

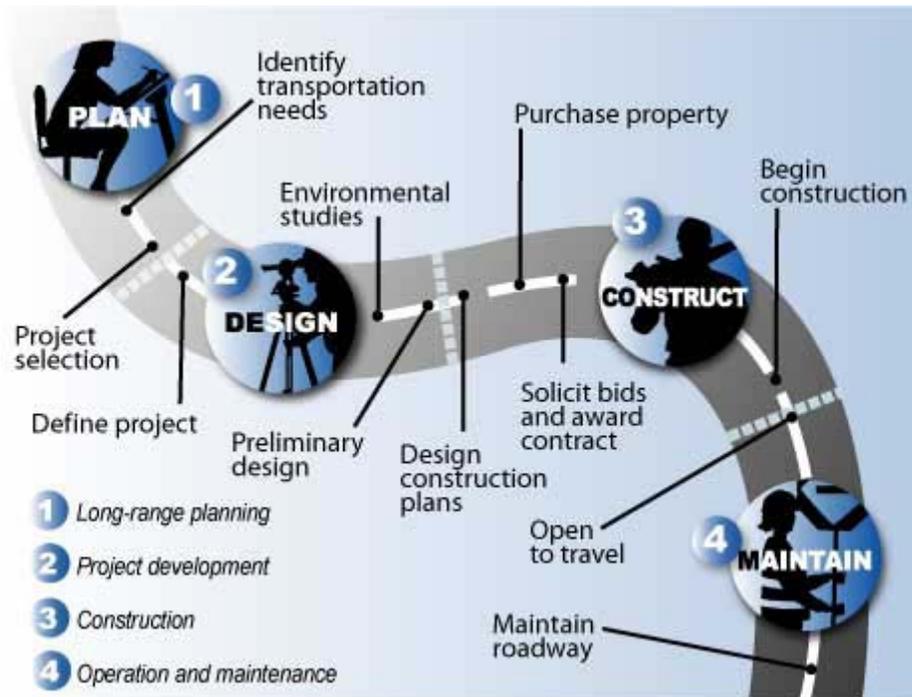
# Hear Every Voice Part II

## Project Development

***Public involvement must happen at every stop along the road***

Stakeholder consultation and public involvement play an integral role in Mn/DOT's decision-making processes at every step of a project from planning to project maintenance and operations. In order to fulfill the department's mission, Mn/DOT is committed to involving members of the public throughout the state in the development and implementation of its plans and programs. In order to "hear every voice," Mn/DOT's stakeholder consultation and public involvement processes must be:

- appropriate
- accessible
- transparent
- accountable
- meaningful
- inclusive of the state's diverse population



## Planning

Minnesota transportation planning helps identify the needs and potential responses to providing a statewide transportation system. Planning sets into motion subsequent

spending allocations and determines what transportation projects and initiatives will be addressed within a predetermined timeframe.

Mn/DOT must involve members of the public throughout the state in the development and implementation of its plans and programs. This participation encourages the development of a joint vision for transportation shared by stakeholders, the public and Mn/DOT.

Objectives of participation in planning:

- To reach out to Minnesota's diverse population and stakeholders to gather input and communicate Mn/DOT's understanding of issues and needs.
- To educate stakeholders and the public about Mn/DOT's planning process and the status of the state's transportation system and resources.
- To gain external and internal information that will aid in setting policies and priorities based on the needs and desires of our customers/stakeholders.
- To fully comply with stakeholder consultation and public involvement requirements identified in state or federal law, rules or regulations.

### **Who is responsible for stakeholder consultation and public involvement?**

Generally, the organization that has the responsibility for the transportation facility and/or is the lead agency within a partnership holds the responsibility for participation.

Examples:

Mn/DOT's Office Aeronautics does not own or maintain any airports. Airports are usually owned by a local unit of government or privately. While Aeronautics provides services and support, it is the owner's responsibility to conduct participation and meet federal requirements.

### **Major Plans**

1. Mn/DOT public involvement policy and directions are based on Mn/DOT's overarching Mn/DOT Strategic Plan that sets the direction for subsequent plans. Mn/DOT's vision and mission as stated in the Strategic Plan is to focus on priority transportation improvements and investments that result in a transportation system that helps Minnesotans travel safer, smarter and more efficiently.
2. The 20-year Statewide Transportation Plan establishes the policies and performance measures required to implement the Strategic Plan. The commitment to involve the public is expressed in Policy 9 of the 2003 Minnesota Statewide Transportation Plan, which states Mn/DOT's policy is to "Inform,



Involve and Educate All Potentially Affected Stakeholders in Transportation Plans and Investment Decision Processes.”

The following outcome statements are identified for this policy.

- Mn/DOT will proactively seek early and continuing public input and involvement so as to be responsive and accountable to its stakeholders.
  - Mn/DOT will listen to its customers and respond with accurate, timely information upon which they can rely. Mn/DOT will be a trusted source of information.
  - Customers will understand Mn/DOT’s roles, processes and priorities, and will have access to information about Mn/DOT’s projects and activities.
3. Identification of system and service deficiencies, improvements and opportunities are identified in several plans including:
- Local plans specific to metropolitan planning organizations and regional development commissions, tribal governments and other local plans.
  - Mn/DOT district long-range plans
  - Interregional corridor management plans
  - Modal plans (freight, transit, bicycle, pedestrian, motor carrier and aeronautics)
  - Other state long-range improvement plans (e.g. Strategic Highway Safety Plan, Highway Systems Operation Plan, Statewide Heavy Vehicle Safety Plan and the ITS Safety Plan).



## **Planning Framework**

Every major planning effort should:

- Establish early and continuous stakeholder consultation and public involvement opportunities;
- Provide timely information about transportation issues and decision-making processes to stakeholders,
- Provide the appropriate level of stakeholder involvement in the planning process.

The planning framework ensures that essential levels of stakeholder consultation and public involvement approaches are developed and tailored to the complexities of the project.

The approach is consistent with each type of plan. The strategies for stakeholder consultation and public involvement vary according to the type and scope of the plan/project and any unique applicable requirements.

The Tools and Resources section offers guidance regarding all components of outreach including Stakeholder Identification, Levels of Consultation and Involvement, Tribal Consultation, and Techniques such as visualization, electronic formats, public notices and meetings.

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## **Approval of Work/Scope by Senior Management**

Every major plan must have a documented stakeholder consultation/public involvement process. The process is integrated into the overall plan.

The scope of work, advisory structure and stakeholder consultation and public involvement process of any major plan requires Mn/DOT senior management approval.

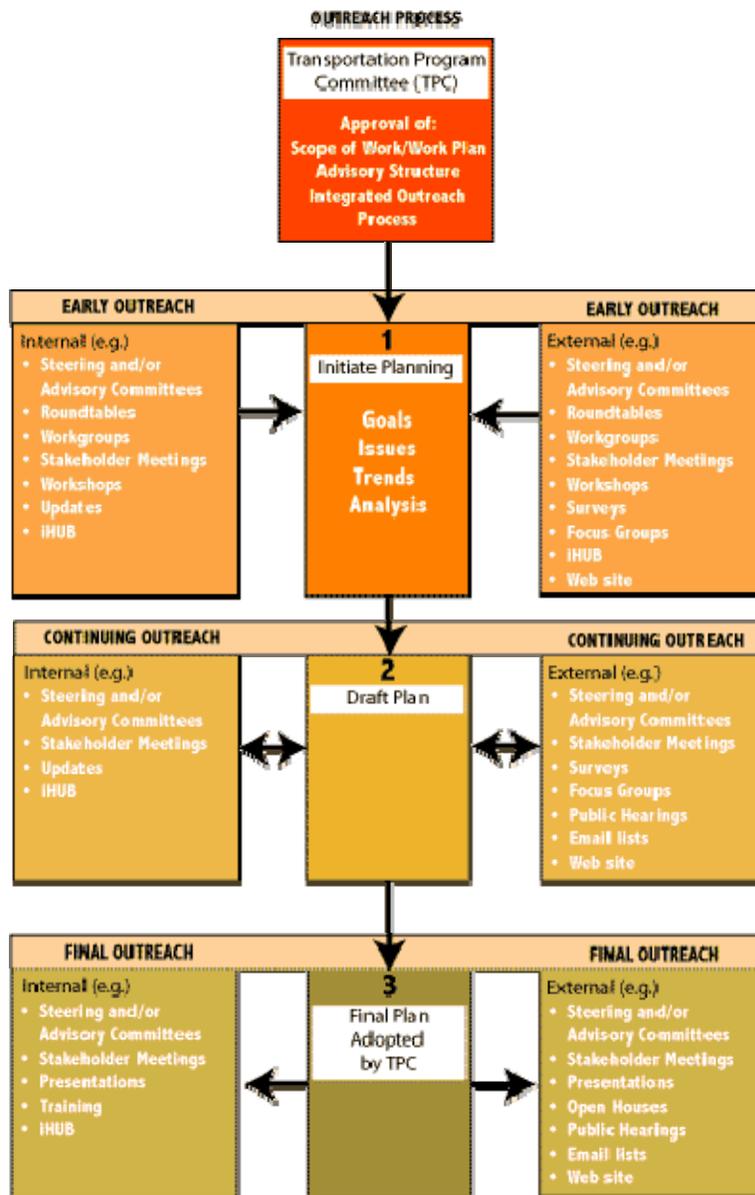
Any major plan that will use funds from the State Road Construction budget requires the approval of Mn/DOT's Transportation Program Committee as outlined in Mn/DOT's Policy Guidelines for Plan Development/Approval Process Memorandum dated November 3, 2006. The TPC consists of Mn/DOT's division directors, district engineers and deputy commissioner.



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**Stakeholder Consultation and Public Involvement Process Framework** – The general stakeholder consultation and public involvement process framework indicates internal and external outreach efforts scheduled according to three milestones: project initiation, draft plan and final plan. *Outreach* indicates receipt of information and/or some level of participation.

### Planning Framework



### *Plan Initiation*

The first major stakeholder consultation effort is undertaken early in the planning process. This outreach (participation) effort is designed to solicit input from internal and external stakeholders at the beginning of the planning effort. Thus, allowing the input to influence the direction and focus of the planning process as well as the plan outcomes. This first outreach effort is primarily an opportunity for Mn/DOT to listen to stakeholder concerns and issues.

### *Draft Plan*

The second major stakeholder and public involvement outreach (participation) effort follows the completion and presentation of the draft plan. It is a two-way conversation between Mn/DOT and stakeholders. It provides Mn/DOT the opportunity to communicate:

- findings from the early outreach effort,
- subsequent trend and data analyses, and
- draft recommendations.

The effort also affords stakeholders the opportunity to provide feedback regarding the elements and recommendations of the draft plan, making the continuing outreach phase a two-way dialogue between Mn/DOT and stakeholders.

### *Final Plan*

The third major stakeholder and public outreach effort occurs after revisions to the draft plan are made based on input from the previous outreach phase and the final plan is presented. The final outreach (participation) phase communicates to stakeholders what is in the final plan and how previous input influenced and shaped the final plan.

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## **Outreach Pathways & Responsibilities**

Under SAFETEA-LU, five levels of outreach Spectrum of Participation Levels are identified. Outreach is described by the following Spectrum of Participation Levels - of communication and participation.

1. *Inform* – to provide objective, balanced information to assist the public in understanding issues, planning and program efforts.
2. *Consider* – to take into account opinions, actions or information from others.



3. *Consult* – to confer periodically and consider each other’s views prior to acting and report actions afterward.
4. *Cooperate* – Work together to achieve a common goal or objective.
5. *Coordinate* – Compare plans, programs & schedules, and adjust them for general consistency.

Requirements for minimum outreach activity directed toward specific types of stakeholders are also provided by SAFETEA-LU. For details see, Identified Stakeholders & SAFETEA-LU Levels of Outreach.

**Area Transportation Partnerships (ATPs)** are a means of:

- considering transportation improvement recommendations and
- Recommending to the District Engineer an integrated list of transportation investments.

The ATPs also serve as a forum for information exchange among transportation partners and to foster a climate of cooperation, coordination, and partnership efforts.

Members of the ATPs are determined by each group and may include:

- Representatives of the district and transportation partners within the ATP, including representatives of non-metropolitan local governments.
- MPO executive directors are required to serve on the District/ATP (where applicable), and
- Tribal governments are provided the opportunity to be represented on the ATP.

The unique ATP process, provides a forum for coordination and cooperation among representatives from non-metropolitan area, MPOs, tribal governments, and Mn/DOT.

**Market Research** provides information to better understand and respond to its customers. Customers of the transportation system include:

- The general public,
- Freight shippers and generators,
- Bicyclists,
- Transit users, etc. and
- Discrete market segments based on how they use the transportation system.

Mn/DOT’s market research helps Mn/DOT work with its stakeholders to provide the right products and services to end users.



**Tribal Consultation** responds to the unique sovereign status of federally recognized Tribes by:

- Respecting the cultural values of the eleven (11) American Indian tribes of Minnesota,
- Committing to the strengthening the Government-to-Government Relationship between the State of Minnesota and Indian Tribal Governments located within the State.

Mn/DOT has established and staffed the Advocacy Council for Tribal Transportation (ACTT) to discuss roadway policy and devise a cohesive plan for roadways on or near Indian Reservations.

Membership includes:

- 11 Minnesota tribes,
- The Minnesota Department of Transportation,
- The Federal Highway Administration,
- Bureau of Indian Affairs,
- The Michigan TTAP,
- Minnesota Indian Affairs Council and
- MN Counties and cities.

The ACTT provides a forum for Mn/DOT and tribal consultation.

Each District also periodically meets with Tribal representatives of tribes located in their area.

An annual Tribes and Transportation Conference provides opportunities for information sharing and consultation.

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### **Final Plan Approval/Adoption**

The internal process of Mn/DOT review and approval occurs throughout the planning process at key milestones.

The Commissioner's approval of the final plan, where required, follows the recommendation of Senior Mn/DOT Management.

For major plans implemented through funding from the State Road Construction Budget, the TPC will serve as the Mn/DOT authority for final plan approval and adoption (where the Commissioner's approval is not required).



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## Programming

The Statewide Transportation Improvement Program (STIP) is a prioritized program of projects for which funding is committed for the forthcoming 4-year period.

SAFETEA-LU directs that the STIP be developed in concert with governments with transportation responsibilities. In development of the STIP, opportunities for public review and comment are also mandated. The material below supplements Mn/DOT's STIP Guidance Manual.

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### 1. Consultation and Cooperation

SAFETEA-LU directs that:

*...Each State shall develop a statewide transportation improvement program for all areas of the state...With respect to each metropolitan area in the State, the program shall be developed in **cooperation** with the metropolitan planning organization...With respect to each nonmetropolitan area in the State, the program shall be developed in **consultation** with affected nonmetropolitan local officials with responsibility for transportation...With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in **consultation** with the tribal government and the Secretary of the Interior...[Excerpts from 23 USC 135]*

As defined in SAFETEA-LU and in federal rule, "consultation" means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken.

- **Area Transportation Partnerships (ATPs)**

Specifically, Mn/DOT must ensure the STIP development process provides for consultation with non-metropolitan local transportation officials on planning and programming matters.

The role of an ATP is to:

- Consider the transportation improvement recommendations of Mn/DOT and other district transportation partners,
- Recommend to the District Engineer an integrated list of transportation investments, which is the recommended Area Transportation Improvement Program (ATIP).



- Create a forum for information exchange among transportation partners and foster a climate of cooperation, coordination, and partnership efforts.

The ATPs respect the order of projects appearing on submitted priority lists in the integration process.

For example, metropolitan projects recommended for ATIP programming should be consistent with the applicable MPO's prioritized TIP. Projects identified through tribal Indian Reservation Road TIPs are accepted and coordinated for the ATIP and STIP. Districts verify ATIP consistency with MPO TIPs prior to finalizing their ATIP. ATPs are also expected to review and comment on the draft STIP.

- **ATP Cycle**

The annual cycle of project solicitation, review, ATIP development, and STIP approval is provided in the table below and the attached figure.

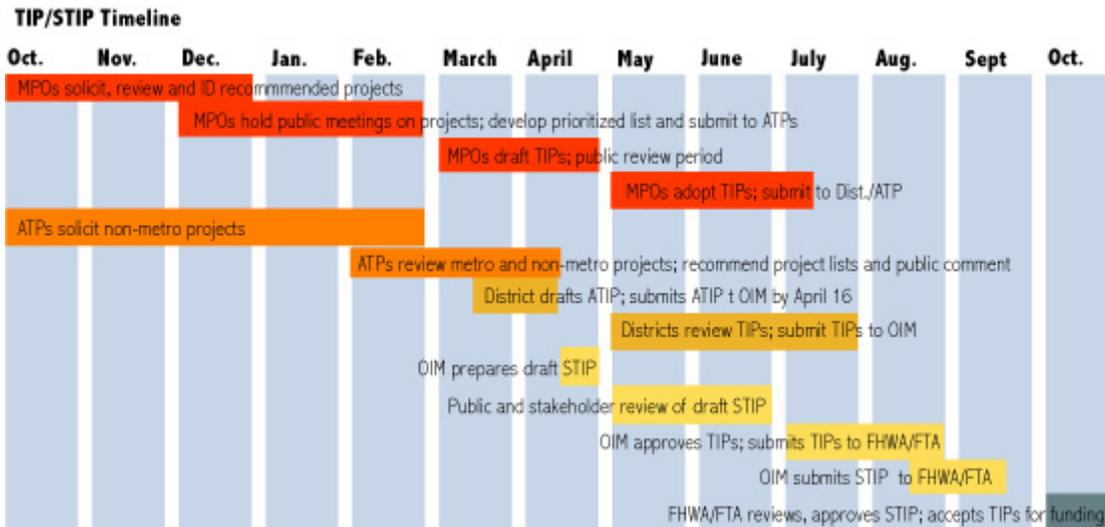
<b>TIP – STIP SCHEDULE</b>		
<b>MPO TIP</b>	<b>DATE</b>	<b>ATP ATIP &amp; STATE STIP</b>
Solicit projects	Oct. – Dec.	District/ATP solicits projects
Evaluate/rank projects	Dec. – Jan.	
Prepare project list	Dec. – Jan.	
Public meeting & comment period	Dec. – Jan.	
Finalize project list	Jan.	ATP selects projects
Submit prioritized project list to ATP	Feb.	
	Feb. – Mar.	Public comment period on projects



Prepare draft TIP/public comment period	Mar. – Apr.	
	<i>April 15</i>	Draft ATIP due to OIM
	May 1	OIM prepares draft STIP/sends to ATPs
	May – June	Review and comment period
	July 1	Comments on draft STIP due
Finalize, approve TIP and send to ATP	July	OIM develops final draft STIP
District sends TIP to OIM	July 30	
OIM approves TIP and sends to FHWA/FTA	Aug.	
	Aug - Sept	Mn/DOT approves STIP and sends to FHWA/FTA
FHWA/FTA makes finding and accepts for funding	Sept.-Oct	FHWA/FTA reviews STIP
TIP ACCEPTED FOR FUNDING	October- Nov	STIP APPROVED BY FHWA/FTA



- **TIP/STIP Timeline**



- **ATP Membership**

Membership is to be representative of the District and other transportation partners within the ATP. Membership varies by ATP. Consultation with the District Transportation Engineer, working with MPO and RDC Executive Directors can offer observations on the perspectives and affiliations members may represent..

ATP members need to be familiar with transportation and land use planning processes, and have broad, multi-modal and multi-jurisdictional perspectives and sensitivities.

At a minimum, the District Engineer, the area RDC(s), and any area MPO(s) are to be represented on an ATP. A transit representative is also a member of the ATP.

Mn/DOT's *Draft Environmental Justice Guidance* calls for the membership to be periodically reviewed to ensure the interests of minority and low-income populations are adequately represented.

Any tribal government(s), within an ATP, have the opportunity for ATP membership, as a sovereign entity. Membership may include voting rights, or not.

- **ATP Process Information**

Mn/DOT's *STIP Guidance Manual* provides comprehensive information about STIP development. It is a print and on-line resource which includes additional information

about the ATP's role. Each of Mn/DOT's districts also makes information available about its ATP membership and scheduled meetings. Information may be provided through a variety of means, ranging from brochures and handbooks to on-line resources. Each district is encouraged to ensure that basic information about its ATP members, meeting dates, and key milestones in the STIP development process is available and up to date on its web site.

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## **2. Metropolitan Area Cooperation**

“Cooperation” means that the parties involved in carrying out the transportation planning and programming processes work together to achieve a common goal or objective.

Metropolitan planning organizations (MPOs) are obligated under SAFETEA-LU and federal rule to develop a long-range transportation plan that is coordinated with statewide transportation planning. Federally programmed projects stem from this plan.

Each MPO must also develop a 4-year transportation improvement program (TIP) that prioritizes the projects it proposes for federal funding. Metropolitan Planning Organizations TIP projects that are selected at the Area Transportation Partnership (ATP) level are then included in the Minnesota Statewide Transportation Improvement Program.

Staff roles facilitate cooperation:

- The executive director of each MPO is a member of its district ATP.
- Mn/DOT district planning staff serves as members of MPO technical advisory committees.
- Studies undertaken by either Mn/DOT or the MPO that effect each organization's transportation systems require participation of both parties in their completion.
- Mn/DOT district planners work with their MPOs so that district-level Mn/DOT planning is a cooperative and coordinated effort with the MPO.

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## **Public Involvement**

Interested parties are assured participation in Mn/DOT planning

*...the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program. ... [Excerpts from 23 USC 135]*

- **Participation Pathways**

Mn/DOT's STIP is the fiscally constrained compilation of each district's area transportation partnership transportation improvement program (ATIP).

Public Involvement for the components included in the Statewide Transportation Improvement Program (and ATIP) follows a variety of pathways. Examples are:

- Governmental units requesting funding provide their own public involvement opportunities.
- MPOs' TIPs follow a formal public involvement process as required by SAFETEA-LU in development of their Transportation Improvement Programs (TIPs).
- Indian Reservation Roads are developed through a separate process consistent with federal law and includes public involvement. The resulting Indian Reservation Road Transportation Improvement Programs (IRRTIP) projects are incorporated into the Statewide Transportation Improvement Program (STIP).
- Cities and counties who approve projects for inclusion in the ATIPs do so through their own public process, etc.
- Mn/DOT conducts public involvement opportunities, as well.

Each Area Transportation Plan (ATP) is responsible for appropriate consultation and public participation opportunities. It is essential that all consultation and involvement be well documented – including informal activities.

Opportunities for review of draft and final plans include consultation partners and the general public. Meetings are publicized and open to the public. The draft

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STIP is noticed for public review. It is also provided directly to the ATPs and MPOs for review and is available on-line to all.

SAFETEA-LU recognizes the need for public meetings to be held at convenient times and places; electronic availability of documents is expected; TIPs and the STIP are encouraged to use visualization techniques (charts, maps, photos, graphs, etc.) as ways to enhance public understanding and participation. Refer to the Tools, Techniques & Training section of HEV II for resources to plan and implement public involvement and stakeholder consultation.



## **Project Development**

Project Development is the phase following Planning in which projects are designed and prepared for construction. Preparation includes:

- Confirmation & Redefinition of Need and Purpose
- Identification of Potentially Affected Interests
- Implementation of a Participation Plan
- Cost estimating
- Development and review of alternatives within complex projects
- Detailed scoping (defining the project in concept)
- Environmental Impact analysis
- Geometric layout, if required
- Municipal consent , if required
- Insertion of the project into the Statewide Transportation Improvement Program (STIP)

### **1. Complex & Non-Complex Projects**

The intention of participation programs differ between complex and non-complex projects.

*Complex Projects* – may be those that are:

- large scale
- potentially impact multiple and diverse interests
- affect multiple jurisdictions
- represent significant expenditures

In complex projects, potentially affected people and organizations are engaged in affirming the need for the project and participating in identification and review of possible alternatives.

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*Non-Complex Projects* - may be those that are:

- less intrusive
- replace an existing facility within a similar footprint and/or style

In non-complex projects, participation may take on a lesser scale due to the potential impacts of the work. However, just as in complex projects, participation activities such as the following need to be considered:

- The coordination of projects with other infrastructure work such as water/sewer and utilities,
- Responses to minor functionality changes,
- Working through impacts to adjacent landowners and
- Notifying users.

## **2. Participation Needs Assessment Step Essential**

**WARNING:** The identification of a project as either complex or non-complex is insufficient alone to determine the level of public involvement and stakeholder consultation appropriate to the project.

Participation Needs Assessment checklist is a tool to assist managers identify the risks and benefits associated with project related to participation.

## **3. Participation in Complex Projects**

A participation plan is required for complex projects. The complex projects participation plan provides an outline to assist in preparation of an appropriate participation plan.

## **4. Participation in Non-complex Projects**

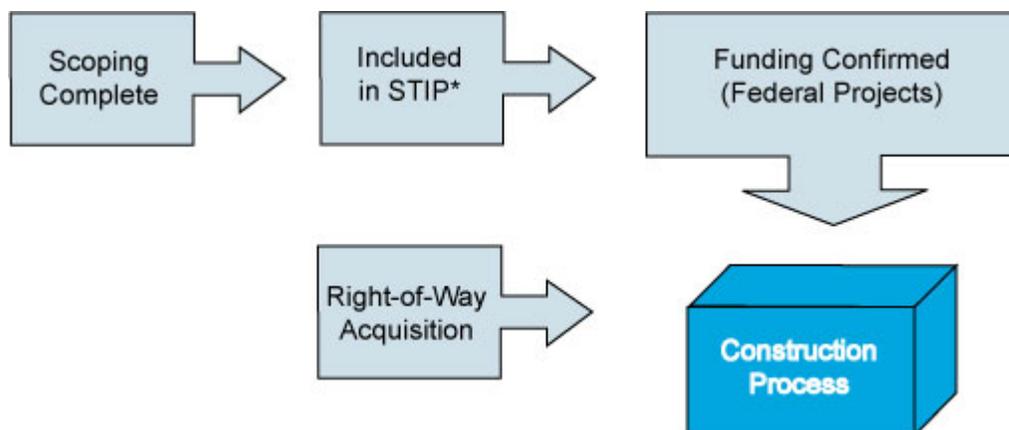
A participation plan is, also, required for non-complex projects. The non-complex projects participation plan provides an outline to assist in the preparation of an appropriate participation plan.



## Construction

Multiple factors determine when construction is begun on a project. Examples include:

- Type of project – complex vs. non-complex
- Scope & size
- Approvals (federal, state, partners & public)
- Right-of-way purchases, if needed.
  - Competing priorities
  - Availability of funding



Construction typically includes the following activities:

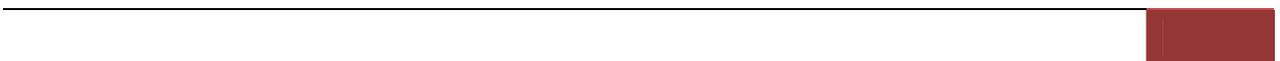
- Survey
- Bid process & contracted letting (Mn/DOT typically hires contractors to perform the construction)
- Site Preparation
- Build



## **Participation and Communication Opportunities**

Prior to or within each construction activity opportunities for communication and, to some degree, participation exist. Examples include:

- Coordination and on-going communication with municipalities and utilities
- Participatory detour and access planning and construction communication
- Business interruption pre-planning, updates and during construction adjustments
- Informational communications to the public and facility users
- Survey and site preparation communications



## **Maintenance & Operations**

It is the responsibility of Maintenance & Operations to provide transportation facilities that are safe, structurally sound, convenient and aesthetically pleasing. Maintenance actions address the following:

- Clear roads
- Smooth roads & drainage
- Road slides
- Emergency Operations
- Safety and Traffic Control Devices
  - Maintenance Research
  - Maintenance of Bridges and Structures
  - Facility Management / Rest Areas
  - Temporary Highways Establishing and Maintaining Detours
  - Maintenance Training
  - Management of Mn/DOT's Fleet

Programs operated by Maintenance include:

- Road/Weather Information System (IR/WIS)
- Mn/DOT Work Zone Safety
- Emergency Operations including planning, response and recovery/hazard mitigation
- Pavement Markings – Central Striping Services
- Pavement Condition Management

## **Participation & Communication Opportunities**

Within each maintenance activity and program opportunities for communication and, to some degree, participation exists. The HEV II section: Tools, Techniques & Training provides guidance for multiple resources.

