakeholders are presented in **Table 11.1**.

TABLE 11.1 EXAMPLES OF COMMON PROJECT STAKEHOLDER GROUPS

Project Partners/Participating & Cooperating Local, State, Federal and Tribal Agencies/Entities	Affected Populations	Local Organizations
FHWA, FTA, FRA, BIA	Residents, property owners, businesses	Chambers of Commerce
Local and State Elected Officials, Tribal Governments	ADA-Disabled populations/individuals, seniors	Homeowner associations
Other State agencies (e.g., Game & Fish, State Land Dept.)	Minority, indigenous, LEP, low-income populations	Places of worship, community centers, hospitals
MPOs/ COGs	Parents, students	Schools, school districts

Comment [88]: FHWA comment: be careful when using participating and cooperating agency terminology as they have regulatory requirements
ADOT: Updated label

PROJECT STAKEHOLDERS

Project Partners/Participating & Cooperating Local, State, Federal and Tribal Agencies/Entities	Affected Populations	Local Organizations
County Dept. of Transportation, Air Quality Divisions	Roadway users, transit riders	Industry/civic/special interest organizations

Comment [88]: FHWA comment: be careful when using participating and cooperating agency terminology as they have regulatory requirements
 ADOT: Updated label

11.2 Key Stakeholders

Key stakeholders are those who have a higher stake in the project outcome or a higher level of project decision making or community and political influence. The project partners, cooperating and participating agencies are all considered key stakeholders. Other key stakeholders might be an HOA that represents a neighborhood that has expressed significant project concerns.

11.2.1 Project Partners and Agency Stakeholders

ADOT works closely with various local and tribal governments, as well as regional, state and federal agencies, to implement studies and projects. A project partner is a government or agency that provides funding for the project, has jurisdiction over land in the project area and/or is the designated MPO in the project area. For example, on a highway project, the project partners would typically be FHWA, the MPO and the local jurisdiction(s) in the project area. When tribal entities are involved as stakeholders on ADOT projects, the project team should follow ADOT's Tribal Consultation and Coordination process to ensure proper protocols are followed (see Section 4).

For project studies, ADOT involves both Cooperating and Participating Agencies in the study process; however, they have different roles and levels of responsibility and involvement. Those roles are described below.

11.2.2 Cooperating Agencies

~~Cooperating Agencies:~~ Cooperating agencies are defined as any federal agency with

jurisdiction by law or special expertise for any environmental issue that will be addressed in the EA or EIS [40 CFR 1508.5, see also 40 CFR 1501.6 and 23 CFR 771.111(d)]. Any federal agency that meets this definition must be invited to be a cooperating agency. Tribal governments will be ~~designated as invited to be~~ a cooperating agency if there is a right of way need on tribal land or if a tribe has voiced a substantial interest in the project. Any cooperating agency also meets the definition of a participating agency and needs to be formally invited to serve in both roles. (See [ADOT EA/EIS Guidance](#))

If a Cooperating Agency has been identified, EP will invite the agency(ies) through the formal NEPA scoping process that is initiated as part of the EA or EIS. As part of an implemented Coordination Plan or general project plan, Cooperating Agencies may be required to review and provide comments on various steps of the NEPA process, in addition to Administrative Drafts of an EA or EIS as part of their role as a Cooperating Agency.

11.2.3 Participating Agencies

Inclusion of Participating Agencies is intended to encourage interested agencies at all levels of government to become engaged in the project and its NEPA evaluation. Any agency that "may have an interest in the project" must be invited to become a participating agency in the project environmental review [23 USC 139(d)]. There is a high bar for designating federal participating agencies: any federal agency invited to be a participated agency is designated as a participating agency unless it declines in writing, stating that it:

PROJECT STAKEHOLDERS

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

Tribal governments will ~~be invited to be included as~~ a Participating Agency if the project crosses tribal land (without new right of way), if there are Section 106 historic and cultural resources or a significant tribal interest due to relevant tribal history in the project area. State and local agencies are designated as participating agencies only if they agree in writing to serve as a participating agency. (See [ADOT EA/EIS Guidance](#)) If a Participating Agency has been identified, EP will invite the agency(ies) through the formal NEPA scoping process that is initiated as part of the EA or EIS.

As part of an implemented Coordination Plan or general project plan, Participating ~~and Cooperating~~ Agencies will be informed of the status of the project through regular stakeholder meetings and invited to comment on various steps of the NEPA process and published EA or EIS documents.

11.3 Community Stakeholders

- **Residents, Property Owners and Businesses.** Residents, businesses, and other property owners near a project typically experience the most direct impacts from a project during and post-construction.
- **Community Facilities.** Community centers, schools, medical facilities, places of worship, special event facilities and others that depend on access routes to their facilities are examples of stakeholders with construction and post-construction access and mobility considerations.

- **Civic/Business Organizations.** Chambers of Commerce and other organizations representing business interests are important advocates and a good resource to share project information with members. Civic organizations, such as Lions Club or Rotary, include members who are engaged in their community and may have local influence.

- **Industry Organizations and Special Interest Groups.** Some projects or studies may have a broad enough impact on a particular industry to warrant outreach and engagement. Examples include associations representing the trucking, freight and electric vehicle industries. Special interest groups include those who have interests in environmental protection, community resources such as open space, recreation activities, ~~ADA populations and~~ disability advocacy issues and transit.

- **Roadway Users.** Users of the roadway should be included as a stakeholder since they will be directly impacted by construction, as well as benefit from the ultimate improvements. Remember that many roadway users may not live within the project area.

- **Emergency Responders/Public Safety.** Emergency service personnel, including the Department of Public Safety, police, fire and ambulance, are important stakeholders because they need to use ADOT facilities to respond to emergencies and have in-depth knowledge of existing roadway safety issues.

11.4 Stakeholder Databases

The Community Relations PM - or the designated Public Involvement consultant - shall develop and maintain a database of public and key stakeholder contacts for a study or project. Staff from ADOT Environmental Planning, Multimodal Planning Division and

PROJECT STAKEHOLDERS

Project Management Group should assist in this effort by providing existing contacts for agency stakeholders and project partners.

Community Relations staff should make a good faith effort to secure contact information for affected project stakeholders, including businesses, apartment complexes, places of worship, community facilities, HOAs and others in the project vicinity.

Effective methods to gather contacts include:

- Online research via Google Maps or other sources.
- Asking the local municipality to share contact lists for homeowner /neighborhood associations and other potential stakeholder contacts.
- Promoting individual sign-ups for the project database through links in social media, ads, mailings and other notices to businesses and residents in the project vicinity.
- Asking local municipalities, HOAs or community organizations to share information with their constituents on behalf of ADOT to encourage sign-ups.

Databases shall be kept either in Google Sheets, Excel or a stakeholder management database. Database records should ideally include detailed

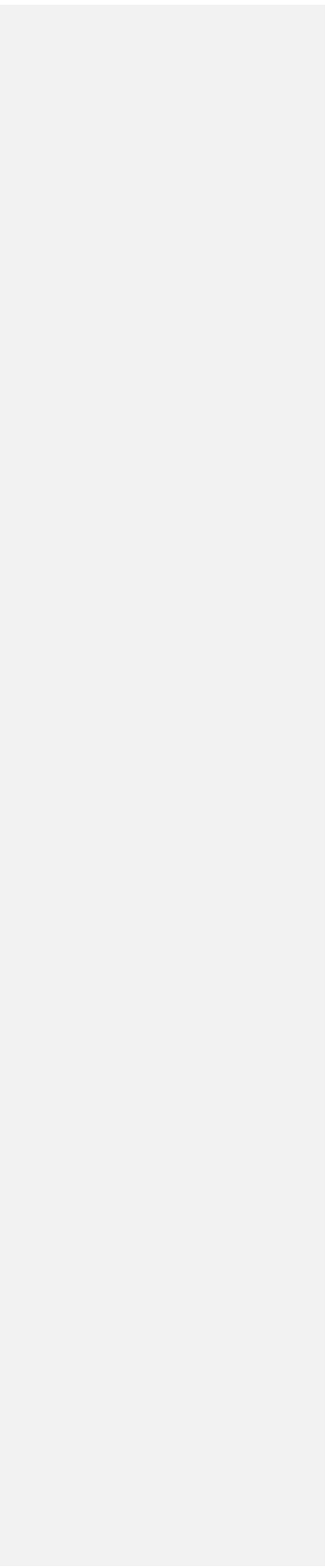


contact information (with emails particularly important to secure), organization/affiliation if applicable and stakeholder type. Project databases should also include a record of direct interactions between the individual/group and ADOT, such as emails, calls, correspondence and individual meetings, as well as the ADOT response or action taken.

Section 12

Public Involvement Tools





12. Public Involvement Tools

Public involvement effectiveness is based on many factors but is most successful when public involvement tools are customized for the project and stakeholders involved. Some tools are used solely to inform and notify the public, while others are used to seek input. When selecting a tool, it's important to match it to the audience and goal. In most cases, you will need to use multiple tools to effectively reach all audiences.

12.1 Public Information and Notification Tools

Public information tools are used to educate and notify the public and provide a one-way flow of information to the public.

Information Tools

- Fact sheets, newsletters, brochures and flyers.
- Frequently Asked Questions.
- Web pages.
- Display boards/exhibits.
- Photos, videos, graphics, simulations and animations.
- Presentations to community groups, councils etc.
- Staffing booths at community events.
- Information Repositories (for environmental or other documents).
- Blogs and feature stories.

- Information centers and field offices.
- Briefings for elected officials and project partners.
- Project tours.
- Public information meetings.

Notification Tools

- Email and text alerts.
- Advertisements.
- Direct mail postcards/letters.
- Bill stuffers through utilities or local governments.
- Construction flyers.
- Canvassing/business walks.
- Posters or outdoor signage.
- Social media.
- News releases.

12.1.1 News Releases and Media Relations

ADOT's Public Information Officers (PIOs) send news releases to the media about ADOT projects, studies and initiatives, and respond to media inquiries. If a news release is needed to advertise a public meeting or hearing, public survey, formal comment period or project decision, the Community Relations PM should provide information to the Public Information Officer well in advance to allow time to develop

Comment [89]: FHWA comment: this comment applies to all areas throughout the document - there needs to be established/defined rules/guidance on when/where/how to include the NEPA Assignment 326 and 327 MOU language in PI materials/tools/etc.
ADOT response: We have moved the NEPA Assignment Disclosure Notice to Section 6.11 and indicated where the disclosure must be used. Updated any reference to the disclosure language to reference Section 6.11

and distribute the release to meet media deadlines. Project team members shall not send news releases or speak to media members directly without permission from ADOT PIO staff. If approached by the media, project team members should refer media members to ADOT PIO staff. However, project teams should keep in mind that public meetings are open to the public and thus members of the media, and they may be videotaped, photographed or quoted without knowledge or permission.

12.1.2 Social Media Usage

The ADOT Digital Communications team posts to ADOT's social media platforms and monitors social media activity. Current ADOT social media platforms include Facebook, Twitter, Instagram, Nextdoor, LinkedIn, Flickr and YouTube. Social media is an effective way to reach mass audiences and some social media platforms can be geo-targeted in some cases to only be seen by audiences in an affected project/study area or with certain demographic characteristics. Social media is inherently visual. Shorter posts with less content - linked to more information on the project web page or a link to a survey or comment form - are best.

Social media comments are not allowed to be used as part of the formal comments for studies and projects according to NEPA regulations; because of this social media posts should indicate how to provide comments on the project and/or direct people to a web page or comment tool link. However, they can be helpful in understanding public sentiment about a project and particular issues that may arise.

Project teams using social media as a communications tool should provide short social media content posts to ADOT's Digital Communications team with a desired posting schedule and accompanying photos or graphics. ADOT Community Relations and Major Projects staff has access to post to Nextdoor. Project

teams should not set up individual social media accounts for projects without prior authorization from ADOT's Digital Communications Manager. The Community Relations PM should submit posts to the ADOT Digital Communications team on behalf of the project team along with the desired posting schedule.

12.2 Public Input Tools

Public input tools provide a two way flow of information between ADOT and the public.

These include the following types of activities,

- Community advisory/focus groups.
- Individual and group meetings with stakeholders (e.g., HOAs).
- Project hotlines and emails.
- Public hearings.
- Public meetings.
- Stakeholder interviews.
- Stakeholder workshops and charrettes.
- Surveys and commenting tools.
- Virtual online open houses.

Additional guidance about use of these tools is provided in the sections below.

12.3 Virtual Public Involvement (VPI) Tools

Virtual Public Involvement or VPI is the use of digital technology to engage the public or to visualize projects and plans. Virtual Public Involvement is frequently associated with online public meetings, which have gained in popularity since 2020 to allow for continued

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Comment [90]: Reordered alphabetically

project engagement during the COVID -19 pandemic. In addition to online meeting platforms, there are a myriad of digital engagement tools available for different purposes and cost.

Examples of VPI tools include :

- Virtual live online public meetings.
- Telephone Town Hall meetings.
- Self-guided online open house meetings hosted via a website.
- Online surveys, real-time polling and online mapping tools.
- Crowdsourcing tools.
- Visualizations, animations and virtual reality.
- Videos.
- Mobile applications.
- Project websites.
- Project blogs.
- Social media.
- Email blasts.
- E-newsletters.
- SMS text notifications.
- Virtual rooms or virtual office hours.
- QR codes to direct to web pages or surveys.

See **Appendix X Virtual Public Involvement Tool Assessment** to assist in determining whether a VPI tool is appropriate for the intended project/study application, and various considerations of each tool.

If virtual methods are used for a project there must still be a way for those without digital access to get information and provide input. For example, if an online comment form or survey is used for a project, there must be a way for the public to receive a printed version and/or provide comments through non-

digital methods, such as by mail or phone. See Section 12.4 for more information on non-virtual PI tools.

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12.2-12.3.1 Survey Tools

Surveys can be extremely effective tools to assist in the planning process. They provide an efficient method to receive input from large audiences, can be customized according to the type of stakeholder or input needed, implemented relatively inexpensively depending on the tool, administered online or in-person, provide useful reporting of input and can cross-tabulate data to report on input by a variety of factors, such as stakeholder type or location.

Surveys can be administered online, at public meetings and events or via in-person field intercepts with the public (e.g., grocery stores, community centers, transit stations, etc.).

Surveys can include interactive features such as geocoding comments on a map to identify problem locations or the location of desired improvements, visual preference selection to identify public preferences among various alternative concepts, forced trade-offs to distribute funding to specific projects or transportation priorities, a rating or ranking of priorities for improvements, and more. Some survey tools facilitate crowdsourcing ideas at public meetings or stakeholder workshops, with the ability for attendees to respond and see the collective results live.

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There are numerous surveying tools on the market with a range of features and pricing. Some tools are extremely complex and require project teams to work with the survey developer to provide GIS maps and provide guidance on survey methodology to achieve the survey goals.

Teams should carefully consider what specific input is needed and the best survey tool and methodology to achieve that input within the project budget.

Google Forms should be used for basic surveys, when possible, since all ADOT staff has access to it, and it allows for users to automatically translate the survey into other languages. ADOT's Communications and Public Involvement Division also currently maintains a SurveyMonkey account, which can be considered for surveys requiring additional functionality. Teams interested in using SurveyMonkey should contact the Communications and Public Involvement division as early as possible to assist in developing and implementing a survey.

12.4 In-Person and Other Non-Virtual Public Involvement Tools

While virtual public involvement methods can be an efficient way to reach the public, not all members of the public have access to the internet or digital devices – or a comfort level using them. Additionally, there are times when it is more appropriate and effective to meet face-to-face with people, either one-on-one or in group settings.

Examples of non-digital PI methods include:

- Printed posters, comment forms, surveys or flyers distributed in community locations, such as libraries and community centers.
- Mailed notices to those in a project area.
- Phone calls to key stakeholders or affected community members.
- Printed advertisements in local papers.
- Signs posted in high-traffic locations.

Examples of in-person public involvement strategies

- Holding an in-person public meeting.
- Holding a regular, informal in-person meeting to provide project updates (e.g., a Coffee with the Contractor).
- Conducting business walks to canvass project information flyers to affected businesses.
- Conducting in-person surveys or staffing an information/outreach booth at a high-traffic community location, such as a grocery store, library, community center or special event.
- Attending in-person meetings of HOAs, worship services, civic/community/business organizations, city council/county supervisor meetings or other community meetings to give presentations and updates.
- For longer-term studies or high-profile impactful projects, consider creating stakeholder advisory committees that meet regularly. These should only be used with the concurrence of the ADOT Communications and Public Involvement Director and/or ADOT management, with specific guidance to establish the group charter, purpose and level of input.

12.2-212.5 Stakeholder Workshops and Advisory Groups

When more extensive input is needed to define and discuss a problem, understand technical constraints or considerations, generate ideas and opportunities and assist in prioritizing recommendations, it can be useful to hold a stakeholder workshop or form a stakeholder advisory group. These are particularly useful when local or specialized knowledge and technical expertise is needed from various

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stakeholders to fully understand the problem and develop potential solutions. Stakeholder groups and workshops should have a specified purpose and timeframe - some can be a single meeting while others are needed throughout a project phase.

The types of stakeholders that should be considered for inclusion include local jurisdictions, MPO/COGs, tribal, various state cooperating agencies (e.g., State Land Department, Game and Fish, State Parks, etc.), federal partners (e.g., FHWA, BIA, the Forest Service, etc.), utility providers, Chamber/business representatives, local jurisdiction staff and other interested parties. Any stakeholder advisory groups that propose to include directly impacted businesses, residents and HOAs should be used with caution and a well-defined charter and purpose on the level of involvement and decision making, to avoid misunderstandings on how ADOT project teams will use their input.

Stakeholder workshops can be in person or virtual, each of which has benefits and drawbacks. Consider virtual meetings if the stakeholder group is spread out geographically or participants will have difficulty meeting in person. In person meetings can often foster better dialogue and interaction among the group members and should be used when practical, particularly with tribes.

12.3.12.6 Public Meetings

Public meetings bring a diverse group of stakeholders together for a specific purpose. Public meetings can be held in many formats, including in person, virtual or hybrid. The overall goal of any public meeting is to share information about the project or study, ensure public understanding of the project scope, purpose and need and facilitate input and productive dialogue to understand the public's

desires and concerns for consideration in project decision making. A public meeting is defined as any meeting ADOT holds with a non-ADOT member of the public - excluding project/construction team meetings - and is subject to Title VI and ADA notification and accommodation requirements.

12.3.12.6.1 When Should a Public Meeting Be Held?

Public meetings should be held when a study/project team has the need to convey comprehensive information to the collective stakeholders on a project and seek input/comments. Project teams should determine what input is needed at the various phases of the project to determine the timing for any public meetings. Typically, public meetings might be held during any of the following phases:

- During the public scoping process.
- During refinement of alternatives.
- During the design phase at the 60% plan submittal.
- Prior to construction.

Before scheduling a public meeting, it is



Comment [91]: FHWA comment suggestion - put all of the info about the various tools/methods/etc. in one place in the PIP and then when you reference it point to that one location where all the detail is located. My concern is that people will look for a term and only read that one section which may not contain all of the necessary info. Using public meetings as an example, there is discussion of them throughout the doc

ADOT comment: We have consolidated information on the tools wherever we were able. Other sections of the document reference when public meetings or hearings are recommended or required, and the federal requirements associated with notification and comments. This section provides more details on various tools and when to use them

important to define objectives and determine the specific purpose of conducting the meeting. A public meeting workback schedule and Public Meeting Checklist (**Appendix Q**) should be used to keep project teams on track to prepare for all aspects of the meeting.

~~12.3.2~~ **12.6.2** Determining the Meeting Format

After determining that a public meeting will be held, it is important to consider the format, location, meeting date/time and audience, including whether translation services are needed.

The first decision to be made is whether the public meeting will be held virtually, in-person, as a hybrid in-person/virtual format, a Telephone Town Hall or a self-guided online open house meeting via the website. Each has benefits and considerations for teams to keep in mind. It is important that the selected meeting format allows for the public to provide comments and staff to adequately document comments received for reporting purposes.

For both virtual and in-person meetings, ADOT's most common meeting format is to have a formal presentation, followed by a question and answer session. Presentations may be made live or pre-recorded. This format works well in ensuring all participants have a base level of information about the project that doesn't rely on individual participants to proactively seek out the information in an open house format or via project materials online. This helps increase informed public input.

~~12.3.3~~ **12.6.3** Virtual Public Meetings

Virtual public meetings have been proven to generate significantly greater attendance than in-person meetings for ADOT projects and studies and are now considered ADOT's standard public meeting format to support

projects/studies, rather than a traditional in-person public meeting.

A virtual public meeting should be held, unless one or more of the following conditions exists to necessitate an in-person public meeting:

- ~~Federal requirements establish otherwise.~~
- ~~[There] is a federal requirement to hold an in-person public hearing. Currently, federal guidance is that only in-person public hearings may be held to support an EIS.~~
- There is a lack of reliable internet or cellular data service among much of the interested population ~~in much of the populated study area~~ and a call-in option is not deemed an acceptable alternative.
- There is a significant percentage of the population that does not have access to a computer or smartphone, *and* a call -in only option is not deemed an acceptable alternative.
- The local government, tribe, MPO or funding partner requests an in-person meeting.
- The information presented at the meeting requires or is more conducive to individual interactions with residents, such as showing specific property or right of way impacts.
- There is a significant portion of the population likely to be less comfortable with, or capable of, using virtual platforms (e.g., retirement communities).

An in-person meeting can still be held to supplement a virtual meeting - and vice versa - for larger projects and studies.

Virtual, live public meetings are held via meeting platforms such as WebEx Events. ADOT currently maintains a WebEx account for use on projects. Project team consultants may use another virtual meeting platform, such as Zoom, with prior approval from ADOT and with training

Comment [93]: FHWA comment is this a may or a shall? ADOT: Added shall and moved this language to Section 12.8.4 on public hearings

Comment [94]: FHWA comment: interested population, not just study area

Comment [92]: this is another example of a section that could be able to point to the VPI chapter instead of having all this discussion here. ADOT response: Placing tools in this section, so we moved the VPI tools here.

provided to project team presenters and panelists. The platform must include admin user controls so participants enter the meeting muted and without video and can be manually muted and unmuted or removed from a meeting. When hosting a live online meeting, a call-in option must be provided for those without access to a computer or smartphone. When an LEP requirement is identified for a project, there must be a way to accommodate verbal translation, either through a separate call in number, language channel, and/or closed captioning provided through a certified translator (not automatic captioning services as these are typically not very accurate), or by holding a separate public meeting in that language.

Virtual meetings requirements:

- Provide a call-in number for the virtual meeting for those without internet access and/or computer or smartphone.
- Record the meeting video and audio and post it to the project/study website for those unable to attend.
- Provide clear instructions on how to comment by phone or via written Q&A/chat features, provided in writing and verbally for those on the phone.
- Provide information on how to troubleshoot user technical issues.
- Provide slides with the ADOT Nondiscrimination Notice to the Public and ADA Auxiliary Aids Notice and read accompanying scripts aloud.
- Provide a slide with the self-identification survey on slides, read verbally and link in the chat, to encourage participation.
- Turn on closed captioning or provide instructions on how to turn on closed

captioning for individuals who are hearing impaired.

- Provide clear instructions on how to access any alternate format available (interpreter channel, downloadable slides and script, etc.).
- Provide guidelines for public comments, including the time limit for verbal comments or other limitations on comments from one individual (which should be enforced equally), how long the meeting will extend to attempt to accommodate comments (if applicable), how unanswered comments and questions will be addressed following the meeting and how the public can comment through other methods.
- The meeting should continue through the advertised meeting time, even if all questions have been responded to and there are no longer any participants. This allows anyone who may join the meeting late to still receive information or get questions answered within the advertised meeting time.

Best practices for virtual public meetings

- Plan adequate time for preparation and rehearsal before the meeting. Virtual meetings require familiarity of the platform by presenters and panelists and will require a minimum of one full rehearsal by the project team - ideally at least two rehearsals - to practice and work through technical issues. These rehearsals ensure everyone knows their role and responsibilities during the meeting, allows teams to check presentation length, ensures animations or videos run smoothly and allows for practice of the Q&A.
- Assign a “technology lead” to be your team’s expert on operating your virtual meeting tool and troubleshooting issues. Prepare for issues that may arise.
- Remember that a portion of the audience is only on the phone. Ensure that if slides are

presented, they are read or described for those on the phone.

- If the meeting will be simultaneously translated into another language, post the meeting recording in that language on the ADOT website. It is also recommended that the English script be translated into the LEP language if possible to assist with accurate interpretation.
- Have panelists turn on their cameras while speaking or when serving as a panelist and turn off their cameras at all other times. Seeing speakers not only provides a more personalized and connected user experience but also allows for effective communication for individuals with disabilities who may rely on reading lips and facial cues.
- Presenters and panelists should ideally use a virtual ADOT background template to provide consistency and eliminate potential background distractions.
- Be prepared to facilitate ADA requests following the meeting, if needed.
- Project teams should consider having all presenters and panelists together in one room but individually accessing the meeting via separate computers, to facilitate coordination during the Q&A session, address technical issues and eliminate potential background noise.

Virtual online meetings can provide supplemental project exhibits, materials, simulations and commenting opportunities on the website. When virtual meetings are held the project team must provide opportunities for the public to receive/request the information in written form.

~~12.3.4~~ 12.6.4 In-Person Meetings

If a public meeting is held in-person it can be held either with a formal presentation and Q&A with an open house immediately before and

after to allow participants to view exhibits and plans and ask questions of project team members, or it can be held completely in an open house format without a live presentation.

A formal presentation with an open house is best for ensuring that all attendees have the same information on a project. In an open house meeting format, information can be presented through a looping presentation or video, display boards, project plan roll-plots and stations staffed by project team staff to engage attendees and answer questions. This format is best when a meeting needs to be held in-person and is either highly controversial or has impacts to multiple property owners in the project area and it's best for staff to have ample time to review impacts one-on-one with those owners. However, when using this format team members need to actively engage all participants to provide needed information to ensure that important project details aren't overlooked.

In-person meetings should include:

- Adequate space for the highest anticipated number of attendees, including space to sit and view a presentation and for meeting sign-in and display tables and exhibits.
- Enough seating and tables for use.
- A microphone and audio system for adequate projection, which should be tested well prior to the meeting start time.
- A screen and projection device, or TV monitors, large enough for audience members to see. Backup devices should be secured.
- A sign-in table with a language identification card (or "I Speak" card) and a printed sign-in sheet for attendees to keep an accurate record of who attended the meeting. The sign-in sheet is voluntary for participants and includes information such as name, title,

company, address, zip code, phone number and email. See **Appendix U** for a template.

- A table with Civil Rights information, including ADOT's Nondiscrimination Notice to the Public poster, nondiscrimination brochures and the self-identification survey.
- Language interpreters if required and other accommodations, such as sign language interpreters, if requested or identified as a need.
- Use of comment forms and question cards for attendees to submit to staff for the Q&A portion.
- A meeting moderator/facilitator who will be responsible for moderating public comments and keeping the meeting agenda moving on schedule.
- Adequate signage from the parking area and sidewalk to the meeting room.
- Accessibility of the venue for ~~ADA~~ populations individuals with disabilities.
- A security and safety plan for the project team and attendees and how situations will be addressed. This includes a health safety protocol if public health measures on social distances are in place in the community. Hiring security personnel is recommended for meetings that are expected to draw large crowds or have significant public controversy.

It is useful to hand out question/comment cards (**Appendix V**) for people to write down questions, and for the moderator to read them aloud for the team's response. Comment forms may also be turned in at the end of the meeting for those who only want to provide written comments. To capture all input, teams should assign note-takers at stations/displays to document input from the public through interactions with project team members.

~~12.3.5~~ 12.6.5 Hybrid Public Meetings

Another public meeting option is a hybrid approach using a combination of both in-person and virtual options to participate. A hybrid approach could be a combination of any of the meeting formats described above.

ADOT is still exploring the use of hybrid public meetings as a method to combine a virtual and in-person meeting. Hybrid meetings require significant pre-planning and logistics and need to be well thought through from a staffing, venue and technology perspective to ensure a seamless experience for attendees. Hybrid meetings should be considered when:

- A study/project budget or timeline does not allow for separate virtual and in-person meetings.
- The study team is not sure whether an in-person or virtual meeting will be more effective for a particular community.
- The study area is very large and the team needs to provide multiple convenient ways to participate in a meeting, but separate meetings are not likely to individually generate enough attendees to warrant a separate meeting.

If conducting a hybrid meeting with simultaneous in-person and virtual components, the following items need to be considered:

- Project teams need to determine workarounds that will accommodate the audio and video for both in-person and virtual user experiences. ~~How~~ This includes how attendees in both an in-person audience and virtual audience will hear the presentation, see the speakers, ask questions/make comments and hear responses to questions. Accommodating the audio and video for both the in-person and online audiences needs to be thought through so that there is adequate projection for audience members

at the in-person meeting, while avoiding microphone feedback for those online. The video used for the online attendees should allow virtual audiences to see individual speakers well.

- How LEP language interpretation will be accommodated simultaneously in-person and online when required. How the meeting room(s) will be arranged to accommodate an open house portion before and after the presentation. It is best to have one larger room for the open house portion to avoid doubling the number of roll plot plans, boards and exhibits and have the designated interpreter(s) identified for any LEP persons.

ADOT will be testing the use of hybrid public meetings to help determine and refine best practices moving forward.

12.3.6 12.6.6 Telephone Town Hall Meetings

Another meeting format is Telephone Town Halls, which are virtual town-hall style meetings, which can be conducted via the phone or online. Targeted participants are called with a recorded message inviting them to attend the meeting. Once they have joined, they can listen to a presentation, ask their questions live and participate in polls. Telephone Town Halls are a good option if there is a concern about internet accessibility as community members need only an active phone line to access the meeting. They can also offer the ability for users to select a different language option to listen to the meeting. Note that virtual meeting options also provide the opportunity for a call-in option, so a Telephone Town Hall is not needed simply to provide telephone access to a meeting; however, they may provide more features.

12.3.7 12.6.7 Virtual Online Open House Meeting

Another virtual format is a virtual meeting room which allows attendees to visit the “meeting” on their own schedule. Virtual meeting rooms can include videos, presentations, displays, maps and roll plots, fact sheets and comment spaces or forms. The meeting platform can be very elaborate and interactive and emulate a user experience in an in-person meeting, with virtual sign-in tables and stations for various activities or can be a more basic interface that looks like a traditional web page with content areas to explore.

12.3.8 12.6.8 Venue Considerations

Public meeting locations should be within or near the project area. Ideal locations include schools, government facilities, community centers, libraries and other neutral locations. It is important that the facility complies with the ADA accessibility requirements and is accessible to low-income and minority communities. Community contacts obtained through the community assessment or stakeholder interviews can often provide helpful suggestions for meeting locations.

Before confirming a meeting location, schedule an appointment to visit the facility to ensure the space allows the meeting goals to be met. Take pictures of the room and measurements, if needed, check the audio/visual equipment, locate electrical outlets, and assess seating and table options. Consider the following items when selecting the meeting location:

- Is it within or in close proximity to the project area?
- Is the facility ADA compliant and can it be accessed using public transit?
- Is there sufficient free public parking and is parking secure?

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- If an A/V system is needed, does the facility provide such equipment and does the facility provide technical assistance?
- Are other events scheduled at the venue or in an adjacent venue using the same parking on the same date and time? If so, would they conflict with or disrupt your event?
- Election days, Presidential debates, national conventions or presidential State of the Union addresses.
- Other televised events likely to draw a large audience.
- Graduation events for local high schools or colleges.

The meeting room layout should be arranged to accommodate the number of people expected and the elements according to the purpose of the meeting. Ideally, a layout of the room will be drafted before the meeting is set up. If a combined meeting is selected, it is important to ensure the above considerations are made.

~~12.3.9~~ 12.6.9 Meeting Time and Date

Knowledge about the community is critical to determining the right date and time to host a meeting. For example, if the project study area includes a large population of retirees, it may be beneficial to hold the meetings during the daytime. Similarly, if the community or audience includes individuals with regular working hours, holding meetings at night or on weekends may be preferred. Most ADOT public meetings are held in the early evening to provide convenience for the most people unless the community demographics support another meeting time.

When selecting the meeting date, it is important to consider potential conflicts, such as:

- Local government, COG/MPO, school district or other large community meetings.
- Local large special events.
- Holidays, including religious holidays and school breaks.
- Large, televised sporting events, especially for local teams or playoff games.

~~12.3.10~~ 12.6.10 Public Meeting Notification

Public meetings may be notified in several ways depending on what will be most effective for the audience.

The following ADOT guidelines are provided for notification of public information meeting:

- At least 14 days prior, ideally longer, post the meeting information to the project web page. This should include information about how to access a virtual meeting online or by phone.
- At least 14 days prior, ideally longer, issue a GovDelivery alert to the project stakeholder email list.
- At least 14 days prior, ideally longer, provide notification to the local jurisdiction(s).
- At least seven days prior, issue a news release to local media.
- Notice in identified LEP languages when required.
- A notice via social media within two days prior to the meeting, ideally longer.

One or more of the following additional notification methods are also recommended, in particular for larger projects with more impacts:

- A postcard or other meeting notice mailed to properties within the project area (as a standard within one mile for urban freeway, interchange and intersection projects and

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within two miles for rural highways, interchanges and intersections). If a project mailing is sent, it should arrive in mailboxes a minimum of seven days prior, but ideally 14 days prior, to the meeting.

- Publishing an advertisement in a newspaper with the highest local circulation in the project area, as well as in a Spanish language or other foreign language publication if the LEP Safe Harbor Threshold is met.
- Hand-canvassing a meeting notice flyer to businesses or other affected parties.
- Asking project partners, HOAs, business organizations and others to circulate meeting information via their communications channels.
- Posters in high-traffic locations such as community centers and apartment complexes.

12.3.4 12.6.11 Public Meeting Advertisements and Notices

Any meeting notices via postcard, ads or flyers should include the following:

- Date (month, day and year), start and stop time of event.
- Presentation time.
- If in-person, the name of the venue, complete address of location, including ZIP code and a map of meeting venue and immediate area with north directional arrow.
- If a virtual meeting, indicate the meeting platform (e.g., WebEx, Zoom), how to access meeting online and by phone and registration information if applicable.
- Project map when feasible.
- Brief scope and purpose and need for the project.

- Format of the meeting (presentation, open house, combination format, etc.).
- ADOT Standard Nondiscrimination & Accommodation Language (**Appendix A and B**).
- Project website and information phone line, email and mailing address.
- Whether comments are being solicited, how to provide comments.
- The dates of the public comment period, if applicable.
- ADOT project name, project number and federal ID number.
- If the notice is an advertisement, mailer or GovDelivery alert for an EA or EIS-level project in the study phase, include the ADOT NEPA Assignment Disclosure language ~~shown below~~ (**See Section 6.1.2**).

See **Appendix S** for a public meeting notice example.

12.3.4 12.6.12 Translation and Interpretation for Public Meetings

In accordance with Title VI, the ADA, and ADOT's Language Access Plan, ADOT's Notice of Availability of Reasonable Accommodations (**Appendix A**) notifies the public of their right to reasonable accommodations. This language must be included in English and Spanish on notices used to invite the public to participate in public meetings or other engagement opportunities. As noted in **Section 3.3.2**, ADOT generally provides translation and interpretation services at public meetings based on the LEP Four-Factor Analysis, in consultation with the **CRO**. For virtual public meetings, LEP interpretation should be provided through simultaneous oral interpretation of the presentation and Q&A, either through a separate language channel or through a separate call -in number. Information on how to access the

Comment [95]: FHWA comment NEPA assignment language is on page 77. Where is the best place to put this and reference throughout document?

FHWA comment: below where? should put the set language for 326 and 327 in one location in the PIP and then point to it every time it needs to be included This is not just a recommendation

ADOT Response: Put the NEPA Assignment Language in Section 6.11, along with where it needs to be used. Referenced that section in this section when mentioning the language.

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Comment [96]: FHWA comment

how are translation/interpretation services provided for virtual public meetings?

interpretation at the meeting (e.g. through a separate call -in number or meeting code) should be provided in meeting notices and at the beginning of the meeting in the LEP language.

~~12.3.13~~ 12.6.13 Civil Rights Information and Notice/Self-Identification Survey

At each public meeting, ADOT's Nondiscrimination Notice (**Appendix B**) and ADA Auxiliary Aids Notice (**Appendix C**) must be displayed via posters at an in-person meeting or in the meeting presentation slides if a virtual meeting, with accompanying scripts read aloud to participants.

Additionally, voluntary Self-Identification Survey cards (**Appendix D**) need to be available for participants at an in-person meeting and electronically via an online survey link at a virtual public meeting.

~~12.3.14~~ 12.6.14 Public Meeting Presentation and Materials

Public meetings typically include a presentation, which should include a project background/overview, schedule, purpose and need, status update, review of alternatives or design or construction plans, timeline and how to provide comments and contact the project team. Other materials to help convey project information include exhibits, videos and other visual aids such as maps or roll plots.

A checklist of public meetings materials can be found in **Appendix Q**.

~~12.3.15~~ 12.6.15 Public Meeting Documentation

When public meetings occur, it is critical to document details of the meeting in a project meeting summary to provide a comprehensive record of the meeting and input received for use by the project team and partners. This summary

should be completed in a timely manner following the meeting. The summary should include key details such as meeting date, time, location and format; attendees (if virtual broken down by those participating online, those on the phone and if applicable those participating in another language), information and materials provided, and comments received. See **Appendix W** for a template.

A ~~Title VI~~ **Civil Rights** Meeting Summary also needs to be completed by the Community Relations PM or Public Involvement consultant within two weeks after the meeting and provided to the CRO and Community Relations Title VI Liaison (currently the Assistant Communications Director for Community Relations). See **Appendix E** for the meeting summary template.

~~12.3.16~~ 12.6.16 Post-Meeting Public Outreach

Following the meeting, it is beneficial to send an email thanking people for attending the meeting, provide a link to the meeting presentation and materials online, and remind them of how and when they can comment if they didn't have an opportunity to do so at the meeting. Teams can consider including a brief summary of what was heard at the meeting and responses provided; it is helpful to prepare Q&A documents for this purpose.

~~12.4~~ 12.7 Piggybacking Onto Other Meetings

Rather than holding a separate ADOT project meeting, teams could consider piggybacking onto other community meetings as an alternative to holding a separate meeting, if there is a concern people are not likely to attend a separate ADOT in-person or virtual meeting. Examples include HOA meetings, school events such as board meetings and Council meetings. Piggybacking, or combining with another

meeting, can increase public feedback, reach broader audiences, and help engage traditionally underserved population groups who might not otherwise participate.

12.512.8 Public Hearings

Public hearings are held to comply with NEPA regulatory requirements for EIS and EA -level actions (when required) and occur at pivotal points in the decision-making process. See **Section 6** for information on when a public hearing should be held and additional requirements for a public hearing and EIS process.

The primary difference between a public meeting and a public hearing is the level of formality and that public hearings are required. Public hearings also have specific methods and timeframes associated with notification to the public and providing comments. Hearings include the opportunity for the public to make oral comments to an ADOT hearing panel and require an official transcript of comments, which becomes a formal part of the public record.

A public hearing checklist can be found in **Appendix R**.

12.512.8.1 Public Hearing Advertisements

ADOT notifications for public hearings are similar to public meeting notification, with some key differences that public hearing advertisements are required and have specific timeframes and information.

ADOT will provide notification of a public hearing by placing a display advertisement at least 15 business days, but no more than 30 business days, before the hearing in the newspaper of general circulation within the study area, as well as in the Spanish publication of general circulation.



Advertisements/notices for the public hearing, availability of the draft or final EIS and public comment period shall include:

- Project description and location (use location map).
- A statement of the project purpose and need.
- Purpose of the public hearing.
- Explanation of the format for the public hearing.
- Date, time and location of the public hearing.
- Map of public hearing venue and immediate surrounding area with north directional arrow.
- The recommended action (alternative).
- List of locations and other sources (such as websites) where the environmental documents and other materials are available for public review.
- Comment deadline and how to make comments.

- Project information phone line.
- Project email address.
- Project mailing address.
- Project website address.
- ADOT project number and federal ID number, if applicable.
- The Notice of Availability of Reasonable Accommodations (in English and Spanish).
- The ADOT NEPA Assignment Disclosure language ~~shown below~~: **(See Section 6.12)**.

See **Appendix T** for a public hearing advertisement example.

12.8.2 Other Public Hearing Notification

The following additional notices should be used to provide notice of public hearings and the availability of the draft EIS for public review and comment.

- » News release
- » Email notice to the study contact list of potentially interested and affected parties, including key stakeholders, those who requested to be notified and those who have subscribed to a relevant GovDelivery topic.
- » Direct mailing to owners and occupants of affected property.
- » Notice to State, Tribal, and local governments that may be interested or

affected by the proposed action.

» Notice to potentially interested community organizations.

» Posting of notice on and off site in the area where the action is to be located (e.g. poster or sign).

» Social media.

» Website.

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~~12.5.2~~ 12.8.3 Venue Considerations

Similar to public meeting locations, public hearing locations should be held at convenient locations within or near the project area. Ideal locations include schools, government facilities, community centers, libraries and other “neutral” sites. It is important that the facility is accessible to individuals with disabilities and low-income and minority populations, including by public transit if available in the community.

For public hearings, the meeting space should be large enough to accommodate a separate area for the hearing panel and court reporter. The meeting space should also accommodate a presentation area, meeting exhibits, sign-in table and a copy of the environmental documents.

~~12.5.3~~ 12.8.4 Virtual, Hybrid and In-Person Public Hearing Considerations

This section provides guidance for when virtual or in-person public hearings can or should be

Move to Section 6.1

PUBLIC INVOLVEMENT TOOLS

held.

~~During the COVID-19 pandemic, FHWA is temporarily allowing project sponsors to hold virtual public hearings for Tier 2 EIS and EA studies to satisfy the requirements during the project development process while a state, local or tribal government has temporary restrictions on public gatherings. This temporary~~

ADOT's Virtual Public Involvement (VPI) policy includes public meetings and hearings conducted as part of project development to comply with the 23 USC § 139 environmental review process, the National Environmental Policy Act and the National Historic Preservation Act, as well as public hearings conducted to comply with 23 USC § 128. The virtual option flexibility is further defined through CEQ 1506.6

(c). This guidance does not affect any state, local or tribal requirements that apply to recipients or sub-recipients. This guidance will remain in effect while the Virtual hearing guidance can also be influenced by the Department of Health and Human Services (HHS) or other federal agency determination and direction. that a public health emergency related to COVID-19 is in effect, unless sooner updated by the Federal Highway Administration, the Federal Transit Administration, and the Federal Railroad Administration prior to the end of the HHS determination.

Consistent with applicable state, local and tribal requirements, continued in-person meetings and hearings should be allowed in cases where a suitable physical location is available and the state has determined that such meetings can be safely conducted.

If virtual hearings are held ADOT should plan and conduct VPI in a manner that provides the same opportunity for public involvement as otherwise occurs in traditional in-person settings. For example, public hearings should

~~include a presentation by the agency on the proposed highway project and allow participants an opportunity to publicly express their views to agency representatives and other members of the public participating in the hearing. There must be a transcript of the hearing. Recipients and sub-recipients will continue to comply with the public involvement requirements outlined in 23 USC §§ 128 and 139, and 23 CFR 771.111(h).~~

Additionally, the Council on Environmental Quality in its recent update and modernization of its procedures for implementing NEPA under 40 CFR 1500 - 1508 included an update to § 1506.6 – Public Involvement. The proposed rule included the following:

“Agencies consider many factors in determining the most appropriate mechanism for promoting public involvement, including the particular location of the proposed action (if one exists), the types of effects it may have, and the needs of interested and affected parties, and may design their outreach in a manner that best engages with those parties. The flexibility to consider relevant factors is critical especially in light of unexpected circumstances, such as the COVID-19 pandemic, which may require agencies to adapt their outreach as required by State, Tribal, and local authorities and conditions.”

The update to § 1506.6 – Public Involvement added the following in the Final Rule, which expanded guidance on use of virtual/electronic methods for public hearings and public meetings beyond the temporary guidance in place related to the pandemic.

“Agencies may conduct public hearings and public meetings by means of electronic communication, except where another format is required by law. When selecting appropriate methods for public involvement, agencies shall

Comment [97]: FHWA comment may want to consider not being COVID specific at the beginning but instead discuss the current direction as a temporary measure and discuss in the context of how to conduct a hearing under emergency situations; it should not be referenced as an alternative to an in person hearing under normal conditions when an emergency situation is not in effect
ADOT: Modified content to have a section that addresses emergency and unanticipated situations

Comment [98]: Moved lower after the information that virtual public hearings may be held unless required by law.

consider the ability of affected entities to access electronic media. ”

A virtual public hearing may be held in lieu of, or in conjunction with, an in-person hearing. ADOT’s recommended guidance is to hold hearings both virtually and in-person if the study area is large and/or includes impacts to low-income, minority, indigeno us or disabled populations. If a public hearing is only offered virtually, there must be an opportunity for in-person review of the draft environmental document.

If virtual hearings are held ADOT should plan and conduct VPI in a manner that provides t he same opportunity for public involvement as otherwise occurs in traditional in-person settings. For example, public hearings should include a presentation by the agency on the proposed highway project and allow participants an opportunity to publicly exp ress their views to agency representatives and other members of the public participating in the hearing. There must be a transcript of the hearing. Recipients and sub recipients will continue to comply with the public involvement requirements outlined in 2 3 USC §§ 128 and 139, and 23 CFR 771.111(h).

In using VPI strategies, ~~project sponsors~~—ADOT must provide full, fair and meaningful opportunities for participation by minority and low-income populations. Measures should be implemented to ensure accommodations are provided to non-English speakers and participants with disabilities. ~~Project sponsor~~—ADOT should provide telephone or other alternative participation options for individuals with limited or no internet access.

Addressing Emergenc ies, or, Other Unique Situations

There may be unique circumstances, such as a public health emergency, natural disaster or other short or long-term situation that substantially disrupts ADOT’s normal business operations or that of its state, local and tribal government partners. ADOT Environmental Planning and Communications may determine a virt ual or hybrid public hearing option addresses unique public outreach issues, or best satisfies state, local or tribal restrictions on public gatherings.

Consistent with applicable state, local and tribal requirements, in-person public meetings and hearings should be allowed in cases where a suitable physical location is available and the state has determined that such meetings can be safely conducted.

During potential future public health emergencies, or other unanticipated emergency situations in which in-person hearings are not advisable or practical, ADOT will consult with FHWA for guidance and follow state and local health and safety guidelines, and will hold virtual public meetings and other virtual engagement when allowable, supplemented by m ethods to reach those without access to the internet or technology, to provided required public involvement for the NEPA process.

~~12.5.4~~ 12.8.5 Public Hearing Materials

Each public hearing should have a sign-in sheet to keep an accurate record of who attended the hearing. The sign-in sheet is voluntary for participants and includes information such as name, title, company, address, phone and email. See **Appendix U** for a template.

A copy of Draft EA/EIS and Design Concept Report documents should be available for the public to review during the meeting. Other materials to help convey project information should include exhibits, videos/simulations and other visual aids such as maps or roll plots.

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Similar to an in-person public meeting, a Civil Rights table near the sign-in table with the ADOT Nondiscrimination Notice poster, ADA Auxiliary Aids Poster, Nondiscrimination brochures, self-ID cards and "I Speak" language cards should be conspicuously displayed.

12.5.5 12.8.6 Public Hearing Presentation

At public hearings, there must be a formal presentation on the project, which can be live or recorded. The meeting presentation should include the project's purpose and need; project alternatives; environmental, social, economic and other project impacts; procedures for receiving comments from the public and the deadline to submit comments.

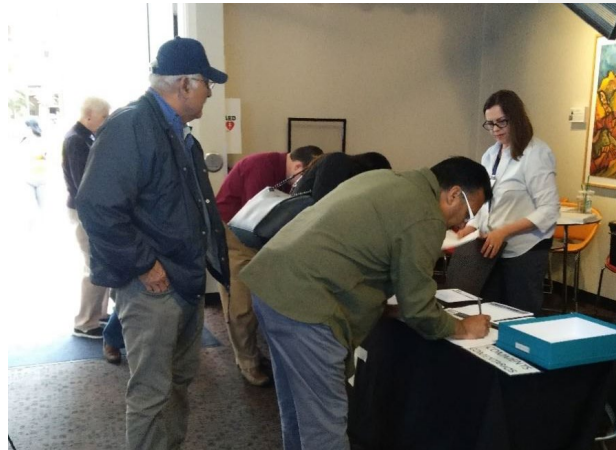
Study teams may allow an informal question and response period for hearing attendees separate from a formal oral comment period to provide any needed clarification to assist participants in providing formal comments to the hearing panel; however, it must be clearly designated as such and is recommended to occur during the informal open house area of the hearing.

12.5.6 12.8.7 Hearing Panel and Court Reporter

Attendees ~~to~~ at the public hearing can submit oral comments to a hearing panel. The panel typically consists of representatives from the project team and participating agencies. When providing oral comments, attendees will often speak in a microphone and their statements are recorded by a court reporter. Time restrictions may be required based on the number of people who plan to speak. If a time restriction is required, the moderator will disclose these limits at the beginning of the meeting and will equally apply them to all commenters.

The use of speaker registration cards allows the moderator or facilitator to keep track of the

number of attendees wishing to speak and



ensures an accurate record of names and organizations being represented.

Following the ~~meeting~~ hearing, the court reporter will provide a transcript of the ~~meeting~~ hearing to be included in the public hearing summary. All comments received are included in the FEIS.

12.5.7 12.8.8 Formal Public Comment Documentation

ADOT has a process for collecting and documenting public comments received during the public hearing and formal public comment period to ensure to the extent possible that no comments are overlooked and all comments received are included in the comment log. Comment documentation is discussed in more detail in Section 14. An example of the Comment Process Procedures can be found in **Appendix Z**. The procedures include how to accept comments by phone, email and mail. The procedures were developed to minimize instances of comments not being included in the environmental documents or public involvement summaries. All comments are logged in a comment log. See **Appendix Y** for an example.

Comment [99]: FHWA comment and all comments contained within included in the FEIS...

Section 13

Virtual Public Involvement (VPI)



13. Virtual Public Involvement (VPI)

Comment [100]: ADOT comment: Consider moving VPI before Section 12 on PI tools

13.1 What is Virtual Public Involvement (VPI)?

Virtual Public Involvement or VPI is the use of digital technology to engage the public and stakeholders or to visualize projects and plans.

13.2 Benefits of VPI

Some of the benefits of VPI include:

- **Increased and Convenient Engagement.**

Virtual methods provide convenient ways for the public to participate for those who have access to technology and are appealing to those who would not otherwise attend a traditional in-person public meeting. Virtual engagement provides the ability to participate anytime and from anywhere, which makes it easier for more people to participate. For these reasons, virtual public engagement methods tend to have much greater participation levels than in-person methods.

- **Efficiency and Low Cost.** Virtual tools and platforms offer an efficient and cost-effective way to reach large audiences, often at a lower cost than traditional public engagement methods.

- **Enhanced Public Understanding.** Project visualizations better convey complex design concepts than static plans and text descriptions and make it easier for the public to understand proposed plans, particularly those who don't speak English well.
- **Improved Civil Discourse.** Online public meetings include user controls that help maintain civil discourse and provide an opportunity for all participants to ask questions or make comments online or by phone, rather than having a meeting dominated by a few vocal individuals. Crowdsourcing and online polling tools can be used in public or stakeholder meetings to help the project team and participants understand the collective preferences of attendees for a particular alternative, while avoiding the potential for heated public discussion.
- **Better Input Data.** Some online tools include geocoded commenting features for the public to be able to pinpoint comments to a specific intersection or other small geographic area. Having participants enter basic location or demographic data can demonstrate who participated and identify participation gaps.

~~13.3 VPI Tools~~

~~Virtual Public Involvement is frequently associated with online public meetings, which~~

Comment [101]: Moved to Section 12 tools based on FHWA comment about consolidating tools in one place

VIRTUAL PUBLIC INVOLVEMENT (VPI)

have gained in popularity since 2020 to allow for continued project engagement during the COVID-19 pandemic. In addition to online meeting platforms, there are a myriad of digital engagement tools available for different purposes and cost. As digital engagement technologies continue to advance, and public preferences for engagement evolve, ADOT will provide updated guidance on VPI through updates to the ADOT PIP.

Common VPI tools include:

- Virtual, live online public meetings.
- Telephone Town Hall Meetings.
- Self-guided online open house meetings hosted via a website.
- Online surveys, real-time polling and online mapping tools.
- Crowdsourcing tools.
- Visualizations, animations and virtual reality.
- Videos.
- Mobile applications.
- Project websites.
- Project blogs.
- Social media.
- Email blasts.
- E-newsletters.
- SMS text notifications.
- Virtual rooms or virtual office hours.
- QR codes to direct to web pages or surveys.

13.413.3 VPI Best Practices

All public involvement strategies, including virtual public involvement, should be guided by the individual

ADOT


project outreach needs and unique characteristics of the community engaged. A project-specific public involvement plan will define the purpose of the public involvement and engagement goals. The project type, purpose and goals and community characteristics drive the choice of VPI tools, ~~not vice-versa.~~

To ensure the opportunity for input by those without access to technology or internet access, it is vital that VPI efforts be supplemented with an opportunity to learn about and provide input on projects and studies through non-digital methods, such as by phone or in-person. The level of non-virtual engagement will be determined by the nature of the community and project and may require more extensive grassroots public involvement efforts.

See **Appendix X Virtual Public Involvement Tool Assessment** to assist in determining whether a VPI tool is appropriate for the intended project/study application, and various considerations of each tool.

13.513.4 Availability of Internet and Technology




Online virtual tools often depend on the user having a high speed internet connection, as well as a computer, smartphone or other device with internet capabilities. Many rural and tribal areas



Q&A

Ways to ask a question or make a comment tonight:

- For those **online** joining us via WebEx:
 - Use the Q&A function for written comments.
- For those on the **phone** joining us via Tele-Town Hall:
 - Press 0 to indicate you would like to speak.



VIRTUAL PUBLIC INVOLVEMENT (VPI)

of the state lack access to high-speed internet. Low-income households may not have computers or high-speed internet in their household. However due to federal programs providing cellular phone subsidies for low-income individuals, many low-income populations—individuals do have access to smartphones. Lastly, while seniors may have access to the internet, they may be less technology-savvy than younger populations and may have challenges navigating technology for virtual public meetings or other online tools.

13-613.5 Supplementing VPI with In-Person Engagement

While VPI offers many benefits and increases overall engagement levels, it can also potentially create a “digital divide” for community members without access to technology or internet service. Therefore, VPI outreach strategies should be balanced with in-person engagement methods, such as traditional in-person meetings or direct

outreach methods in communities, to ensure meaningful opportunities for engagement for all community members, particularly ~~Title VI, ADA-low-income, minority, LEP, disabled~~ and senior populations.

~~Section 12.4 provide examples of non-virtual and in-person public involvement strategies.~~

~~The following are several ideas for in-person engagement to supplement virtual efforts:~~

- ~~• Holding an in-person public meeting/neighborhood meeting.~~
- ~~• Holding a regular, informal in-person meeting to provide project updates (e.g., a Coffee with the Contractor).~~
- ~~• Conduct business walks to canvass project information flyers to affected businesses.~~
- ~~• Conduct in-person surveys or staff an information/outreach booth at a high-traffic community location, such as a grocery store, library, community center or special event.~~
 - ~~• Attend in-person meetings of HOAs, worship services, civic/community/business organizations or other community meetings to give presentations and updates.~~
 - ~~• For longer-term studies or high-profile impactful projects, consider creating stakeholder advisory committees that meet regularly. These should only be used with the concurrence of the ADOT Communications and Public Involvement Director and/or ADOT management, with specific guidance to establish the group charter, purpose and level of input.~~

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Comment [102]: Moved to section 12.4 to put tools in one location



Section 14

Project Records



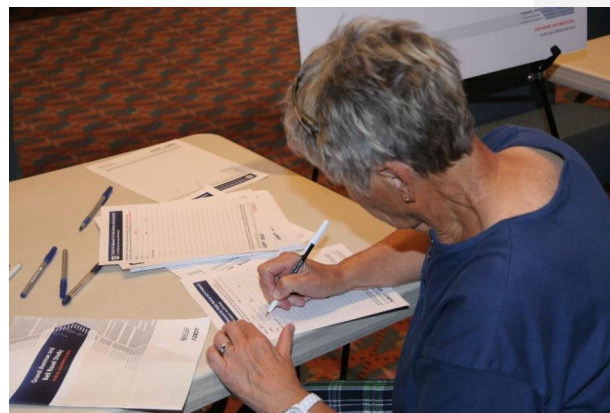
14. Project Records

This chapter provides guidance on public involvement documentation. Proper documentation includes compiling all materials related to the public involvement activities, summarizing and analyzing comments and describing how the comments will be addressed.

14.1 Documenting Public Involvement Activities and Input Received

Documentation of public involvement activities and input received is a critical activity that:

- Demonstrates federal and state compliance for public involvement.
- Provides important feedback to study/project teams on public input received to assist in evaluation of alternatives or other project decision making.
- Documents issues, discussions, stakeholder contacts and commitments to assist project teams as the project moves through development.
- Provides a feedback loop to the public to demonstrate their input was received.
- Measures the effectiveness of public notification and outreach efforts.
- Provides a record of activities, discussions and input should ADOT be questioned by elected officials or other key stakeholders.



Appropriate and complete documentation of public involvement activities and public feedback provides a record of commitments made as a result of the outreach activities throughout each stage of the transportation decision-making process. This documentation should be included as a chapter in the project-specific PIP. The public should also have access to such documentation to confirm their input was received.

This chapter will provide guidance on how to keep a record of public involvement efforts. ADOT's public involvement documentation requirements must be consistent with federal guidelines followed under NEPA and other federal requirements.

14.2 Comment Collection

To ensure public comments are included as part of the decision-making process and properly documented for project records, a protocol is needed to collect and respond to comments.

Comment [103]: FHWA comment: ADOT needs to document here that all public involvement activities and records must be documented and placed in an FHWA approved file structure that allows FHWA monitoring under the 326 and 327 NEPA assignment programs. They should clearly state where they will be stored so they are available for FHWA monitoring in the PIP.
ADOT: Added to section 14.8

While comments can be received for a study or project at any time, there are times when formal comments are received as part of an EIS or EA document comment period, or for a specified period on other projects where a timeline is needed to consider certain input before moving forward.

Comments can be collected using a variety of methods including:

- Mail.
- Telephone.
- Email.
- Online or in-person survey/comment tools.
- Public meetings or hearings.
- In-person through canvassing or interviews.

14.3 Comment Documentation and Management

ADOT project team members document comments in a comment log (See **Appendix Y**). It is suggested that public comments be logged with the following information, at a minimum:

- **Date** – This is important for documenting whether a comment was received within a formal comment period, establishes a benchmark for a timely response and helps track specific issues over time.
- **Comment** – The specific comment received should be included so a sufficient response can be developed. All comments provided by members of the public should be documented as such (e.g., provided by a member of the public).
- **Name, address, telephone number and email address** – This information is optional and is often redacted within reports or summaries but is valuable information to obtain for the life of the project.

- **Comment category** – This data will allow for easy categorization of comments to be submitted for NEPA documentation, and to capture and summarize trends. Examples of categories could be Noise, Air Quality, Right of Way and Construction Impacts. It is important to establish and use a consistent comment category throughout the log for sorting and reporting purposes.
- **Response** - Standardized responses should be developed for similar comment types (e.g., noise) for consistency. Responses should be provided by the project technical team with concurrence from management and cooperating agencies if applicable.

14.4 Comment Analysis

ADOT has also developed redundancy procedures on how comments are collected by telephone and email to minimize instances of comments not being included in the environmental documents or public involvement summaries.

14.5 Acknowledging and Responding to Comments

Comments should be acknowledged and responded to as soon as possible. Properly responding to comments builds public trust in ADOT. Proper acknowledgement and responses should be directed to the person or group who submitted the comment and the comment and response should be shared with the appropriate ADOT staff and agency partners. The comment will ultimately be shared with the public when the final comment log is released with the meeting or hearing summary documentation.

Suggested language for a simple acknowledgement response may be: “Thank you for your comment on [study/project name]. Your comment will be added to the

administrative project record and shared with the study/project team.” For online comments, an automated email response may suffice. If a response to a question is not immediately available, a message should be sent to the commenter within two business days to advise them their comment or question has been received and will receive a response.

The level of detail associated with a direct response depends on various factors. Some key factors include the following:

- Importance of providing a complete response to the recipient.
- Importance of answering a question or addressing an issue that may benefit a broad range of stakeholders and/or community members.
- Relevance of the comment to decision-making considerations and criteria.

Responses should be provided for comments that raise an issue or request additional information.

NEPA and other project process requirements require consideration of comments, especially those associated with potential environmental, social and economic impacts or related mitigation. Responses should also be written in plain or non-technical language so that they can be understood by the general public.

14.6 Public Involvement Summary Report

Proper documentation includes compiling all notices and materials related to the public involvement activities and analyzing and summarizing comments, which should be done in a public involvement summary. The public involvement summary should follow a consistent flow of information as seen in **Appendix W**. This summary should be a

concluding chapter in a project specific PIP at the appropriate stage of the transportation decision-making process.

14.7 Stakeholder Database Records

Project database records with stakeholder contact information and project interactions should be kept for the project record. Records from databases developed and maintained by consultants should be provided to ADOT Community Relations prior to contract closeout for future use and should be provided in an editable Excel or Google Sheet format, not as a PDF export, for continued use during project development. Records of small group meetings with stakeholder groups that include multiple parties should be documented as part of a meeting summary.

14.8 Project Records Retention

According to state public records statutes, ADOT is required to retain records documenting public involvement activities, notification and comments for a period of five years following completion of the study or project. Records should include final versions of public involvement plans, [public involvement summaries – including public meeting and hearing](#) summaries, presentations and materials, comment/[response](#) logs, public notices (ads, mailings, etc.), [stakeholder contact list](#) –and correspondence with the public and stakeholders. After the required retention period, Community Relations staff may dispose of these records by following the approved agency record destruction process.

[All public involvement activities and records must be documented and placed in an FHWA-approved file structure that allows FHWA monitoring under the 326 and 327 NEPA](#)

PROJECT RECORDS

assignment programs. For an EIS document this documentation is kept in the Administrative Record maintained by the ADOT consultant hired to conduct the EIS, according to federal requirements. Final public involvement documentation for other projects should be provided by the ADOT Community Relations Project Manager (or consultant public involvement lead if PI is handled by a consultant) to the respective ADOT technical Project Manager. The technical PM should file the documentation in a Public Involvement

folder in the respective project file used by the ADOT Division to store other project records, such as environmental documents and project plans (e.g. Workfront). ADOT Community Relations shall retain draft/working files during the PI process, as well a copy of the final PI - related documents (in a separate folder labeled as Final PI Documents) , in the Community Relations shared Google drive file system. Each project should have its own folder within the Statewide or respective ADOT District sub - folders.

Section 15

Measuring Success of Public Involvement Efforts





15. Measuring Success of Public Involvement Efforts

15.1 Why It's Important to Measure Success

Tracking the outcomes of public involvement activities helps ADOT determine whether the public involvement approach was successful in positively affecting participation levels, public understanding and satisfaction with the process. Measurements gathered across multiple projects can track ADOT's collective public involvement efforts statewide over time and assist in identifying where ADOT's public involvement practices need to be re-evaluated



and modified.

ADOT should measure the success of public participation efforts to:

- Learn from and continuously improve upon public involvement practices.
- Understand the value of the public involvement process and whether it had any impact on the public's understanding, engagement level or project outcomes.
- Improve agency credibility and transparency and the public's trust.
- Demonstrate ADOT's compliance with the intent of the law, regulations, guidance and standard protocol, rather than following simple procedural compliance.
- Verify whether levels of effort and expenditures for public involvement are effective and provide a reasonable benefit relative to the investment.

Determining whether public involvement efforts have been successful should focus on the overall intended outcome as a result of the engagement. This chapter describes a variety of measures and considerations to monitor and evaluate public involvement.

MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

15.2 When Should We Measure Public Involvement Success?

Any ADOT projects that include public involvement should include one or more measures for evaluating the effectiveness of the public involvement effort. Public involvement goals and objectives for each project, along with the methods of measuring the success of a project or study engagement effort, should be identified in the project-specific PIP at the onset of the project or study and at each successive phase of the project.

Public involvement success measurements can be used to measure the effectiveness of a specific event or tactic (such as a public meeting), a project phase or the project as a whole. If the public is surveyed to assist in determining success of the public involvement effort, this should generally be done as part of or shortly following a specific engagement activity so it's fresh in the public's mind.

15.3 Measures for Evaluating Public Involvement

There is no specific formula for public involvement success, but it is usually evident when it has or has not occurred. Metrics for success begin with meeting legal and procedural requirements, but real success goes beyond basic compliance. It should include a reasonable level of community engagement, a demonstrated ability to have listened to public input and some level of positive influence exerted on the process that would otherwise not have occurred.

15.4 Qualitative and Quantitative Indicators

of Public Involvement Success

Indicators of public involvement success can be quantitative or qualitative and should be based on results and not on level of effort or outputs. In other words, project teams should avoid using metrics on the amount of public outreach conducted, such as the number of emails or postcards sent, to measure success. Instead, it's better to evaluate how many people opened project emails or learned about a public meeting from a postcard or other notice. This is not to say that notification methods and specific outreach activities are not important and should not be documented; these are still important to include in public involvement summaries to document specific activities and level of effort in alignment with the project PIP.

Public involvement success measures are not meant to measure the public's approval of the project, unless this is a specified goal. Success of a project and success of the public involvement program are different things, and people may have varying interpretations about what constitutes success. Public dissatisfaction with a project outcome or elements is not a measure of whether public involvement was effective.

ADOT can have a successful public engagement process that still results in community members being unhappy about the outcome.

Comment [104]: FHWA comment
This section does not have enough specificity. How will it be measured, recorded, and utilized? If they have no framework on how it will be measured and documented, what is the purpose of this section. They need to show how this will be documented and measured.
ADOT response: Added this in Section 15.1

MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

Quantitative Measures

Quantitative indicators for public involvement success are measurable with data, generally based on participation levels, and can include:

- Number of attendees at public meetings or events.
- Number of surveys or comments received.
- Number of participants in the collective public involvement process for a project.
- Number of visits to a project website.
- Social media metrics, such as post likes and shares.
- Number of opened GovDelivery emails.
- How people heard about a public meeting or other engagement opportunity (e.g., ad, postcard, email, social media, etc.).

Overall project engagement metrics can be further analyzed to determine whether there were participation gaps from target audiences, such as:

- Participation by geographic area (e.g., block group, zip code, etc.).
- Participation by low-income and minority community members.
- Participation by stakeholder type (e.g., residents, businesses, HOAs, etc.).

Determining participation gaps requires project teams to collect demographic data from individuals when they participate in a particular engagement activity. Project teams should be able to refer to maps and community assessments and determine who engaged to see if there are geographical gaps, or gaps among the list of stakeholders defined in the assessment. If all areas and groups are represented, diversity of engagement and input has been met. It is important to note that diversity does not refer to a diversity of ideas or

input, rather that diversity among sources of input has been met.

Qualitative Measures

Qualitative indicators for public involvement success are perception based and address general themes such as:

- Satisfaction with the process or information.
- Understanding of the proposed project and how to provide input.
- Trust in the agency or process.
- Influence over the outcome.
- Respect for the public's opinions.
- Flexibility in making changes to project elements or a public involvement process.

These indicators and others can be framed by questions for the public that may be answered with metrics based on a scale (e.g., high to low, a numbered scale) or level of agreement or disagreement.

Example questions could include:

- How well did the project team explain the project needs, benefits, details and schedule?
- How satisfied were you with the opportunities to provide input during this current project phase?
- I had access to enough information about the project.
- Those affected by the project were encouraged to voice their opinions.
- The public was kept up to date on project progress.
- Information was easy to understand.
- I understood the benefits of the options/alternatives under consideration.
- Overall, I was satisfied with the public involvement process.

MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

The Transportation Research Board’s National Cooperative Highway Research Program (NCHRP) Research Report 905: *Measuring the Effectiveness of Public Involvement in Transportation Planning and Project Development* provides a practitioner toolkit to measure the effectiveness of a transportation agency’s public involvement activities.

The toolkit is designed to collect feedback from the public on several indicators of effectiveness and to compare that feedback with the agency’s own perceptions. The combined responses can then be used to calculate scores for each indicator and an overall effectiveness index. This allows for systematic comparison of the effectiveness of different public involvement strategies over time.

The toolkit includes a series of online resources, including a [survey instrument for use with the public](#), a spreadsheet-based scoring tool for converting survey response data into an

effectiveness index, and guidelines for using and scoring the survey.

ADOT was a participating DOT in the NCHRP study and is still determining how best to incorporate its guidance into measuring ADOT’s public involvement effectiveness across the agency. In the interim, project teams can consider using portions of the survey instrument to assist in measuring public involvement on their projects.

1.1 How to Measure the Success of Public Involvement Efforts

Public involvement success measures should be identified in the project PIP and tied to specific outreach goals for that phase of the project. The plan should include:

- The public involvement goal(s) for the current project phase.

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MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

- Metrics to determine if the goals were achieved and the PI efforts were successful.
- How the goals will be measured or tracked. For example, participants' zip code can be secured in surveys to determine geography or ADOT's self-ID survey can be used to determine participation by race/ethnicity.
- How ADOT intends to achieve the goal. For example, distributing a survey to project stakeholder organizations and conducting targeted follow-up with key stakeholders for underrepresented constituencies.
- How results will be reported and provided to the project team.

Results should be documented in a public involvement summary for a specific engagement (e.g. public meeting) or phase of a project, shared with the project team, and used to determine if additional targeted outreach is needed to meet participation goals. For example, if attendance at a public meeting was lower than expected, efforts can be made to share the public meeting presentation recording and materials and document how many people accessed the meeting information from the project website.

Participation Goals

Every PI plan should have at least one targeted participation goal. These should be specific and can be total engagements or further broken down by participation in specific engagement activities, such as surveys and comment forms returned or attendance at public meetings or other events.

Participation targets should be based on the interested and affected population and the level of community interest and project impacts. Generally, the smaller the affected population and the greater the direct impacts, the higher the target community participation levels should be.

Participation levels representative of the community makeup and demographics should also be a stated goal, particularly for larger or more impactful projects and studies, to ensure ADOT receives input from diverse stakeholders and viewpoints.

Participation by geographic area should also be used for larger study areas and statewide plans to show where there may be gaps in participation and additional outreach needed.

Measuring Participation Levels

- **Public meetings /hearings** : Document the number of people who attend a public meeting or hearing. For in-person meetings a sign-in sheet should be used to document attendance, along with a count of any attendees who declined to sign in. At virtual meetings a participation report should be generated from the meeting platform. Project team members and other ADOT staff should not be counted in meeting attendance.

- **Self-Identification Surveys**: ADOT's anonymous Self-ID survey should be used to track participation levels by race/ethnicity for public meetings and other public engagement efforts. The results of the participation at a meeting or throughout all project engagement activities for a phase can then be compared with the race/ethnicity breakdown of the project area as identified in the project PIP.

- **Community Input Surveys**: Demographic questions can also be included in broader public input surveys to understand who participated. This can include address or zip code to determine geography, stakeholder type (e.g., resident, business, community organization, etc.), income level, age and race/ethnicity. Other than zip code, these type of demographic questions should be

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MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

optional for those who choose not to disclose personal information to participate. If personally identifiable information is included (name, email, or physical address) then race/ethnicity should be separately collected through an anonymous self-identification survey. This can be linked separately in the closing page of an online survey or other methods.

• **Comments received:** Teams can count the total number of comments or comment forms received.

• **Website views:** ADOT Communications can provide a report of website views, or this report can be provided by the consultant hosting an ADOT project website.

• **Email engagement:** ADOT Communications can run reports in GovDelivery of the total number of emails opened and click-throughs to project URLs.

• **Social media engagement:** ADOT Communications can provide social media reports for several platforms that includes the number of impressions, reactions and comments. Social media tracking and sentiment analysis may also be provided by an ADOT consultant.

• **Key stakeholder participation:** Participation by targeted organizations and groups in an engagement effort can be tracked by documenting specific outreach efforts to that stakeholder (such as a presentation or briefing to a city council, Tribal council or committee, or HOA) or their participation in a key stakeholder workshop or key stakeholder survey.

Measuring Qualitative Input

The quality of the input received and how the public feels about their opportunities to engage and have their voice be heard on a project is just as important as the number of

people who engaged. It is recommended that project teams include at least one qualitative measure of the public's perception of the effectiveness of, or satisfaction with, the PI process as part of a project-level PIP, particularly for larger or more impactful projects.

This can be accomplished through:

• **Public Meeting Surveys:** A short survey can be conducted at a public meeting or following the meeting to attendees. Questions can also be added to the public meeting comment form.

• **Community/Key Stakeholder Surveys:** Questions about satisfaction level with the PI process and information provided can be added to surveys asking the public to weigh in on the project.

• **Follow up with key stakeholders:** Project teams can conduct post-engagement debriefings with project partners and key stakeholders to assess their perceptions of the outreach efforts.

This input should be documented in public involvement summaries, provided to the project team and used to determine whether additional outreach efforts are needed or to inform public involvement strategies for future phases of the project.

Measuring Public Awareness and Understanding

Informing the public about the details of a project should be a component of every public outreach effort.

Project awareness can be measured to some extent through participation levels, such as website views, email open rates or impressions on social media posts with information about the project.

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MEASURING SUCCESS OF PUBLIC INVOLVEMENT EFFORTS

Gauging public awareness and understanding of project details or perception of how well information was conveyed is also helpful to project teams in determining if project materials and messaging strategies should be modified or if goals for increasing public awareness of the project were met. These can be accomplished through similar methods as gathering other qualitative input, including:

- **Public surveys and comment forms** with questions about project details or overall awareness pre- and post engagement.
- **Debriefing with project teams and partners** after public meetings or other engagements to review the questions and comments received provides insight on whether there was public confusion about elements of the project that can be clarified in project materials and follow-up communications with meeting attendees.

federal requirements for public involvement and engagement techniques and tools for informing the public and gathering input.

ADOT will continue to monitor best practices in the industry, utilizing guidance from FHWA and other federal agencies, as well as organizations such as IAP2 and TRB. As new guidance, trends or best practices emerge, corresponding modifications will be made to this document where appropriate.

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4.1.2 Evolving and Emerging Best Practices

Public involvement trends continue to evolve the practice creating new best practices.

In October 2022, the U.S. Department of Transportation issued a new public involvement guidance document, *Promising Practices for Meaningful Public Involvement in Transportation Decision-Making* (<https://www.transportation.gov/sites/dot.gov/files/2022-10/Promising%20Practices%20for%20Meaningful%20Public%20Involvement%20in%20Transportation%20Decision-making.pdf>). The document includes strategies for addressing gaps in public involvement efforts and strategies, including engaging traditionally underserved populations, developing public involvement plans, measuring the success of public involvement strategies.

Section 16

References and Resources



Public Hearing Participant Guide

HIT A PUBLIC HEARING

Home Road

- 1 When the study is about visit the theater room to watch a brief informational video that describes what the study is, study history, and where we are today so that you can make informed comments.
 - 2 Interactive simulations Check out the potential future plans for the Loop 303 and proposed Loop 303 south of Van Buren Street and see the Preferred Alternative on your could look like. You can also scan the QR code and view the Preferred Alternative on your phone or visit: <http://www.azdot.com/AAELT>
 - 3 Ways to Comment Today please visit our commenting website to fill out a comment form, speak to a court reporter who will document your input for the record, or register to deliver your message via oral remarks before the study panel, which includes representatives from ADOT, FHWA and MAG.
- HOME, SWH!**
Thank you for being an active participant. We will ensure your input is sure to sign up to receive project updates at: swhe@azdot.com

LOOP 303

Loop 303 South of Van Buren Street to State Route 30

OVERVIEW
The Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) have completed the Draft Environmental Assessment (EA) and Initial Design Concept Report (IDCR) for the proposed extension of Loop 303 from south of Van Buren Street to the proposed State Route 30, and identified a Preferred Alternative. If constructed, this new freeway would connect the development of the Loop 303 corridor in the West Valley in conjunction with the Maricopa Association of Government's (MAG) Regional Transportation Plan. ADOT and the FHWA are also evaluating a No-Build Alternative (taking no action) as required by federal law.

WHERE WOULD THE FREEWAY BE LOCATED?
The Preferred Alternative 2C South would follow Cotton Lane to approximately Lower Buckeye Road where it would take a north westerly route toward SAC 65 where it would connect to the proposed State Route 30 south of the existing transmission line.

WHEN WOULD THE FREEWAY BE BUILT?
If the outcome of the study is the Preferred Alternative, then the timing of construction would depend upon the completion of final design, right-of-way acquisition and utility relocation. MAG's current Regional Transportation Plan identifies construction funding from Van Buren Street to approximately Elwood Street in 2020. Construction is anticipated to take northward plans to complete. The project is anticipated to be in phases pending allocation of future funding. If the No-Build Alternative is selected, there will be no additional construction.



2. References and Resources

Comment [105]: Add any missing reference links throughout document.

ADA Auxiliary Aids and Services Poster/Notice

<https://azdot.gov/sites/default/files/2019/05/ada-auxiliary-notice16x20.pdf>

ADOT Noise Abatement Policy

<https://azdot.gov/business/environmental-planning/noise/noise-abatement-requirements>

ADOT Title VI Nondiscrimination Program

<https://azdot.gov/business/civil-rights/external-eeo-contractor-compliance/title-vi-nondiscrimination-program>

ADOT Tribal Consultation Policy

<http://www.aztribaltransportation.org/PDF/ADOT-MGT-16-01-Tribal-Consultation.pdf>

Americans with Disabilities Act (ADA)

(<https://www.ada.gov>)

Application for Assumption of Federal Highway Administration National Environmental Policy Act Responsibilities

<https://azdot.gov/sites/default/files/2019/06/final-application-120518.pdf>

Code of Federal Regulations, Public Involvement Requirements

<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1506/section-1506.6>

Federal Highway Administration (FHWA)

<https://highways.dot.gov>

FHWA Environmental Justice Guide

https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/fhwahep15035.pdf

FHWA NEPA public involvement requirements for transportation projects

<https://www.fhwa.dot.gov/federal-aid/assistance/catsmod.cfm?id=42>

Justice 40 Initiative

www.transportation.gov/equity -Justice40

LEP Four -Factor Analysis – DOT guidance

<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>

LEP Four -Factor Analysis - FHWA guidance

https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

Limited English Proficiency Plan

<https://azdot.gov/sites/default/files/2019/05/limited-english-proficiency-plan.pdf>

National Environmental Policy Act (NEPA)

<https://www.epa.gov/nepa> and <https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A>

The Americans with Disabilities Act of 1990 (ADA) (<https://www.ada.gov>)

Title VI Department of Transportation Guidance 1000.12C

(https://www.fhwa.dot.gov/civilrights/programs/title_vi/title_vi_order_1000_12C.pdf)

ADOT's Nondiscrimination Notice to the Public

<https://azdot.gov/sites/default/files/media/2021/06/FHWA-FTA-Notice-to-the-Public.pdf> [Needs updated link without Felicia's name]

Title VI of the Civil Rights Act (Title VI)

(<https://www.justice.gov/crt/fcs/TitleVI>)

U.S DOT's Justice40 Initiative web page

www.transportation.gov/equity -Justice40

US DOT *Promising Practices for Meaningful Public Involvement in Transportation Decision Making*

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REFERENCES AND RESOURCES

www.transportation.gov/sites/dot.gov/files/2022-10/Promising%20Practices%20for%20Meaningful%20Public%20Involvement%20in%20Transportation%20Decision-making.pdf

U.S. Census Data <https://data.census.gov>