

ODOT NEPA Manual

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ODOT NEPA Public Involvement Procedures

For FHWA Oregon Division Federal-Aid Project development, to ensure that the public is involved in transportation decisions and activities, the Oregon Department of Transportation (ODOT) engages with the public and seeks their input during the Planning and NEPA phases and throughout project development and into construction. Specific public involvement activities for each project are commensurate with project, regulatory requirements, the intensity of public and agency interest, and the potential for controversy and/or adverse impacts. These procedures are consistent with [23 CFR 771.111\(h\)](#) and were approved by the Federal Highway Administration, Oregon Division office on May 17, 2017.

Public Involvement for CE and PCE Projects

The following ODOT public involvement procedures are required for all project development activities, regardless of NEPA document being prepared:

- As appropriate to the proposed action's scope, level of public interest, and potential for adverse impacts, public input will be sought periodically during the development of the project.
- Low literacy and limited English proficiency populations, senior citizens, disabled persons, low-income populations and other identified disadvantaged people will be offered alternative accommodations (e.g., translation services, transportation, child care) to participate in project development activities, as appropriate.
- As appropriate to the proposed action's scope and potential impacts, ODOT will conduct public involvement efforts targeted specifically to Environmental Justice populations. ODOT will document such outreach, any feedback received, and the disposition of that feedback.
- Public outreach, including public meetings, may be used for projects where there are several practical project alternatives and/or where the project would involve potential relocations of residences, businesses, and/or institutions.
- Public meetings will be held in Americans with Disabilities Act (ADA) accessible facilities.

- Public notices and an opportunity for public review and comment will be provided for proposed Section 4(f) *de minimis* impact findings for parks, recreation areas or wildlife or waterfowl refuges.
- ODOT will provide advisory notices to the public for upcoming construction activities that could affect the local transportation system including: detours, public road or access restrictions, delays.

Public Involvement for Environmental Assessments

ODOT will use the following public involvement procedures for Environmental Assessment (EA) / Class III proposed actions:

- As appropriate to the proposed action's scope, level of public interest, and potential for adverse impacts, public input will be sought during the development of the project.
- Low literacy and limited English proficiency populations, senior citizens, disabled persons, low-income populations and other identified disadvantaged people will be offered alternative accommodations (e.g., translation services, transportation, child care) to participate in project development activities, as appropriate.
- As appropriate to the proposed action's scope and potential impacts, ODOT will conduct public involvement efforts targeted specifically to Environmental Justice populations. ODOT will document such outreach, any feedback received, and the disposition of that feedback.
- The public will be provided legal notice offering the opportunity to request a public meeting or hearing in association with release of the EA.
- A public hearing may be warranted when one or more of the following conditions are present:
 - A public hearing has been requested;
 - Substantial residential and/or commercial displacements will result from the project;
 - Substantial socioeconomic and/or construction impacts will result from the project;
 - Adverse Environmental Justice impacts are expected; or
 - Substantial public controversy exists.

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- If ODOT, in conjunction with FHWA, determines that it is unnecessary to hold a public meeting or hearing for the EA, they will advise the public of the availability of the EA and where information concerning the action may be obtained. The notice will invite comments from all interested parties.
- If public meetings or hearings are held in association with an EA, the EA will be made available at the public meeting or hearing and for a minimum of 15 days in advance of the public meeting or hearing. A notice will be published in local newspapers announcing each public meeting or hearing as well as information regarding how the EA may be obtained or reviewed.
- Public meetings and hearings will be held in ADA-accessible facilities.
- Public hearings will include the opportunity for formal public comment that will be recorded by a court reporter and provided to ODOT and FHWA in a court reporter signed transcript.
- ODOT representatives will clarify to the public that comments need to be submitted in writing within 30 days of the publication of the EA availability notice, unless ODOT and FHWA determine, for good cause, that a different review period is warranted.
- ODOT will provide public notice and an opportunity for public review and comment for proposed Section 4(f) *de minimis* impact findings for parks, recreation areas or wildlife or waterfowl refuges. This public notice and opportunity for comment may be concurrent with the EA notice and comment period.
- ODOT, in conjunction with FHWA, may apply some or all of the Environmental Impact Statement (EIS) (Class I) public involvement procedures (below) to the EA process, as staff determine such procedures are appropriate.
- ODOT will provide advisory notices to the public for upcoming construction activities that could affect the local transportation system (e.g., detours, public road or access restrictions, delays, etc.).

Public Involvement for Environmental Impact Statements

ODOT will use the following ODOT public involvement procedures for Environmental Impact Statement (EIS) / Class I proposed actions:

- The public shall be afforded early and continuing opportunities to be involved in the identification of social, economic, and environmental impacts.

- Low literacy and limited English proficiency populations, senior citizens, disabled persons, low-income populations and other identified disadvantaged people shall be offered alternative accommodations (e.g., translation services, transportation, child care) to participate in project development activities, as appropriate.
- As appropriate to the proposed action's scope and potential impacts, ODOT will conduct public involvement efforts targeted specifically to Environmental Justice populations. ODOT will document such outreach, any feedback received, and the disposition of that feedback.
- The public will be afforded reasonable notice of all public meetings, public hearings, and NEPA document availability. Such notice may include, but is not limited to: legal notices, newspaper and radio ads, newsletters, door-to-door solicitation, including translated material to ensure involvement by non-English speaking stakeholders.
- Notice of public meetings and public hearings will indicate the availability of explanatory information.
- Following Notice of Intent (NOI) publication, ODOT will conduct a public and agency scoping process. The public and agency scoping process will: (1) provide the public and agencies an opportunity to offer comment on the draft Purpose and Need, and (2) seek public and agency input on potential environmental issues.
- Pursuant to [23 U.S.C. 139\(g\)\(1\)](#), a Coordination Plan shall be established within 90 days of the NOI date and made available to participating agencies and the public.
- Pursuant to [23 U.S.C. 139 \(f\)\(4\)](#), as early as practicable during the EIS process, the public and participating agencies will be afforded an opportunity to provide input on the range of alternatives considered for the proposed action.
- The draft EIS will be circulated for public comment. The draft EIS will be made available to the public and transmitted to agencies for comment no later than the time the document is filed with the Environmental Protection Agency.
- The Federal Register public availability notice will establish a period of not fewer than 45 days nor more than 60 days for the return of public comments on the draft EIS unless a different period is established in accordance with [23 U.S.C. 139\(g\)\(2\)\(A\)](#). The notice and the draft EIS transmittal letter shall identify where to send comments.
- A public hearing will be held during the draft EIS public comment period. The public hearing will be held no sooner than 15 days following release of the draft EIS.
- The public hearing will include the opportunity for formal public comment that will be recorded by a court reporter and provided to ODOT and FHWA in a court reporter signed transcript.
- Public meetings and hearings associated with the draft EIS comment period will include the following information, as appropriate:

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- Purpose and Need of the proposed action, including consistency with applicable city and county Comprehensive Plans;
- Proposed alternatives and their major features;
- Social, economic, environmental, and other potential impacts of the proposed alternatives;
- The relocation assistance program and right-of-way acquisition process;
- Draft Section 4(f) findings;
- Proposed mitigation and/or enhancement;
- Explanation of the process for receiving written and oral statements from the public.
- Public meetings and hearings associated with a draft EIS will also provide information required to comply with public involvement requirements of other laws, regulations, and Executive Orders as appropriate. Examples include, but are not limited to:
 - Section 106 of the National Historic Preservation Act;
 - Section 4(f) (23 USC 138);
 - Clean Water Act Section 404; and
 - Executive Order 11998 - Floodplain Management.
- Public meetings and hearings will be held in ADA-accessible facilities.
- An official, court reporter signed transcript of the public hearing for the draft EIS (i.e., oral testimony to a court reporter, public statements before an audience of concerned citizens, written public comments submitted during the comment period) will be submitted to FHWA, including evidence that a public hearing was offered, such as the legal notice in a newspaper.
- The final EIS will be transmitted to any persons, organizations, or agencies that made substantive comments on the draft EIS or requested a copy, no later than the time the document is filed with EPA. ODOT representatives will also publish a notice of availability in local newspapers and on the project website when making the final EIS available.
- Normally, digital EIS documents will be furnished free of charge. However, with FHWA concurrence, parties requesting hard copy EIS documents may be charged a fee, which is not more than the actual cost of reproducing the copy, or may be directed to the nearest location where the EIS and supporting materials may be reviewed.
- ODOT will provide advisory notices to the public for upcoming construction activities that could affect the local transportation system (e.g., detours, public road or access restrictions, delays, etc.).

Agency Coordination

[PLACEHOLDER – SECTION UNDER DEVELOPMENT]