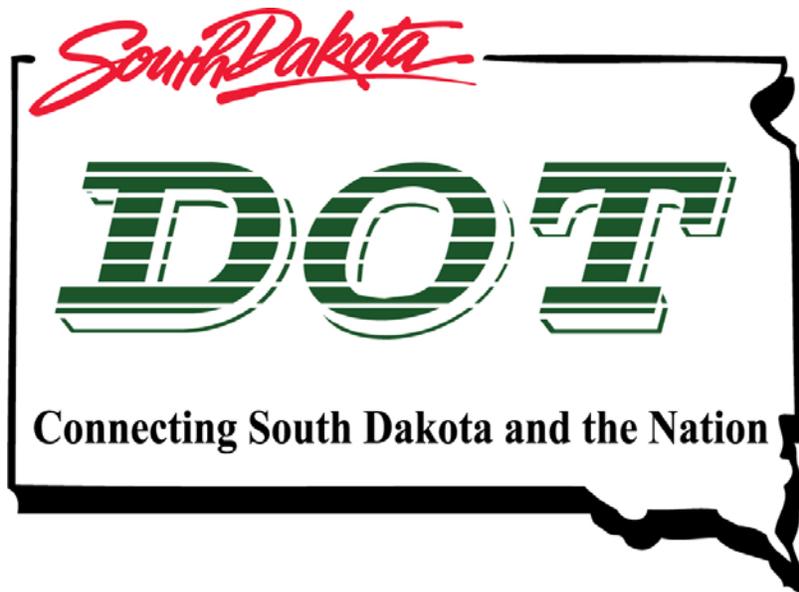


PUBLIC INVOLVEMENT PLAN



**South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, South Dakota 57501-2586**

2010 Update

The South Dakota Department of Transportation provides services without regard to race, color, gender, religion, national origin, age or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person who has questions concerning this policy or who believes they have been discriminated against should contact the Department's Civil Rights Office at 605-773-3540.

South Dakota

Department of Transportation

Public Involvement Plan

The South Dakota Department of Transportation (SDDOT) has a long history of public involvement in the development of transportation plans and projects. The 2005 passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) required the development of a documented public involvement process.

The following document is the SDDOT's Public Involvement Plan (PIP). The PIP documents the various ways SDDOT is involved and will continue to involve the public in transportation decision-making. The PIP documents a uniform method of documenting and evaluating the various public involvement approaches and activities used during the phases of a transportation project.

The updated PIP addresses changes in technology and means of communication, consolidate the various efforts of public involvement throughout the department, and make it easier for SDDOT to continue to proactively seek out new and effective public input opportunities and develop best practices for public involvement.

SAFETEA-LU requires that a minimum period of 45 days be reserved for public comment prior to adoption or revision of the public involvement process. The public comment period concluded on August 24, 2009.

By the signatures below, the updated SDDOT Public Involvement Plan is adopted and approved by South Dakota Department of Transportation and Federal Highway Administration (FHWA).



Darin P. Bergquist
Secretary of Transportation

3/22/10

Date



John Rohlf
FHWA Division Administrator

3/29/2010

Date

TABLE OF CONTENTS

Acronyms	Pg. 4
Introduction	Pg. 5

Sections:

1. General	Pg. 7
a. Public Involvement Requirements	
i. Federal (includes FHWA's and FTA's role and regulations)	
1. SAFETEA-LU (background of ISTEA, TEA-21 and differences)	
2. NEPA	
3. Commitment to non-discrimination: ADA and Title VI	
4. Other	
5. List of Federal Legal Requirements, Policies and Guidance with website links	
ii. State	
1. Open meetings statute	
2. Availability of records	
3. Discrimination prohibition	
4. List of State Legal Requirements with website links	
b. Identifying stakeholders	
c. Approaches and techniques for public involvement	
i. Disseminating Information	
ii. Eliciting Public Input	
1. How to Choose a Public Involvement Technique	
2. Public Meetings/Hearings	
Initial public information meeting	
Presentation format	
Open house format	
Non-traditional format	
d. Public Involvement Checklist and Evaluation for a Plan or Project	
e. Explanation of administration of SDDOT and governing structure	
f. Opportunities for Public Involvement for a Project: Explanation of how a project goes through the SDDOT (from Planning to Post-construction) and when there are PI opportunities	
2. Planning	Pg. 32
a. Statewide Transportation Plan	
b. Statewide Transportation Improvement Program (STIP)	
c. Tribal Participation Process	
d. Non-metropolitan Local Official Consultation Process	
3. Project Development/NEPA	Pg. 43
4. Scoping	Pg. 61

5. Design	Pg. 62
a. Before Public Meeting	
b. During Public Meeting	
c. After Public Meeting	
d. Landowner Meeting	
6. Right-of-Way	Pg. 66
a. Utilities	
b. Property Management	
7. Bid Letting	Pg. 70
8. Construction	Pg. 72
9. Transit, Aeronautics, Railroads and LGO's (Local Government Organizations)	Pg. 74

Appendices:	Pg. 75
-------------	--------

A. Glossary of Terms	
B. STIP Distribution List	
C. Distribution List for Public Meetings/Hearings Notices	
D. SDDOT Contacts by Region and Area	
E. SD Population by Race	
F. Public Meeting/Open House Notice	
G. Letter template to the newspaper about publishing a notice	
H. Sign-In Sheet	
I. Contact Letter for Landowner meeting	
J. Letter to Area Engineer for Landowner meeting	
K. Letter to Region Engineer about Landowner meeting	
L. Letter to No Shows at Landowner meeting	
M. Letter to Attendees of Landowner meeting	
N. ADA Grievance Policy, Procedures & Form and ADA Request for Special Accommodation Form	
O. Tribal Consultation Procedures (Section 106)	
P. General Outline of Public Involvement Process during Design Phase	
Q. Landowner Letter for Open House Notification and Request Permission to Survey	
R. Acknowledgements	

ACRONYMS

ADA	Americans with Disabilities Act
CFR	Code of Federal Regulations
EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
ISTEA	Intermodal Surface Transportation Efficiency Act
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act of 1969, as Amended
PIP	Public Involvement Plan
PPP	Public Participation Plan
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users
SDCL	South Dakota Codified Law
SDDOT	South Dakota Department of Transportation
STIP	Statewide Transportation Improvement Program
TEA-21	Transportation Efficiency Act for the 21 st Century
TIP	Transportation Improvement Program
U.S.C	United States Code
USDOT	United States Department of Transportation

INTRODUCTION

Transportation can be called the art of bringing human beings together. A government agency could not be more honored than South Dakota Department of Transportation (SDDOT) to say it is this artist that brings people together. SDDOT takes great pride in its mission to provide a safe, efficient, and effective transportation system. Quality can be measured in many ways—SDDOT believes in measuring quality based on customer satisfaction. Therefore, seeking customer input from South Dakota’s traveling public is a vital part of SDDOT’s purpose. This Public Involvement Plan (PIP) is a living document, designed to demonstrate to the public the constant ways SDDOT—with the help of the public—is making South Dakota a better place to reside, do business, and visit. With the public’s vision, SDDOT paints a picture of a South Dakota that brings people together from prairie plains to granite peaks.

SDDOT is a government agency serving the public. SDDOT continually dedicates itself to proactively involving the public—which are its citizens and customers. SDDOT attempts to give South Dakota citizens and traveling public every opportunity possible to convey their transportation needs and wants. Effective public involvement is a key factor in making better transportation decisions. Active public involvement leads to transportation improvements that meet community needs and desires, provide greater acceptance of projects, engender a sense of community, and enhance SDDOT credibility. Public involvement builds a credible and trusting relationship between SDDOT and the community it serves through partnering, outreach, active listening, and two-way communication.¹ It gives the public a stake in transportation projects.

Balancing the needs of South Dakota citizens and the traveling public, safety, legal requirements, and design requirements is a challenging process. SDDOT seeks the input of the public so all these elements can be equally balanced.

There is no uniform technique to enlighten, educate, and engage the public in transportation decision-making. SDDOT uses different public involvement approaches and activities. Over the years, some approaches and activities have proven their effectiveness within South Dakota communities, while newer endeavors at public involvement are still being evaluated. SDDOT feels there is always room for improvement and innovation and is willing to try new approaches and activities to stimulate public involvement.

There is a wealth of public involvement approaches and activities utilized by many different transportation agencies or governmental agencies in general. These activities have strengths and weaknesses. Some prove to be more effective in certain situations, at certain stages of the decision-making process, and involving certain stakeholders. This PIP provides an overview of these approaches and activities with a brief recommendation of the circumstances under which they should be successful.

¹ This taken from Florida’s Department of Transportation (FDOT) Public Involvement Handbook which may be found at http://www.dot.state.fl.us/emo/pubs/public_involvement/pubinvolve.htm

Each division within SDDOT is responsible for conducting public involvement activities during the project phase for which it is responsible. Through experience, the divisions of SDDOT have found various public involvement approaches and activities to be successful. To break down the different types of public involvement at the various phases of the transportation project, refer to page 31. This PIP is organized in accordance with the phases of a transportation project and the corresponding divisions within SDDOT. The activities used by these divisions are documented in this PIP to typify the public involvement activities used during each division's phase of the transportation project.

SDDOT has a long history of providing the public the opportunity to participate in the planning and design of transportation projects. SDDOT has been seeking public input in the development of the Statewide Transportation Improvement Program (STIP) since the late 1970s. SDDOT engages the public with various involvement activities, from more formal hearings and meetings to informal open houses and newsletters. The purpose of this PIP is to better document these efforts, create best practices, and provide future guidance to improve the public involvement process.

With South Dakota's significant American Indian population—8.3% according to the South Dakota Department of Labor²—SDDOT recognizes the special need to consult with tribal governments, who have special sovereign status. Tribal officials are consulted in the development of the Statewide Transportation Plan, the STIP, project design, and other transportation issues. Tribal governments are informed of SDDOT's decisions and the rationale behind these decisions. Meetings with the tribes are conducted throughout the year, including individual meetings with each Tribal government. Comments from any meetings are welcomed and considered with the Tribal government. SDDOT's Tribal Participation Process can be found in pages 37 to 39.

² The breakdown of the 2000 population by race according to the South Dakota Department of Labor, whose source was the United States Census Bureau, can be found in Appendix E.

SECTION 1 – GENERAL INFORMATION

Public Involvement Requirements

The Federal and State governments have established requirements for public involvement in transportation decision-making. To SDDOT these requirements are merely a starting point for the public to influence transportation decision-making. SDDOT gives the public an opportunity to shape decisions in a way that manifests their community needs and ideals. The level of public involvement is specific to the details of the project, meaning there are various criteria to consider, including: location, scope, complexity, and the level of controversy. This means going above and beyond these legal requirements. SDDOT is ahead of the curve, eliciting public input whenever possible, not just when required. Why does SDDOT go above and beyond these public involvement requirements? SDDOT strives to have satisfied customers—and the only way to satisfy customers is to understand their needs and wants and then develop a well-rounded plan with this in mind.

Federal Legal Requirements³

In 1991, with the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA), public involvement in transportation decision-making was emphasized by the Federal government on a greater level than ever before. To help clarify ISTEA, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly issued regulations to provide guidance to state, local, and metropolitan organizations for public involvement programs and plans. ISTEA spurred organizations receiving federal transportation funding to proactively involve the public in decision-making. Many of the requirements of ISTEA were already being practiced by SDDOT before the advent of ISTEA.

Following in the footsteps of ISTEA, TEA-21 was passed in 1998 and continued to emphasize the importance of public involvement. TEA-21 required public involvement opportunities throughout the planning process. There was more emphasis on public involvement in the development of a three-year Statewide Transportation Improvement Program (STIP) and Tribal government involvement. Again, SDDOT was ahead of the curve. The requirements of TEA-21 merely formalized a process already being done by SDDOT.

ISTEA and TEA-21 provided a foundation for early and continuous public involvement throughout the planning and programming process. This foundation included reasonable public access to information and public notice of involvement activities. These acts required not only input from citizens, affected public agencies, affected private entities, and other interested parties; but also

³ SDDOT is not a federal agency. SDDOT is a State of South Dakota governmental agency of the executive branch—the head of which is the Governor of South Dakota (See page 30 for SDDOT Organizational Chart). SDDOT receives funds from the federal government. So, any project which utilizes federal funds is required to comply with all federal laws.

explicit consideration and response to their comments. In addition, SDDOT was required to coordinate its efforts statewide with Metropolitan Planning Organizations (MPOs).

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) continues and enhances the requirements established by ISTEA and TEA-21 for public involvement and outreach. SDDOT must have a documented public participation process, while Metropolitan Planning Organizations (MPOs) have a more demanding requirement to create a Public Participation Plan (PPP). SAFETEA-LU requires the use of visualizations to the maximum extent practical when describing Long Range Transportation Plans, Transportation Improvement Programs (TIPs), and STIPs. These Plans and Programs must be published or made available for public viewing. In addition, information must be made available in electronic formats.

The National Environmental Policy Act of 1969 (NEPA), as Amended, established a national “policy for the protection of the environment. NEPA calls for an examination and consideration of impacts to proposed action on sensitive resources when an agency is considering a transportation facility. These resources include, but are not limited to: floodplains, wetlands, endangered species, historic sites, archeological sites, parklands, air quality, wildlife habitat, etc. Also, there are the transportation needs that need to be fulfilled. Because of the impacts to resources and needed transportation improvements, SDDOT uses a balanced decision making process that considers a range of factors including both impacts to the resources and transportation needs.

Like with other federal acts or laws, FHWA and FTA produced a regulation—23 CFR 771—to clarify and compel the implementation of NEPA for transportation agencies. “This regulation prescribes the policies and procedures of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for implementing the National Environmental Policy Act of 1969 as amended (NEPA), and the regulation of the Council on Environmental Quality (CEQ), 40 CFR parts 1500 through 1508. This regulation sets forth all FHWA, FTA, and Department of Transportation (DOT) requirements under NEPA for the processing of highway and mass transportation projects.”⁴ This regulation also sets forth procedures to comply with 23 U.S.C. 109 (h) and 23 U.S.C. 128. The former sets forth standards to assure that possible adverse economic, social, and environmental effects relating to a proposed project on the Federal-aid system have been fully considered in developing the project and that the final project decisions are made in the best overall public interest. The latter, 23 U.S.C. 128, requires public hearings or the opportunity for public hearings for plans for Federal-aid highway projects and a submission of a hearing transcript among other things.

To comply with 23 CFR 771, environmental information must be available to citizens and public officials prior to decision-making and action. SDDOT must give public notice for the access to environmental impact statements (EIS) and environmental assessments (EA) required by NEPA and allow public comment

⁴ 23 CFR 771

on them. For certain projects⁵, SDDOT is required to have one or more public hearings with notice of the hearing made to the public and a transcript of the meeting and public comments submitted to the FHWA.

The public involvement policy of SDDOT must comply with many non-discrimination requirements because it receives federal funding for its activities and programs. All SDDOT programs and activities must be consistent with Title VI of the Civil Rights Act of 1964, which states that “no person may be denied benefits, excluded from participation, or discriminated against on the basis of race, national origin, or color.” Public involvement activities must reach out to all groups in the community, especially the traditionally underserved or people who do not traditionally participate. A variety of activities and methods to encourage public involvement should be used to keep from unintentionally discriminating.

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination based on disability. ADA requires sites for public involvement activities are accessible to people with disabilities. Transit and paratransit services must be available to people with disabilities for travel to these activities. The information presented needs to be available in a format accommodating the needs of people with disabilities. SDDOT must make special outreach efforts in certain issues important to people with disabilities, such as paratransit planning.

Presidential Executive Orders have been used to advance equity among minority and lower income populations. In pursuit of achieving environmental justice for minority and low-income populations, Executive Order 12898 requires each federal agency to evaluate its policies, programs, and activities to determine if they are causing disproportionately high and undesirable human health or environmental inequity among minority and low-income populations. Thus, SDDOT is required to reach out to these groups with meaningful and expanded processes to encourage the public participation of these traditionally underserved groups. When environmental risks and hazards along with benefits and investments are equally distributed, environmental justice will be achieved. Currently, special attention must be paid to certain underserved segments of the community that endure more hazards and risks but receive fewer benefits and have a less than equitable influence on decision-making. In order to break down the communication barrier that exists among some minority populations, Executive Order 13166 focuses on people with limited English proficiency. When this population exists, information must be made available to them in a format they can understand.

There are other federal legal requirements, policies, and guidance that affect SDDOT. The next two pages contain a list of important federal legal requirements, policies, and guidance—some already discussed in the text and some not—along with a brief description and a website link. For the codes in the United States Code (U.S.C.) and the regulations in the Code of Federal

⁵ A public hearing is compulsory when a “project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.” (23 CFR 771)

Regulations (CFR), the links provide access to either the code or regulation itself or a search tool in the online U.S.C. and CFR.

SDDOT will review the Public Involvement Plan and measure its effectiveness every 5 years to insure it is up-to-date and adhering to current requirements.

Federal Legal Requirements, Policies and Guidance⁶

Title of Legal Requirement, Policy, or Guidance	Description of Legal Requirement, Policy, or Guidance	Website Link
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)	Continued and enhanced emphasis on strong planning processes and public involvement	http://www.fhwa.dot.gov/safetealu/safetealu_summary.doc
23 CFR 450.210; 450.214; 450.216	Guides the development of statewide transportation plans and programs; requires early and continuous public involvement; requires public involvement processes to be proactive; must seek out and consider needs of traditionally underserved	http://cfr.vlex.com/vid/450-210-coordination-19724949 ; http://cfr.vlex.com/vid/450-214-statewide-transportation-plan-19724956 ; http://cfr.vlex.com/vid/450-216-statewide-improvement-stip-19724958
FHWA/FTA Interim Policy on Public Involvement	Requires effective public involvement processes tailored to local conditions	www.fhwa.dot.gov/environment/pi_pol.htm
23 U.S.C. 109 (h)	Sets forth standards to assure that possible adverse economic, social, and environmental effects relating to a proposed project on the Federal-aid system have been fully considered in developing the project, and that the final project decisions are made in the best overall public interest.	http://www.environment.fhwa.dot.gov/projdev/imp109_h.asp
23 U.S.C. 128	Requires public hearings or the opportunity for public hearings for plans for Federal-aid highway projects and submission of a hearing transcript	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+23USC128
23 U.S.C. 134	Public involvement in the metropolitan planning process	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+23USC134

⁶ Updated from Florida's Department of Transportation (FDOT) Public Involvement Handbook which may be found at the following website: http://www.dot.state.fl.us/emo/pubs/public_involvement/pubinvolve.htm
Also updated from Kansas's Department of Transportation (KDOT) public involvement manual found at <http://www.ksdot.org/burTransPlan/pdf/SharingtheFuture.pdf>.

23 U.S.C. 135	Public Involvement in Statewide Planning law	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+23USC135
23 U.S.C. 139, Section 6002	Prescribes changes to FHWA procedures for the environmental impact statement process.	http://www.fhwa.dot.gov/HEP/section6002/appx.htm
42 U.S.C. 4321-4347, National Environmental Policy Act (NEPA)	Requires consideration of impacts on human environments	www.fhwa.dot.gov/environment or http://www.nepa.gov/nepa/regs/nepa/nepaegia.htm
40 CFR 1500-1508, specifically 40 CFR 1506.6	Regulations for implementing the provisions of NEPA; environmental information must be available to the public; encourage and facilitate public involvement in decisions	http://ceq.hss.doe.gov/Nepa/regs/ceq/toc_ceq.htm or http://www.nepa.gov/nepa/regs/ceq/1506.htm#1506.6
Title VI of the Civil Rights Act of 1964	Declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color or national origin	www.fhwa.dot.gov/environment/title_vi.htm
42 U.S.C. 12101 et seq., Americans with Disabilities Act	No discrimination on basis of disability	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC12101
28 CFR 36	Requires government programs to be accessible to people with disabilities	http://www.ada.gov/reg3a.html#Anchor-36000
23 CFR 771 Environmental Impact & Related Procedures	Addresses early coordination, public involvement, and project development; requires public hearing for projects which require Environmental Impact Statement (EIS)	http://www.fhwa.dot.gov/HEP/23cfr771.htm
Technical Advisory 6640.8A	Guidance for preparing and processing Environmental and Section 4(f) documents	http://www.environment.fhwa.dot.gov/projdev/impTA6640.asp
Executive Order 12898 on Environmental Justice	Addresses avoidance of actions that can cause disproportionately high and adverse impacts on minority and low income populations	http://www.epa.gov/fedrgstr/eo/eo12898.htm
49 CFR 24 Uniform Relocation Assistance & Real Property Acquisition Policies Act	Ensures property owners and people displaced by Federal-aid projects are treated fairly, consistently and equitably	http://www.fhwa.dot.gov/realstate/49cfr.htm
Executive Order 13166 on Limited English Proficiency	Improving access to services for people with limited English proficiency	www.fhwa.dot.gov/heap/lowlim/index.htm

<p>36 CFR 800</p>	<p>Must seek out public views to best address the issue of protecting historical properties in the section 106 process</p>	<p>http://www.achp.gov/regs-rev04.pdf or http://www.environment.fhwa.dot.gov/ecb/tutorials/e1.htm</p>
<p>Public Involvement Techniques for Transportation Decision-making by Federal Highway Administration of the USDOT</p>	<p>Suggests methods for public involvement</p>	<p>http://www.fhwa.dot.gov/reports/pittd/cover.htm</p>

South Dakota Legal Requirements

South Dakota's open meetings statutes, at SDCL Chapter 1-25, adopted in 1965 and last amended in 2004, are the primary state public involvement guidance for SDDOT and any other South Dakota agency. SDDOT, as a public agency, must comply with these statutes. A meeting of any public body must be open to the public when there is a quorum⁷ at one location discussing official business. Executive or closed meetings may be held for the sole purposes of: certain discussions concerning public officers or employees or prospective public officers or employees; certain discussions concerning students; consulting with legal counsel concerning litigation or contractual matters; preparation for, or negotiations with employees or employee representatives; discussing certain sensitive marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions. Any official action concerning any closed discussion however must be made at an open official meeting. SDDOT must provide notice, with a proposed agenda, at least 24 hours prior to an open meeting, and is required to keep detailed minutes of each open meeting available to the public at its principal office. SDDOT's principal office is the Becker-Hansen Building located at 700 E. Broadway, Pierre, SD 57501. Local media who have requested to be notified must be notified even when there are special or rescheduled meetings. When teleconferencing, SDDOT must provide two locations for the public to participate by speakerphone.

South Dakota is guided not only by federal non-discrimination statutes, but also by state non-discrimination statutes. SDDOT provides services to all persons without regard to race, color, creed, religion, sex, age, disability, ancestry or natural origin in compliance with SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the ADA of 1990. SDDOT also requires all of its contractors to provide services in compliance with the Americans with Disabilities Act of 1990. SDDOT provides people with disabilities with interpreter services and other special services for public hearings and meetings upon request.

South Dakota Codified Laws and Administrative Rules require the availability of public records, including: "rules, final orders, decisions, opinions, intra-agency memoranda, together with all other materials, written statements of policy or interpretations formulated, adopted, or used by the agency in the discharge of its functions."⁸

The next page contains a list of important South Dakota legal requirements—some already discussed in the text and some not—along with a brief description and a website link.

⁷ Legal quorum is the minimum number of persons belonging to a legislative assembly, a corporation, society, or other body required in order to conduct business. For SDDOT, a majority of the Transportation Commission members constitutes a quorum. The Transportation Commission shall hold meetings at the call of the chairman or a majority of the members. SDCL 1-44-7

⁸ SDCL 1-26

South Dakota Legal Requirements

Title of Legal Requirement	Description of Legal Requirement	Website Link
SDCL 1-25-1 et seq. Open Meetings Statutes	Open meetings with legal quorum at one place; notice posted at principal office 24 hours before meeting; two locations for public participation when teleconferencing; notify local media who have requested notification; detailed minutes of meeting	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-25
SDCL Ch. 20-13	Non-discrimination and providing services to all persons without regard to race, color, creed, religion, ancestry or natural origin	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=20-13
SDCL 11-8-11	Urban renewal section prohibits discrimination based on race, creed, color or national origin	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=11-8-11
SDCL 11-2-19	County planning and Zoning, Public hearing notice in newspaper ten days prior	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=11-2-19
SDCL 1-26-2 SD Administrative Rules 70:01:01:02 & 70:02:01:02	Public availability of records	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-26-2 or http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=70:01:01:02 or http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=70:02:01:02
SDCL Ch. 1-27 Amended 2009	Records open to inspection include: All records and documents, subject to certain exemptions.	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-27
SDCL 1-26-15 SD Administrative Rule 70:01:01:03	Petition for declaratory ruling	http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-26-15 or http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=70:01:01:03

Identifying Stakeholders

Before commencing with any public involvement activities, it is essential to identify potential stakeholders. A stakeholder is any person or group of people who has an interest or a share in a transportation project or plan. Potential stakeholders are community organizations, state agencies, federal agencies, city government, and county government along with people who have commercial interests, residential interests, personal interests, and tribal interests.

SDDOT attempts to involve stakeholders in transportation decision-making throughout the entire process—especially early in the process. Stakeholders want to have input in transportation decisions, but may not proactively come to SDDOT with their questions and concerns. SDDOT reaches out to them to proactively and continuously seek their input. The following few paragraphs provide guidance for identifying stakeholders and community data.

To identify stakeholders, the department contacts key community organizations and leaders. Community organizations may be able to provide both general and specific information about community makeup and community concerns. Gathering data about a community may help identify potential stakeholders. Certain organizations have an abundance of accessible community data. This data helps when choosing appropriate public involvement activities and when trying to get in touch with certain stakeholders. For instance, a Chamber of Commerce may have information about business stakeholders who have commercial interest in a transportation project. The following table provides a list of organizations and the community data they are likely to have.

Organizations with Community Data

Organization	Data
Airport Authorities	Economic data
Chambers of Commerce	Local business information
Charitable Organizations	Access to low-income and populations with disabilities
City Hall	City managers hold the majority of the local data for their cities
Community Redevelopment Agency	Local CRA jurisdictional economic data at the parcel level and future development plans for the area
Convention & Visitors Bureau	Marketing and economic development information regarding travel patterns; tourist trends
County Property Appraisers Office	Parcel level data, can be provided in electronic format in most areas
Economic Development Council	Economic statistics and consensus data for the area
Health Department	Access to veterans with disabilities, low income and minority population information
Housing Authority	Local housing characteristics
Local Planning Department	GIS coordinator can provide up-to-date local community data mapped in GIS format
Neighborhood/Homeowners Associations	Neighborhood boundaries; community information
Regional Planning Council	Community data with regional perspective
School Board	Student populations, school boundaries
Senior Citizen Centers	Access to where the elderly live, how they travel and their transportation needs
Transit Authority	Transit marketing data for low income populations; transit dependent populations; existing and future transit routes
US Postal Service	Zip codes, distribution statistics
US Census Bureau	Statistics on the US and its people including demographics, economics, employment, crime, health, and consumer expenditures collected every 10 years

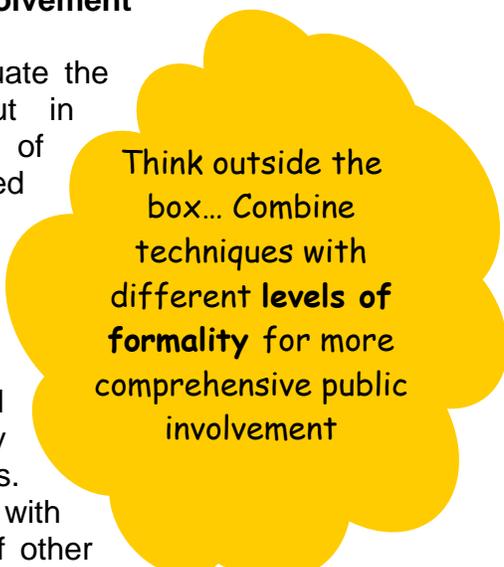
Community organizations are a great starting point for developing contacts with potential stakeholders. Catalogue these organizations for future contact and reference.

Develop contacts with the heads of community organizations and community leaders. Make a catalogue of the leaders that can provide information about the community. Important leaders may be local elected officials, business owners, neighborhood association presidents, school principals, religious and spiritual leaders, senior citizen center coordinators, and leaders of charitable organizations. When starting early in the process of a project or plan, take the opportunity to conduct key person interviews. Conducting key person interviews is a great way to open up the lines of communication. According to the manual *Public Involvement Techniques for Transportation Decision-making* sponsored by USDOT, "A key person might be...a spokesperson for the community, an elected official, the head of an organization, or representative of local media." An interview can produce information used for building contacts and recognizing concerns relevant to the community and its people.

Gather the data collected so far and analyze what kinds of stakeholders there are. When SDDOT is identifying stakeholders, it realizes that different stakeholders have varying interests and varying levels of energy for participation. It is important to differentiate between the groups of people that traditionally participate and those that do not traditionally participate. Different methods of educating and engaging these stakeholders may be needed. For people or groups who do not traditionally participate, SDDOT may use more informal and nontraditional methods to combat the reasons for their lack of involvement, such as changing its normal public meeting time. See the section titled: *Involving all Stakeholders, Especially the Underserved* for special techniques to involve the nontraditional participants.

Approaches and Activities for Public Involvement

SDDOT believes it is important to evaluate the activities meant to encourage public input in transportation projects. Such is true for all of SDDOT projects and plans. SDDOT has limited resources and needs to ensure the activities are not only effective, but cost-effective. SDDOT must carefully choose which public involvement activities it will utilize to elicit the most productive input from the public. Transportation divisions—and governmental agencies in general—have utilized many different methods for public involvement activities. SDDOT can use its own experience to continue with the best activities. It will use the experience of other agencies and its knowledge of the public it serves to pilot new activities.



Think outside the box... Combine techniques with different **levels of formality** for more comprehensive public involvement

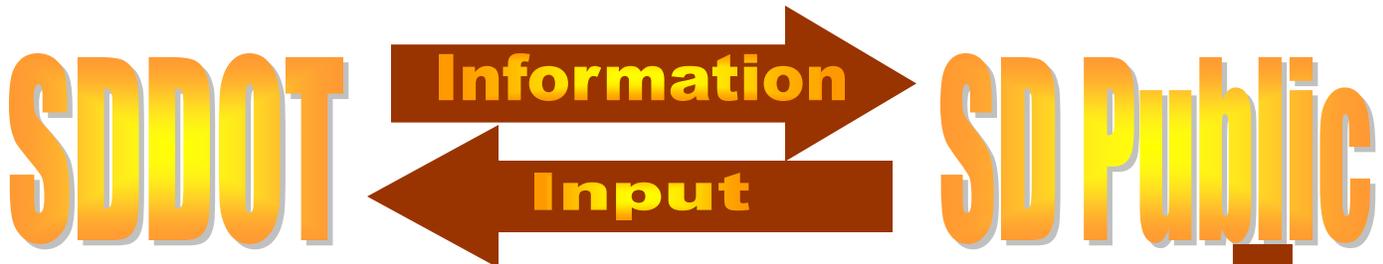
To elicit public input, a combination of traditional and nontraditional methods of involvement may be used. In fact, a combination of informal and formal techniques reaches a larger and broader portion of the public. When possible, combining different techniques is preferred to using a single technique.

USDOT has sponsored a document titled *Public Involvement Techniques for Transportation Decision-making*, which contains a thorough collection and analysis of public involvement techniques. This document discusses techniques that inform people, involve people, elicit feedback from participants, and enhance participation. Each technique is generally described and then evaluated to determine its features, what an agency must do to use the technique, who participates, how the public participates, how agencies use the output information, the costs of the technique, its advantages, its drawbacks, and how the technique may be used in conjunction with other techniques. This document can be found at the link: <http://www.fhwa.dot.gov/reports/pittd/cover.htm>.

This document is the inspiration for much of the following guidance for choosing public involvement techniques for transportation projects and planning.

Disseminating Information

SDDOT knows it is extremely important to keep the public up-to-date about transportation project development and planning. Informing the public comes before eliciting public input.



The public cannot convey their feelings about a project or plan without substantive information. SDDOT provides ways to disseminate transportation information to the public and to obtain public input. The following techniques can be used at any time during transportation project development and planning to provide substantive information. They may also be used in conjunction with any other public involvement techniques.

Advertisements
Badges & Buttons
Billboards
Brochures
Display Boards
Fact Sheets
Fast-food Placemats
Fliers
Grocery Bags
Magnets
Models
News Articles
Newsletters
Newspaper Inserts
Notices
On-line Homepage
Posters
Press Releases
Public Service
Announcements
Utility Bill Stuffers
Videotapes

Mailing lists form the base of many public involvement techniques because they are the lists of the potentially most active stakeholders. SDDOT can stay in direct contact with interested people through a mailing list. SDDOT may send out general information, such as newsletters, meeting announcements, or

invitations to an entire mailing list, or send out specialized information such as reports to a select group on the mailing list. However, when SDDOT sends out a public notice for a public hearing or public meeting, ADA arrangements and Title VI language need to be included in all notices and brochures (see pages 48 and 49 for details).

Public information materials target a broad public. These materials are widely distributed to a

-
- 1. Mailing Lists**
 - 2. Public Information Materials**
 - 3. Briefings**
 - 4. Speakers' Bureaus & Public Involvement Volunteers**
 - 5. Video Techniques**
 - 6. Telephone & Internet Techniques**
 - 7. Visualization Techniques**

large number of people. They are great ways to convey information simply, casually, and visually. If public information materials are attractive, well-illustrated, and easy-to-understand, they entice people to participate. These materials can be distributed or used in a variety of locations and in multiple languages. A list of suggested public involvement materials can be found on page 20.

Briefings keep community groups and leaders informed. They are usually simple meeting with either one-way or two-way communication. SDDOT can utilize them to keep interested groups updated and interested. To clarify issues and elicit input, time can be added for a question-and-answer session or a two-way discussion.

Speakers' bureaus and public involvement volunteers are groups of people—agency staff and volunteers—who can speak about a program or a plan. Speakers' bureaus train staff so they can speak to a community group at a location of their choice and at their request. Public involvement volunteers move information and efforts down to the grass roots level.

Video techniques can be a great supplement to other public involvement techniques. They may be used to educate people at home or in-person. An educational video can be a useful alternative to written information. Many people prefer getting information through a video. Videos must be easy-to-understand, lively, and friendly. They can be used as simulations or as an alternative to site visits. Videos can be broadcast on television to function as public service announcements.

Telephone and internet techniques can be used to provide updated information to the public without distribution efforts. Through recordings and voice recognition, a caller can obtain specific information without the need of a staff person responding. If on the internet, a person may be able to navigate his or her way to needed information. If used in conjunction with other techniques, the telephone and internet techniques can become options for two-way communication and public input collection.

Eliciting Public Input

Ask some basic questions:

What should this public involvement opportunity **accomplish**?

Who will the **audience** be?

What level of **output** is desired?

Once the public receives adequate information about a transportation plan or project, SDDOT can make outreach efforts to obtain public input. The public involvement techniques that follow monitor community reactions to transportation plans, projects, and progress. Public viewpoints and concerns are revealed. With these techniques, the public can debate issues and plans to reveal potential successes, failures, costs, and benefits of transportation projects and plans. The public can challenge agency reasoning, discuss alternative uses of resources, and set priorities. When the public takes ownership of transportation projects and

plans and provides SDDOT with feedback, SDDOT makes more informed decisions.

SDDOT believes the best outreach efforts utilize many different public involvement techniques. Complementary techniques can be combined to create interaction. Innovative techniques can create more interest and response. Traditional techniques can be modified to attract more attention. Techniques can be tailored to reach certain stakeholders to elicit more detailed responses. Certain techniques can be chosen over others because they are better at reaching a goal of public involvement.

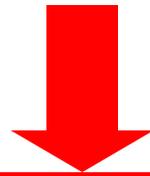
When a project or plan offers an opportunity for public involvement, it is important not to just stick to the usual techniques. Decide what kind of technique best suits the specific project and the stage. To do this, first ask some basic questions about what this public involvement opportunity should accomplish, who the audience will be, and what level of output is desired. Then follow the provided diagram titled “How to Choose a Public Involvement Technique.” It provides guidance to finding a technique that will best suit the specific stage of a project based on these questions and provides components of each technique.

How to choose a public involvement technique

Start Here

Does the technique need to be a public hearing to fulfill federal legal requirements?

Yes



Public Hearing

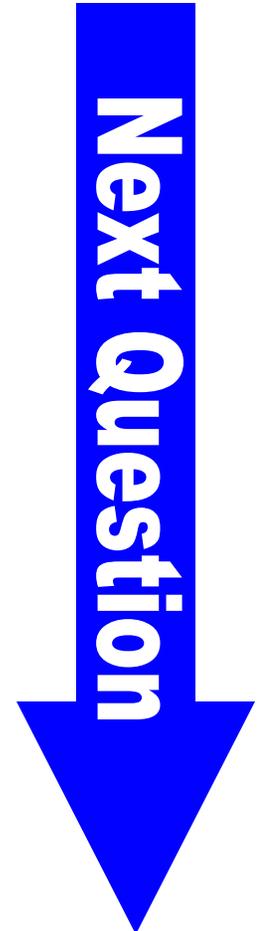
Require official notice (See Public Meeting or Hearing Notice Outline in Appendix G) & hearing transcript (transcript must include official documentation of all public comments)

- ✓ Formal
- ✓ Presentation made to large group
- ✓ Set agenda
- ✓ Official hearing officer conducts meeting
- ✓ Public hears concerns of others

- ✓ Full meeting officially documented
- ✓ Used more often to fulfill hearing requirements than open forum hearing

No

Next Question



Who is the target audience?

Anyone

**Smaller Group:
Interested parties are asked to participate**

1. Public Meeting

- ✓ Formal or Informal
- ✓ Presentation to large group
- ✓ Set agenda
- ✓ Public hears concerns of each other
- ✓ May address several related projects or issues
- ✓ Cost-effective
- ✓ May use Interactive TV
- ✓ May use Breakout Groups (See Next Page)

2. Open House

- ✓ Informal
- ✓ People come and go as they please
- ✓ No set agenda
- ✓ Buffet-style information
- ✓ 1-on-1 interaction with staff
- ✓ Can be used for complex projects
- ✓ Less intimidating

3. Transportation Fair

- ✓ Informal
- ✓ No set agenda
- ✓ One-time event
- ✓ Lighthearted, emphasizes fun
- ✓ Opportunity for casual input
- ✓ Substantial work
- ✓ Great opportunities for using Games & Contest Techniques

Great time to use Nontraditional Meeting Places & Events as well as Computer Presentations & Simulation

Techniques 4 and 5 can be utilized in conjunction with the above techniques or as their own technique

- 4. **Site Visits** ✓ Allows better understanding of a project ✓ In-person visualization
- 5. **Interactive Displays & Kiosks** ✓ Self-operable ✓ Attract a broad public ✓ in a location the public gathers
- 6. **Online Services** ✓ Self-operable ✓ Accessible 24/7 ✓ Non-intimidating
- 7. **Hotlines** ✓ Informal ✓ Non-intimidating ✓ Communication with agency representative ✓ Must be well publicized
- 8. **Drop-in Centers** ✓ In-person communication with agency representative
- 9. **Public Opinion Survey** ✓ Accurate feedback ✓ Broadest opinions ✓ Expensive ✓ Not interactive

What is the focus of the small group?



<p>Breakout Group Used to break up larger meetings Identify opinions of specific issues</p>	<p>Conference Theme-oriented Presentations or panel discussions Made up of multiple, smaller sessions</p>	<p>Civic Advisory Committee Formal Continual Task-oriented Identify public divergences of opinion Attempt to reach consensus</p>	<p>Charrette Problem-oriented Intense work Want all points of view Time limit; 1 time event Use with sticky issues Reach consensus on a solution</p>
<p>Seminar Focus on one topic Presentation followed by discussion Exchange information and viewpoints</p>	<p>Roundtable Debate an issue Diverse opinions best for discussion May be used as a breakout session of a conference Focus on a few topics</p>	<p>Task Force Task-oriented Time limit Resolve a difficult issue</p>	<p>Community Jury Presented with information and testimonies Deliberate on an issue Make a decision</p>
<p>Workshop Express viewpoints Single topic Short time duration Can be part of another technique such as retreat, conference, or meeting</p>	<p>Retreat Task-oriented More complex issues No distractions, isolated location</p>	<p>Negotiation, Mediation, & Facilitation Problem-solving Debate an issue Come to a consensus</p>	
	<p>Study Circle Same group has a series of meetings Very structured Investigate and debate an issue</p>		

These small group activities should be open to the public, but can target specific stakeholders. Participants come from the entire community or by invitation. If participants are invited, special efforts are needed to assure all potential stakeholders are aware of the event so interested stakeholders may be invited. These techniques require structure and an abundance of information, and often require leaders and presenters.

Can incorporate Site Visits, Role Playing, Games & Contests, Computer Presentations & Simulations, Brainstorming, Visioning & Teleconferencing

Small Group Organizational Methods Defined

In order to understand how each method is used for a public meeting, it is useful to know the definition of each method. Below is a brief description of the techniques and what is involved when the method is put to use. The following list can be found in more detail from Federal Highway Administration's manual: *Public Involvement Techniques for Transportation Decision-making*.

Brainstorming

Brainstorming is usually used as a pre-cursor to another process (Charrette, Focus Group, Public Meetings/Hearings, etc). A facilitator will start the group (usually 6 to 10 people) freethinking to generate fresh ideas as a solution to a problem. The point of brainstorming is for group members to be creative and share their ideas without any comment or evaluation—no matter how outlandish the idea may be.

Charrette

A leader with experience in Charrette techniques is important to prevent confusion among the Charrette participants. Anyone can participate in a Charrette. Most people attending are there to represent an organized group; however that is not to leave out interested individuals in the public affected by the issue. A Charrette is problem-oriented, and is useful because participants work together to find a resolution to a specific problem. A minimum time limit for a Charrette is four hours; however a typical Charrette can last for days, even weeks. A Charrette is easily combined with other techniques.

Small Group Techniques

Seminars, breakout groups, workshops, community juries, roundtables, and study circles all fall under the small group techniques umbrella. These groups generally have no more than 20 people attending. The small size allows participants to be creative with their ideas to make participation more meaningful. Interacting with others encourage participants to speak freely and openly.

Seminars—participants have a learning opportunity to gain knowledge about a single topic. Seminars are generally short, with a discussion session at the end.

Breakout Groups—small groups broken up from the larger group spread out to separate areas of the room to talk about specific issues. The small group appoints a group leader and each person has the chance to express their opinions. After all discussion is finished, the breakout group joins back together with the larger group to report about the group discussion.

Workshops—task-focused on one or more narrowly defined topics. Workshops last about 1 to 3 hours and are made up of anywhere from 20 to 40 people.

Community Juries—a jury gathered for their impartiality to hear testimony by neutral experts to a specific issue. After the jury deliberates, although there is no legal standing, the deliberation can gauge public attitudes over a specific issue.

Roundtables—meetings around a table to examine and issue through thorough discussion. Most seminars and workshops use the roundtable format. Participants are stakeholders, experts, residents, business people, and special

interest groups. Roundtables are breakout groups essentially and focus on one or more topics related to the larger issue or project.

Study Circles—a series of meetings to discuss critical issues. Participants are either appointed or self-elected. Study circles are very structured, sometimes using study guides provided by an agency, and participants discuss every aspect of the issue in detail. Occasionally, the same participants meet to debate the issue.

Involving All Stakeholders, Especially the Underserved

SDDOT understands a plan or project is more likely to succeed if there is greater consensus among the stakeholders. Efforts to increase public participation are essential. There are many different techniques available that can spice up public involvement and spark people's interests. Making involvement activities easier for everyone to attend also increases participation. Sometimes, making public involvement more interesting or accommodating for the general public is not enough to increase attendance of people that are traditionally underserved and do not traditionally participate.

Public involvement should encompass the interests of all stakeholders, yet there are many people who do not participate and convey their interests. Many stakeholders who do not participate in public involvement are represented by stakeholder participants of similar education, income, sex, age, culture, race, and/or ethnicity. What happens when there is no input from people with these similar characteristics?

People with these characteristics often go underserved by the system because their interests are not fully conveyed, understood, or represented. Historically, individuals from minority and ethnic groups and low-income households, women, children, and uneducated people have experienced barriers to participation in the public decision-making process and are therefore underrepresented. People with disabilities find access to transportation more difficult and their ability to participate in public involvement efforts more constrained.

SDDOT looks for ways to communicate with and reach out to underserved individuals. First, SDDOT looks at how these individuals do participate. Also, determine who has contact with them in their community. This provides a contact point through which SDDOT can reach these individuals. Community organizations and their leaders are invaluable, especially when trying to reach the underserved. Organizations can help distribute information. Contacting leaders builds credibility. SDDOT uses these leaders and organizations to bridge the gap. Active community groups can serve as forums for participation. Religious organizations are an effective way to reach minority and ethnic groups, especially if individuals from these groups are not involved in other facets of the community.

Making special efforts to understand these individuals and accommodate their differences is important. Though South Dakota does not currently have a large population of people who do not speak fluent English, it is important to always consider these individuals who are not effectively reached through English. Understanding a culture can be critical to accommodating or understanding differences in customs. Researching an ethnic group's customs and language can be very helpful.

Common Barriers to Participation of Non-Traditional Participants

- Cultural barriers
- Economic barriers – work schedules & transportation costs
- Language barriers – limited English language skills & literacy
- Lack of trust from previous experiences
- Barriers common to all participants—time, other demands, etc.

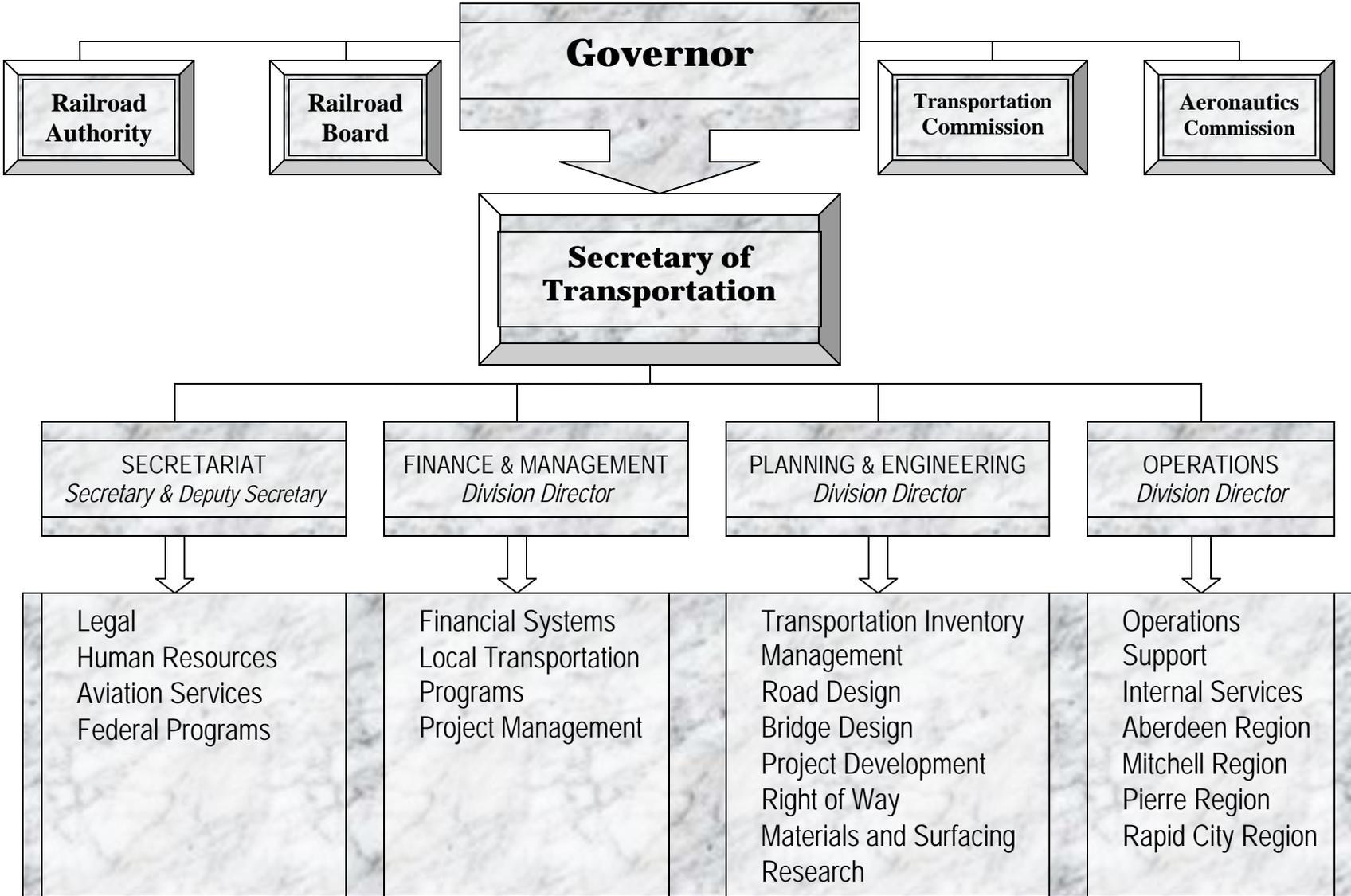
Source: FHWA

Communication structures are not the same in all cultures. In cultures where it is considered improper to disagree with authorities, it can be difficult to assess different alternatives in a transportation project because all alternatives are politely agreed to.

So what types of techniques are particularly useful to reach out to individuals that are traditionally underserved? Informal techniques are particularly useful. Smaller meetings are often preferable because they are less intimidating and more accommodating. Disseminating information or holding activities where ethnic, minority, or low-income groups tend to congregate is effective. Providing financial or other incentives can increase attendance among individuals who might otherwise have to decide against participation because of the opportunity cost.

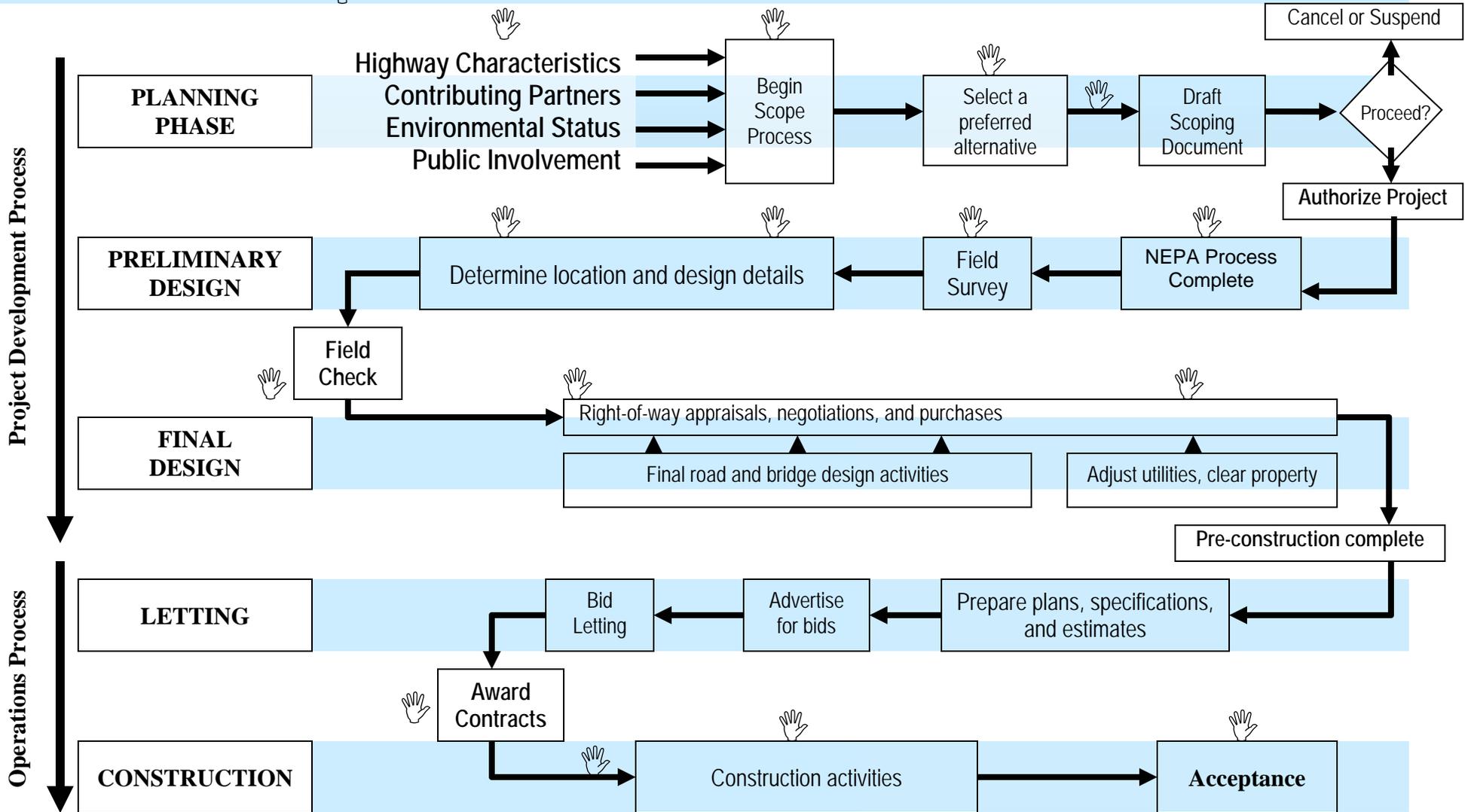
When trying to elicit input from people with disabilities, SDDOT can first contact advocacy groups representing people with disabilities or disability related organizations. The United States Architectural and Transportation Barriers Compliance Board (US Access Board) has a list of disability related organizations on its website. The listed associations may have local offices or information for local contacts. Giving notice to local organizations about an involvement opportunity, posting notices at an organization's building, and asking for suggestions to improve involvement would greatly help engage this community. Leaders of advocacy groups representing people with disabilities or disability related organizations may have suggestions for more accessible event locations and what kind of special services are needed.

South Dakota Department of Transportation Organizational Chart



Public Involvement by Project Phase

 Signifies an opportunity for one or more levels of public involvement.



The duration and details of each phase vary depending on the nature of the project.
Flow Chart depicts SDDOT internal process

SECTION 2 – PLANNING

Statewide Transportation Plan

The Statewide Transportation Plan looks at a twenty year horizon for transportation planning within the State of South Dakota. Public input is a vital component in the creation of this document. The adoption of SAFETEA-LU set some new requirements for public participation as it relates to the statewide transportation plan. Even though there are new federal requirements, this is not a new process for the SDDOT. The SDDOT has emphasized public input and review since the 1970's and will continue to make public involvement an integral part of the transportation planning process.

In the development of a Statewide Transportation Plan major update, the SDDOT will emphasize public input and review during the entire process. Input must be analyzed and coordinated using the Executive Management Team and the Transportation Commission. The input model is shown in Figure 2a-1.

The following is guidance the SDDOT will use during a Long Range Transportation Plan major update to maximize public participation:

1. Use this public involvement document to determine the approaches, activities and techniques needed to successfully receive public input.
2. Develop the plan update in cooperation with the Metropolitan Planning Organizations as it relates to their Metropolitan Planning Areas and the MPO Long Range Transportation Plan.
3. Consult with non-metropolitan officials according to the consultation process (found on page 40).
4. Consult with Tribal Governments, Bureau of Indian Affairs, and the Secretary of the Interior according to the consultation process (found on page 37).
5. Regulation 23 CFR 450.214(i) requires consultation with the following Land use Management, natural resource, environmental protection, and historic preservation agencies:
 - a. South Dakota Department of Environment and Natural Resources
 - b. South Dakota State Historic Preservation Office
 - c. US Fish and Wildlife Service
 - d. South Dakota Game, Fish and Parks
 - e. US Army Corp of Engineers
 - f. Bureau of Land Management
 - g. Bureau of Reclamation
 - h. Forest Service
 - i. National Park Service
6. Solicit input from the following:
 - a. Citizens
 - b. Affected Public Agencies
 - c. Planning Districts
 - d. Representatives of Public Transportation Employees
 - e. Representatives of users of Public Transportation

- f. Representatives of users of pedestrian walkways and bicycle transportation facilities
 - g. Representatives of the disabled
 - h. Providers of freight transportation services
 - i. Interested Parties
 - j. Private Providers of Transportation
7. Solicit input from appointed input groups:
 - a. Aeronautics Commission
 - b. Railroad Board
 - c. Transportation and Coordination Task force
 - d. Transportation Commission
 - e. Scenic Byways Committee
 8. Conduct public meetings and open houses
 9. Use ad-hoc and annual review meetings to gather input from various agencies and organizations
 10. Provide the following information on the SDDOT website:
 - a. Draft and final documents
 - b. Public Meeting dates and times
 - c. How and where to submit comments

The decision-making process in SDDOT is a coordinated effort. Many different groups will review the document and consider the public input before it will be adopted. Not all public input may be implemented, but all will be reviewed and considered for implementation. The written comments SDDOT receives from the public are responded to directly by SDDOT staff. However, if the public had questions and comments answered at the public meeting, then SDDOT does not respond an additional time. Technical and policy information used in the development of the Statewide Long Range Transportation Plan is available upon request by contacting the South Dakota Department of Transportation Office of Project Development. After extensive review by the many different input groups, the Executive Management Team, along with the Secretary, Deputy Secretary, the Division Directors, and Region Engineers, will review the public input, revise the plan, and send it out for review until consensus is met. A final document will be drafted and sent to the Transportation Commission for its review and adoption.

Elements Comprising the Statewide Intermodal Long Range Plan (SILRP)

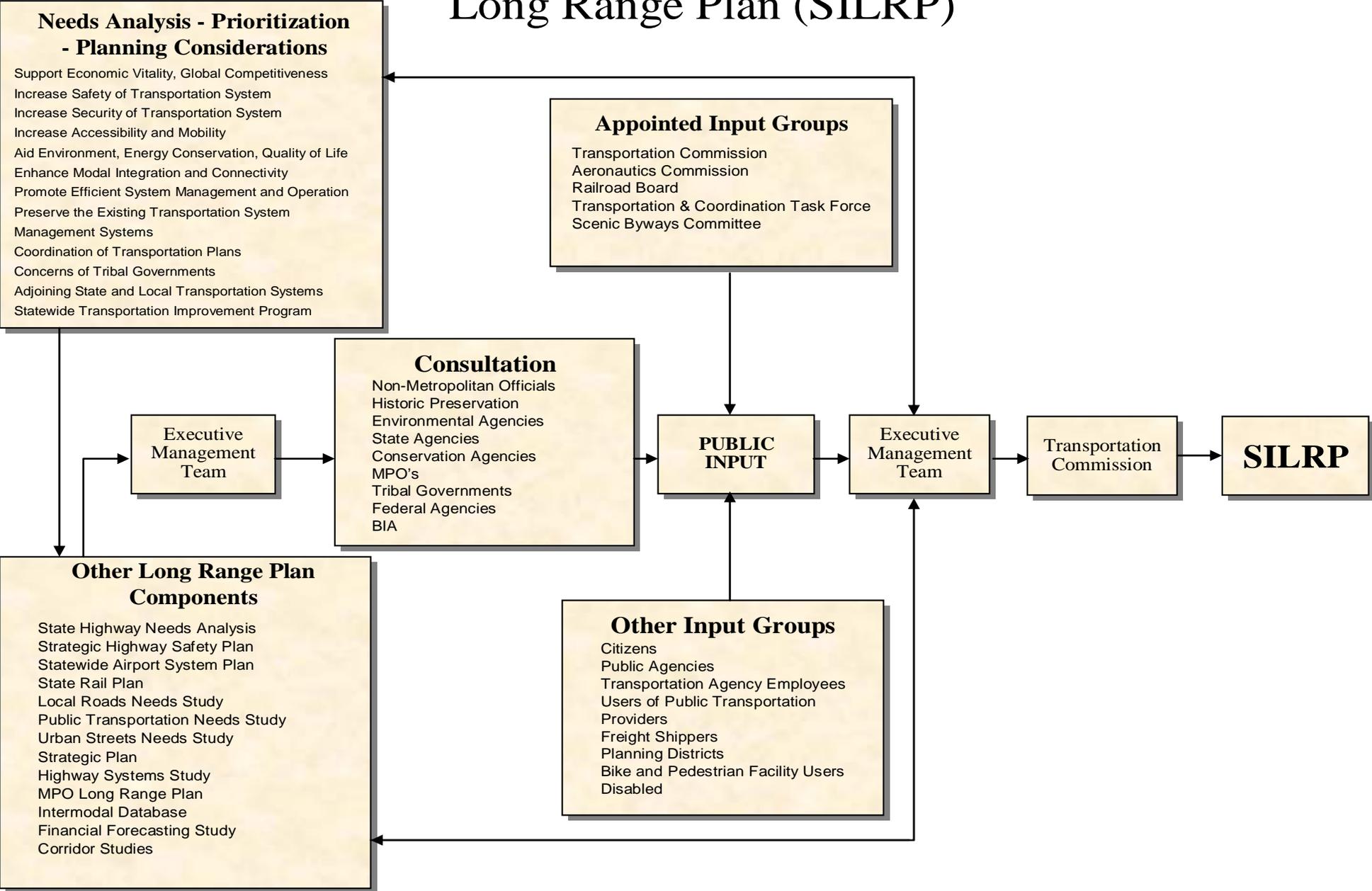


Figure 2a-1

Statewide Transportation Improvement Program (STIP)

SDDOT has early and continuous public involvement in the development and adoption of the Statewide Transportation Improvement Program (STIP). From November to March the Department conducts ad-hoc meetings with stakeholders to gather input into their transportation needs. Stakeholders include, but are not limited to, citizens, affected public agencies, freight shippers, private providers of transportation, bicycle and pedestrian groups, and other interested parties. Also, continuous consultation occurs with the Metropolitan Planning Organizations (MPOs), Tribal Governments (page 37), and non-metropolitan local officials (page 40) that deal with transportation issues.

This on-going involvement process is an important element in developing the Tentative STIP by the Department. Once the tentative STIP is developed, it is posted on the Department's web site. Meetings are held with tribal governments to discuss the tentative STIP and coordinate where possible with the tribal transportation plan.

Meetings are also held across the state with the planning and development districts to allow the non-metropolitan local officials with an opportunity to offer changes to the Tentative STIP and to discuss other transportation issues. SDDOT responds directly to the public's comments from the public meeting. However if the questions and comments were answered at the public meeting, a second response is usually not needed. Technical and policy information used in the development of the Statewide Transportation Improvement Program is available upon request by contacting the South Dakota Department of Transportation Office of Project Development. Newspaper notices and public notices are an easy way for SDDOT to reach the traditionally underserved when considering their needs.

The Department also meets with the MPOs and city officials from Sioux Falls and Rapid City to coordinate with their Transportation Improvement Programs (TIPs). These meetings also give them the opportunity to discuss other transportation issues, including identifying future transportation projects.

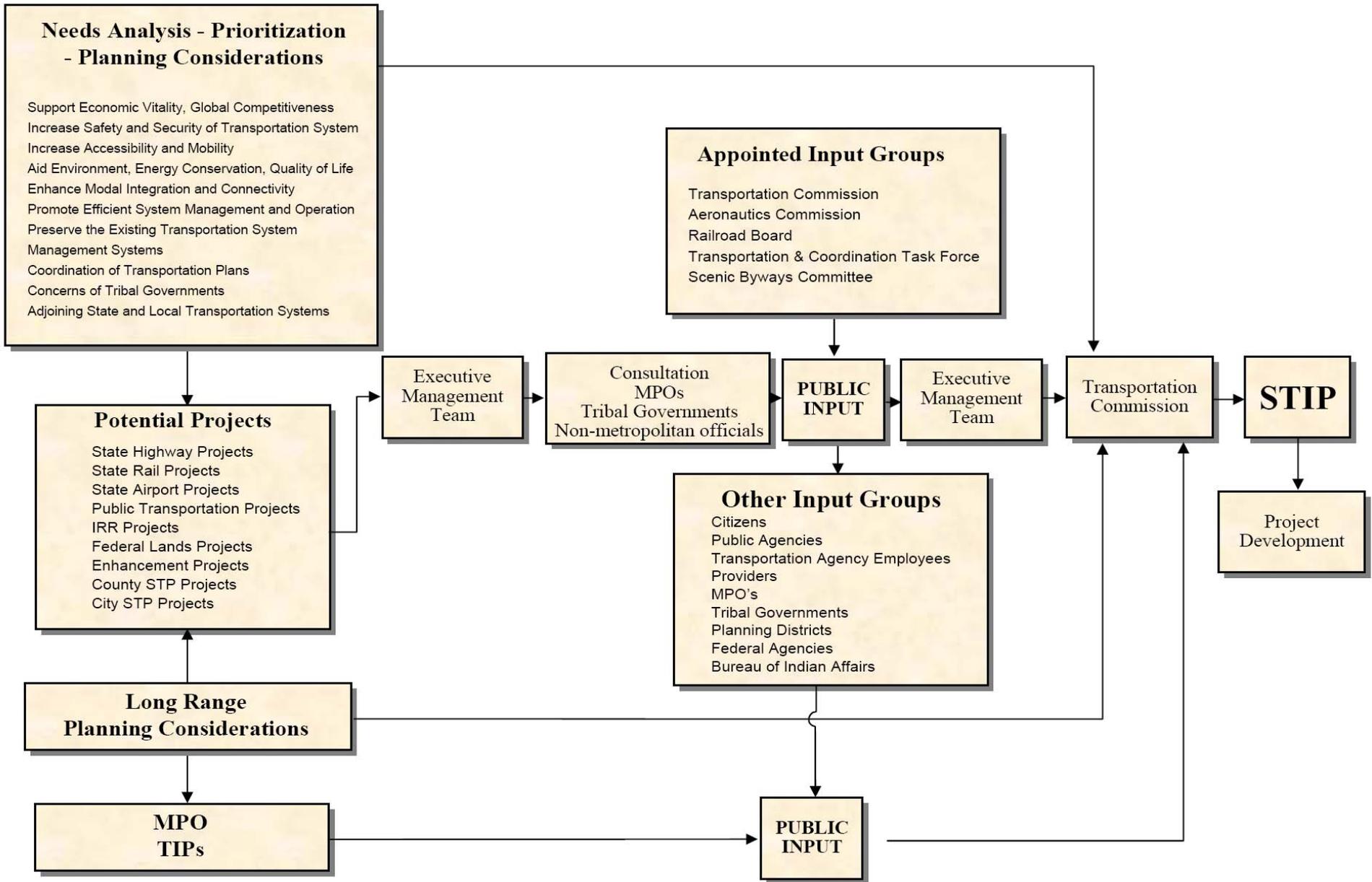
In July, the Department conducts meetings in each region of the state to gather comments and input from the general public, and other stakeholders. Notices of these meetings are published in newspapers across the state at least two weeks prior to the meetings. Invitations are also sent to all mayors, legislators, tribal leaders, county commissions, auditors, county highway superintendents, city engineers, MPOs, media, and other stakeholders. The meetings are held at convenient times and at accessible locations.

The public meetings are recorded and the audio files of each meeting are posted on the Department's web site along with the materials that are distributed and presentations that are made at the meetings.

Based on the testimony received at the public meetings and input from groups consulted by the Department, a final recommended STIP is prepared and is presented with all the comments and input received from the public involvement process to the South Dakota Transportation Commission in August for its approval.

The following figure depicts the STIP development process.

Elements Comprising the South Dakota Transportation Improvement Program Process (STIP)



Tribal Consultation Process

In developing the statewide transportation plan and the statewide transportation improvement plan, tribal officials with responsibility for transportation will be involved on a consultation basis for the portions of the plans in tribal areas of South Dakota. SDDOT provides an opportunity for tribal governments to participate in the statewide transportation process and the development of the statewide transportation improvement program (STIP) and the statewide transportation plan. In addition, there are numerous corridor preservation, access management, modal, intermodal, environmental, and project plans coordinated in tribal areas of South Dakota that are part of our overall planning process. Figures 1 and 2 highlight the tribal consultation components in the development process of the STIP and statewide transportation plan.

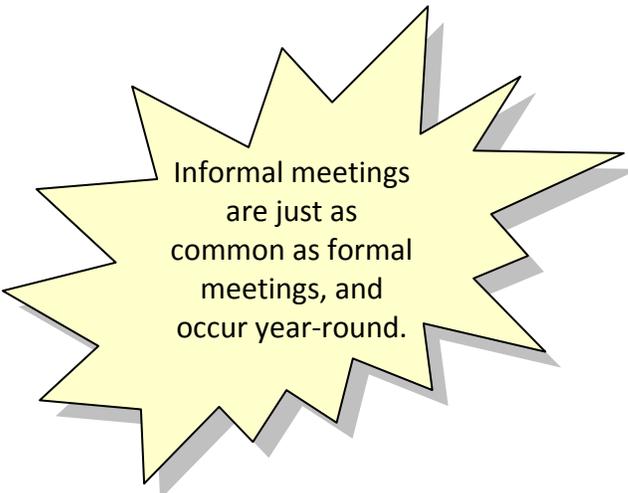
Tribal governments are invited early to coordinate with SDDOT on these plans. Local initiatives are evaluated for their consistency with the STIP and the statewide transportation planning process, and much of the consultation is informal around specific issues and project concepts. SDDOT invites tribal governments to meet and coordinate with SDDOT on specific issues and plans. These meetings occur throughout the year. SDDOT encourages tribal governments to contact SDDOT with any transportation issues they may have.

In addition to the informal process, SDDOT also conducts annual, formal meetings with tribal governments to discuss the development of the STIP, development of, and updates to the statewide transportation plan, or any other transportation issue or concerns. Currently, January through March, SDDOT travels to each individual tribal government to discuss transportation issues and concerns.

A meeting is also held in Pierre during June or July with representatives of each tribe in South Dakota and the Bureau of Indian Affairs to coordinate the development of the STIP with the tribal and BIA development of the Indian Reservation Road Program Transportation Improvement Program.

SDDOT reviews and considers all comments received from meetings with the tribal governments. SDDOT determines whether to recommend any modifications of the STIP or Long Range Transportation Plan to the South Dakota Transportation Commission for its action. The tribal governments are informed of the Transportation Commission's action and the reasons for its decisions.

The following figures depict the Tribal Consultation Process.



Informal meetings are just as common as formal meetings, and occur year-round.

Figure 1
**Elements Comprising the South Dakota
 Transportation Improvement Program Process (STIP)
 Highlighting Tribal Consultation**

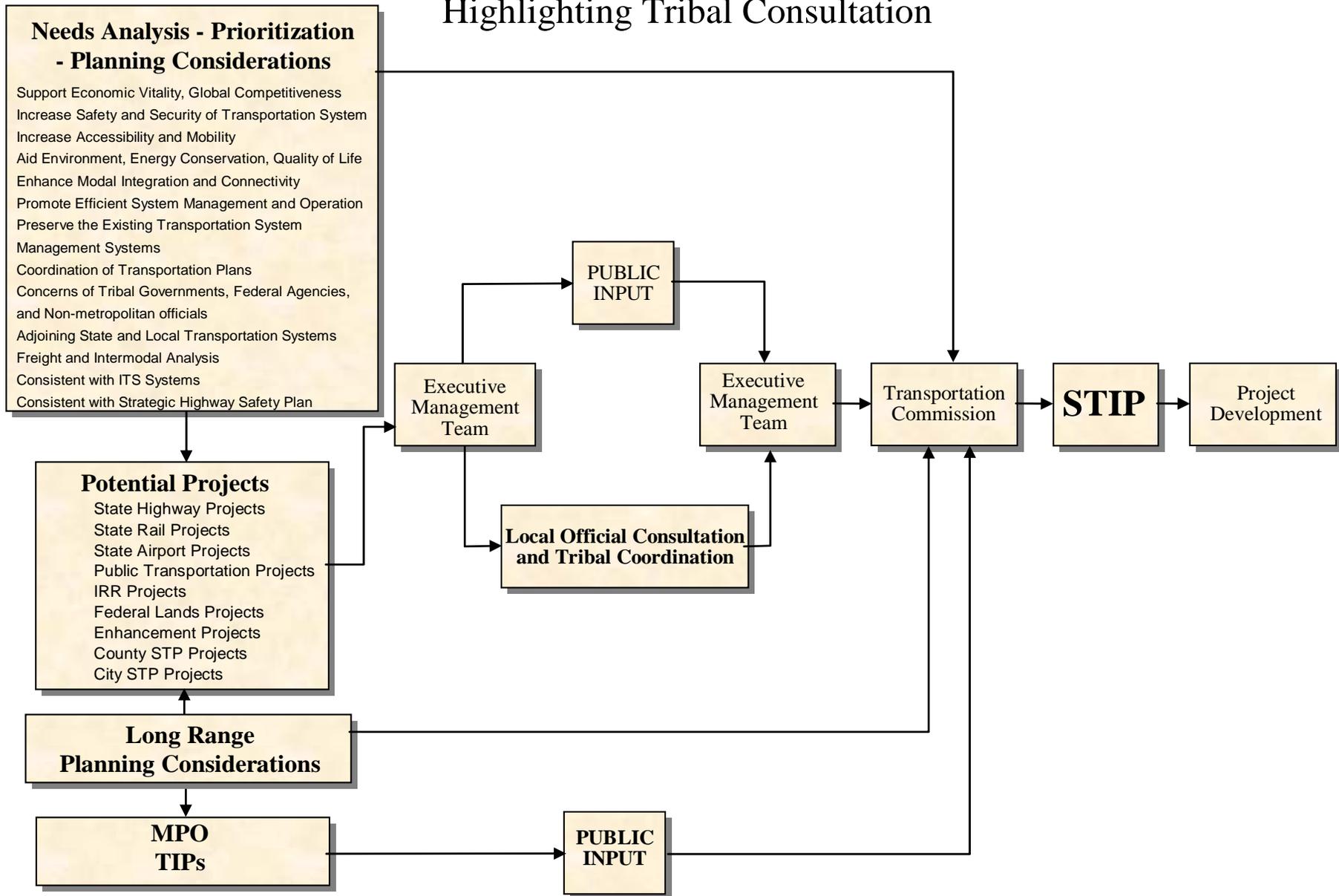
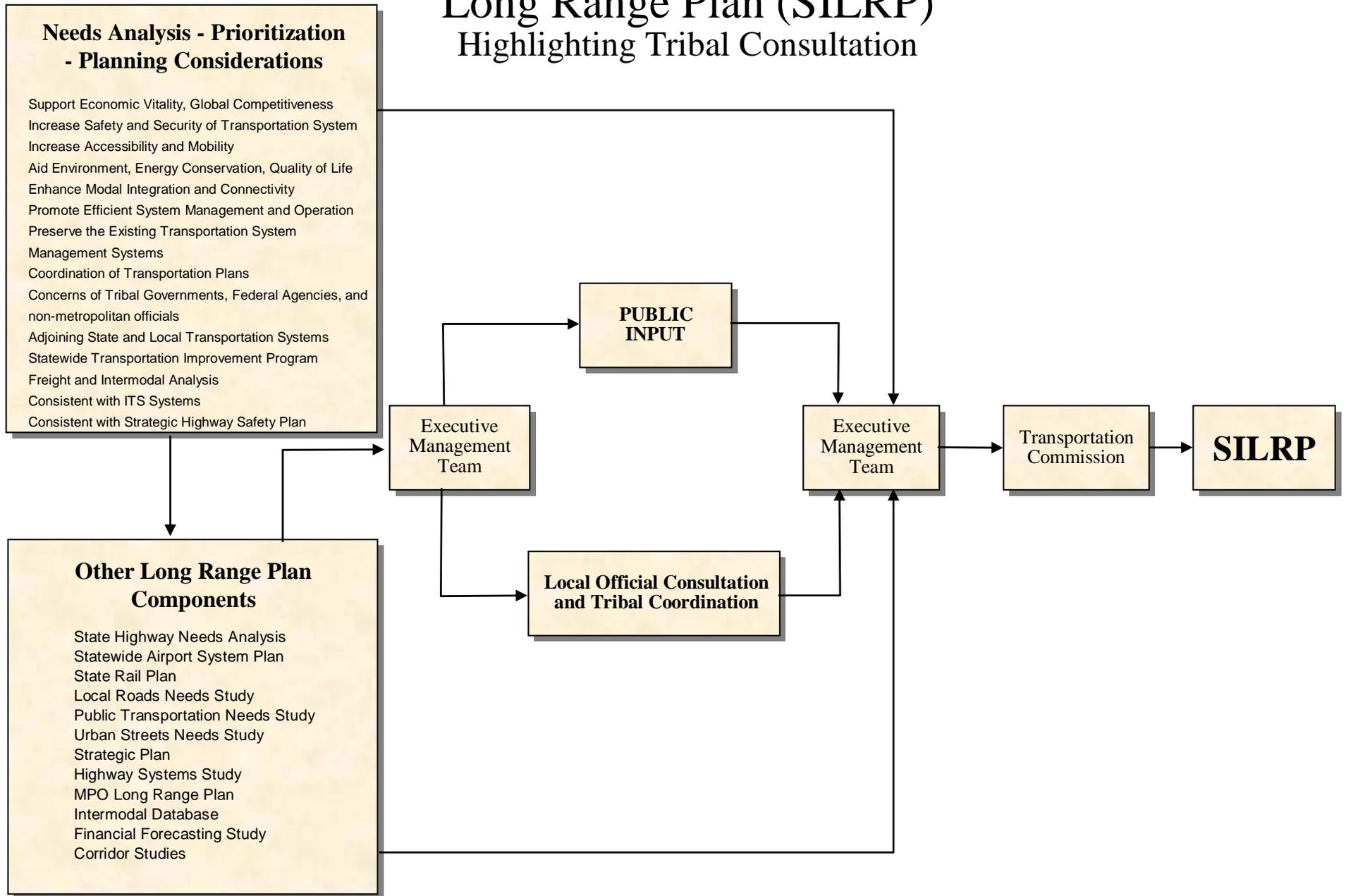


Figure 2 Elements Comprising the Statewide Intermodal Long Range Plan (SILRP) Highlighting Tribal Consultation



Non-metropolitan Local Official Consultation Process

In developing the statewide transportation plan and the statewide transportation improvement plan, affected local and tribal officials with responsibility for transportation shall be involved on a consultation basis for the portions of the plans in non-metropolitan areas of South Dakota. SDDOT provides an opportunity for non-metropolitan local officials and tribal governments to participate in the statewide transportation process and the development of the statewide transportation improvement program (STIP) and the statewide transportation plan. In addition, there are numerous corridor preservation, access management, modal, intermodal, environmental, and project plans coordinated in rural South Dakota that are part of our overall planning process. Figures 1 and 2 highlight the local official consultation components in the development process of the STIP and statewide transportation plan.

Local officials and tribal governments are invited early to coordinate with SDDOT on these plans. Local initiatives are evaluated for their consistency with the STIP and the statewide transportation planning process. Much of the consultation is informal around specific issues and project concepts. SDDOT invites local officials and tribal governments to meet and coordinate with SDDOT on specific issues and plans. These meetings occur throughout the year. SDDOT encourages local officials and tribal governments to contact SDDOT with any transportation issues they may have.

In addition to the informal process, SDDOT also conducts annual, formal meetings with local officials and tribal governments to discuss the development of the STIP, updates to the statewide transportation plan, or any other transportation issue or concerns. The consultation meetings for the STIP and statewide transportation plan are held in June or July, prior to SDDOT's public meetings. The meetings are held in cooperation with South Dakota's six rural planning districts. A meeting is held in each district. Notices of the meeting are provided through the newsletters of the Municipal League, South Dakota Association of County Commissioners, TTAP, and the Planning Districts.

A meeting is also held in June or July with representatives of each tribe in South Dakota and the Bureau of Indian Affairs to coordinate the development of the STIP with the tribal and BIA development of the Indian Reservation Road Program TIP.

SDDOT reviews and considers all comments received from meetings with the tribal governments and local officials. SDDOT determines whether to recommend any modifications to the STIP or statewide transportation plan to the South Dakota Transportation Commission for its action. If the Commission does not adopt the modification, SDDOT notifies the tribal governments, local officials or their associations of the reasons the modification was not adopted.

The following figures depict the Non-metropolitan Local Official Consultation Process.

Figure 1 Elements Comprising the South Dakota Transportation Improvement Program Process (STIP) Highlighting Local Consultation

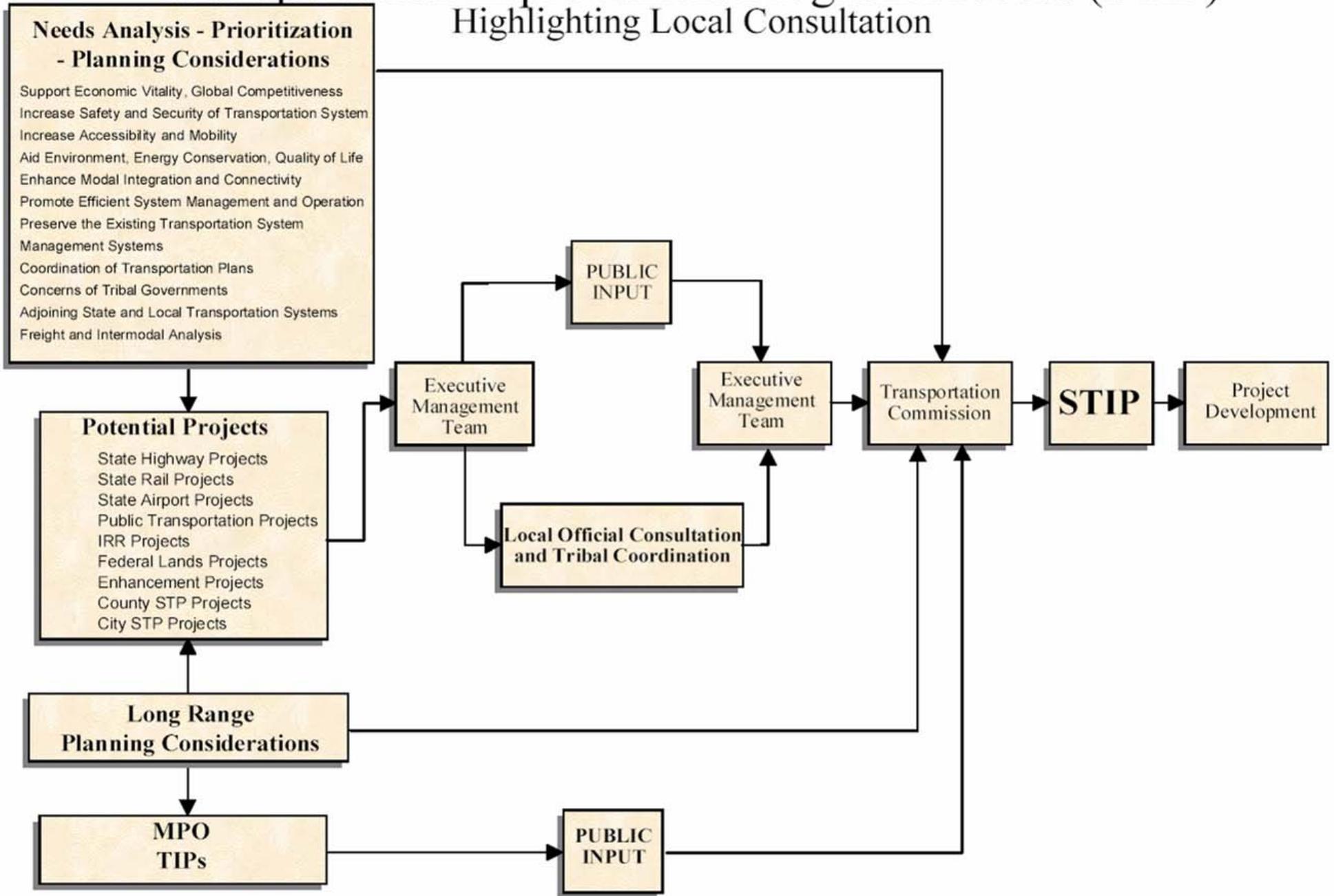
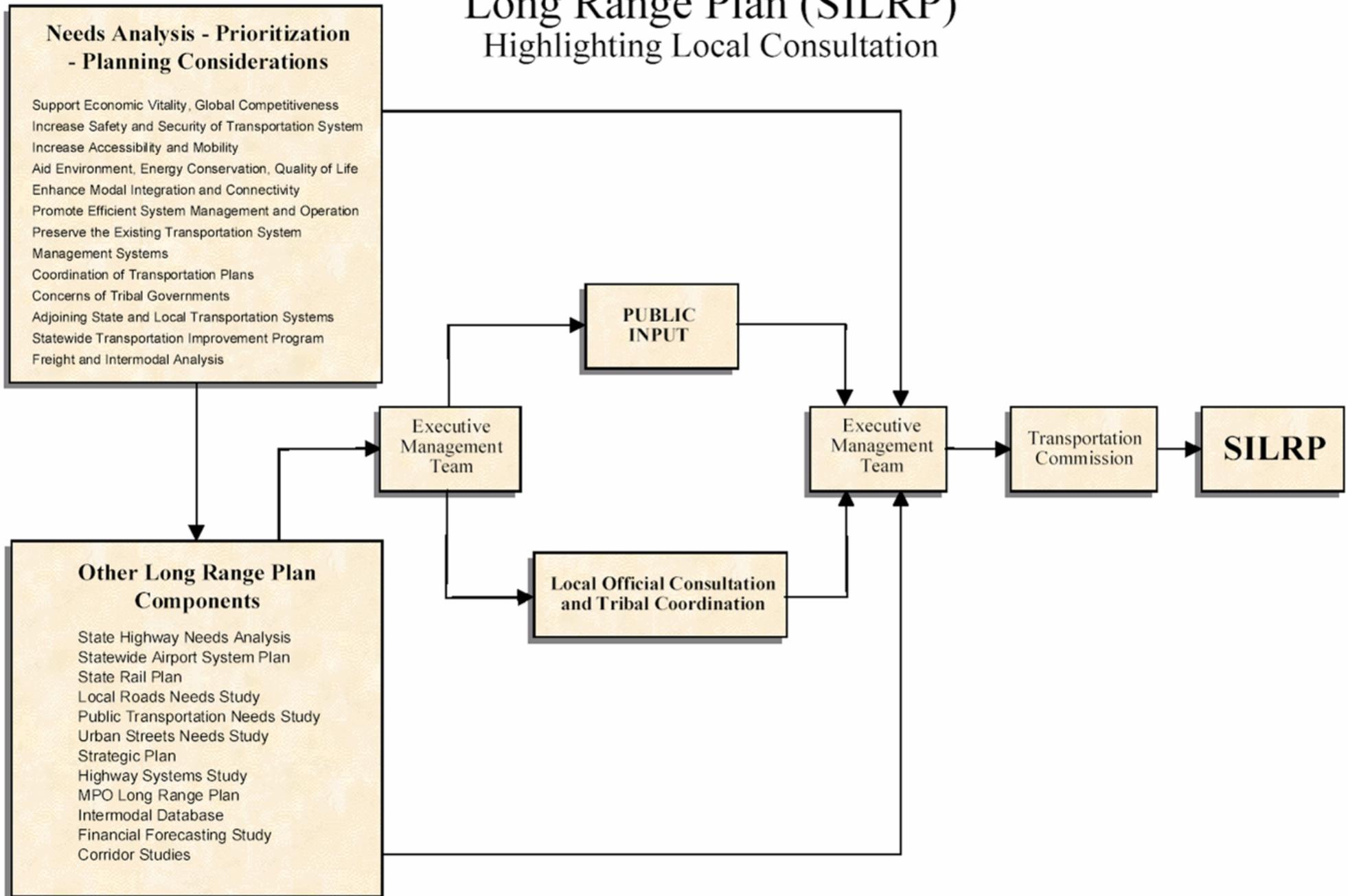


Figure 2
**Elements Comprising the Statewide Intermodal
 Long Range Plan (SILRP)**
 Highlighting Local Consultation



SECTION 3 – PROJECT DEVELOPMENT

Public Involvement Guidelines

Public involvement in project development normally begins in the initial phase of a project. The accompanying diagram depicts some of the points in the project development process where public involvement activities can occur. This allows the public to be involved in identification of the potential social, economic, and environmental impacts, and the potential impacts associated with relocating individuals, groups, or institutions.

Early and continuing opportunities for public involvement

When appropriate, the project team may conduct project kickoff public involvement activities with public officials and potentially affected stakeholders. The public involvement tools and techniques used can vary considerably, depending on the circumstances. More information about public involvement tools and techniques can be found in the references section of this document. Two of the most widely known public involvement tools are public meetings and public hearings. Public hearings and meetings are held to share information, educate, or provide opportunities for the public to participate in certain decisions concerning a project or process. They help the project team learn about issues, concerns, or ideas that may need to be considered or addressed in the decision-making process.

A Tribal Consultation process is also utilized in the early stages of project development to share information regarding projects of Tribal interest. This process is described further in this section and in Appendix O.

Public hearings and meetings are not held for the purpose of taking a binding vote, since participants do not represent a statistically valid sampling of the population.

However, the project team can take an informal poll for informational purposes to help summarize the preferences of those present. The project team should be aware of the needs of traditionally underserved populations and provide opportunities for their involvement when planning a public hearing or public meeting

Public Hearings versus Public Meetings according to NEPA:

Public Hearings are more formal than public meetings. Hearings are held prior to commitment of a location and/or design of the facility. Hearings should be held at a convenient time and location, and need to be easily accessible for the public. During the meeting, information is exchanged between the public and SDDOT staff members. The information presented will emphasize why the project is needed, and will identify and

discuss any alternatives. Information on land acquisition, relocation services, and payments will also be presented during a public hearing. Finally, SDDOT will meet jointly with other agencies and Tribal officials involved in a project.

Public meetings are usually less formal (don't use microphones, speakers, formal testimony, and transcripts). Public meetings can usually be separated into two different styles: informational meetings or workshops.

Informational meetings:

Informational meetings can be formal or informal depending on the purpose of the target audience. The objectives of these meetings include: present, receive, and exchange information. Within informational meetings are small groups. These include: special interest groups, neighborhood groups, and advisory committees. On a larger scale, these meetings can be useful before hearings on complex or controversial projects.

Workshops:

Workshops divide large groups up into smaller discussion groups with usually no more than 10 people. These groups typically plan, prioritize, and report any issues to the larger group. This maximizes participation on all sides of the discussion, and discourages any dominance over individuals. Workshops are particularly useful in the early stages of the proposed project, because the groups can identify and clarify issues and concerns raised by other citizens. Workshops also are a good way for groups to resolve any conflict. Preparation is important for a successful workshop. An organized agenda and achievable objectives are just a couple of the benefits of a workshop.

The following information can be used to guide any public meeting or public hearing hosted by the agency.

Public hearings or opportunities for public hearings

Public hearings are held to fulfill the requirements of 23 CFR 771.111(2)(h)(iii). A public hearing has specific requirements for notifying the public, information offered at the hearing, submission of a transcript, and certifying that the hearing was held or the opportunity for a hearing was offered. The regulation is paraphrased below:

One or more public hearings or the opportunity for hearings(s) [are] to be held by the State highway agency at a convenient time and place for any Federal-aid project which:

1. Requires significant amounts of right-of-way
2. Substantially changes the layout or functions of connecting roadways or of the facility being improved
3. Has a substantial adverse impact on abutting property
4. Otherwise has a significant social, economic, environmental or other effect, or
5. For which the FHWA determines that a public hearing is in the public interest.

The requirements for a public hearing are tied to a project's scope, as defined in 23 CFR 771.111(h)(2)(iii). These requirements are not specifically tied to the NEPA Class of Action. However, the Federal Transit Administration (FTA) does require a public hearing for a draft EIS.

Nevertheless, the environmental classification may provide useful guidelines in determining if a public hearing may be required. The project may be of such public interest that the project team may waive offering the opportunity for a public hearing and schedule a public hearing instead. If the opportunity for a public hearing has been offered, a public hearing shall be held upon receipt of written request(s). If requests are not received, the hearing may be deemed unnecessary. In some cases, the request(s) may be rescinded when the need for a public hearing can be satisfied by consultation between the individual(s) and project authorities (FHWA, SDDOT, city and/or county). In that case, the public hearing also may be deemed unnecessary.

Formats of public hearings/meetings

Although they have different regulatory requirements, a public hearing (legally binding) and a public meeting can have the same format. SDDOT's typical format is the widely accepted open house. The open house format is most likely to achieve the greatest number of SDDOT's objectives for public meetings and public hearings:

1. Include all potentially affected stakeholders;
2. Make meetings timely with respect to the decision-making process;
3. Conduct meetings at a convenient time and of reasonable duration for people to attend at their convenience;
4. Hold the meetings at a convenient location with ADA accessible facilities;
5. Receive a wide variety of comments concerning a broad range of issues from a diverse group of constituents;
6. Provide convenient ways for people to submit comments during and after the meeting;
7. Provide opportunities for people to learn about the project and underlying concepts;
8. Discourage divisive, adversarial confrontations;
9. Maximize opportunities to serve individuals, businesses, and families in addressing their specific situations;
10. Maximize the benefits for the project development process; and
11. Create or enhance long-lasting relationships with the public.

Both public meetings and public hearings are held to share information, educate, and provide opportunities for the public to participate in certain decisions concerning a project or process. They help the project team learn about issues, concerns, or ideas that may need to be considered or addressed in the decision-making process.

Whether you are planning a large open house or a small meeting, keep this in mind: People will form their impressions of the entire agency based on the people who represent SDDOT.

Notice of a public hearing or the opportunity for a public hearing

The public should be given reasonable notice of public hearings and public meetings.

Timing and form of the notice

There is a specific requirement for timing the notice of a public hearing. Generally, notice of a public meeting or hearing should be provided about 10 to 15 days prior to a hearing or meeting and no less than one week prior to the event, unless a public hearing notice is combined with a notice of availability of an EA or DEIS. If the notice of availability of the EA or DEIS is combined with the notice of the public hearing, then the notice must be timed so that it appears in local news media no less than 15 days in advance of the hearing.

Generally, notice of a public meeting or hearing should be provided about 10 to 15 days prior to a hearing or meeting and no less than one week prior to the event.

Two notices are preferred, with the second notice several days prior to the event. Remember that news coverage in rural areas may not be as timely as in urban areas and newspapers may be published only once or twice a week. It is also helpful to remind the news media a day or two ahead of the meeting so they can assign a reporter to cover the event. Notices of an opportunity for a public hearing or public meeting should appear twice, about one week apart. If a hearing or meeting is scheduled, notification for it should follow the guidelines above.

Legal notices

A legal notice in a newspaper is required by regulation for a public hearing; however, it is not required for a public meeting. Legal notices are usually not recommended since they are difficult to read, tend to be placed inconspicuously, and occur in only one medium. If used, a legal notice should be supplemented by a news release or with purchased space.

A legal notice in a newspaper is required for a public hearing, but not required for a public meeting.

News releases

News releases sent to news outlets serving the city and/or county in which the project is located are appropriate for any public hearing or public meeting. If the project is in a county with limited news media services, is located near a county line, or occurs in more than one county, a news release should be sent to adjacent county media outlets. News media coverage varies considerably around the state, so staff should think broadly in assuring the event is sufficiently publicized. It is better to send news releases to too many news outlets than to not enough. The project team may wish to follow up with telephone calls or e-mails to reporters or editors to help enhance the likelihood the information will be disseminated in a timely and conspicuous manner. Radio or television announcements are also helpful.

Paid space

Purchasing space for the hearing/meeting notice in the official or most widely circulated newspaper in the project region should be considered. Purchased space in widely read newspapers can be especially effective in densely populated areas where reaching large populations can be difficult.

Notifying public officials about public meetings and public hearings

As a courtesy, public officials in the affected county should be invited to a public hearing or public meeting. At a minimum, public officials should include local professional staff and local, state, and federal elected officials, and interested tribes. Law enforcement and emergency services officials, economic development or tourism officials, and school officials should also be considered, depending on the circumstances. Letters or phone calls are appropriate forms of notification, depending on the circumstances, although letters are preferred.

News releases sent to news outlets serving the city and/or county in which the project is located are appropriate for any public hearing or public meeting. Be sure to monitor the local media to see if the notice was properly conveyed.

Public notice of a meeting with local elected officials

The news media should be notified in advance (using the guidelines above) when SDDOT hosts a group meeting of local elected officials at which a quorum of officials is likely to be present. The public may also be notified in other ways as deemed appropriate under the circumstances. When SDDOT staff is asked by local officials to appear at an official meeting or a work session of the local governing body, the local officials are responsible for notifying local news media and the public about their meetings. Still, the project team may elect to also notify the news media in such cases.

Other

Depending on the circumstances, other forms of public hearing or public meeting notification should be considered, including:

Direct mailings to a project mailing list and potentially affected property owners

Posters

Deliver flyers to mailboxes or sent via school handouts

Temporary signs

Telephone calls

E-mail

SDDOT, project, or local website(s)

Paid advertisements in newspapers and magazines and on radio and television

Content of the Notice

Public hearing

Regulations require a public hearing notice to indicate the availability of explanatory information and to provide information required to comply with public involvement laws, Executive Orders, and regulations. When a public hearing is held for an EA or DEIS, the notice is required to announce the availability of the EA or DEIS and where it can be obtained or reviewed. In addition, when the notice concerns a DEIS, it is required to include a request for public comments. This request for comments is not specifically required for an EA, but it is good practice.

Public meeting

For a public meeting, while there are no specific regulatory requirements for the content of a notice.

Content

At a minimum, a public hearing or public meeting notice shall contain:

- Type of event, such as “public information open house” or “public involvement meeting”

- Topic

- Date

- Time

- Location

- Directions to the site, if the location is not clear

- Brief description of information to be available

- Schedule of any presentations during the event

- ADA accessibility statements (see Required Accessibility Statements, below)

- When published for an EA or DEIS, the availability of the document, where and how the document may be obtained or reviewed, and a request for comments, the comment period, and where comments should be sent.

- The deadline for receipt of comments and where to send them, if comments are solicited for a public meeting.

- The notice should also contain sufficient background information so that it will present a balanced story if published in its entirety. How the event relates to the project and to future events can also be explained.

Required accessibility statements

Public hearing and public meeting notices shall include the following (or similar) statement:

Notice is further given to individuals with disabilities that this [*open house/public hearing/meeting*] is being held in a physically accessible place. Please notify the SDDOT ADA Coordinator within 48 hours of the [*open house/public hearing/meeting*] if you have special needs for which this agency will need to make arrangements. The telephone number for making special arrangements is 605-773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Information at a public hearing/meeting

Regulations require the following information to be provided at public hearings. It also is good practice for public meetings, when appropriate:

- The project's purpose, need, and consistency with the goals and objectives of any local urban planning
- The project's alternatives and major design features
- The social, economic, environmental and other impacts of the project

Fulfilling the first three requirements

Information for the first three requirements is normally provided through static or audio-visual interpretive displays and take-home materials. A scheduled presentation, if conducted, can also include this information.

1. Handouts should be available which contain the key information in the displays and presentations. Handouts can be given to people who could not attend the meeting and can be used as news media background materials.
2. Project-specific handouts should contain a paragraph describing the federal-state partnership if federal funds are being used.
3. Displays should be annotated with explanations of key features and sites. Whenever a concept or concepts are displayed or made available to the public, an explanation (disclaimer) should also be included on the illustration(s) to help the viewer understand that the concept may be subject to change as the study progresses or as it is refined during the design phases. A complimentary copy of pertinent displays can be given to local officials, when appropriate.
4. Depending on the nature of the project, the project team may have a representative of the Environmental Services Staff within the office of Project Development available to help with environmental or NEPA questions.
5. Local representation at the meeting can be helpful when there is significant local partnership involved in the project.
6. Consider using innovative visualization techniques to present information, such as artist's renderings, computer simulations, and 3D graphics. These tools can help the public visualize how a completed project could look.
7. Title VI language should be included on all brochures and should be available at public hearings/meetings to advise protected groups of their rights. That language is as follows:

The South Dakota Department of Transportation provides services without regard to race, color, gender, religion, national origin, age, or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person who has questions concerning this policy or who believes he or she has been discriminated against should contact the Department's Civil Rights Office at 605-773-3540.

8. The department will translate brochures or other public information into Spanish or any other language as needed for the effected population.

The relocation assistance program and right-of-way acquisition process

Procedures for oral and written comments from the public

The relocation assistance program and right-of-way acquisition process

SDDOT normally furnishes this information by providing right-of-way information booklets for free distribution to the public and having a Right-of-Way staff member present. When right-of-way acquisition is to be handled by a local partner, the project team should consider having a representative of the local partner available in lieu of, or in addition to, SDDOT Right-of-Way staff.

Procedures for oral and written comments from the public

Comments include information, ideas, suggestions, opinions, issues, and concerns. Unless otherwise prescribed by regulations, comments must be submitted directly to the appropriate project authority or its designated representative using one or more of the following formats:

Letters legibly hand-written, typed, or word-processed

Fax

E-mail or attachment to an e-mail

SDDOT comment forms provided at a public meeting or public hearing, or duplicates of same

Internet comment forms from an official project authority web site

Transcriptions by a court reporter of oral comments received during a public meeting or public hearing

Recordings on audiotape, digital, videotape, CD, DVD, or subsequent electronic recording formats which may become available

Supporting documents, such as photographs, illustrations, or maps that are included with the comments

Petitions

Telephone calls, voice mail messages, or verbal discussions are normally not considered official comments.

Comments received during a public hearing or public meeting and their subsequent comment periods shall be considered as comments from the hearing or meeting. Comments must be legible and in one of the approved formats to be considered by the project team. A name and full address (both legibly written) are required if the commenter wants to receive an individual response to his or her comments; otherwise, names and addresses are optional.

Written and verbal comments that are submitted will be included in the official transcript of a public hearing. Any disclosure of comments received during a public hearing, public meeting, or their comment periods will be governed by the South Dakota statutes.

Comment periods

There are no regulatory minimum comment periods specifically for public meetings or for public hearings. There are, however, minimum comment periods required for an EA or DEIS.

For an EA, whether a public hearing is or isn't held, comments are required by regulation to be submitted in writing within 30 days of the publication of the notice of availability unless the Administration (FHWA) determines, for a good cause, a different period is warranted. Generally, longer comment periods are acceptable. When an EA public hearing is held and the EA has been publicly available in advance for more than the required 15 days, a post-hearing comment period of 15 days is still appropriate even if it exceeds the required minimum 30-day comment period.

For a DEIS, whether a public hearing is or isn't held, the Federal Register notice of public availability is required to establish a period of not less than 45 days for the return of comments on the DEIS. SAFETEA-LU mandates that the DEIS comment period not exceed 60 days unless a different comment period is established by agreement of the lead agencies, project sponsor, and all participating agencies. The DEIS comment period begins on the date the notice of availability of the DEIS appears in the Federal Register.

For public meetings, if comments are requested, comments normally should be postmarked, emailed, or faxed on or before the 10th business day following the date of the meeting. Comments received before this comment period will not be part of the records of the public meeting unless the project team so announces. However, those comments will become part of the project record and, as with all substantive comments received, will be considered during the development of the project.

Announcing comment periods

Whenever a request for comments is announced, whether a public hearing or public meeting is or isn't held, the notice should detail the address where comments should be sent and the deadline date for receipt of comments. If a public hearing or public meeting is held, the information should also be included:

1. In the meeting notice(s),
2. During the meeting, in the form of a tabletop or stand-alone display, and
3. On official comment forms available during the meeting.

Comment forms

An official comment form should be provided for written comments during the public meeting or public hearing or during and the subsequent comment period. The comment forms should clearly provide the date, time, location, and purpose of the meeting and a deadline date and location for returning comments after the meeting. Comment forms can be completed and submitted during the hearing or meeting or they can be taken home by guests to be completed and returned at a later date. The address to which the

forms are to be returned can be on the forms, the forms can be self-mailers, or self-addressed envelopes can be provided for convenience.

Oral comments

A certified shorthand reporter (CSR), also called a court reporter, should be available at a public hearing as a service for receiving oral comments from the public. A CSR can also be made available during public meetings if the scope and nature of the meeting so warrant. The CSR will transcribe the comments into a written document. Comments received by a CSR are no more or less official than comments received in other formats.

Comments received by a certified shorthand reporter are no more or less official than comments received in other formats.

When a CSR is not available, audio or video tape recorded statements are acceptable. The audio or video tapes should be transcribed verbatim after the meeting to a written format.

Audio and video tapes have also been successfully used instead of a CSR. People making comments via an audio or video recording should be advised prior to making their statements if the recordings are to be used for purposes other than receiving official comments. Oral comments made during conversations with a member or members of the project team are not included in hearing transcripts or in the record of a public meeting.

Consideration of comments

Every public comment shall be reviewed and evaluated for pertinent issues and concerns, regardless of whether it is one comment repeated many times by many people or a comment submitted by only one person. Generally, emphasis should be placed on the issues revealed by comments rather than on the number of times a comment was received (or the number of signatures on a petition or in a form letter campaign). People express themselves in a variety of ways, so the project team should look for the issues that may underlie otherwise poorly expressed comments. Large numbers of comments may be sorted, analyzed, and summarized to help identify the range of issues contained in the total body of comments received. This helps to treat all comments equally.

What are substantive comments?

Federal regulations require a response to “substantive comments” received concerning a DEIS, but the regulations do not provide a definition of a “substantive comment.” Several federal agencies have developed definitions which form the basis of the following definition that project teams may find useful for any project. Generally, substantive comments include factual information or relevant questions for which a meaningful response is feasible. Substantive comments relate to the project scope, to

the document, or to the project development process. Substantive comments include those comments that:

1. Provide new information pertaining to the proposed action or an alternative
2. Identify a new relevant issue or expand upon an existing issue
3. Identify a different way (alternative) to meet the underlying need
4. Identify a specific flaw in the analysis
5. Ask a specific relevant question that can be meaningfully answered or referenced
6. Identify an additional source of credible research, which if utilized, could result in different effects

Non-substantive comments include those that:

1. Focus on personal values or opinions
2. Mainly provide or identify a preference for an alternative considered
3. Restate existing management direction, laws, or policies used in the design and analysis of the project, or that provide a personal interpretation of such
4. Provide comment that is considered outside the scope of the analysis or SDDOT's authority, or is not relevant to the specific project proposal
5. Lack sufficient specificity to support a change in the analysis or permit a meaningful response
6. Are composed of general or vague statements not supported by real data or research
7. Consist of derogatory or defamatory personal attacks, threats of violence, or angry expletives
8. Point to only minor editorial corrections

Responses to comments beyond the scope of the project document are typically restricted to describing why these comments are beyond the scope and does not merit further consideration. However, a more extensive response may be provided if the project team desires. Responses to substantive concerns are typically more extensive.

SDDOT is required to respond only to substantive comments in the FEIS. However, depending on the nature of the project, the project team may respond to all public comments identified during the analysis - substantive and non-substantive alike.

Responding to comments

For any project, it is always appropriate for the project team to send a thank you note or letter to people who submit comments. When appropriate, specific replies to the comments should be given. The response can be in the form of letters, e-mails, cards, or a shared response in a project newsletter or local newspaper. A written response is best for keeping records; however, a phone call (with a note in the file) may be the most effective way to communicate in some situations. When multiple numbers of similar concerns are received, a single shared response may be provided. In addition, the responses to comments received for an EA or a Draft EIS are normally summarized and included in the FONSI or FEIS.

Guest registration forms

Guest registration sheets are normally provided for visitors to sign in, although visitors are not required to sign in. Registration sheets can help in determining an attendance count and in building a mailing list. Registration sheets for the officials at public officials' meetings and for staff members attending a meeting are also normally provided.

Transcripts of public hearings and certifications that a required hearing or opportunity was offeredⁱ

Public hearing transcript

A transcript of a public hearing for submission to the FHWA is required after the comment period ends. At a minimum, the transcript is required to include all written and verbal statements received at the public hearing and during the announced comment period after the public hearing.

Public meeting records

Records of a public meeting should include, if appropriate, but are not limited to:

- The project number, meeting date, time, location, and purpose
- Approximate public and public officials' attendance counts and an estimate of the number or percentage of minorities who attended. This is particularly important if the project may affect a minority group.
- Copies of news releases and advertisements used to publicize the meeting and the dates and locations where they were published, if known
- Sample invitation letters to stakeholders or officials, if used, and the mailing lists
- A copy of the public, staff, and public officials' guest registers
- A copy of the court reporter's transcript of oral comments
- A copy of the comments received and their responses
- A copy of information handouts available at the meeting
- A small copy of pertinent displays and presentations at the meeting, if available
- Summary of the substantive comments.

ⁱ The information from the sections "Transcripts of public hearings and certifications that a required hearing or opportunity was offered" and "Public Involvement Guidelines" was from the Kansas Department of Transportation's public involvement plan titled "Sharing the Future." It can be found at the website <http://www.ksdot.org/burTransPlan/pdf/SharingtheFuture.pdf>.

NEPA PROCESS

Public Involvement and Early Coordination On Federal-Aid Projects During the Project Development Process

I. INTRODUCTION

SDDOT strives to ensure all federal-aid highway projects comply with the National Environmental Policy Act of 1969 as amended (NEPA) and the regulation of the Council on Environmental Quality (CEQ), 40 CFR parts 1500 through 1508, which sets forth all FHWA requirements under NEPA for processing highway projects.

Public involvement and early coordination efforts are designed to develop public confidence in the SDDOT and expedite the project development process by identifying and resolving issues and impacts to the environment and community. By providing opportunities and encouraging public participation in the SDDOT decision making processes, the public gains a greater awareness of the Department's purpose and objectives, which ultimately leads to greater public acceptance of SDDOT highway projects.

Appendix A provides a glossary of terms used in this document.

II. PUBLIC HEARING/MEETING PROCESS

SDDOT provides early and continuing opportunities for the public input in the development of South Dakota's transportation system. From the development of the annual STIP to individual project development and in the project construction phase, opportunities for public participation are provided.

A. Criteria for Holding a Public Hearing

Public hearing or the opportunity for a public hearing is provided for any **Federal-aid project** that requires the acquisition of significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or the facility being improved, has a substantial impact on abutting property, or substantial social, economic or environmental impacts. In addition, a public hearing may be held when there is substantial interest in holding a hearing or when another agency with jurisdiction over the action requests a hearing and provides supporting information on why a hearing will be helpful.

B. Opportunity for a Public Hearing

If there is reason to believe the project is non-controversial, a Notice of Opportunity for a Public Hearing may be utilized rather than directly scheduling a hearing.

When the potential for public controversy is determined by SDDOT and FHWA to be minimal or non-existent, it is permissible to meet with the parties at a convenient time and location to explain the project and answer any questions.

C. Exception to the Public Hearing Process

Compliance with the public hearing process is required for emergency work on disaster assistance projects. According to 23 CFR 771.131, requests for deviations from procedures in 23 CFR 771 shall be referred to Federal Highway Administration.

D. Public Hearing/Meeting Formats

The public hearing process may be satisfied through either a formal or an informal “open house” format. Public information meetings are held in the informal open house format.

- 1) Formal Public Hearing** - A structured meeting between the SDDOT and the “public” audience. A project team of experts explain the project to the audience. The audience, one at a time, responds with comments and questions. The hearing activities are formally recorded and entered into a hearing record. The record is held open after the formal hearing for 10 to 30 days for additional written comments. The written comments are included in a Public Hearing Summary and are distributed to the persons in attendance.
- 2) Informal Public Meeting** - An informal public hearing/open house is conducted in a format similar to a map showing or project briefing. The public may arrive at various times, be given a brief explanation of the project and then directed to project design team members for one-on-one explanations and discussions about the public’s specific questions and concerns. The public is provided an opportunity to submit written comments for the hearing record. The record is held open after the open house public hearing for 10 to 30 days for additional written comments. Written comments are included in the Public Meeting/Open House Summary.

E. Publication Requirements

The public notice shall be published for two consecutive weeks in the official county newspaper(s) where the proposed project takes place. The second notice shall be published at least 10 days before the date of the hearing.

F. Notification of a Public Hearing/Meeting

A public hearing/meeting notice is used as a means to inform the public of proposed projects and invite public participation. In addition to publishing a notice in the official county newspaper, other notification methods may be used:

SDDOT web site: http://www.sddot.com/geninfo_hearings.asp

Direct mailings to landowners adjacent to the project and Tribal officials with interest in the project

Flyers distributed to local residents

Posting the notice on bulletin boards in public places

Supplemental news releases

Television and radio announcements

For more information regarding how SDDOT notifies the community about a public meeting or public hearing, refer to pages 46 and 47.

G. Public Notice Content

The Notice of Public Hearing/Open House shall specify:

- 1) Project Number and Project Control Number (PCN), County, Federal, State or County Route #, and a description of the proposed action;
 - 2) Announce the availability of the EA and where it can be reviewed [23 CFR 771.119(e)].
 - 3) Date, time and location of the hearing;
 - 4) Statements that:
 - an informal open house format will be used, when this is the case;
 - information will be available on the acquisition of right-of-way, relocation assistance, the environmental impacts of the project, and the economic and social effects of the project's location and design;
 - impacts identified on the proposed project;
 - an opportunity will be provided to present written comments
 - the hearing/open house is being held in a physically accessible place and that interpreter services will be provided if requested 72 hours prior to the hearing (reference ADA language);
 - when applicable, a statement that the draft EA or draft EIS will be available for review at the hearing;
 - Any other data SDDOT feels will make the notice more informative.
- In accordance with 23 CFR 771.123(h): *The availability of the draft EIS shall be mentioned, and public comments requested, in any public hearing notice and at any public hearing presentation.*

See Appendix F: Example Public Hearing/Meeting Notices.

For more information about the public meeting or public hearing notice, refer back to page 48.

III. PROJECT DEVELOPMENT--ENVIRONMENTAL

A. Project Classifications

Transportation projects vary in type, size, complexity, and potential effects to the environment. Transportation project effects can vary from very minor to significant impacts on the human environment.

On a continuous basis, SDDOT and FHWA assigns environmental classifications to new STIP Federal-aid projects according to the following three classes of actions:

- 1) **Class I (EIS).** Actions that significantly affect the environment require an Environmental Impact Statement (40 CFR 1508.27).

Class I actions typically include any new controlled access freeway; a highway project of four or more lanes on a new location; or new construction or extension of fixed rail transit facilities. Final approval for a Class I action is received when FHWA approves the project Record of Decision (ROD).

- 2) **Class II (CE).** Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an EA or EIS.

Based on past experience with similar actions, CE's do not involve significant environmental impacts. They are actions which:

- Do not cause significant impacts to planned growth or land use for the area;
- Do not require the relocation of significant numbers of people;
- Do not have a significant impact on any natural, cultural, recreational, historic or other resource;
- Do not have significant air, noise or water quality impacts;
- Do not have significant impacts on travel patterns; or
- Do not otherwise, either individually or cumulatively, have any significant environmental impacts.

When appropriately documented, additional projects may also qualify as CE's.

Final approval of a Class II action is received when FHWA approves the annual Batch Program or signs an individual project Environmental Checklist.

Information on Programmatic CEs:

<http://www.environment.fhwa.dot.gov/projdev/docuceda.asp>

3) Class III (EA). Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or Class II are Class III. All actions in this class require the preparation of an Environmental Assessment (EA) to determine the appropriate environmental document required. Final approval of a Class III action is received when FHWA signs the project's Finding of No Significant Impact (FONSI).

The level of documentation required for each of the above classifications can be found at the following FHWA website:

<http://www.environment.fhwa.dot.gov/projdev/pd4document.asp>

B. Work Authorization and Preliminary Engineering

The environmental and design work for individual projects in the approved STIP begins when a work authorization for preliminary engineering is issued by the Division of Planning/Engineering.

C. Early Coordination and Public Information Meetings

Project Identification Coordinators (PIC) begin scoping activities on individual projects early in the project development process. One or more public information meetings may be scheduled to obtain information that will assist in preparing project scope documents. A final Project Scope Document is prepared and distributed within SDDOT.

Using the final Project Scope Document, the Environmental Office coordinates with state, federal and tribal agencies to identify potential project impacts to the environment and community. The Environmental Office prepares the appropriate environmental document based on the project's environmental classification, as discussed in Section B.

Categorical Exclusion (CE)

Projects processed with a Categorical Exclusion are actions which will not have any significant social, economic or environmental effects, and therefore, do not require a public hearing.

Environmental Assessment (EA)

Projects processed with an Environmental Assessment must involve environmental agencies, applicants and the public to the extent practicable (40 CFR 1501.4(b)). In 23 CFR 771.111(h), the Federal Highway Administration (FHWA) requires that the local

agency provide one or more public hearings or opportunities for hearings for any Federal-aid project which:

- Requires significant amounts of right-of-way,
- Substantially changes the layout or functions of connecting roadways or the facility being improved,
- Has a substantial adverse impact on abutting property,
- Otherwise has a significant social, economic, environmental or other effect, or
- For those projects that FHWA determines a public hearing is in the public interest.

Environmental Impact Statement (EIS)

By regulation, FHWA public hearing requirements are as described in 23 CFR 771.111(h), however, typically the Division Office would require a public hearing for an EIS.

Tribal Consultation

Tribal consultation is accomplished on all projects of interest to each Tribe in South Dakota and with Tribes who have interests per Aboriginal ties to lands within South Dakota. This effort is coordinated with FHWA and is conducted in compliance with the National Historic Preservation Act (NHPA) (U.S.C. 470) and resulting regulations (36 CFR 800). The provision under this act relative to Tribes is referred to as Section 106. This process is included in Appendix O and includes, at a minimum, the following:

- SDDOT and FHWA will collaboratively meet with each individual Tribe on an annual basis to discuss and review the Section 106 consultation process and projects of interest to each Tribe
- SDDOT will provide each Tribe with a “batch” list of projects determined to have no adverse environmental impacts for their review each year prior to consultation meetings
- SDDOT will use a Tribal contact list developed and maintained by FHWA
- SDDOT will notify Tribal officials of public meetings regarding projects in counties of interest to individual Tribes
- Tribal officials may initiate discussion when they identify a property of Tribal religious or cultural significance during project development

Additionally, Tribal officials are notified immediately of any disturbances that affect any sensitive properties of interest to them and subsequent coordination provides direction to proceed.

This process is iterative and very dynamic and is therefore located in Appendix O.

SECTION 4 – SCOPING

Before the scoping process can begin, a “need” for a project has to be determined. Engineers from Project Development begin requesting feedback from several different local government agencies, as well as from the local mayor, city engineers, and city and county officials regarding citizen concerns. Bad curbs, controversial projects, and dangerous locations are among some of the common complaints Project Development takes into consideration when beginning the scope process. Engineers in Project Development determine projects that will populate the STIP (Statewide Transportation Improvement Program) and the anticipated cost. The Scoping process will modify the budget as necessary while considering “wants” versus “needs”; whether there are any alternatives to construction; and, if so, what the preferred alternative would be for a project. Considering the needs for the statewide program can limit the alternatives considered for any given project.

Once a scope has been determined for a project, the proposal is passed on to a Region engineer who will either sign off and approve it so it can head to Design, or will reject it, sending the proposal back to Scoping for alterations. Once signed, the scope provides guidance from Design to Bid Letting, where the Scoping team monitors how the project is coming along. When the project is let, an Engineer’s Estimate is made which will later factor into the total cost of the construction project.

After letting, the project heads to construction, where the project will be completed from beginning to end in accordance with the plan. This process can take anywhere from a matter of months to a matter of years, depending on the type, size, and location of the proposed project.

There are two types of projects that are scoped: oversight and stewardship. Oversight projects are projects in which the FHWA (Federal Highway Administration) is actually involved. Representatives from FHWA participate in the actual overseeing of every aspect of the project. However, a stewardship project differs slightly. Instead of FHWA actually being there, SDDOT (South Dakota Department of Transportation) has a duty to act on FHWA’s behalf by following all the Federal regulations and guidelines.

Once the project is complete, or near completion, the Scoping team will survey the work, and compare the actual cost versus the estimated cost versus the STIP cost.

SECTION 5 – DESIGN

A general outline of the public involvement process during the design phase is found in Appendix P. The following narrative explains the process in detail.

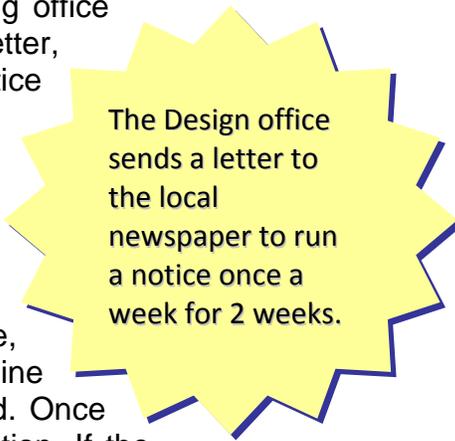
Before a Public Meeting

When the need for a project is given to Design (i.e. Road Design or Bridge Design), the office may have a public meeting and/or an open house. The purpose of this public meeting is to get input from not only the public, but also other offices. Like other offices, it is the project's sponsoring office's responsibility to set up the meeting. For example: If Design is hosting the public meeting, it is that office's duty to invite all other offices affected by the project, which could include: Road Design, Bridge Design, Area Engineers, Region Engineers, Right-of-Way, and Environmental. These offices work together to decide a date, time, and location of the meeting. The meeting facility should be accessible to individuals with disabilities as well as the elderly. Finally, the sponsoring office generally tries to avoid Wednesday nights due to potential conflicts with religious activities, and tries to avoid Friday night meetings due to potential conflicts with community activities and school-sponsored events.

Next, the sponsoring office, e.g. Design, will create a draft of the Public Meeting/Open House Notice. A sample of this notice can be found in Appendix F. Basically, the notice contains the: date, time, location, the project location, and project description. A draft of the notice will be sent to the DOT Communications Officer for review and approval. The approved notice will be sent via mail or email to the newspaper(s) for publication.

Once the notice for a public meeting is ready for publication, the County or City auditor may provide information on which newspaper(s) the notice will be published. Appendix G provides an example of the letter the sponsoring office will send to the newspaper along with the notice. Within the letter, the sponsoring office will request two dates for which the notice will be published. Depending on the scale of the project or the public interest in the project, papers having general circulation in the area of the project may be considered for publishing the notice. The notice will be published as a display advertisement, and should be published twice; once a week for two consecutive weeks. However, some smaller local newspapers publish weekly rather than daily. If this is the case, then the DOT office will check with the newspaper to determine when the notice needs to be submitted for it to be published. Once submitted, the DOT office will request an Affidavit of Publication. If the meeting relates to a project that is federally funded, the sponsoring office will provide a copy of the Affidavit of Publication to the Environmental Office to be put in the project's NEPA file. A copy of the Affidavit of Publication should be attached to the invoice before processing for payment.

During publication, a Notice Distribution List is prepared. This list provides: project information; meeting information (date, time, and location); the official county



The Design office sends a letter to the local newspaper to run a notice once a week for 2 weeks.

newspaper; a list of contacts to which the notice will be distributed; the Environmental staff assigned to the project to which the notice will be sent; and the Project Development MPO (Metropolitan Planning Organization) Coordinator to which the notice will be sent. A sample of the Notice Distribution List can be found in Appendix C.

During a Public Meeting

After the newspaper has published the notice, the office(s) attending the meeting begin preparation for handouts to be distributed. The handout contains important information about the upcoming project. Presentations and handouts will vary depending on which offices will be in attendance at the meeting, and is presented in no specific order. Offices in attendance could be, but are not limited to: Road Design, Bridge Design, Environmental, Right of Way, and Region and Area Engineers. The sponsoring office will generally provide a project presentation. A representative of the Environmental staff may explain how and why the project will comply with federal and state regulations, which state and federal agencies will be involved in the project, and any adverse social or economic impacts which may result from the project. A Wetland Mitigation Registry Form will be provided to those who are interested in creating or restoring wetlands on their property. The completed wetland mitigation form is submitted to SDDOT where it will be reviewed. A SDDOT representative will provide those interested in wetland mitigation with additional information.

Right of Way may provide information about Individual Landowner Meetings, Property Acquisition Offers, Relocation Assistance Program, and Information Brochures explaining Right of Way's processes. This information and process will be explained in greater detail in the following "Right of Way" section.

The Design Office also may share information at the public meeting about individual landowner meetings asking for input and comments relating to issues about the design of the project affecting interested property owners. Topics to be discussed would include, but would not be limited to: Permanent/temporary purchase of landowner's property; locations and widths of the property; permanent/temporary fencing adjacent to the highway; any utilities (waterlines, power lines, septic tanks, etc.) located underground adjacent to the highway; drainage/flooding problems along the highway; possible sites for gravel and additional dirt; and temporary access during construction activities. Design will then address "Access Management." Access Management will answer questions like: What is Access Management? What does good Access Management depend on? How does Access Management affect a business? If necessary, the Design office may have a follow-up meeting with the landowner, however, this meeting is optional. This meeting may clear up any unresolved issues, gather more input, and investigate an unusual request.

The sponsoring office will invite all attendees to sign the sheet, however a sign-in sheet is not required at the meeting. A sample of this sheet is provided in Appendix H.

Finally, people who attended the public meeting will be invited to provide "Written Comments." This will allow those who attended the meeting an opportunity to gather their thoughts and write them down to save as document. Comment period is open until ten days after the date of the meeting, after which verbal and written comments and handouts are collected and typed up in a meeting summary to keep on record. With

some comments, Design staff may choose to respond to the concerned public, which responses will also be added to the meeting summary. A response to these comments is done within three weeks of the closing comment date, when possible.

After a Public Meeting

After the meeting, a SDDOT representative prepares a public meeting summary. The information included in this document will be: date, time, and location of the meeting; names of the individuals representing SDDOT; the number of people in attendance; a sample of the handouts provided; and the verbal and written comments and SDDOT's responses.

The final step to the public meeting is a summary distribution list. It is simply a list of people or agencies to which the meeting summary will be sent.

Landowner Meetings

After the public meeting, Design, as well as other offices involved in this stage of the project, meets with landowners who are and will be affected by the proposed project. A landowner meeting is an important step in the Design phase of a construction project. It creates an opportunity for SDDOT to establish two-way communication between SDDOT and the affected landowner.

The first step in preparation for a landowner meeting is a letter from the Area Engineer to the landowner inviting the landowner (or a representative) to visit with the Design staff (and other offices involved.) The letter will include: the project number, location of the project, the type of work, a tentative letting schedule, and will ask for input on the proposed project. The Area Engineer will suggest a date and location for the meeting with the landowner, and will invite the landowner to call the appropriate office secretary to set up a time for the meeting. The letter will provide contact information (name and number) for the landowner to reach when setting up the time. For example, if the project is going to take place in Pierre, the landowner will be asked to place a call to the Pierre Area office secretary. These meetings usually last approximately one-half hour; but the staff will be happy to spend as long as needed discussing the proposed project. Appendix I supplies a sample of a letter the Area Engineer would typically send to the landowner, but for a more up-to-date letter, contact the Road Design office.



The project designer will invite the appropriate SDDOT staff to be in attendance at the landowner meeting. The project designer will send out a letter to SDDOT staff to schedule the meeting. A sample of this letter can be found in Appendix J. The letter includes basic information, including: date, time, and location. The project designer also requests that the Area Engineer block out a time to meet with the Utility companies. The project designer may also decide to invite the Region Materials Engineer to attend the meeting to interview the landowners for possible borrow sites for the project. However, if borrow

is not anticipated at the time of the meeting, the Region Materials Engineer does not need to attend. Also, the Access Management Engineer is requested to be at the meeting to assist landowners in providing solutions to difficult access locations.

During the landowner meeting, the designer will take notes about the content of the meeting. The notes should include: contact information for the landowner (name, address, home/cell phone numbers, legal description, and location); property required for roadway construction; fencing; proposed access locations; drainage; and miscellaneous information.

The property required for roadway construction is a description of what land will be used for the proposed construction project. Photos maybe included with this section so landowners can visually see what the designers are proposing for the project. If fencing is a problem for the design of the project, a Temporary Easement will be replaced if the landowner wishes to do so, and a temporary fence will be provided where necessary, e.g. livestock. Also, the “proposed access locations” and “drainage” sections are used if cattle, other livestock and drainage issues are inconveniences to the construction and design of the proposed project. At the end of the meeting, the Area Engineer or project designer might take notes unique to the design of the project.

After the landowner meeting, the project designer will send a letter to the Region Engineer. The letter includes: date, time, and location of the meeting, and the notes that were taken at the meeting. An example of this letter can be found in Appendix K and an example of the notes can be found in Appendix .

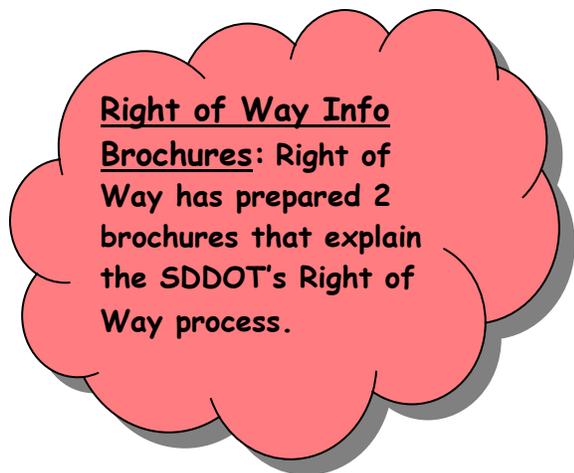
In the event a landowner does not show up to a meeting, the project designer will send a letter to the absent landowner in an effort to invite the landowner to reschedule the meeting so the landowner’s input can be considered in the design of the project. This letter will also include a copy of the notes from the meeting for the absent landowner to review. Finally, the designer will encourage the landowner to review the notes involving the landowner’s property, and invite the landowner to call him/her with any questions or concerns involving the proposed project as soon as possible. An example of this letter can be found in Appendix L.

The final step the designer will take for the landowner meeting is to send a letter to the landowners who attended the meeting. The designer will thank the landowners for coming and enclose a copy of the notes taken at the meeting. The designer will also encourage the attendees to contact him/her with any concerns or questions as soon as possible, as the design staff will be revising the plan according to the discussion at the meeting. A sample of this letter can be found in Appendix M.

SECTION 6 – RIGHT-OF-WAY

At the public meeting, Right of Way personnel involved with the construction project meet in conjunction with Road Design personnel (Area Office and Utilities as needed), among other offices and the interested public to explain the Right of Way office's responsibility involving the project.

Right of Way personnel are involved in individual landowner meetings, land appraisals, property acquisition offers, and the relocation assistance program. Interested and affected public are invited to sign in at the public meeting, and upon sign in, the public can find two Right of Way information brochures at the sign-in table: "Better Roads Brochure" and "Relocation Assistance Brochure." These brochures describe the right of way acquisition and the Relocation Assistance Program. Each



brochure explains how owners and tenants can utilize these programs to receive services and payments if their property is affected by the right of way required for the project. Affected homeowners or tenants will be contacted by a relocation officer. In all likelihood, the relocation officer will be involved in everything from the moving of personal property to any legal problems that may arise. The SDDOT Civil Rights Office has full authority to investigate public complaints if the affected person feels adversely treated due to discrimination. This is covered in greater detail in the "Relocation Assistance

Brochure," which can be found in the Right of Way Program or the ROW website:

http://www.sddot.com/div_pe_row.asp.

Procedure

As a transportation project progresses through the workings of the SDDOT, the Right of Way Program becomes involved when additional land is required either by easement or fee title acquisition. The process of securing lands for public transportation progresses through a number of public and personal contacts with landowners who hold interest in properties along the transportation systems of South Dakota. There is no prescribed timetable or method for these contacts, but the charge is to find the issues, analyze them, and find answers before they become problems or consume too much time and resources.

Participation in Public Meetings

The Right of Way Program takes an active part in public meetings conducted by other Programs or Divisions in SDDOT. Mentioned in another section of this Public Involvement Plan document is a detailed description of the Public Meeting, which is one

of the first contacts where public involvement is sought during the early stages of the construction plan design. The Right of Way Program Manager or someone he assigns attends the Public Meeting to explain to those attending this meeting a generalized procedure of the acquisition process. The Better Roads Brochure and Relocation Assistance Brochure are distributed to those in attendance as an added method to share information pertaining to SDDOT procedure and Code of Federal Regulations used to secure easements and real-estate for the construction of the transportation project.

During the Public Meeting, time is taken to meet the individuals attending. This early personal contact makes it possible to avoid misinformation and fosters a supportive relationship and trust. Also, the contact made at this time by project designers, and right of way personnel helps in the elimination of bad information or community speculation.

A Landowner Meeting is organized and conducted by the Road Design Program when the plans are nearing the sixty percent complete stage of design. This public meeting is explained in more detail in the Road Design section of this Public Involvement Plan. The Right of Way Program participates in this one on one meeting with property owners affected by the future construction project. Following a brief explanation of the changes the roadway will encounter as a result of construction, the landowner is asked to comment on specific items affected on their private property. The statements made by each landowner and those made by the state's representatives are collected so these statements may be reviewed as the construction plans continue to completion. These notes are used by the Right of Way Program personnel to gain a preliminary insight to what the landowner is or has been told about the project. During this exchange of information at the Landowner meeting an individual from the Engineering section of the Right of Way Program explains the steps and process by which the easements and future right of way will be appraised and acquired. The landowner meeting is concluded by giving each landowner a copy of the Better Roads Brochure. If there is reason to believe relocation will be necessary the Relocation Assistance Brochure is offered. This process is repeated throughout the day and, when necessary, into the evening so all landowners have the opportunity to learn for themselves the details of the construction project as it will affect their land.

There are significant positive advantages to personal contacts with individual landowners. However, it is imperative landowners are involved in the project as early as possible in the public involvement process. This will give landowners an opportunity to express their individual issues, problems, and concerns. These contacts will also serve to assist in assessing the opposition or support for the project, and to provide insight on various right of way issues and design problems. If landowner issues are addressed early, there will be a significant reduction in adverse emotional frustration.

Right Of Way Meetings

Meetings conducted by the Right of Way Program include the two-way communication between the department and the landowner by group or individual setting. A one on one personal interview is conducted with a landowner by an appraiser as the appraisal of the affected property is prepared. This meeting most often takes

place at the landowner home or on the property being appraised. Information is collected by the appraiser that will be pertinent to the valuation process of the land and to gain knowledge of any improvements to the property that may not be seen from the surface observation. During the discussion with the landowner there are questions or requests that come from the landowner. These questions or requests are collected by the appraiser and submitted to the Right of Way Program – Engineering Section for review and return comment. The requests are recorded on form DOTRW-120, Landowners Requests, so that others in the Right of Way office may review these as needed.

Following the completion of the appraisal of the property, the just compensation amount offered to the property owner for the easements and right of way is established. The offer of just compensation is made to the landowner in writing by the acquisition agent from the Right of Way Program in a meeting at the landowner's home or place requested by the landowner. The one to one personal contact is also a time to review the construction plans with the landowner and to walk the property to envision the improvements of the construction process. Owners of property are not always individuals or families, but are sometimes groups such as church, civic, corporate, or government type agencies. Meeting with such groups may include doing so at a public meeting held by the organization on a weekly or monthly basis. In such cases the acquisition agent follows the same procedure of introducing the offer of just compensation and review of the construction plans.

Experience has demonstrated the impact of the emotional element during the entire process should not be dismissed nor underestimated. It is important to listen to landowner's concerns completely, while at the same time being honest, respectful, and thorough in discussing their issues, even if the landowner's issue cannot be accommodated. Most reasonable people recognize not all their needs can be accommodated, but we cannot disrespect their position in asking.

It is important to recognize there is a period of time when the records and matters of a transportation project are not open to the public. While the negotiation between the Department and the landowner is in process, these documents are confidential. Negotiations between the Department and landowners are a sensitive legal process intended to avoid litigation and condemnation proceedings. The records involved with the negotiations process do not become public record under SDCL Ch. 1-27 until the negotiations have ended and the landowner has either been paid or the State has executed condemnation action in circuit court.



Utility Section - Public Meetings

The Utility Section of the Right of Way Program holds an informative and collective meeting with all utility providers affected by construction of the transportation system, in conjunction with design inspection meetings or the landowner meeting. Prior to such a meeting the Utility Section personnel will send copies of the preliminary construction plan sheets to the identified utility companies on the project. The transportation design team attending the meeting explains the concept of the project and then the person from the Right of Way Program – Utility Section surveys the utility group for verification of lines located on the plans. Specific questions of each utility company in attendance are made to discover new lines that may not be shown on the plans. Discussion of what is planned and the option of places for the relocation of the utility are reviewed. The utility companies are invited to share information regarding their needs or abilities to relocate. Estimated cost to relocate the utility is requested and the process to reimburse that company is begun. Further contact with the public utility is maintained through out the course of plan preparation and construction.

Surplus Property Section - Public Meeting

The Surplus Property Section within the Right of Way Program holds periodic public sales of properties no longer deemed necessary for transportation purposes. Such public sales are advertised by way of the internet, newspaper, on site signs, or mailings to individuals who have indicated interest in the property for disposal. When such a sale is offered, a place near the vicinity of the land is selected that will accommodate the needs of the Civil Rights requirements. At the time of the sale, further explanation is offered to clarify the terms of the sale. A verbal bidding process is begun (auctioneer style) by the Surplus Property Section representative until a final bid appears to have been received. The bid is then accepted or rejected based on the explanation of terms presented at the beginning of the sale. Sealed bids are another method used to dispose of surplus property following the same public announcements used for the public sale method.

Conclusion

The Right of Way Program uses a systematic interdisciplinary approach in planning, locating data, utility relocation, appraisal, acquisition, document storage, and disposal of excess properties. The interdisciplinary team plays a critical role in evaluating and proposing methods for addressing concerns raised by the public. The employees of the Right of Way Program are engaged in continual public contact in the effort of securing the land on which the transportation of the State and the Nation travel.

SECTION 7 – BID LETTING

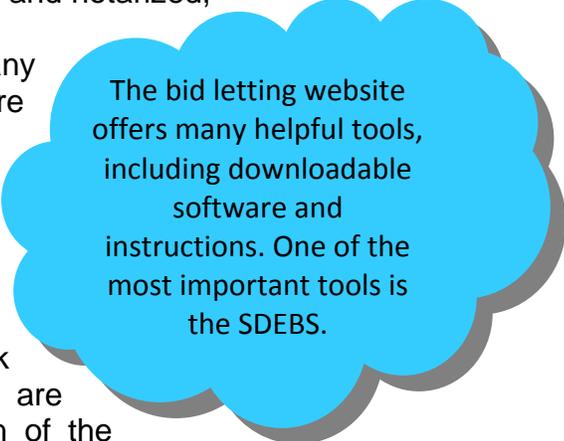
Once the proposed project has an approved design, and Right of Way has met with all the affected landowners, the project proceeds on to Bid Letting. Parties who are interested in bidding for construction projects by SDDOT need to follow specific steps. However, these steps only apply to construction projects being let by SDDOT.

First, letting dates are set. These occur on the first and third Wednesdays of each month. If there are not any projects available for letting, the letting is cancelled. Once letting dates are determined, a tentative schedule is created. The schedule is for one to six months of future lettings which have yet to be released for advertisement. This schedule is provided as a courtesy to interested contractors and to the public.

Three (3) weeks prior to the Friday before the letting date, the bid letting office advertises a Notice to Contractors on the Project Development website. Interested contractors are required to apply for pre-qualification, and can find and complete the Contractor's Prequalification Form and the Contractor's Prequalification Line of Credit Statement on the website.

The Classification and Rating Committee must receive the interested contractors' pre-qualification information no later than fourteen (14) days prior to letting. This committee is made up of four (4) people from the Department selected by the Transportation Commission (Administrative Rule [70:07:02:01](#)). If the contractor misses this deadline and pre-qualification is required, the contractor will not be pre-qualified, and the contractor's bid will be rejected. Contractors need to provide the following information to be considered for pre-qualification: a financial statement, details of organization and staff experience, equipment ownership, work classifications for which pre-qualification is requested, an affidavit to be signed and notarized, and a maximum bidding capacity.

Once pre-qualification is complete, any contractors wishing to bid as prime contractors are required to utilize the South Dakota Electronic Bidding System (SDEBS) software to submit their bids. SDEBS can be found and downloaded from the Project Development website. Downloadable bid files for each letting are available on the Project Development website after the project is advertised for bids. Additional downloadable files, including Work Type List, DBE Directory, and Subcontractor List, are available for each letting on the website. Utilization of the SDEBS software requires an electronic signature to be obtained before letting from a third party vendor. If contractors fail to obtain an electronic signature, it results in the inability to submit bids for projects being let formally through SDDOT. Also, contractors can sign up on the Plan Holder List for each project via the Project Development website. This list constantly updates automatically as contractors sign up for each project. In order to sign up though, interested contractors must register with SDDOT to obtain an ID and password. The website also provides a complete list of contractors, including addresses and phone numbers. This information automatically updates from the Department's bid letting database every time a contractor is added to the list.



The bid letting website offers many helpful tools, including downloadable software and instructions. One of the most important tools is the SDEBS.

After the time and date of letting, the as-checked results are released on the website. The results are checked for pre-qualification, bidding capacity, and bonding. The as-checked results can include combination bids and A+B bids, as required by each contract. The bids are then checked for unbalancing and comparison to the Engineer's Estimate for the project.

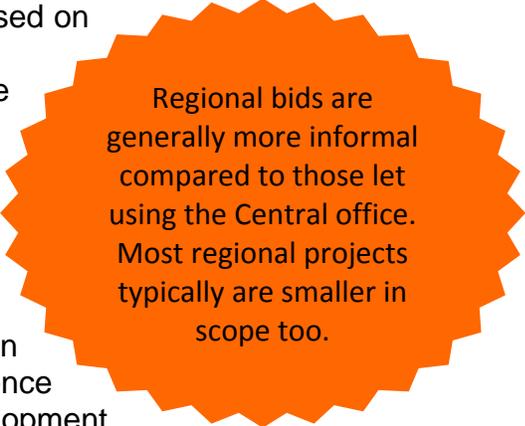
After all the bids are collected, the Transportation Commission awards the projects to the lowest bidder. The commission meetings are held in a public forum, and are advertised via the Project Development website. A list of the final low bidders is released as well as an abstract of all responsive bids for the letting, and can be found on the website. The release of the list and abstract occurs only after all projects are awarded or rejected, and all necessary concurrence has been received. Associated General Contractors (AGC) is contacted via email upon the release.

Finally, the bid letting website provides useful information for all the contractors. This information includes: a list of currently certified Disadvantage Business Enterprises (DBEs); information on how Bid Letting does business as a company; downloadable software for use in creating and submitting bids; semi-annual average unit bid prices; Notice to Contractors, Plan Holders lists, and downloadable plans and proposals for lettings advertised for bids; and contract addenda (modifications to the project after advertisement). An ID and password are *required* for viewing of addenda, and notification of the addendum is emailed to the project plan-holders upon the release to the website.

Regional (informally let) Bids

First, a Notice to Contractors, plans, proposals, and plan-holders lists are posted on the Bid Letting website, and contractors who have contacted the Regional office, and are considered capable to perform the work specified in the contract, are contacted via a letter/facsimile. Then addenda to the contract are released on the website, and mailed or faxed to each plan-holder.

The bids then are read aloud at the Regional office at the time and date of the letting. Regionally (informally) let projects are typically smaller in scope than those let via the Central office (formally let projects). Projects are located within the advertising Region and are advertised on an "as needed basis." Contractors do not have to be pre-qualified for regionally let projects under \$100,000. Projects advertised for bids through the Region offices have the option to use a Work Experience Questionnaire, which is available on the Project Development website, in lieu of prequalification.

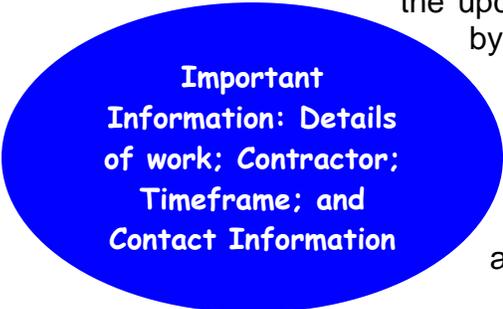


Regional bids are generally more informal compared to those let using the Central office. Most regional projects typically are smaller in scope too.

SECTION 8 – CONSTRUCTION

This section of the Public Involvement Plan is not intended to be a guideline for every project or imply that every project requires the same level of public involvement. Instead, the purpose of this section is to document the various methods, processes and purposes of public involvement done in the construction phase. The Division of Operations will base what is needed for each project based on a number of factors which include, but are not limited to: the scope of work, location of project, impact to the public, and other factors specific to a project.

Before the construction phase starts, engineers in the Division of Operations need to know what they will be constructing. There is a progression of steps and events leading up to the project's actual construction. First, a project is scoped after the need for it has been determined. Engineers look at the STIP (Statewide Transportation Improvement Program), and put together a budget. Once a budget has been set, the plan for a project is sent on to the Design office. There engineers will design a lay-out plan with all the details of the proposed project. The Division of Planning and Engineering work together with all the other offices impacted by the project, including construction, and will hold one or several public meetings (depending on the scale of the project) to inform other offices as well as the public, whether affected or simply interested, to explain the project in detail. The Communication Manager will also work together with the Area Engineer to send out a press release notifying the media about



**Important
Information: Details
of work; Contractor;
Timeframe; and
Contact Information**

the upcoming meeting. A project information sheet is assembled by the Communication Manager and the Area Engineer or Project Engineer. The information sheet includes: work to be done, the contractor, timeframe for work to be completed, and contact information for the project, as well as any other relevant information. This information sheet is used to assist the writing of the press releases and handling media calls.

Once SDDOT answers all the questions from the public meeting, the project moves on to be bid on by contractors. Interested contractors use the Project Development website to bid on projects by SDDOT. Once the lowest bidder has been announced, the project is finally ready to be constructed. The Area Engineer or Project Engineer(s) will work together with the contractor to develop a projected timeline to be used internally. This helps keep all lines of communication open and on track to stay ahead of the work to be completed. Depending on the type of project being constructed, sometimes public meetings are held. However, if the project will not affect businesses or travel, then a public meeting is usually not needed.

At the beginning of the Construction phase, if ground breaking is appropriate for the project, the Communication Manager and the Area or Project Engineer(s) work together to invite members of the local government, legislators, the media, and the general public in an effort to generate enthusiasm for the project, and also share information. Press releases will be published announcing the beginning of construction, and will be distributed accordingly to the contact list described in Section 5.

During construction, a press release will be sent out by the Communication Manager, the Area Engineer, or Engineer Supervisor to the contact list. The press

release is scheduled to go out at the same time every week. It will provide updates (including maps and photos) for how the project is coming along and what the people can expect for the upcoming week.

In addition to the press releases, a list of email addresses of landowners and business owners who are affected by the project is generated. This list will be sent periodic updates as dictated by construction activities. Also, SDDOT might use its website to update photos of the project, and monthly newsletters might be mailed out providing updates and giving forecasts of what people might expect for the upcoming months. Recipients of the newsletter are the same as the distribution list discussed in Section 5.

Some final ideas that might be used by Construction personnel are: radio talk shows, speaking at local service clubs, and letters to the editor for publication in the local newspaper(s) thanking the public for their patience during the construction project. Again, during the construction project, some, but not all public involvement ideas are and will be used. Depending on the scope, location, and size of the project, the Division of Planning and Engineering will decide which public involvement methods are suitable for maintaining optimum communication and sharing information.

Once construction is over, the Communications Manager will work together with the Area Engineer and Project Engineer to decide whether or not a ribbon cutting ceremony is appropriate. Ribbon cuttings often include inviting members of the local government, legislators, the media and the general public to celebrate the completion of the project. In place of a ribbon cutting, an open house might be substituted. Finally, the Area Engineer or Project Engineer will write and send out a press release announcing the completion of the project. Many times, in an effort to keep the public informed, the Project Engineer, Area Engineer, and selected others will work closely with the Communications Manager throughout the various stages of the construction project.

SECTION 9 -- AIR, RAIL, TRANSIT, and LOCAL GOVERNMENT PROJECTS

Railroad

Any Federal Railroad Administration funded project will be included in the STIP. In addition a CE, EA or EIS has to be performed depending upon the complexity of the project and the probability of environmental issues that need to be resolved. Funding issues have made FRA funded projects very infrequent.

Transit

The state is the grantee for Federal Transit Administration programs. A list of programs, funding levels, and subgrantees is included in the STIP for public information and comment. Subgrantees advertise their intent to apply for FTA grants in local papers and solicit comments. Construction projects such as bus barns will have a CE, EA, or EIS depending upon the complexity of the project and the probability of environmental issues that need to be resolved. Local match is needed to access FTA dollars and most subgrantees obtain at least some of their local funding from public sources such as city and county government. The process of obtaining this funding is open to the public in the form of city and county commission meetings. Local transit agencies are typically governed by a local board – the board meetings are open to the public. Public Involvement concerning the Transit element of the Statewide Transportation Plan and STIP follow the procedures described on pages 32-42.

Aeronautics

FAA grants to airports are considered direct federal actions and are not required to be in the STIP. Projects required to have an EA will have a public meeting as part of the EA process. Local match is needed to access FAA dollars and most grantees obtain at least some of their local funding from public sources such as city and county government. The process of obtaining this funding is open to the public in the form of city and county commission meetings.

Local Government Assistance

FHWA grants for local projects are included in the STIP and public meetings are held when the scope of the project warrants an EA.

APPENDIX A GLOSSARY OF TERMS

Council of Environmental Quality (CEQ)

This federal agency reviews and appraises the programs and activities of the federal government in relation to the National Environmental Policy Act.

Communication Manager

In SDDOT, this person edits press releases sent to the media about various projects in the summer and road closures in the winter because of inclement weather. Among other duties, the Communication Manager is responsible for: the SDDOT Newsletter; daily news articles DOT related, and sent to the program managers; coordination of special events such as press conferences, participates on the Rewards and Recognition Committee, and solicits nominations from SDDOT staff for team awards.

Draft Environmental Impact Statement (DEIS)

A document which contains an assessment of the significant effects an action will have upon the quality of the human environment.

Environmental Assessment (EA)

An environmental document describing the process (coordination, investigation, and reconnaissance) of identifying potential social, economic, and environmental effects of an action and evaluating their significance

Environmental Impact Statement (EIS)

A statement prepared by SDDOT for the FHWA when it is determined that a highway action may cause significant impacts on the environment (see Final Environmental Impact Statement).

Federal Highway Administration (FHWA)

An agency of the U.S. Department of Transportation which administers the federal-aid highway program

Federal Register

Official publication of the U.S. government documenting the federal laws, directives, and implementation procedures of those laws for public comment

Final Environmental Impact Statement (FEIS)

The detailed statement on a major action, which significantly affects the quality of the human environment, as required by Section 102(2)(c) of the National Environmental Policy Act of 1969. It contains the same supporting information required in the draft EIS which appropriate revisions to reflect comments received from circulation of the draft EIS and the public hearing process.

Interdisciplinary Involvement

Various agencies and disciplines, interested in a project, actively review the project

and identify various social, environmental, and economic effects; examine preliminary work; identify alternatives; and discuss engineering concerns.

Opportunity for Hearing

A legal notice of planned highway improvement. The notice provides all individuals and agencies an opportunity to request that a public hearing be held.

Planning and Development District

Agency that does planning and coordinating for multi-county districts of which there are six in South Dakota. Authority is derived from county and city officials comprising the Planning and Development Commission, which is the decision-making body for the district.

Public Hearing

An informal or formal public hearing scheduled by the SDDOT to discuss engineering proposals, planning data, interdisciplinary evaluation of alternate proposals, and federal-aid project meeting the criteria stated in 23 CFR Part 771.111(h).

Public Involvement

Procedures developed “to ensure the fullest practicable provision of timely public information and understanding of federal plans and programs with environmental impact in order to obtain the views of interested parties. Interested parties are to have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken.”

Public Meeting

An informal public forum scheduled to promote the exchange of information between the SDDOT and the public.

Social, Economic and Environmental Effects (See Effects)

The direct and indirect social, economic, and environmental benefits or losses that will result from the proposal being offered. It includes such effects that are relevant and applicable to the particular plan, location, or design under consideration.

South Dakota Department of Transportation (SDDOT)

An agency of the Executive Branch of state government formed to coordinate the multi-modal transportation systems within the state. The SDDOT is headed by the Secretary of Transportation. Within the Division of the Secretary are various staff functions which aid the Secretary in the modal area, as well as administration, legal representation, civil rights, and internal audits. There are also three divisions, i.e. Planning/Engineering, Fiscal and Public Assistance, and Operations.

Transportation Commission

A nine-member board appointed by the Governor that may exercise certain quasi-legislative, quasi-judicial, advisory, and budgetary powers.

APPENDIX B STIP DISTRIBUTION LIST

Governor of South Dakota
Cabinet Secretaries
State Senators and Representatives
Transportation Commission
County Highway Superintendents
County Commission Chairmen
County Auditors
City and governments
City Engineers
Clubs and chambers
South Dakota daily and weekly newspapers
Planning and Development Districts
Tribal Chairpersons and BIA Superintendents—Local Tribe Members
Associated General Contractors
State Library
Airport Managers
Interested groups and individuals
Department of Environment and Natural Resources
State Historic Preservation Officer
US Fish and Wildlife
Game, Fish and Parks
US Army Corps of Engineers
Forest Service
National Park Service
Bureau of Indian Affairs

**APPENDIX C -- DISTRIBUTION LISTS
PUBLIC HEARING/MEETING NOTICES (SAMPLE)**

PUBLIC MEETING/HEARING NOTICE DISTRIBUTION LIST

PROJECT: PROJECT # PCN ___ NAME COUNTY

PUBLIC MEETING(HEARING)/OPEN HOUSE: DATE

ROOM RENTAL: Contact / Address / Room Rental Fee

PLEASE NOTE: Ensure that the meeting facility is accessible to individuals with disabilities & the elderly.

OFFICIAL COUNTY NEWSPAPER: Date Sent

NEWSPAPER

ADDRESS

CITY SD ZIP

E-Mail Notices To:

Planning/Engineering Division Director	Deputy Secretary
Assistant Director, Planning & Engineering	Region & Area Engineers
Planning & Engineering Program Managers	Access Mgmt Specialist - East or West River
Project Squad Leader & Project Engineer	ADA/Title VI Coordinator
Sponsoring Office Secretary	DOT Communications Manager
Environmental Office Supervisor	Secretary Office's Senior Secretary
Environmental Office Staff Assigned to Project	DOT Web Page Manager
Project Dev MPO Coordinator	FHWA Region Coordinator
	FHWA Environmental Supervisor

Distribute the Public Notice to the staff listed at the same time the notice is being provided to the newspaper(s).

Environmental staff assigned to project will send notices to: DENR, GFP, SHPO, COE, Tribes, Federal Agencies with lands adjacent to project, and CLG's (Certified Local Preservation Groups)

<http://history.sd.gov/Preservation/HPCCommissions/HPC.aspx>

Project Development MPO Coordinator will send notices to: MPO

Mail Notice to:

Transportation Commission http://www.sddot.com/div_sec_transcomm.asp

Landowners

County Auditor & County Commission (only 1 notice to Commission)

<http://www.sdcc.govoffice2.com/> (Click on the SD Counties tab on the left side of the page & scroll to the appropriate county under the map)

City Mayor

LEGISLATORS: District # (Note: Project may be in more than one district)

Link to LRC Legislators List:

<http://legis.state.sd.us/sessions/2010/MembersByDistrict.aspx>

APPENDIX D SDDOT CONTACTS BY REGION AND AREA

Aberdeen Region Engineer: Jeff Senst
(605) 626-2244
Jeff.Senst@state.sd.us

Region Operations Engineer: Toby Wolf
(605) 626-2244
Toby.Wolf@state.sd.us

Aberdeen Area Engineer: Phil Dwight
(605) 626-7885
Phil.Dwight@state.sd.us

Huron Area Engineer: Wayne Cramer
(605) 353-7140
Wayne.Cramer@state.sd.us

Watertown Area Engineer: Ron Sherman
(605) 882-5166
Ron.Sherman@state.sd.us

Mitchell Region Engineer: Tom Week
(605) 995-8129
Thomas.Week@state.sd.us

Region Operations Engineer: Jeff Gustafson
(605) 995-8129
Jeff.Gustafson@state.sd.us

Mitchell Area Engineer: Tammy Williams
(605) 995-8120
Tammy.Williams@state.sd.us

Sioux Falls Area Engineer: Craig Smith
(605) 367-5680
Craig.Smith@state.sd.us

Yankton Area Engineer: Ron Peterson
(605) 668-2929, ext: 13
Ronald.Peterson@state.sd.us

Pierre Region Engineer: John Forman
(605) 773-3464
John.Forman@state.sd.us

Region Operations Engineer: Tom Johnson
(605) 773-3464
Tom.Johnson@state.sd.us

Mobridge Area Engineer: John Villbrandt
(605) 845-3844
John.Villbrandt@state.sd.us

Pierre Area Engineer: Jim Hyde
(605) 773-5294
Jim.Hyde@state.sd.us

Winner Area Engineer: Doug Sherman
(605) 842-0810
Doug.Sherman@state.sd.us

Rapid City Region Engineer: Todd Seaman
(605) 394-2244
Todd.Seaman@state.sd.us

Region Operations Engineer: Tom Horan
(605) 394-2244
Tom.Horan@state.sd.us

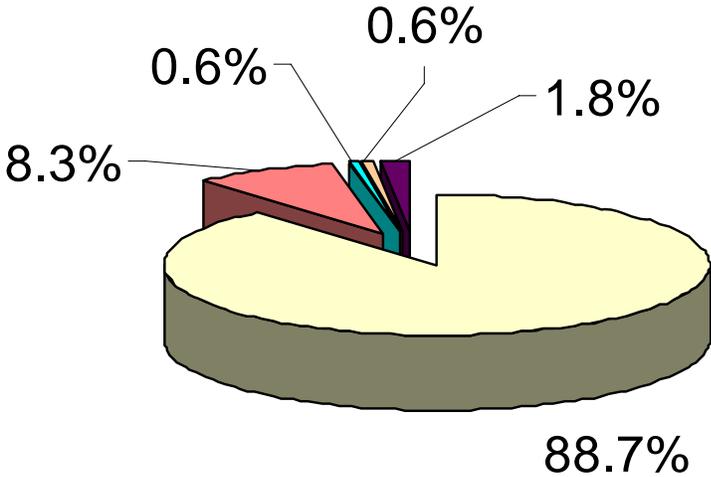
Belle Fourche Area Engineer: Mike Carlson
(605) 892-2872
Mike.Carlson@state.sd.us

Custer Area Engineer: Rich Zacher
(605) 673-4948
Rich.Zacher@state.sd.us

Rapid City Area Engineer: Gary Engel
(605) 394-2248
Gary.Engel@state.sd.us

APPENDIX E

2000 South Dakota Population by Race



- White
- American Indian and Alaskan Native
- Black
- Asian
- Other Race

**APPENDIX F
PUBLIC MEETING/OPEN HOUSE NOTICE (SAMPLE)**

**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
NOTICE OF PUBLIC INFORMATION MEETING/ OPEN HOUSE**

Project # PCN # ____ COUNTY

Project Location
Project Description

Date: Insert

Time: Insert

Place: Facility

Street Address
City, SD Zip

The South Dakota Department of Transportation (SDDOT) will hold an open house style public meeting to discuss and receive public input on the above project. The open house will be informal, with one on one discussion with SDDOT design staff.

A presentation will take place shortly after ____ p.m. Afterwards, SDDOT staff will be available with displays to discuss the proposed project and answer your questions. During this time, you will also have the opportunity to present written comments.

Information will be available on the acquisition of right-of-way, relocation assistance, and the

environmental, social and economic effects of the project's location and design.

Notice is further given to all individuals with disabilities that this meeting is being held in a physically accessible place.

Please notify the SDDOT ADA Coordinator at least 48 hours prior to the open house meeting if you have special needs for which this department will need to make arrangements. The telephone number for making special arrangements is 605-773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

All persons interested in this project are invited to attend this meeting to share your views and concerns any time between ____ p.m. and ____ p.m.

For further information regarding this project, contact Mark Leiferman, Chief Roadway Design Engineer at (605) 773-3433.

**APPENDIX G
LETTER TEMPLATE TO THE NEWSPAPER ABOUT
PUBLISHING A NOTICE (SAMPLE)**

Insert Letterhead

Date

NEWSPAPER
LEGAL DEPT
ADDRESS

RE: PROJECT Number PCN ____ NAME COUNTY
Project Description

Legal Department:

Please publish the enclosed public (meeting/hearing) notice on Date 1 and Date 2, 2009, as a display advertisement, a minimum of two columns wide and three inches long, surrounded by a black border.

After publication, please send the invoice with an Affidavit of Publication to:

Applicable DOT Office
Address

Please call if you have questions.

Sincerely,

Name
Title
Phone #

Enclosure

Published twice at the approximate cost of \$_____

APPENDIX H SIGN IN SHEET

PROJECT _____ PCN _____ COUNTY

Date

Please Print

NAME	ADDRESS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
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18.	
19.	
20.	
21.	
22.	
23.	

APPENDIX I CONTACT LETTER FOR LANDOWNER MEETING (SAMPLE)

RE: Landowner Meeting for Input to State Highway Construction Project
Project Number: «ProjectNbr» «CountyName» County PCN «ProjectCtrlNbr»
Location of Project: «LocDesc»
Type of Work«ImproveDesc»
Tentatively to be constructed in «ToBeLetYear»

Dear Property Owner:

The project referenced above is at the design stage where we would like to visit with you and/or your representative to give you the opportunity for input into the design. We would like you to call the «ResourcesForRegionAreaFHWAAreaList» Area office secretary at phone number to establish a time to meet with you individually on month day, year at meeting location. The meeting will be approximately 30 minutes long, but we will spend whatever time is needed. The Department of Transportation will have a person from the Offices of Right of Way, Design and «ResourcesForRegionAreaFHWAAreaList» Area to help with your questions and concerns. For persons with disabilities please indicate during the call if you have special needs for the meeting.

Plans and aerial photographs will be available at the meeting to aid our discussion. The following topics will be discussed at the meeting:

- Permanent purchase and/or temporary use of your property.
- Locations and widths of entrances to your property.
- Type of fencing needs adjacent to the highway.
- Impact to existing waterlines, drain fields, septic tanks, underground power, etc.
- Livestock needs: temporary fence, cattle passes, etc.
- Drainage and flooding history in the area.
- Possible sites for gravel, additional dirt or disposal of dirt.
- Access during construction and other construction activities.

Please review your property and be prepared to discuss the above issues. **No** offers to acquire property will be made at this meeting since revisions to the plans will likely occur from your input.

Sincerely,

«Area_Engineer»
«ResourcesForRegionAreaFHWAAreaList» Area Engineer

APPENDIX J

LETTER TO AREA ENGINEER FOR LANDOWNER MEETING (SAMPLE)

Date

Doug Sherman, Winner Area Engineer
Department of Transportation

Re: ES 0053(04)75, Lyman County, PCN 01Z0
SD53 Fm the End of the Pavement N of the White River to S of I90 near Vivian
Structure #
Asphalt Concrete Surfacing

The construction and right-of-way plans indicating the work limits and list of ownership names for the landowners meeting on the project referenced are linked below. After consulting with the Office of Right of Way and your office, a date of **XX** has been scheduled for the meeting.

As you schedule the meeting times with the individual landowners, please block out the time from **XX to XX am or pm** to meet with the Utility companies.

It is requested that the Region Materials Engineer be present at this meeting to interview landowners for possible borrow sites for the project. OR Borrow is not anticipated at this time.

It is requested that the Corridor Preservation Specialist be present at this meeting to aid in providing solutions to difficult access locations while meeting with these landowners.

Sincerely,

Designer

Road Design Engineer

Attachments: *Provide hyperlinks for all applicable attachments*
Title @ U:\rd\prj\CNTYPCN#\PCN#_SectionA.pdf
Grading @ U:\rd\prj\CNTYPCN#\PCN#_SectionB.pdf
Cross Sections @ U:\rd\prj\CNTYPCN#\PCN#_SectionX.pdf
Non-Section Method @ U:\rd\prj\CNTYPCN#\PCN#_Nonsection.pdf
ROW Plans @ U:\rd\prj\CNTYPCN#\PCN#_ROWPlans.pdf

cc: Mark Leiferman, Chief Road Design Engineer
Fred Leetch and Darrel Dehne, Right of Way
John Forman, Pierre Region Engineer
Brad Norrid, Winner Area Engineering Supervisor
John Koch, Pierre Region Materials Engineer

**APPENDIX K
LETTER TO REGION ENGINEER
WITH LANDOWNER MEETING NOTES (SAMPLE)**

Date

John Forman, Pierre Region Engineer
Department of Transportation

RE: ES 0053(04)75, Lyman County, PCN 01Z0
SD53 Fm the End of the Pavement N of the White River to S of I90 near Vivian
Structure #
Asphalt Concrete Surfacing

The landowner meeting for the above referenced project was held **May 18 & 19, 1998** in **Chamberlain** and the note sheets as sent to the landowners are linked below.

Sincerely,

Designer
Road Design Engineer

Attachments: Landowner Notes @ U:\rd\prj\CNTYPCN#\PCN# \Documents\LONotesPCN#.doc

cc: Mark Leiferman, Chief Road Design Engineer
Doug Sherman, Winner Area Engineer
Brad Norrid, Winner Area Engineering Supervisor
Fred Leetch, Right of Way

APPENDIX L LETTER TO NO SHOWS AT LANDOWNER MEETING (SAMPLE)

RE: Landowner Meeting for Input to State Highway Construction Project
Project Number: «ProjectNbr» «CountyName» County PCN «ProjectCtrlNbr»
Location of Project: «LocDesc»
Type of Work«ImproveDesc»
Tentatively to be constructed in «ToBeLetYear»

Dear Property Owner:

We are sorry you missed the recent landowner meeting. We try to schedule it so you have an opportunity to offer input into the design. A copy of the note sheet showing the items that may be impacting your property is enclosed. I hope this will be helpful to you. Our goal is to serve the traveling public safely, efficiently, and economically, as well as balancing the needs of adjacent property owners.

Please review your property regarding the issues on the enclosed note sheet. As we get closer to the final design of these plans, I would encourage you to contact me as soon as possible on any issues you may have regarding the impact on your property. We need your input on these items prior to our office submitting final plans to the Office of Right of Way, who take care of the appraisal/acquisition process for any needed property.

If acquisition of your property is necessary during the appraisal/acquisition process you may be contacted by the Appraiser and will be contacted by the Negotiator to discuss just (estimated for the property to be acquired and/or damaged by the construction of this project) compensation. The appraisals are based on the plans and plats prepared during the final design of the project.

If you should have further questions, please contact me at the number printed in the letterhead above.

Sincerely,

Designer
Road Design Engineer

Attachment

APPENDIX M
LETTER TO LANDOWNERS WHO ATTENDED LANDOWNER MEETING
(SAMPLE)

RE: Landowner Meeting for Input to State Highway Construction Project
Project Number: «ProjectNbr» «CountyName» County PCN «ProjectCtrlNbr»
Location of Project: «LocDesc»
Type of Work«ImproveDesc»
Tentatively to be constructed in «ToBeLetYear»

Dear Property Owner:

We visited with you at the recent landowner meeting to get your input on the design. Enclosed is a copy of the note sheet showing the items we discussed at that meeting. I hope this will be helpful to you. Our goal is to serve the traveling public safely, efficiently, and economically, as well as balancing the needs of adjacent property owners.

Please review the enclosed note sheet. We are making revisions to the plans to reflect changes discussed at the landowner meeting. I would encourage you to contact me as soon as possible on any further issues you may have regarding the impact on your property. We need to get your input on these items prior to our office submitting final plans to the Office of Right of Way, who take care of the appraisal/acquisition process for any needed property.

If acquisition of your property is necessary during the appraisal/acquisition process you may be contacted by the Appraiser and will be contacted by the Negotiator to discuss just (estimated for the property to be acquired and/or damaged by the construction of this project) compensation. The appraisals are based on the plans and plats prepared during the final design of the project.

If you should have further questions, please contact me at the number printed in the letterhead above.

Sincerely,

Designer
Road Design Engineer

Attachment

APPENDIX N ADA GRIEVANCE POLICY & PROCEDURES AND ADA REQUEST FOR SPECIAL ACCOMMODATION FORM

Grievance Policy and Procedures

The SDDOT has a grievance procedure to allow individuals to express concerns about SDDOT's compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and Title II of the ADA. Anyone alleging he or she has been discriminated against, based on disability, in obtaining access to services, programs, activities, and facilities provided by the SDDOT may file a grievance.

Grievances should be submitted to the SDDOT in writing and contain detailed information concerning the alleged discrimination. The SDDOT will accept grievances that are not in writing if necessary to accommodate a disability. The following information should be provided when filing a grievance:

- Name
- Address
- Phone number and e-mail address, if any
- Location
- Description of any alleged incident
- Description of any physical barriers to accessibility
- Suggested changes or improvements to achieve accessibility

Below are the grievance procedures for the SDDOT.

1. The grievant or the grievant's representative should submit the grievance within thirty (30) calendar days of the alleged violation to the ADA Coordinator at the address set forth below.
2. The ADA Coordinator will review and respond to the grievance in writing (or by another format if necessary to accommodate a disability).

To appeal the decision of the ADA Coordinator, the grievant has the right to file a formal complaint to the South Dakota Division of the Federal Highway Administration by contacting:

- Federal Highway Administration
- 116 East Dakota Ave, Suite A
- Pierre, SD 57501
- Telephone: 605-224-7326 or 1-800-597-7719
- Fax: 605-224-1766
- Email: Mark.Hoines@dot.gov or Marc.Hoelscher@dot.gov

Grievants also have the right to file a formal complaint to the United States Department of Justice by contacting:

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530
Telephone: 1-800-514-0301
Telecommunication Device for the Deaf: 1-800-514-0383

The grievance form can be found on the following page of this document. Grievance forms can also be obtained from the SDDOT's website (www.sddot.com/ada.asp) or by contacting:

Office of Legal Counsel
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501
Telephone: 605-773-3540
Fax: 605-773-3921 or 605-773-4442
Telecommunication Device for the Deaf: 1-800-877-1113
Email: June.Hansen@state.sd.us

The SDDOT encourages citizens to express concerns without alleging discrimination by submitting a form for the Request for Special Accommodation, located at www.sddot.com/ada.asp or page 95.



REQUEST FOR SPECIAL ACCOMMODATION REMOVAL OF PHYSICAL BARRIERS TO ACCESSIBILITY

Personal Information

NAME: _____			
	Last	First	MI
ADDRESS: _____	CITY: _____	STATE: _____	
ZIP: _____	PHONE: (_____) _____ - _____	EMAIL: _____	

Organization (if any)

NAME: _____			
ADDRESS: _____	CITY: _____	STATE: _____	
ZIP: _____	PHONE: (_____) _____ - _____	EMAIL: _____	

Location of Physical Barrier

CITY: _____	HIGHWAY / INTERSTATE #: _____
STREET INTERSECTION: _____	
NEARBY LANDMARKS OR BUSINESSES: _____	

Concern

Recommendation

Please describe any physical barriers to accessibility: _____ _____ _____ _____ _____	Please recommend any accommodations: _____ _____ _____ _____ _____
--	--

Mail to: Department of Transportation
Office of Legal Counsel
700 East Broadway Avenue
Pierre, SD 57501-2586

Telephone: 605-773-3540
TTY: 1-800-877-1113
Fax: 605-773-4442
Email: june.hansen@state.sd.us

APPENDIX O

SOUTH DAKOTA TRIBAL CONSULTATION PROCEDURES

In January 2001, new regulations mandated by Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800) took effect, including required consultation with American Indian Tribes by any agency when planning federally funded improvements that could potentially impact properties with cultural and/or religious significance to those Tribes. To meet and comply with these new regulations in Section 106 of NHPA, the Federal Highway Administration-South Dakota Division (FHWA) and the South Dakota Department of Transportation (SDDOT) initiated activities to establish an acceptable consultation process with Tribes having a current and/or historic interest in South Dakota properties.

In February 2004, the SDDOT and FHWA developed an initial approach to new statewide Native American consultation procedures. This process was further refined in November 2006. The process currently is as follows:

Initial written formal contact with Tribes located both outside and inside South Dakota that may have an interest in SD construction projects will be made by FHWA. The initial list of non-resident Tribes having an interest in South Dakota was identified using one or more of the following: Native American Consultation Database; MAPS: GIS Windows on Native Lands, Current Places, and History; Tribal and State Historic Preservation Officers; and input from Resident Tribes. FHWA used the information obtained to generate an initial list of Tribes having an interest in being consulted on projects located within South Dakota.

In 2006, FHWA visited each Tribe located in SD to explain the Section 106 consultation requirements for federally funded improvements that could potentially impact properties with cultural and/or religious significance.

The initial Tribal consultation list identified areas of the state by county that may include locations of traditional religious and/or cultural property of interest to each Tribe responding to FHWA's March 8, 2005, correspondence.

FHWA, in cooperation with the Tribes, will develop and maintain a list of Tribal contacts for the Section 106 requirements and provide the list to the SDDOT.

SDDOT and FHWA will collaboratively meet with each individual Tribe on an annual basis to discuss the Section 106 requirements and review this process. Planned and programmed projects of interest to each Tribe, along with projects that have been "batched" for environmental purposes, will also be discussed. Batched projects typically do not have the potential to disturb cultural resources. Examples include projects that are confined to the roadway surface or are located in areas within the existing right-of-way that have been previously

disturbed. A list of batched projects shall be provided to Tribes prior to the annual meetings for review at the meeting.

FHWA will periodically (approximately every two years or when applicable) contact the Tribes located outside South Dakota to determine if their respective interest in Section 106 consultation has changed and will provide SDDOT the resulting information..

SDDOT will be the project lead for consultation on the majority of Federal-aid highway projects. SDDOT will provide contact information for FHWA on tribal correspondence. FHWA will reciprocate on tribal correspondence.

For each individual Federal-aid project, SDDOT will contact the identified Tribe(s) early in the project development process to determine if consultation will be requested. If a response is not received from the Tribe(s) within 60 days, SDDOT will proceed with advancing the project. This information will be included in the project scope document and project file.

SDDOT will notify FHWA and initiate further consultation with the appropriate Tribe(s) if it is determined later in the project development process (i.e. through a cultural resources survey) that a project has the potential to disturb a property of tribal religious or cultural significance.

The SDDOT will notify Tribes of public meetings regarding projects being developed and scoped within their respective identified counties of interest.

The Tribe(s) may also initiate discussion when they identify a property of tribal religious or cultural significance during project development.

APPENDIX P GENERAL OUTLINE OF PUBLIC INVOLVEMENT PROCESS DURING DESIGN PHASE

The following is the outline to identify the process and office responsibilities for involving public input into the scope, survey or design process.

1. Alternate Alignment Public Meeting/Open House

Purpose

On select projects, a public meeting will be held to obtain public input on alternate alignments being considered other than on or near the existing highway. This will be done prior to any survey work and will be used for decision making in the environmental process.

Preparation

Coordinating Office

Scope Phase - Project Development

Design Phase – Design Office of Responsible Manager for the project (Road Design, Bridge Design, etc)

Information

Establish location and time and advertise notice of meeting

Develop presentation, displays, handouts, etc.

Meeting

Design Office to present design (Open House or Presentation depending on project)

Other offices respond to questions applicable to their area of expertise

Attendance

Road Design

Project Identification Coordinator

Environmental

Right of Way

Bridge (as applicable)

Region Engineer

Area Engineer

Design Office to provide summary of the meeting and distribute

2. Pre-Survey Open House

Purpose

This meeting may be performed prior to any survey being started on grading type projects to inform the public of the initial scope of the project. Statements are to be made that we are at the data gathering stage only and a future public meeting will have more detail on the intended work where their input will be received. The main purpose of this meeting is to begin public relation early in the project's life and to receive permission to survey.

Preparation

Area Office

Secure list of owners with mailing address

Mail letter to property owners advising them of the open house time and location as well as request permission to survey (See Appendix Q) and use DOT-238 form)

Meeting

Area Office

Conduct meeting

Secure written permission to survey

Right of Way, Environmental and Road Design attend as requested by the Area Office

3. Public Meeting/Open House with Design

Purpose

On all projects requiring right-of-way, a public meeting will be held to obtain public input on the proposed design for the project. This will be done following very preliminary design so the public can be more informed of our intentions. With more detail shown at this time, the meeting will better prepare the landowners for the upcoming individual landowner meetings.

On some smaller projects, an informational packet may be sent out to the adjacent landowners giving them the opportunity for a meeting. Projects include Bridge Replacements, Roadway Safety Improvement, etc.

Preparation

Coordinating Office

Design Office of Responsible Manager for the project (Road Design, Bridge Design, etc)

Information

Establish location and time and advertise notice of meeting

Develop presentation, displays, handouts, etc.

Meeting

Design Office to present design (Open House or Presentation depending on project)

Other offices respond to questions applicable to their area of expertise

Attendance

Road Design

Project Identification Coordinator

Environmental

Bridge (as applicable)

Right of Way

Region

Area Engineer

Design Office to provide summary of the meeting and distribute

4. Individual Landowner Design Input

On highway projects for which right of way and/or temporary easements are needed, individual landowner meetings will be conducted prior to beginning right of way appraisals. To insure adequate notice a written letter of notice of said meeting should be mailed to at least one owner of every parcel at least seven (7) days in advance of the date scheduled. On Indian allotment land, the appropriate agency will be notified.

Notification of individual landowner meeting

Purpose

Adequate effort is necessary to ensure that the landowner attends these meetings to obtain final design decisions and to properly inform the landowner of the project. A letter will be sent advising property owners of the meeting date. (See Appendix I).

Road Design (or Design Office of Responsible Manager)

Establish date(s) of meeting after consulting with Area Office and Right of Way

Provide ownership (furnished by Right of Way from abstractor)

Provide Area Office form letter with addressed labels of landowners

Provide Area Office and Right of Way copies of construction and right of way plans

Area Office

Obtain meeting location at a neutral site and get to Road Design for form letter

Send letter to landowners (minimum 7 days advance notice)

If no response is received, contact via telephone or in person is to be attempted to get a meeting time established.

Landowner meeting

Purpose

Discuss with the landowner the project as proposed. The landowner gives input on right of way limits, drainage, approaches, fencing and easement limits.

Work out amiable solutions to the landowner's request while staying within our established design policies. At no time are the department representatives to agree to, or imply agreement to proposals that are not within the accepted design policies and standards of the Department.

Explain our policies regarding right of way acquisition.

Answer questions that the landowner may have regarding the project and the affect the project may have on their property.

Road Design (or Design Office of Responsible Manager)

Provide displays

Conduct meeting collecting data on landowner notes (see Appendix L)

Discuss design issues and record notes

Prepare compiled minutes

Right of Way

Have handouts available

Discuss upcoming right-of-way process

Answer right-of-way related questions

Record notes pertinent to future office needs and distribute as necessary

Area Office

Answer construction related questions

Record notes pertinent to future office needs and distribute as necessary

Region Materials Engineer (attend as needed)

Discuss possible borrow sites

Record notes pertinent to future office needs and distribute as necessary

Access Management Engineer (attend as needed)

Discuss access management and provide solutions to difficult access locations

Record notes pertinent to future office needs and distribute as necessary

Optional Follow-up Landowner Meeting

Purpose

In order to have final design decisions, it may be necessary to meet with the landowner again to take care of unresolved issues at the previous meeting. Some issues may take management input and/or decisions on a policy matter or unusual request.

Road Design (or Design Office of Responsible Manager)

Lead office/coordination

Prepare compiled minutes

May have Area Office conduct meeting depending on the issue

Right of Way invited to attend with optional attendance being their decision

Area Office, Bridge Design, etc. - as needed

Summary Letter

Road Design (or Design Office of Responsible Manager)

Send letter to landowners summarizing landowner's requests with the final design decisions pertaining to their specific property. (see Appendix L and M)

Right of Way and Area Office

Receives copy of letter

**APPENDIX Q
LANDOWNER LETTER FOR OPEN HOUSE NOTIFICATION AND
REQUEST PERMISSION TO SURVEY (SAMPLE)**

March 31, 2010

LANDOWNERS

RE: [Project Number] [County] County PCN [PCN #]
Location of Project: [Project location]
Type of Work: [Type of Work]

Dear **Landowners**:

The South Dakota Department of Transportation is in the process of gathering data for the upcoming construction on the above project. To gather the information needed to prepare construction plans for this project, it will be necessary to enter your property for the following:

Land Survey

Historical & Archeological Survey

Environmental Survey

Soil Survey, including Soil Sampling

Permission is hereby requested to enter your property to conduct the needed surveys. Please sign and date the enclosed permission form, keep the yellow copy and return the other copies to our office in the enclosed stamped, self-addressed envelope.

A public meeting will be held at [Time and Date] at [Location] to provide general project information. Upon completion of further design, more detailed information will be provided at a future meeting.

If you have any questions, please call the [City] Area Engineer's Office at [phone number].

Yours very truly,

DEPARTMENT OF TRANSPORTATION

[Area Engineer]
Area Engineer

cc: Project File

Enclosures

APPENDIX R ACKNOWLEDGEMENTS

The SDDOT Public Involvement Plan was created with consultation of the public involvement plans of several state departments of transportation, as well as information from and sponsored by the United States Department of Transportation. Information from the following Departments of Transportation and their public involvement plans was utilized:

Florida Department of Transportation's *Public Involvement Handbook*, which can be found at

http://www.dot.state.fl.us/emo/pubs/public_involvement/pubinvolve.htm

Kansas Department of Transportation's *Sharing the Future*, found at

<http://www.ksdot.org/burTransPlan/pdf/SharingtheFuture.pdf>.

Public Involvement Techniques for Transportation Decision-making sponsored by FHWA and FTA of the United States Department of Transportation, which is available at <http://www.fhwa.dot.gov/reports/pittd/cover.htm>.