

**DESIGN MEMORANDUM NO. 10-05**

**TO:** Chief District Engineers  
Design Engineers  
Active Consultants

**FROM:** Ken Sperry, P.E.   
Acting Director  
Division of Highway Design

**DATE:** May 20, 2005

**SUBJECT:** HD-600, Guidance on Public Involvement

The Highway Design Manual is currently undergoing an intensive rewrite. As the initial draft of each chapter is complete, it will be released as a Design Memorandum in order to activate policy presented therein.

This specific Design Memorandum deals with guidance on public involvement. A copy of the Guidance on Public Involvement can be obtained from the Division of Highway Design's Web page at <http://www.kytc.state.ky.us/design/designmanual/>.

Public involvement is an essential feature in the development of a project. The Public Involvement chapter provides guidance and procedures on public involvement during the design of a highway project.

The schedule for implementation is as follows. Effective July 1, 2005, the Guidance on Public Involvement should be utilized for all active projects, including public hearing/meeting advertisements, documentation, etc.

Any questions regarding this memorandum should be directed to this office.

KS:JDJ:JRS:CW

Attachments

<b>HIGHWAY DESIGN</b>	Chapter <b>PUBLIC INVOLVEMENT</b>
	Subject <b>General Philosophy</b>

**Summary**

Public involvement is an essential feature in the development of a project. This section provides guidance and procedures on public involvement during the design of a highway project.

**GENERAL PHILOSOPHY**

Public involvement is more than just a hearing, or one meeting near the end of the project development process. Public involvement should be early and continuous. It is essential to understand the community's values in order to avoid, minimize, and mitigate impacts as well as to narrow the range of alternatives. The community also should be made aware of the tradeoffs and constraints involved in the process, which should encourage the public acceptance of the project. If involved early, the public can provide significant insight (directly or indirectly) into the project's warrants and needs and its effects on their community.

The viewpoints and opinions of the public are important considerations in the transportation decision-making process. The public includes; users of the facility, those affected by the project, elected officials and others interested in the outcome of the project.

The seven basic steps for effective public involvement in any decision or activity are:

- 1) Create a plan for public involvement activities. Costs for public involvement should be accounted for in the Design budget. When public involvement is significant, a separate budget should be created.
- 2) Identify the interested and affected public
- 3) Provide information and outreach to the public
- 4) Consider providing technical assistance to the public to facilitate involvement
- 5) Conduct public involvement activities
- 6) Review and use input, and provide feedback to the public
- 7) Evaluate public involvement activities

**PUBLIC INVOLVEMENT PLAN**

The Project Development Team (PDT) shall create a Public Involvement Plan for every project being advanced through project development. The plan shall be based on the particular needs of each project. The plan may range from individual property owner contacts for small projects to a series of public involvement meetings or Public Hearings for more complex projects. Some Public Involvement Plans may include formation of a Citizens' Advisory Committee to involve a large number of property owners or special interest groups on projects where significant environmental issues or concerns must be addressed. The key is to create a plan that allows the Cabinet to communicate with the public in order to make the best transportation decision.

The PDT shall establish an outline of the Public Involvement Plan as early in the project development phase as possible. The plan must include any federally-required Public Hearings and may be supplemented by additional public involvement meetings which will contribute to better decisions on the location or detail of a project. This plan may be adjusted as the project advances and should therefore be reviewed by the PDT at critical stages in project development. The plan should also consider other means of communication in order to obtain public input. Examples may include telephone surveys, newsletters, websites, and focus groups.

The table below suggests a framework for creating a Public Involvement Plan:

Public Involvement Plan  
Template

1. Purpose of the Plan
  - a. What transportation decisions are to be made?
  - b. What is the desired level of involvement/influence?
2. Status of the project development process
3. History of public involvement related to this project
4. Description of the affected communities/publics
  - a. Community profile: social, economic, and political structure of the community(s)
  - b. Key community issues and interests
  - c. Assessment of community awareness/knowledge about this project
  - d. Identification of special sensitivities and/or requirements related to public involvement methods and activities
5. Description of overall approach for public involvement
  - a. Outreach
  - b. Education
  - c. Gathering of input
  - d. Opportunities for direct involvement
  - e. Pathways for incorporating input into decision making
  - f. Feedback to public about decision making
  - g. Plan for monitoring/evaluating/re-adjusting of Public Involvement Plan
6. Specific action steps, techniques, and timing (who will do what, within what timeline, with what resources?)

<b>HIGHWAY DESIGN</b>	Chapter <b>PUBLIC INVOLVEMENT</b>
	Subject <b>Types of Public Involvement</b>

**Summary**

Public Hearings and Public Meetings have historically been the primary tool to gather public input and provide information to the public, and to establish communication with the public. However, the PDT should not be limited to only the following public involvement activities. Other methods can and should be utilized when feasible. The following information is provided for use by the PDT as guidance to conduct Public Hearing/Meetings.

Public Hearings and Public Meetings must establish a clear objective. A strategy should be established and a format selected that best provides for effective communication among all participants. The PDT is encouraged to use their creativity in determining the most effective way to conduct a Public Hearing/Meeting to meet the specific needs of a project. The District Public Involvement Officer (PIO) is a resource for the PDT in determining the most effective public involvement strategy.

With approval from the Chief District Engineer, the District Preconstruction Engineer/Project Manager will be directly responsible for initiating all Public Meetings, Public Hearings or other public involvement as early as feasible in the design process. The Chief District Engineer will determine the level of public involvement for state-aid projects. The Project Development Team has the responsibility and authority for scheduling and holding Public Meetings and Public Hearings or for offering the Opportunity to Request a Public Hearing. The Public Involvement Coordinator in the Division of Highway Design is available to provide assistance to the Project Development Team. The Public Involvement Coordinator should be made aware when Public Meetings or Public Hearings are scheduled and should also be offered the opportunity to participate in the format determination and in creating the legal notice or advertisement.

A primary objective of early Public Meetings is to identify issues and concerns that need to be addressed as the project advances. A primary objective of Public Hearings or Public Meetings during later stages of a project is to provide details for public review and comment and to discuss the resolution of the issues and concerns that were developed in the earlier meetings, particularly when involved with environmental commitments.

#### HEARINGS AND MEETINGS:

The Public Hearing and Public Meeting processes will be presented separately.

**Public Hearings versus Public Meetings** - Meetings, formal and informal, are the backbone of a public participation program. People expect and need opportunities to discuss agency programs and plans.

Public Hearings are typically required when an EA/FONSI or an EIS is being prepared in conjunction with a federally funded project. Projects approved as a Categorical Exclusion (CE) may also require a Public Hearings to be held, but also may be dealt with through Public Meetings. Where no major relocations are involved and little controversy appears likely, a project approved as a CE may not require any direct public involvement. As such, Public Hearings are more regulatory in nature than Public Meetings. Public Meetings may be conducted the same way as Public Hearings, but this is not a requirement.

**Coordination** - The Chief District Engineer will notify the Public Involvement Coordinator of all authorizations to advertise for "Opportunity To Request A Public Hearing", "Public Hearings", and "Public Information Meetings" and the proceedings that follow. The Chief District Engineer shall also notify the Public Involvement Coordinator, on a monthly basis, of any "Public Hearings", "Public Information Meetings", "Plan Showing", etc., anticipated or scheduled to occur within the next 12 months.

The Public Involvement Coordinator shall be responsible for, but not limited to, the following:

1. Monitoring state and federal regulations concerning public involvement for state and federal funded highway projects.

2. Advising, when appropriate or upon request, the Highway District Offices (Chief District Engineers or assigned representatives) of the procedures for developing and conducting Public Hearings and Public Meetings.
3. Assisting the District Offices, upon request, in the preparation of hearings and meetings.
4. Informing the FHWA and other appropriate personnel and agencies of scheduled hearings and meetings. (This includes the Office of Public Affairs and the State Highway Engineer Office.)
5. Posting hearing and meeting information onto the Cabinet's website and into the Preconstruction Database.
6. Examining all hearing and meeting announcements and records and informing the district office of any needed corrections.
7. Transmitting the approved hearing/meeting record to the appropriate personnel.
8. Keeping files on public hearings and meetings.

#### **PUBLIC HEARINGS:**

In compliance with 23 CFR 771.111 (h)(2)(iii), the Cabinet will provide the Opportunity to Request a Public Hearing or will hold a Corridor and/or Design Public Hearing for any major federal-aid project. The code specifies that the Transportation Cabinet submit a copy of the hearing transcript to FHWA along with the certification and report. The Chief District Engineer will determine the level of public involvement for state-aid projects.

The PDT may elect to offer an "Opportunity to Request a Public Hearing". An Opportunity to Request a Public Hearing may be appropriate if a Public Meeting has been recently held and additional information would not be gained.

A Public Hearing, or the Opportunity to Request a Public Hearing, shall be required on any Federal-aid project which:

1. May require significant amounts of right-of-way.

2. May substantially change the layout or functions of connecting roadways or of the subject facility.
3. May have a substantial adverse impact on abutting property.
4. May have a significant social, economic, environmental or other effect.
5. The FHWA determines that a Public Hearing is in the public interest.

Procedures for holding a Public Hearing or offering the Opportunity to Request a Public Hearing on state-aid projects are in accordance with KRS 13B and KRS 174.100. On federal aid projects, procedures must be consistent with Public Involvement / Public Hearing program requirements pursuant to 23 U.S.C. 128 and 40 CFR 1500-1508 and in accordance with 23 CFR Part 771.

**FORMAT**— When the Chief District Engineer is required to conduct a Public Hearing; he has the option of choosing between the two following Public Hearing formats:

**Formal** – A formal hearing has an established starting time and oral presentations. The entire hearing, presentations and any comments need to be recorded, transcribed, and made a part of the hearing record. A court reporter may be used if desired.

Formal Public Hearings where specific agenda and speakers are identified will require special accommodations (seating, sound system, etc.), which must be considered on a project-by-project basis.

**Informal (Open)** – An informal hearing has a range of hours for public visitation at their convenience. Representatives of the Department are available to answer questions and explain any of the information provided. Any oral comments received at the hearing must be recorded, transcribed, and made a part of the hearing record. A court reporter may be used if desired.

**PREPARATION FOR HEARINGS:**

A Public Hearing should be held no later than 60 days after the District is advised of the approval of the Environmental Assessment. This date should not conflict with holidays, local activities or other scheduled programs.

The District shall be responsible for, but not limited to, the following:

- Arrange for the building and other facilities to accommodate the physically impaired and as many persons as may be reasonably expected to attend. The site selected should be readily accessible for those attending and located as near as possible to the center of the area affected by the proposed project. Signs should be placed at strategic locations such as parking lots, entrances, etc. to give guidance to attendees as to the location of the hearing or meeting.

The Americans with Disabilities Act requires making an effort to select a facility that provides reasonable access for those physically impaired. If there are not reasonable facilities to meet this requirement within a reasonable proximity of the project being discussed, document the reason for selecting a non-compliant site in the project file and provide a copy to the Public Involvement Coordinator.

- Recommend format (formal or informal) to conduct the Public Hearing to the PDT
- Prepare the announcements for the hearing
- Participate in the preparation of exhibits, plans, photos, etc., that ensures a clear and concise explanation of the proposed project.
- Provide project information and an identification of major concerns through presentations, handout material, displays and/or discussions with the public. Handout material would typically include purpose and need statement, six-year plan schedule, district contact information, location map, and any other pertinent project information.

Handouts provided at the Public Hearing may be made available for review and copying. The public may view the displays not included in the handouts at the District Office. Any displays or illustrations, including those shown in the handouts, used at the Public Hearing should be labeled "Preliminary: Subject to Change" or equivalent. The public may view these displays at the District Office.

- Add the following statement to the handout:

"All exhibits, displays and materials presented at this hearing are available to the public upon their request from the District Office. A nominal charge may be made for the reproduction of these displays."

- Provide the public an opportunity and a mechanism to comment on the proposed project through comment sheets, questionnaires, stenographers and/or discussions between Department personnel and the public.

In order to help keep track of the comments and the persons providing them, sequentially number the comment sheets, and the information packet they come in, to coincide with the sign in sheet will afford some accountability. Those in attendance at the hearings should be encouraged to use the comment sheet provided to them.

The use of colored paper may assist in the integrity/tracking of the comment sheets.

The following statement should be written on the comment sheets:

"Under KRS 516.030, falsely completing, making or altering this document with the intent to defraud, deceive or injure another is forgery in the second degree, a Class D felony."

- Prepare the agenda, if selecting a formal format, which should include discussing subjects in proper order.

**ANNOUNCEMENTS FOR PUBLIC HEARINGS:**

A goal of the public involvement process is to ensure interested citizens and public officials have the opportunity to participate. In order to ensure participation, the Cabinet needs to announce Public Hearings. Historically, a Legal Notice in the newspaper has been the most prominent method of communication. However, with the advent of new technology, the PDT is encouraged to consider other media to announce and advertise Public Hearings in addition to the newspaper. Examples include variable message signs, websites, flyers, property owner invitations and public service announcements.

It may be appropriate to mail a copy of the Legal Notice to all affected or nearby property owners and/or occupants, or to provide a copy of the public notice to other federal, state, and/or local government offices, public officials, civic groups, etc. after it has been reviewed by the Public Involvement Coordinator, Division of Highway Design.

**LEGAL NOTICES FOR PUBLIC HEARINGS:**

The Public Involvement Coordinator in the Division of Highway Design shall be provided a copy of all Public Hearing notices in advance, at least seven working days, and will provide assistance/request changes as required before the notice is submitted to the newspaper or any other contact.

All newspaper notices required for a Public Hearing or Opportunity to Request a Public Hearing shall be published at least twice in the Legal Section of a newspaper that has general circulation in the immediate area of the proposed project. The Chief District Engineer, or regulatory or management personnel may request that the notice be placed in a newspaper with statewide circulation.

The first newspaper notice for a Public Hearing or an Opportunity to Request a Public Hearing shall be advertised no less than 30 days prior to the established deadline or date. The second newspaper notice shall be advertised no less than 7 days prior to the established deadline or date.

All legal notices placed in a newspaper for a Public Hearing shall be of a consistent format (see Exhibit HD-600-01) and shall include:

- County Name, Route Number, Road Name, and the Item Number at the top of the notice directly under the heading
- Date, time, and location of the Public Hearing
- Project description
- Specific information which is available for review at the hearing (to include the environmental document)
- A statement announcing the availability of the environmental document and state where to obtain or review it, usually at the local Highway District Office or Central Office when appropriate.
- A contact name/number/address/email address of someone responsible for project information
- A location map
- The following statement; "Once compiled, the hearing record will be made available for review and copying only after an Open Records Request has been received and approved. All Open Records Requests must be submitted to the Department of Administrative Services, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622."
- The following statement; "In accordance with the Americans With Disabilities Act (ADA), if anyone has a disability and will require assistance, please notify (contact name) of the necessary requirements no later than (deadline date). This request does not have to be in writing. Please call (phone #) or mail request to (address)."

The above mentioned deadline date for ADA requests should be far enough in advance of the hearing date to arrange any necessary accommodations, and should not be on a weekend or holiday.

In addition to the legal notice, it may be beneficial to also utilize advertising space elsewhere in the newspaper to announce a Public Hearing. (See exhibit HD-600-02 ).

All legal notices placed in a newspaper for an **Opportunity to Request a Public Hearing** shall be of a consistent format (See exhibit HD-600-03) and shall include:

- County Name, Route Number, Road Name, and the Item Number at the top of the notice directly under the heading
- Project description
- A statement announcing the availability of the environmental document and state where to obtain or review it, usually at the local Highway District Office or Central Office when appropriate.
- A contact name/number/address/email address of someone responsible for project information
- A deadline to make the request for a Hearing to be held. (This date must be at least 30 days from the date of the first newspaper notice)

#### **CONDUCTING PUBLIC HEARINGS:**

**Formal Hearing** - The Chief District Engineer or an appointed representative shall preside over the hearing and select a panel of speakers to give specific presentations. The hearing moderator shall open the hearing in an atmosphere that will cause those in attendance to feel that the Department is earnestly seeking the opinion and suggestion of any individual concerning the project. It should be stated that the presented proposal is not final and that the Kentucky Transportation Cabinet considers all statements made at the hearing. If the proposal is a federal-aid project, state that the FHWA will also consider statements before making final decisions.

The reason for the hearing shall be stated in terms all can understand, along with the discussion of federal aid as applied to federal-aid highway construction. Brochures, pamphlets, statements or other means may be utilized.

Discuss alternate studies including engineering and social, economic and environmental impacts. If available, design features (i.e., roadway width, number of lanes, type of surface, right-of-way taken, and type of access control) shall be presented in such a manner that all present will understand. Use of slides, exhibits, plans, or a combination of these methods is helpful.

A question and answer period should be provided for the public in advance of any statements given for the record. This will enable those wishing to speak to make statements that are more informed. A Right-of-Way representative explaining right-of-way acquisition and relocation assistance should be available at all hearings.

The Department of Highways representative conducting the hearing will officially close the hearing stating:

1. All present had the opportunity to comment.
2. The Department of Highways District Office will receive written statements for fifteen days after the close of the hearing.
3. The Department will receive open records requests for the hearing record through the Department of Administrative Services. The hearing record will include oral proceedings, completed comment sheets, and all other material made available in the handouts.

**Informal (Open) Hearing** - The Chief District Engineer or a designated representative shall preside over the hearing and shall have a handout packet prepared and distributed at the hearing. The packet shall contain information about the project's purpose and need, an explanation of right-of-way acquisition and relocation procedures, a brief summary of the environmental impacts, if any, and other pertinent project information. It also describes the type of format conducted and briefly explains the procedures.

To insure that the public understands the hearing format and proceedings, the Chief District Engineer or chairperson shall give a brief explanation at the beginning of the hearing and thereafter as necessary. This may be accomplished by adding a letter from the CDE to those in attendance, which is included as a part of the hearing packet.

The Chief District Engineer shall provide and have on display at the hearing project plans and various exhibits along with the environmental document and right-of-way acquisition material for public review.

Representatives for the Cabinet and the Consultant Engineer (if applicable) will be present to answer the public's questions and/or explain the project and the provided information. A Right-of-Way representative explaining right-of-way acquisition and relocation assistance should be available at all hearings.

All public statements must be recorded (court reporter, stenographer, or tape recorder) and transcribed to be made a part of the official hearing record. Explain in the hearing notice or handout packet how to give oral and written comments at the hearing or to submit a written statement to the Highway District Office within 15 calendar days after the hearing.

**Optional Format Hearing-** Another option that has proven to be effective is utilizing a combination of the two hearing formats. It may be advantageous to have a formal presentation at the beginning of the hearing and then provide an informal format for the public to examine the exhibits and ask specific questions. In order to accommodate differing arrival times of the public, it may be good to repeat the presentation during the hearing.

#### **DOCUMENTATION FOR A PUBLIC HEARING:**

Public Hearings shall be documented through the production of a Hearing Record. Any Public Hearing Record is considered an Open Records document and therefore must contain the material provided for public review and comment and any response received to that material. Public responses may include written statements or petitions offered during the Public Hearing or within the identified comment period following the hearing. Public responses may also include oral statements offered during the Public Hearing through a court reporter/recording device made available for that purpose.

The Hearing Record should be on 8 ½ inches x 11 inch paper, bound and compiled in the following order:

- Cover Sheet (Sheet to be captioned as the Corridor or Design Public Hearing, county, Item No., road name, date, time and place of hearing)
- Table of Contents
- Letter to manager of advertising section of newspaper

- Legal Notice
- Tear sheet from newspaper
- Sketch map showing the project on which the hearing was held. This may be on a NGS (USGS or USC & GS) map with the line sketched thereon.
- Copy of handout
- Sign-in sheets; Cabinet personnel, consultants, FHWA and all persons attending.
- Transcript of the entire proceedings of a Formal Hearing or of oral statements received for an Informal Hearing (The record will include all statements made, properly identified as to the persons making them. The record should show throughout that all pertinent subjects were open to discussion and that everyone was given an opportunity to speak.)
- Certification that the transcript is a true, complete and accurate record of the hearing and/or oral statements received.
- Written statements, endorsements, etc. (Copy should be obtained and made part of the hearing record.)
- Copies of replies to statements made
- Copies of the statements and exhibits used or filed concerning the Public Hearing

After the Hearing Record has been prepared, the original will remain in the district office and four copies are to be furnished to the Public Involvement Coordinator, Division of Highway Design, within 45 days after the Public Hearing. The public can obtain copies of the Hearing Record once it is filed with the Division of Highway Design. A written Open Records request to the Commissioner of the Department of Administrative Services is required from anyone desiring a copy of the Record.

A Summary of the Public Hearing and a Recommendation on how to proceed with the project should be sent the Public Involvement Coordinator. These are considered preliminary actions and therefore not subject to open records. These are NOT to be inserted into the Hearing Record, but may be submitted along with the Hearing Record. Only one copy is required.

The Public Involvement Coordinator shall furnish a copy of both the hearing record and the summary/recommendation to the Location Engineer for approval. After receiving approval, the Public Involvement Coordinator will distribute copies of the Hearing Record and Summary/Recommendation to the proper agencies as follows:

- Federal Highway Administration (both)
- Division of Environmental Analysis (both)
- Division of Planning (summary/recommendation only)
- Division of Right -of-Way & Utilities  
(summary/recommendation only)

The Public Involvement Coordinator shall keep the copy of the Hearing Record on file and, upon request, supply a copy or allow the making of copies. When determined that a potential controversy may exist, the Division of Highway Design will forward the information to the State Highway Engineer's Office for comment and/or approval.

#### **DOCUMENTATION FOR OPPORTUNITY TO REQUEST A PUBLIC HEARING:**

Opportunities to Request a Public Hearing shall be documented by a memo to the Public Involvement Coordinator, Division of Highway Design. The memo shall contain the project information (County, Route, Item No., project description) and the date the Legal Notice was published along with the deadline given. It shall also contain the number of requests received, if any. The Public Involvement Coordinator shall then forward this memo to the appropriate personnel, to include the FHWA, as certification that an Opportunity to Request a Public Hearing was given.

**PUBLIC MEETINGS:**

A primary objective of Public Meetings is to identify issues and concerns that need to be addressed as the project advances. Public Meetings can be conducted using a number of different methods. The format (informal or formal) should be tailored to the specific objectives for the meeting and accommodate the number of anticipated participants.

For small projects with few stakeholders public involvement can occur through individual contacts or small, informal group discussions. However, for larger projects or for those with several stakeholders, it may be necessary to hold a more formal meeting, similar to a Public Hearing.

There are a number of different approaches that can be used for gathering and distributing information. These may include, but are not limited to, Citizens' Advisory Committees, stakeholder groups, Public Information Meetings, and property owner meetings. As a result of the NEPA process, several other Public Meetings may be required, including resource agency meetings and consulting party meetings. There also may be opportunities to make presentations to selected local public officials, neighborhood groups or associations, civic associations, business associations, private individuals, etc.

**Citizens' Advisory Committee** - For some projects, the PDT may find it beneficial to involve a group of local citizens and officials with a significant interest in the project. One way to do this is with a citizen's advisory committee. This is a group of volunteers who meet periodically to exchange ideas and viewpoints on issues involving the project. The committee can serve as a forum for hearing and recording points of view. A representative from KYTC should participate on the committee as an agency member, providing information, support, and opinion.

**Stakeholder Groups** – A stakeholder group is a specific group that has a unique interest in some aspect of the project (landscaping, pedestrian movements, traffic management, etc.). Stakeholder Groups are a targeted audience that would meet periodically for comment and distribution of information. If more direct involvement with the PDT is needed, then a subset of the Stakeholder Group (a focus group) may be utilized.

**Public Information Meetings** – The purpose of these meetings is to inform the public of a proposed project in their area and to receive comments from the public on the proposed project. These meetings should be held at the earliest appropriate stage of project development. The number of meetings will vary based upon the informational needs of the affected community.

**Property Owner Meetings** – It may be beneficial to conduct a property owner meeting in order to obtain the most accurate property ownership information and to deal with property owner concerns. An objective of property owner meetings should be to minimize the number of right of way revisions. A meeting in the project area with identified potential property owners allows the Project Development Team the opportunity to explain the project purpose and need and describe the study alignments. The meeting provides for an open exchange of information to solicit property owner comments and answer questions.

#### **PREPARATION FOR PUBLIC MEETINGS:**

The scheduled date for a Public Meeting should not conflict with holidays, local activities or other scheduled programs.

The District shall be responsible for, but not limited to, the following:

- Arrange for the building and other facilities to accommodate the physically impaired and as many persons as may be reasonably expected to attend. The site selected should be readily accessible for those attending and located as near as possible to the center of the area affected by the proposed project. Signs should be placed at strategic locations such as parking lots, entrances, etc. to give guidance to attendees as to the location of the hearing or meeting.

The Americans with Disabilities Act requires making an effort to select a facility that provides reasonable access for those physically impaired. If there are not reasonable facilities to meet this requirement within a reasonable proximity of the project being discussed, document the reason for selecting a non-compliant site in the project file and provide a copy to the Public Involvement Coordinator.

- Recommend format (formal or informal) to conduct the Public Meeting to the PDT.

- Prepare announcements for the meeting
- Participate in the preparation of exhibits, plans, photos, etc., that ensures a clear and concise explanation of the proposed project.
- Provide project information and an identification of major concerns through presentations, handout material, displays and/or discussions with the public. Handout material would typically include purpose and need statement, six-year plan schedule, district contact information, location map, and any other pertinent project information.

Handouts provided at the Public Hearing may be made available for review and copying. The public may view the displays not included in the handouts at the District Office. Any displays or illustrations, including those shown in the handouts, used at the Public Hearing should be labeled "Preliminary: Subject to Change" or equivalent. The public may view these displays at the District Office.

- Add the following statement to the handout:

"All exhibits, displays and materials presented at this hearing are available to the public upon their request from the District Office. A nominal charge may be made for the reproduction of these displays."

- Provide the public an opportunity and a mechanism to comment on the proposed project through comment sheets, questionnaires, stenographers and/or discussions between Department personnel and the public.

In order to help keep track of the comments and the persons providing them, sequentially number the comment sheets, and the information packet they come in, to coincide with the sign in sheet will afford some accountability. Those in attendance at the hearings should be encouraged to use the comment sheet provided to them.

The use of colored paper may assist in the integrity/tracking of the comment sheets.

The following statement should be written on the comment sheets:

“Under KRS 516.030, falsely completing, making or altering this document with the intent to defraud, deceive or injure another is forgery in the second degree, a Class D felony.”

- Prepare the agenda, if selecting a formal format, which should include discussing subjects in proper order.

### **ANNOUNCEMENTS FOR PUBLIC MEETINGS:**

A goal of the public involvement process is to ensure interested citizens and public officials have the opportunity to participate. In order to ensure participation, the Cabinet needs to announce Public Meetings. Historically, an advertisement in the newspaper has been the most prominent method of communication. However, with the advent of new technology, the PDT is encouraged to consider other media to announce Public Meetings in addition to the newspaper. Examples include variable message signs, websites, flyers, property owner invitations and public service announcements.

It may be appropriate to mail a copy of the advertisement to all affected or nearby property owners and/or occupants, or to provide a copy of the public notice to other federal, state, and/or local government offices, public officials, civic groups, etc. after it has been reviewed by the Public Involvement Coordinator, Division of Highway Design.

See Exhibit HD600-02.

### **ADVERTISEMENTS FOR PUBLIC MEETINGS:**

The Public Involvement Coordinator in the Division of Highway Design shall be provided a copy of all Public Meeting advertisements in advance, at least seven working days, and will provide assistance/request changes as required before the advertisement is submitted to the newspaper or any other contact.

All newspaper advertisements required for a Public Meeting shall be published at least twice in a newspaper that has general circulation in the immediate area of the proposed project. The

Chief District Engineer, or regulatory or management personnel may request that the advertisement be placed in a newspaper with statewide circulation.

The first newspaper advertisement should be published no less than 15 days prior to the established meeting date, while the second newspaper advertisement should be published no less than 7 days prior to the established meeting date.

All Public Meeting advertisements must include the following:

- County Name, Route Number, Road Name, and the Item Number
- Date, time, and location of the Public Meeting
- Project description
- Specific information which is available for review at the meeting (including the environmental document, if applicable)
- A contact name/number/address of someone responsible for project information
- A location map
- The following statement; "Once compiled, the meeting record will be made available for review and copying only after an Open Records Request has been received and approved. All Open Records Requests must be submitted to the Kentucky Transportation Cabinet, Department of Administrative Services, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622."
- The following statement; "In accordance with the Americans With Disabilities Act (ADA), if anyone has a disability and will require assistance, please notify (contact name) of the necessary requirements no later than (deadline date). This request does not have to be in writing. Please call (phone #) or mail request to (address)."

The above mentioned deadline date for ADA requests should be far enough in advance of the meeting date to arrange any necessary accommodations, and should not be on a weekend or holiday.

**CONDUCTING PUBLIC MEETINGS:**

Public Meetings may be conducted the same way as Public Hearings, but this is not a requirement. Please refer to "CONDUCTING PUBLIC HEARING."

**DOCUMENTATION FOR A PUBLIC MEETING:**

Documentation is required for any public involvement meeting or contact that is part of our decision-making process for that project. The documentation for small projects where the basic form of public involvement is accomplished through individual contacts, or small, informal group discussion, shall be through memorandum to the project files. The PDT will use this material in advancing the project to construction.

In some cases, compilation of a Meeting Record containing more information may be desired. A Public Meeting Record may be compiled as described under 'DOCUMENTATION FOR PUBLIC HEARINGS'.

At a minimum, a summary of the Public Meeting should be compiled. The summary of a Public Meeting should include County, Item No., road name, project description, date, time, and place of the meeting. It should further include a summary of attendees and comments received.

In addition to the summary, a preliminary recommendation for advancement of the project or resolution of specific issues shall be prepared. Both the summary and recommendation shall be forwarded to the Public Involvement Coordinator, Division of Highway Design within 30-45 days after the date of the public meeting. Neither the summary nor the preliminary recommendation shall be made part of a meeting record, if applicable. Should a meeting record be compiled, the original will be kept at the District and four copies should be forwarded to the Public Involvement Coordinator. The Public Involvement Coordinator shall undertake a quality assurance review of the material and then forward it to the appropriate office for final use on the project. When determined that a potential controversy may exist, the Division of Highway Design will forward the information to the State Highway Engineer's Office for comment and/or approval.

The Public Involvement Coordinator shall furnish a copy the documentation to Location Engineer for approval to distribute copies. After receiving approval, the Public Involvement Coordinator will distribute copies of the Summary/Recommendation and/or Meeting Record to the proper agencies as follows:

- Federal Highway Administration (both)
- Division of Environmental Analysis (both)
- Division of Planning (summary/recommendation only)
- Division of Right-of-Way & Utilities  
(summary/recommendation only)

The Public Involvement Coordinator shall keep the copy of the Summary/Recommendation and/or Meeting Record on file and, upon request, supply a copy or allow the making of copies.

<h1>HIGHWAY DESIGN</h1>	Chapter <b>PUBLIC INVOLVEMENT</b>
	Subject <b>Other Types Of Public Involvement</b>

**OTHER TYPES OF PUBLIC INVOLVEMENT:**

**Newsletters** – It may be helpful for the PDT to send out a newsletter to keep agencies, individuals, groups, institutions, advocacy groups and others abreast of project progress and current issues. Newsletters should include all necessary information, yet should be as brief as possible. A monthly or quarterly publishing schedule is reasonable for a large scale, controversial project. A mailing list of stakeholders should be made for this purpose.

**Media** – The Public Information Officer is to be responsible for all releases to the media. The media can include newspapers, radio, and television. A productive relationship with the media helps to present a clear and accurate message. News releases should be up-to-date, credible, informative and concise.

**Website** – The Transportation Cabinet keeps an up-to-date website of all projects scheduled in the Six Year Plan. The project can be located on a map, which has a link to project information such as the project description, the project status, and someone to contact for more information. The website also has information on scheduled Public Meetings/Hearings. Some larger projects with more public interest could have their own website with information on road closures, detours, construction hours, etc. Comments and requests can be made through these sites via email.

**On Project Site** – A project site visit allows stakeholders to see the site under the same conditions at the same time. Project concerns can be pointed out, leading to a better understanding of existing conditions. A site visit can also illustrate how certain areas will be affected, and project constraints can be seen by stakeholders.

**Involvement of Community and Civic Organizations** – It is important to gain citizen input in a structured way. As described above, one way to do this is a citizen's advisory committee. This is a group of volunteers who meet periodically to exchange ideas and viewpoints on issues involving the project. The committee can serve as a forum for hearing and recording points of view. A representative from KYTC should participate on the committee as an agency member, providing information, support, and opinion. Another way is to make presentations at regularly scheduled meetings for local civic organizations.

There are many ways to gain public input. The Cabinet's Policy on Public Involvement has a toolbox of public involvement techniques that the PDT should be aware of and utilize appropriately.

## LEGAL NOTICE OF A PUBLIC HEARING

Kenton County  
KY16, Taylor Mill Road  
Item No. 6-344.00

The Kentucky Transportation Cabinet, Department of Highways, has scheduled a Public Hearing on the above referenced project to be held (*date, time and place*). This project is the (*project description*). This hearing has been scheduled to afford all interested persons an opportunity to become better informed and to express their views concerning the proposed project.

The Informal Format (*use Formal Format and description of activities if applicable*) will allow interested persons to attend anytime between the hours of 5:00 PM to 7:00 PM. A handout, containing project information, plans, exhibits and the approved environmental document for the project will be displayed at the hearing. Representatives from the Transportation Cabinet and their consultants will be available to answer questions.

The Federal Highway Administration and the Transportation Cabinet approved the project's Environmental Assessment (EA) on (*date*). Copies of the EA will be available at the hearing, as well as at the District Highway Office at the address listed below.

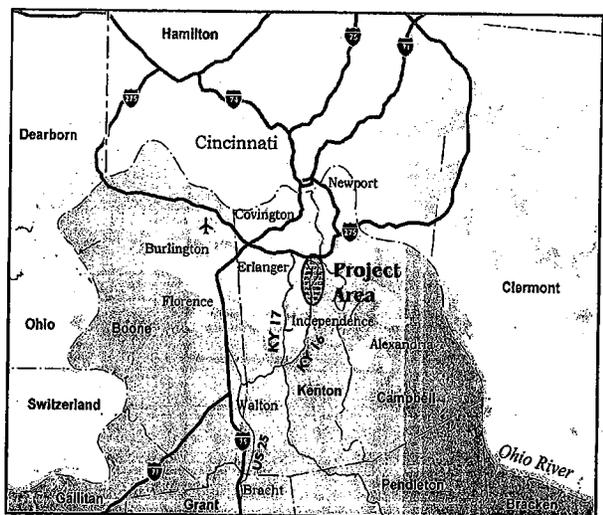
Oral and written statements will be accepted during the hearing. Written statements will be accepted, and information made available, for a period of fifteen (15 days) after the Public Hearing at the address listed below. All written and oral comments will become part of the official hearing record. Once compiled, the hearing record will be made available for review and copying only after an Open Records Request has been received and approved. All Open Records Requests must be submitted to Department of Administrative Services, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622.

In accordance with the Americans with Disabilities Act (ADA), if anyone has a disability and will require assistance, please notify (*name*) of the necessary requirements no later than (*deadline date*). This request does not have to be in writing. Please call (*phone #*) or mail request to the address listed below.

Please address any questions regarding this hearing, or project information, to:

(*name*)

(*address*)



## The Kentucky Transportation Cabinet Needs Your Input!

*Concerning the Reconstruction and Widening of KY-536  
from the Boone County Line to KY-17 in Kenton County  
Item No.*

### Public Information Meeting

Thursday, December 9

5:00-7:00 PM

Kenton County Extension Office

10990 Marshall Road

Covington, KY

*Informal Format (stop by anytime between 5 and 7 p.m.)  
(use formal format information if applicable)*

*This meeting is to present to the public the latest plans that have been developed for the project. Handouts, containing information about the project, comment sheets and displays will be available at the meeting. Representatives from the KY Transportation Cabinet and their consultants will be available to answer questions. Written and oral comments will be accepted during the meeting. Written comments will be accepted, and information made available, up to 15 days after the meeting at the District Six Office address listed below.*

*Written and oral comments from this meeting will become a part of the official record for the project. Once compiled, the meeting record will be made available for review and copying only after an Open Records Request has been received and approved. All Open Records Requests must be submitted to the Department of Administrative Services, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622.*

*In accordance with the Americans with Disabilities Act (ADA), if anyone has a disability and requires assistance, please notify (name), no later than (deadline date). Please call (phone #) or mail your request to the address listed below..*

*Please address any questions regarding this meeting or project to:*

*(name)  
(address)  
(phone #)*



**LEGAL NOTICE OF OPPORTUNITY TO REQUEST  
A PUBLIC HEARING**

**COUNTY  
ROUTE #, ROAD NAME  
ITEM NO.**

The Kentucky Transportation Cabinet offers to the public and any affected agencies an opportunity to request a Public Hearing concerning *(type of work on the route, i.e.)* construction of a new connector.

*(complete description, i.e.)* The proposed project is a new road that would link the cities of Elizabethtown and Radcliff. The project corridor is located west of US31W, and begins with a new junction (interchange or intersection) with the Elizabethtown US31W Bypass and continues north to the Joe Prather Highway (KY313), a distance of approximately 7.5 miles. The southern 1.9 miles involves the reconstruction of KY1600, the remaining 5.6 miles traverses new alignment.

The Environmental Assessment approved by the Federal Highway Administration, maps, plans and other relevant project data are available for public inspection from 8:00 AM to 4:30 PM, Monday through Friday at the Department of Highways District Office at the address below. Information is also available by calling *(phone #)* during the work hours noted above.

A Public Hearing will not be scheduled unless a written request(s) is received on or before (date that is 30 days from publication date).

*(name)*

Kentucky Transportation Cabinet

*(address)*

