

PUBLIC INVOLVEMENT FOR FHWA CATEGORICAL EXCLUSION PROJECTS

QUICK REFERENCE GUIDE

January 2019

The purpose of this document is to provide simplified guidance for the public involvement process to designers regarding FHWA projects that are classified as Categorical Exclusions (CE), which are the majority of Department projects.

Categorical Exclusions

There are three types of Categorical Exclusions: Automatic (CE-A), Programmatic (CE-P) or Individual (CE-I). The “qualifications” for each type can be found in Section 8 (page 3 of 12) of the Programmatic Agreement for Processing of Categorical Exclusions document.*

Public Involvement

All CE projects will have some manner of public involvement depending upon a number of factors such as project type, location, impacts, long-term effects, and public opposition. These are described in greater detail below. Additional information can be found in the Department’s Public Involvement Procedure (PIP)*.

Public Informational Meetings

Public Informational Meetings are held for most Department projects. They are less formal than Public Hearings and allow for flexibility regarding the format. Public Informational Meetings can follow an open house format, have a formal presentation, or offer a combination of both. Although more flexible than a Public Hearing, a Public Informational Meeting still has basic rules and guidelines to follow. Public Informational Meetings are held to relay information to the general public and to solicit their input. It offers a forum for the Department to learn from the community and respond to any community concerns and knowledge.

- Projects qualifying for any of the three Categorical Exclusions (CE-A, CE-P, CE-I) should generally have a Public Informational Meeting. However, designers should consider if the identified CE Checklist action/condition(s) are likely of public concern or not.
- In cases where both the Department and Town Officials believe that a Public Informational Meeting is not needed, documentation (letter from the town official, report of meeting with the town, email from the town official, or a telephone conversation report) must be included in the Project records. This will usually be discussed with Town officials at the Town Roads Meeting. Town Road Meetings are not considered public involvement since these are meetings with Town officials and are generally not open to the public.

*Links to all documents cited can be found at the end of this Quick Reference Guide

Some Project types likely not to need a Public Informational Meeting are:

- Pavement Preservation (mill/fill)
- Crack Sealing
- Pavement Markings
- Rumble Strip
- Channel Post Signing
- Illumination Relamping/LED Conversion
- Traffic Signal Upgrades/Ped. Ramp Installation & Upgrade
- Culvert Rehabilitation/Lining without roadwork

Although not specifically required for the project types listed above, informing the public of the anticipated activity can also be accomplished through means appropriate to the project such as the municipal or Department website, publishing notices in local media or with variable message boards, prior to construction.

Regardless of CE type, Public Informational Meetings should be held when there will be:

- Detours
- Substantial Property Takes
- Night Work in Residential Areas
- Work affecting access to local businesses
- Blasting/Excessive Noise
- Impacts to Bus Routes
- Adverse effects to the access to a Major Employer
- Displacement of Families or Businesses
- Impacts to Community Services (buildings, housing, access, parking)
- Likely or Confirmed Public Opposition to the Project
- Likely Public Interest in the Project.

Public Informational Meeting Preparation:

Various engineering offices have prepared Public Informational Meeting guidance documents* for their designers. These discuss public notice format and content, press releases, distribution lists etc.

When sign-in sheets are made available at the public meeting, the sign-in sheet must include the following statement:

"No attendee is required to register or sign in unless they are speaking, however, we are asking attendees on a strictly voluntary basis to provide their contact information in order to collect information and demographic data to help determine the effectiveness of the Department's outreach efforts."

Sign-in sheets should include a column for email addresses. If this is the first time you have done this process, please contact Tiffany Garcia (x2243) of the Office of Contract Compliance after the meeting, for direction on conducting a post meeting survey, as required under Title VI of the Civil Rights Act of 1964. She will link you to an on-line survey portal with a DOT survey template to be copied and updated for your project. Designers email the link for their project survey to meeting attendees who provided email addresses. Survey results will come back through the portal. Once the survey period is closed, designers email the survey results to Tiffany.

Public Hearings:

Public Hearings are rarely required for CEs. Exceptions include:

- Projects requiring an EIE under CEPA.
- FHWA or Department Management determines a Public Hearing is needed.

Socio-Economic Considerations for Public Meetings (Informational or Public Hearings):

When Socio-Economic concerns are identified on a project, there will be additional requirements for public meetings. These concerns are usually identified on the project's Environmental Review form, but may also be identified by Town officials or stakeholder groups.

Environmental Review Form – Section 1. Socio-Economic:

1. Socio-Economic

- Investigate displacement of families, businesses.
- Investigate potential adverse impacts to minorities, and/or low-income neighborhoods.
- No apparent conflict with or impact to socio-economic resources.
- Project area is in a census tract containing certain ethnic populations with over 5% Limited English Proficiency.

If the first, second or fourth box is checked in the Socio-Economic Section, contact Debra Goss (x2169) or Tiffany Garcia (x2243) of the Office of Contract Compliance to discuss potential Environmental Justice concerns and/or any additional public outreach requirements for the public meeting. These may include:

- Translated versions of written handouts
- "I Speak" Cards to assist with language needs
- Outreach to Community and Faith Based Organizations
- Other accommodations for special needs

The Public Engagement Checklist* should be completed by the designer for any significant public engagement events and submitted to Office of Contract Compliance. A public engagement event (for checklist purposes) is a meeting held by the Department where the

public is invited; not one where the Department is invited to speak with an individual or a limited stakeholder group.

At Department public meetings, a statement should be made regarding non-discrimination, available assistance, and rights under Title VI. This statement can be read, paraphrased, provided in the slide presentation or as a flyer* available at the meeting.

An example of the statement is:

"No person in the United States shall, on the basis of race, color, or national origin be excluded from participation in, denied the benefits of, or be subject to discrimination under any program, activity or benefit receiving federal financial assistance. Please note that brochures notifying you of your rights under Title VI can be found at the [location, i.e. back of the room, at the entrance, etc.]. They are provided in English [and additional languages if applicable]. We also have a voluntary Title VI demographic survey, it is voluntary but your participation is appreciated and helps us to ensure that all persons are included in our public outreach program."

Additional Public Involvement Requirements

In rare circumstances, additional procedures may be required. If either of the below circumstances are present, the project engineer/manager will be contacted by the Office of Environmental Planning (OEP).

- **Connecticut Environmental Policy Act (CEPA) Scoping**

Under CEPA the Department is required to undertake a public scoping process for certain types of projects as prescribed by the Department's Environmental Classification Document (ECD). If required, this will be noted in the "CEPA Recommendations" section of the Environmental Review Form.

- **Section 4(f) de minimis impact determination**

Public notice and an opportunity for public review and comment concerning the effects on certain Section 4(f) properties (public parks/ recreation areas/wildlife & waterfowl refuges) must be provided. This requirement will also be noted in the Environmental Review Form and can be satisfied in conjunction with other public involvement procedures.

RESOURCE LINKS:

1. [Programmatic Agreement for Processing of Categorical Exclusions](#)
2. [Public Involvement Procedure \(PIP\)](#)
3. [Title VI Notice to the Public flyer \(non-discrimination\)](#)
4. The Public Engagement Checklist for significant public engagement events is on Projectwise at the following path: 04.00 Engineering Libraries\Engineering Templates\Common Forms\C-12a Public Engagement Checklist.
5. An example of one of the Department's Public Informational Meeting guidance documents for their designers is CE Design's which is on Projectwise at the following path: 04.00 Engineering Libraries\Engineering Templates\Common Forms\C-12 Public Informational Meeting Master Package.