

Category:129 Public Involvement

Missouri Department of Transportation (MoDOT) works to communicate important information to the public, media, employees, stakeholders, and other department customers through a variety of methods, including news releases, publications, special events, and social media sites.

Missouri's citizens expect an active voice in the location and design of transportation facilities. They recognize the important role transportation has in their life as well as the vitality of their communities. Existing transportation facilities, particularly transportation improvements, have a direct impact on the social, economic, and environmental resources of Missouri's communities. As a result, MoDOT values the public's input on transportation improvements and has established various methods to gather this feedback. Some of these methods include:

- [Identification and Prioritization of needs](#) through The Planning Process
- Public Hearings
- Public Meetings
- Direct mailings or contact with individuals impacted
- Virtual Public Involvement

In addition, MoDOT provides useful information to Missourians concerning the operation and maintenance of the highway system. This information is available from the following sources in addition to others:

- www.modot.org
- Traveler Information Map (TIM)
- E-updates
- Changeable message boards
- Customer Service Centers (1-888-ASK MoDOT)

Figures

[Sample Location Study Display](#)

[Sample Commission Exhibit 1](#)

[Sample Commission Exhibit 2](#)

Forms

[Sample Letter Advertising a Public Hearing](#)

[Sample Notice of Public Hearing](#)

[Sample Opportunity for a Public Hearing/Meeting Notice](#)

[Sample Request for Approval of Location and/or Design of Highways to State Design Engineer](#)

[Sample Request for Approval of Location to the Commission](#)

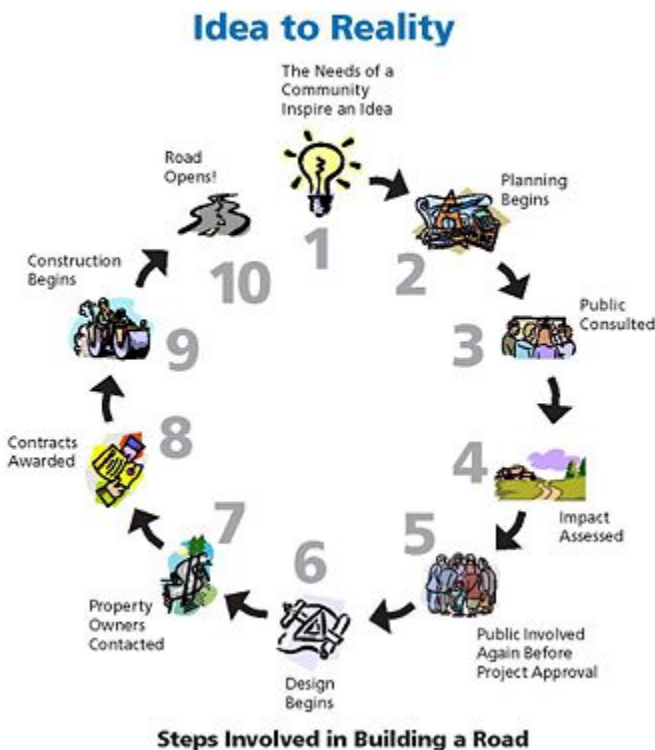
[Sample Public Involvement Plan or Communication Plan](#)

[Sample Transcript](#)

- Work Zone Status
- Road Condition Report
- Social media

The development of quality transportation improvements depends on early, frequent, and continuous involvement of the public in project decisions. Additionally, real time information about the State's highway system allows the traveling public to use it efficiently.

The public frequently questions not only the design and physical features of a project, but also its basic premise (the purpose and need) and assumptions (e.g., the range of alternatives) as identified by MoDOT.



Public involvement allows MoDOT to gather real, valid input on transportation needs and to work with customers to refine solutions that meet those needs.

The following guidelines for public involvement are not to be viewed as all-inclusive. Instead, they outline the minimum level of expectations for public involvement, with each individual effort matching the specific needs of the project and the community involved. The specific needs of the project should be documented in a public involvement plan (PIP).

Table 1: Public Involvement by Type.

Public involvement is required for every project			
Public Involvement Method	Minimum Requirement for:	Required Documentation (if applicable)	Responsible Individual(s)
Routine methods such as social media, news releases, opportunity for meetings, etc.	PCE and CE2	Public notices, news releases, meeting notes, Comments/responses, sign-in sheets	PM, CR staff, CM staff
Pre-Location Study Meeting	Some CE2s, EA, EIS	Public notices, presentations, studies or documents made available, Minutes, comments, responses, sign-in sheets	PM, CR staff
Location Public Meeting	Some PCEs, CE2, EA, EIS	Public notices, presentations, studies or documents made available, minutes, Comments and Responses, sign-in sheets	PM, CR staff
Design Public Meeting	Some PCEs, CE2, EA, EIS	Public notices, presentations, studies or documents made available, minutes, Comments and Responses, sign-in sheets	PM, CR staff
Agency Scoping Meeting	EA, EIS	Notices, presentations, studies or documents made available, Minutes, comments, responses, sign-in sheets	PM, CR staff
Public Hearing (Commission Policy, FHWA policy)	≥20 acres new RW or permanent easements rural, ≥100,000 square feet new RW or permanent easements urban EA, EIS Long Range Plan (CFR 771.111(h)(2)(iii))	Notices, presentations, studies or documents made available, minutes, transcript, sign-in sheets	PM, CR staff
Public Meeting	Discretion of the District Engineer	Notices, presentations, studies or documents made available, minutes, Comments and Responses, sign-in sheets	PM, CR staff
Section 106, 4(f) *, & and 6(f)	Impacts (not significant or adverse EPG129.8) on	Notices, presentations, studies or documents made available, minutes, Comments and Responses, sign-in sheets	PM, CR staff, DE-ENV/HP

	historic properties, parks, recreation areas, and wildlife and waterfowl refuges		
Noise Wall Public Meeting	Noise impacts where noise abatement is reasonable and feasible	Notices, presentations, studies or documents made available, minutes, Comments and Responses, sign-in sheets	PM, CR staff, DE-ENV/HP

*Requires special statements in the public [notice](#); coordinate with MoDOT Environmental Section.

Public hearings and public meetings are forums for providing information on proposed projects, their anticipated impacts, and for receiving citizen comments. Both are used to comply with the [Missouri Highways and Transportation Commission's](#) desire to furnish the public with general information and to allow the public to express their opinions regarding highway matters. Information related to the impacts of a proposed action can also be gathered. Federal transportation policy requires public involvement in the development of the purpose and the range of alternatives to be considered for EAs and EISs. The National Environmental Policy Act (NEPA) and FHWA regulation 23 CFR 771 require one or more public meetings or opportunity forum(s) for the public to participate. The Commission directs MoDOT to conduct “location and design” public involvement to gather public comment.



Figure 1: Statewide Planning Partner Meeting.

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129.1 Environmental Justice, ADA, LEP and Title VI



Figure 2: <https://www.modot.org/welcome-external-civil-rights>.

Early in project development, the Project Manager (PM) shall assess whether the method of public involvement chosen for a particular project is reasonable for the project,

whether it adequately reaches the proper constituents, whether there are environmental justice (EJ) or limited English proficiency (LEP) concerns, and whether the method would adequately provide the needed information and afford the opportunity for the public to provide feedback. Minority and disadvantaged populations are defined by [Title VI](#) and the [EJ Executive Order 12898](#) while low-income populations are defined by the census category. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by the President on February 11, 1994 directs Federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. If there are questions concerning the participation of minority and disadvantaged populations, contact the Environmental Specialist who is the resource for socioeconomic issues in the

[Design Division](#). Discussion on community impact assessment can also be found in [EPG 127.3](#). The first step is to identify populations of people interested in the project and impacted by the project, then determine which outreach methods would be most effective. The PM should work with the Area Engineer and use existing information such as from the Conceptual Study Report (CSR), if developed, to help identify the area impacted by the project.

The process for identifying interested people/populations impacted by the project should be documented in the PIP and housed in [eProjects](#). The PIP is developed by the PM or District staff, or the project consultant, if tasked with public involvement for the project, and approved by MoDOT staff. It may become necessary to revise the PIP as the project evolves, conditions change, oppositional groups emerge, or new issues arise. It is prudent to complete a limited English Proficiency (LEP) [analysis](#), similar to the Community Impact Assessment process outlined in [EPG 127.3.1.3](#), and review it for protected populations early in the planning phase, when the PIP is developed, to identify stakeholders, affected public, and whether targeted outreach to underserved populations are needed. Then appropriate outreach efforts can be planned for these populations and budgeted appropriately.

Effectively reaching underserved populations may require significant staff time and resources, and special efforts or innovative methods may need to be used to ensure the inclusion of affected community members. This is especially important for underrepresented groups, such as minority and low-income groups, and in communities where a significant percentage of the affected population does not speak or understand English. Consider the need for translators, interpreters, and written materials in languages other than English. Reference information on LEP is provided in [Executive Order \(E.O\) 12898](#). Innovative methods to involve minority and economically disadvantaged sectors of the community, as well as other groups such as senior citizens, economic developers, and historical and environmental groups, should also be explored. Such methods could include house-to-house contacts; providing bulletins at kiosks; meeting with community groups, church organizations, community minority liaisons, local grocery stores, and libraries; placing notices in newspaper and using other media outlets which cater to these groups. Accommodations should also be made for non-English speaking community members or those with language barriers.

The meeting location selected shall be in compliance with the Americans with Disabilities Act (ADA). Special attention should be paid to whether there is access

to public transportation, and whether there is a safe and reasonable walking distance to the meeting without obstacles such as crossing active railroad tracks or busy highways.

These efforts shall be documented for inclusion in environmental documents (RES) or in project files in eProjects, and for department wide Title VI and EJ compliance.

129.2 The Public Involvement Plan (PIP)/Communication Plan

Early in the project scoping process a Public Involvement Plan (PIP) should be developed that is appropriate for each project. A PIP is a strategy document which guides outreach activities for a project. It helps to establish the schedule, methods, and locations for public outreach and assists with determining project stakeholders. For PCE and CE2 classifications, the PIP is often developed by the project manager (PM), District staff including Communications staff (CR Division), and/or project consultant, if applicable, and approved by MoDOT staff (PM, CR, etc.). The project core team ([EPG 104.1](#)) typically develops the PIP for larger, more complex projects, especially those requiring an EA or EIS, which are approved by FHWA. The nature and complexity of the project along with the core team's specialized knowledge of any sensitive issues within the project area will determine the best course of action to gain public input into the development of the project's scope ([EPG 104.8](#)). After identifying potentially affected populations and the issues they may have with the proposed project, this information can be compiled in the PIP (see sample above). It may become necessary to revise the PIP as a project evolves, conditions change, oppositional groups emerge, public controversy develops, or new issues arise. The size, scope and complexity of a project will help determine the extent of outreach and engagement for a project and whether a project requires a more formalized and comprehensive PIP. The PIP becomes part of the official project record and should be uploaded to the Request for Environmental Services (RES) or to eProjects as evidence of planned public involvement.

Early use of demographic data can help identify the public to be involved. After determining who to involve, a variety of outreach methods can be selected to encourage the most effective public involvement. Outreach could include either directly or indirectly any or all the following:

- adjacent property owners and tenants
- low-income populations
- minority populations
- cooperating and participating agencies ([EPG 127.14.5 NEPA Glossary](#))
- local, state, and federal government staff and elected officials
- community groups such as clubs, civic groups, business groups, environmental groups, labor unions, disability advocacy groups, and churches
- commuters and the traveling public
- emergency and utility service providers
- adjacent billboard owners and clients
- general public and others known to be affected
- others expressing interest

The following are examples of common outreach methods that can be identified in the PIP:

- Virtual Public Involvement (VPI) meetings
- public and open house meetings
- MoDOT project e-mail alert lists
- drop-in information centers or booths
- surveys or questionnaires
- advisory committee and group meetings
- public hearings
- design workshops/charettes
- direct mail/email

- meetings with public officials
- individual (one-on-one) meetings
- meetings with community groups
- internet blogs
- project Internet pages/news releases
- established media relations and contacts
- telephone hot lines

In addition, MoDOT provides information to the public about traffic impacts as part of its Transportation Management Plan (TMP) for projects ([EPG 616.13.6.6](#)). MoDOT also provides general work zone information to the public through various outlets. These include, among other things, publication of a statewide work zone map and work zone driving safety tips, posting of current work zone locations and conditions to the internet, promotion of Work Zone Safety Awareness Week, and advertisement of work zone safety-related messages via radio, television, electronic message boards along the roadway and, billboards. These details can also be incorporated in the PIP.

The example PIP or a more detailed plan shall be utilized on all EA and EIS classified projects. Use of a PIP on all other projects should be evaluated by the core team members of that project individually depending on the needs of that project.

129.3 “Virtual” Public Involvement

A “virtual” public meeting is one that is held online, in which members of the public attend the meeting and participate via the internet, on a website. A virtual public meeting may be held in the following two situations: (1) as a *supplement* to an in-person public meeting, or (2) as a *substitute* for an in-person public meeting when an emergency situation occurs, as defined at [EPG 129.12](#) Glossary of Terms. The following process is designed to provide guidance when a public meeting is required. This process can be adapted to fit the needs of the project. **If a NEPA required public hearing is mandated during a time of emergency, a virtual**

public involvement can be used to supplement the in-person component of the public hearing.

Public hearings or opportunities for public hearings are required for EISs and for projects that require substantial amounts of new right of way as (defined under EPG [129.5.3.3](#) Design Public Meeting).

Notice of a virtual public hearing must comply with the requirements in [EPG 129.6.1](#) (Advertisement for Public Hearings) and [EPG 129.6.2](#) (Procedures for Conducting Public Hearings) including the requirement to develop and implement strategies to address Environmental Justice populations and Limited English Populations (LEP) where such populations are identified in the project area. Notice of a virtual public hearing must also include the following:

- clear instructions about how to attend and participate in the virtual public hearing (providing a specific webpage);
- an explanation of how the virtual public hearing will be conducted; and
- a statement that members of the public may, as an alternative to logging-on to the virtual public hearing, call or email district or project staff to ask questions about the project, access project materials, and submit public comments via email or letter.

A virtual public hearing must satisfy the purposes of a public hearing identified in [EPG 129.6.2](#) (“Procedures for Conducting Public Hearings”) above. Specifically, a virtual public hearing must comply with the following:

- Participants in a virtual public hearing may be asked to enter their name and email address when commenting on a project or when asking to be added to a project contact list.
- A virtual public hearing supplemented with VPI tools must present the web address for a website where project materials will be posted for public viewing during and after the virtual public hearing. See [EPG 129.6.2](#) (“Procedures for Conducting Public Hearings”) for the project materials that must be made available.
- A virtual public hearing must include a presentation in accordance with [EPG 129.6.2](#) (“Procedures for Conducting Public Hearings”). The presentation will include both audio and visual components. The presentation must indicate that participants may submit comments via email or letter or some other method. The presentation may be pre-recorded and uploaded for viewing at the scheduled public hearing time,

and thereafter. A best practice is to set up an email address specific to that project to receive comments. Closed captioning should be used in all virtual meetings.

- The presentation must explain to participants in the virtual public hearing that they may call project staff during regular office hours or email project staff to ask questions about the project at any time in the project development process.
- Following the presentation, the virtual public hearing will include a 10-day comment period for members of the public to call a telephone number to verbally provide testimony.
- Strategies for communicating with LEP populations during the virtual public hearing must be developed, including providing interpreters, if needed or requested.
- A transcript of the presentation given in the virtual public hearing must be prepared.
- To the extent it is technologically feasible, the virtual public hearing should be recorded and posted on-line until at least the end of the allotted comment period.
- Following a virtual public hearing, the post-public hearing activities set forth in [EPG 129.6.2 Procedures for Conducting Public Hearings](#) and [129.6.4 Design Approval](#) to the Commission will apply.

Selecting VPI Tools

Consider the needs of residents, commuters, and stakeholders when selecting VPI tools. Use familiar channels to inform the public about opportunities to comment and how to receive and view information. If possible, collect or request contact information and follow up comments or questions. Develop a PIP to help identify these tools.

VPI Tool	Description	Selection Criteria	*Asynchronous or Synchronous	Cost
Project Website	The project website should be the hub for public involvement. Many tools listed below can be added to the project website, clearly communicating the pathways for public engagement.	Update and inform large groups and individuals. Repository of all project information.	Asynchronous	No cost
Webinars and Virtual Meetings	Virtual meetings can be coordinated and streamed live with Microsoft Teams Live event. Attendees can join by computer,	Update and inform large groups and individuals.	Synchronous	No Cost

	telephone, or Teams phone app. The meeting recording can be added to the project website and MDOT YouTube channel and shared on social media. Closed captioning must be used.			
Fillable Comment Form	This is a Word or PDF document with several options for submission. It can be emailed or printed and mailed. It can contain open-ended survey questions. SurveyMonkey or a Microsoft Form can also be used. Can also place on a web page.	Offers a structure for comments and questions. Can be used to develop a project contact list while obtaining input. Can be used as basis for Q&A document or website.	Asynchronous	No cost
Narrated PowerPoint	This is a great tool for sharing project updates. The PowerPoint can be saved as a video and added to the project website; availability of the video can be communicated through social media and shared in a press release.	Project and construction updates.	Asynchronous	No cost
YouTube	MoDOT has a YouTube channel where a meeting can be livestreamed or posted on the web for later viewing.	Comments can be turned on or off; if turned on, then must respond either live during the event or later if posted on the web.	Asynchronous	No cost
Online Surveys for Title VI	Surveys are useful for collecting Title VI data and can be incorporated into virtual meetings.	Must be used at all virtual public meetings. Share a link in the announcements section of public meetings.	Asynchronous	No cost
MetroQuest Surveys	MetroQuest or similar tools are excellent for public engagement.	Use with statewide or large projects. Great for reaching commuters and younger age groups on purpose and need and alternatives selection.	Asynchronous	High cost
Telephone Townhall	Telephone townhalls work well when internet access is limited; or when trying to engage people who do not use the internet. Cost for these services vary.	Alternative to Microsoft Teams. Public can register in advance and only need a telephone to participate. Meeting materials and transcripts are available.	Synchronous	Moderate cost
Social Media	Use in coordination with other strategies.	Share meeting notices in advance and day-of on	Asynchronous	No cost for posting.

		social media channels. Useful for quick and immediate information sharing.		Social media ads can be purchased.
Public Access Cable TV	Meeting recordings and/or Narrated PowerPoints can be broadcast.	Great companion strategy used in coordination with other tools. Internet connection is not needed.	Asynchronous	No cost to Moderate cost
Drive-In Meetings	Identify a location with strong Wi-Fi and designate it as a place for people to park and log into a virtual meeting. This strategy can be used to distribute information and for in-person meetings if sound and presentation equipment is available.	Excellent alternative to virtual meetings in areas with limited internet access.	Synchronous	Moderate cost
	<p>*Note: Synchronous VPI allows for a dialogue between individuals on either side of the virtual connection whereas asynchronous VPI is passive communication where an individual connects and is limited either to reading or seeing information and/or posting a comment, versus asking a question or making a comment and having it responded to in real time. Asynchronous does not allow direct dialogue.</p> <p>https://www.fhwa.dot.gov/planning/public_involvement/vpi/</p>			

129.4 Public Involvement Based on Environmental Document Type

MoDOT Environmental and Historic Preservation staff coordinate with the FHWA to determine the level of environmental documentation for a proposed project. This determination is based on impacts and their intensity (i.e., significance) and therefore additionally influences the public involvement effort for a given project. It is important that MoDOT's Environmental and Historic Preservation Section be involved in the development of public meeting materials for all types of classifications in order to avoid any pre-decisional language, and FHWA in particular for EA and EISs. If there is anticipated controversy for a proposed project, the PM will discuss the potential for controversy with MoDOT's Environmental staff and FHWA to determine if additional action should be taken (EPG 127.14.5 for full definition).



Figure 3: Sign-in at public meeting.

129.4.1 PCE

A Programmatic Categorical Exclusion (PCE) is the lowest level of environmental documentation and is assigned to projects with limited impacts, such as limited to existing pavement or within existing right of way, therefore lacking project impacts. These projects tend to be non-controversial and require a minimal amount of public involvement (Table 1) usually including routine methods such as news releases, posting on MoDOT's website, social media, etc. that may be carried out by staff in various divisions. In most cases a PIP is not needed but any comments and responses from public involvement using any other outreach must be documented in the project files or the RES.

129.4.2 CE2

A documented Categorical Exclusion (CE2) is an environmental classification that requires FHWA approval and a more rigorous evaluation of impacts. These projects must have documented public involvement but in most cases a PIP may not be needed. At the minimum, a public notice with a comment period, must be afforded to the public. Any comments and responses from public involvement using any outreach must be documented in the project files and the RES.

129.4.3 Environmental Assessment (EA)



Figure 4: Visuals at public meeting.

The NEPA and Federal Highway Administration (FHWA) regulations, 23 CFR 771, require a public hearing or opportunity for a public hearing at a convenient time and place for the public to participate in any Federal-aid projects 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; an opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in 23 U.S.C 139. A public hearing or opportunity for a public hearing is expected to occur after FHWA has approved the EA. If a public hearing is not held, the document must still be made available for public inspection for 30 days in accordance with 23 CFR 771.119 (e)(f) and [EPG 129.5](#) and [129.6](#) (Public Meetings and Public Hearings). Once a Finding of No Significant Impact (FONSI) has been issued, a notice of availability of the FONSI shall be sent to all agencies and made available upon request by the public.

The PIP detailing the coordination and scheduling for an EA is developed early in the scoping process after project initiation. This plan is developed by the Project Manager and CR staff or consultant and approved by MoDOT staff, to coordinate agency and public participation in the document development and is part of the administrative record.

129.4.4 Environmental Impact Statement (EIS)

When MoDOT, in consultation with FHWA, has determined that an EIS will be prepared, a notice of intent (NOI) is published in the Federal Register (40 CFR 1508.22). A PIP detailing the coordination and scheduling for an EIS is developed early in the scoping process, prior to publication of the NOI. Public involvement is begun to get input on the purpose and need, alternatives, project schedule and other

information for the NOI content. This plan is developed by the Project Manager and CR staff, or consultant, and approved by MoDOT staff, to coordinate agency and public participation in the document development and is part of the administrative record. The EIS is a level of documentation for projects that have the potential to result in significant environmental impacts.

The draft EIS must contain a summary of agency and public comments up to that point and for that summary to include a request for public comment. Once the draft EIS is prepared and signed, it shall be circulated for comment of not less than 45 days in the Federal Register. In addition, a public hearing or an opportunity for a public hearing must be held during this time. The draft EIS must be made available at the hearing and for a minimum of 15 days in advance of the hearing. If the hearing is not held, a notice shall be placed in a newspaper similar to a public hearing notice that advises where the draft EIS is available to review, how copies may be obtained, and where the comments should be sent. If the FEIS and ROD will be combined, the draft EIS should include a notice on the cover sheet (40 CFR 1502.11) stating a combined document will be issued. The draft EIS should identify a preferred alternative, but if not, there may need to be additional opportunity for public and agency input on the preferred before the FEIS and ROD can be combined.

The final EIS is then prepared after consideration of comments received and shall identify the preferred alternative, evaluate all reasonable alternatives, discuss substantive comments received on the draft, summarize public involvement, and describe mitigation measures. The final EIS shall be transmitted to any persons, organizations, or agencies that made substantive comments on the draft or requested a copy, no later than the time the document is filed with the EPA. A notice of availability shall also be published in local newspapers and through DOT Order 4600.13, as well as having a copy available for public review at institutions such as local government offices, libraries, etc. as appropriate. Executive Order (EO) 13807, One Federal Decision (OFD), also establishes required coordination with other agencies. OFD sets a government-wide goal of reducing to two years the average time for each agency to complete the required reviews and authorization decisions for a “major infrastructure project”.

129.4.5 Re-evaluations

Public involvement needs must also be reconsidered during the re-evaluation phase of a project if substantial time has elapsed since the last outreach effort and/or if the project changes warrant additional outreach. Changes might include additional project impacts to resources or to the public that weren't initially considered. At the minimum, a public notice with a comment period, must be afforded to the public. Any comments and responses from public involvement using any outreach must be documented in the project files and the RES.

129.4.6 Agency Scoping Meetings and Coordination

Meetings with interested governmental agencies are held on all projects with an environmental classification of EIS and EA, and some CE2s, unless prior consent is obtained from FHWA. Agency scoping meetings are held prior to the preparation of the location study/environmental report but following the preparation of the draft Purpose and Need document and the preliminary screening.

Coordination with other agencies and groups is an integral part of the environmental process. Pertinent information obtained from pre-location meetings, agency scoping meetings or other coordination is made available to the public as a part of the public hearing. An up-to-date list of agencies and their addresses is available from the Design Division, Environmental and Historic Preservation section staff.

At these meetings, the general nature of the proposed project is described, and comments are solicited from the agencies. Comments should be solicited and documented in the project file concerning the project's purpose and need, the range of alternatives and their impacts on the environment. Issues that cause little or no concern should receive less attention and time. The MoDOT Project Manager or Districts' consultant for the project, working through the environmental representative in the Design Division, is responsible for arranging this meeting, which shall include a FHWA representative.

Prior to the meeting, the district supplies the Environmental and Historic Preservation office and FHWA with copies of the draft documents along with any other pertinent information concerning the proposed project the district intends to mail or email to all appropriate agencies. Once approved, the district mails or emails

materials, with the meeting time and location, and invitation including a map showing the study area.



Figure 5: Environmental and Historic Preservation Staff at Cuivre River meeting.

The scope of the project is presented at the meeting. The MoDOT project manager facilitates the meeting and briefly presents the project Purpose and Need. Other topics unique to the specific project are presented and discussed. It may be appropriate to provide a general overview of known environmental and cultural constraints including a presentation of constraints (e.g. parks) sensitive or specific resources) provided by the MoDOT environmental and historic preservation specialist in attendance. Prior to the meeting, coordination must occur between the MoDOT project manager, District staff, FHWA, MoDOT environmental, Design Division, and consultant staff, if applicable, ~~must occur~~ to ensure appropriate materials and format are developed as all groups have a role in the meeting.

129.5 Public Meetings

The MoDOT project manager (PM) is responsible for identifying the level of public involvement needed for a project. This includes scheduling and coordinating public involvement meetings in collaboration with the district communications (CR) manager and in cooperation with the Central Office Design Division for all projects, including those in which consultants are used. Adequate and appropriate MoDOT

staff should be available to answer questions from the public during the meeting. Normally this includes the district engineer, project manager, area engineer, CR manager, civil rights staff, and the project designer(s). Other staff, such as Environmental and Historic Preservation staff or Right of Way staff, should be included on a project-by-project basis. The Design Division is consulted when it is necessary for specialists from the Division to attend the meeting. If consultant staff are involved in the preparation of the project, appropriate members of the consultant team should also attend.

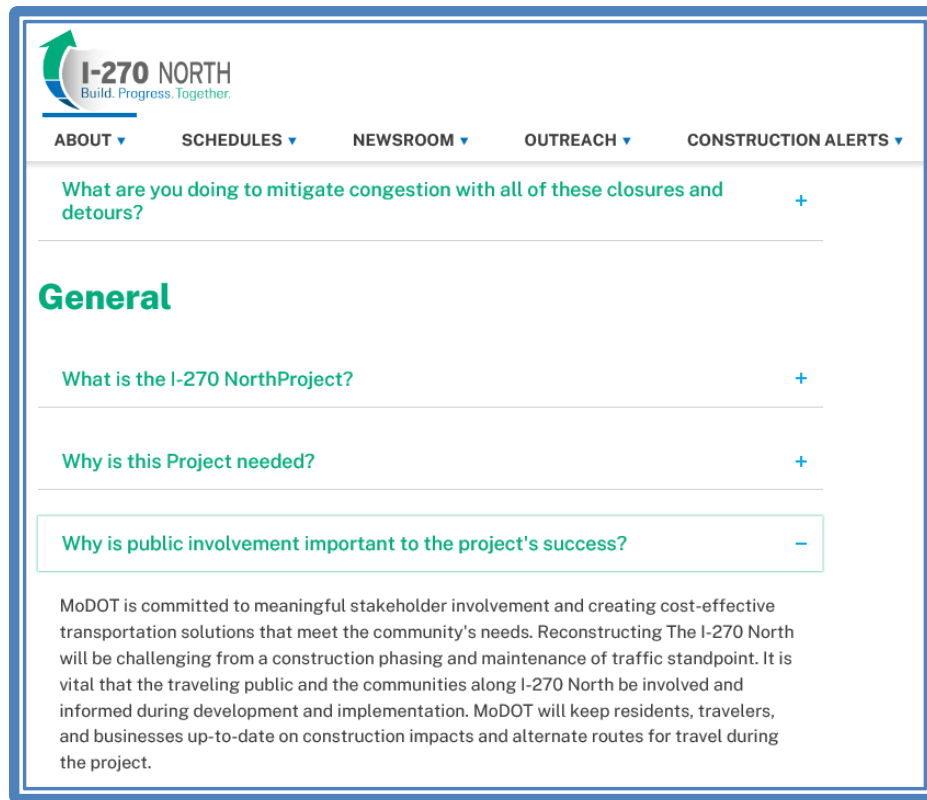
Public meetings can range from large informational presentations to small groups or one-on-one meetings with individuals. The “open-house” style is in an easy-to-navigate space where the public can come and go at their convenience. It allows members of the public to discreetly ask questions and talk with project representatives about their needs, concerns, and ideas. Visual aids, displays, and handouts are often provided as well as a station where public comments can be submitted for consideration. Displays in general should have the project title at the top of each board (i.e. Route H Bridge Replacement, Lincoln County). Open house meetings can be effective for introducing a proposed project to the public and stimulating an exchange of ideas. Small group meetings are useful for gaining information from community groups, underrepresented groups, neighborhood groups and advisory committees. Additionally, having the ability to utilize workshops, where large groups are organized into small discussion groups, serves to maximize the participation of all attendees while discouraging domination by a few groups or individuals. These small group meetings are not generally advertised to the general public; however, a summary of informal meetings shall be included in the project documentation in the RES, eProjects and the Administrative Record (if applicable).

A public meeting does not have the same requirements as a public hearing. Public meetings do not require any formal presentation and are tailored to meet department or community needs. There are different types of public meetings that MoDOT holds including Pre-Location Study Meetings, Location Study Meetings and Design Meetings.

129.5.1 Advertisement for Public Meeting or the Opportunity for a Public Meeting

Notices concerning public meetings or the opportunity for a public meeting will be published in local newspapers, on social media and on the district's website at a minimum. The PM in cooperation with the CR manager drafts the notice to be published for the meeting or opportunity for the meeting. Notices should contain the project description, time, date, ADA and/or LEP accommodations and location of the meeting, as well as where project information can be viewed. The notice should contain language such as, "if assistance is needed in another language, please contact the (contact listed in the notice) by (date)", or something more generic like "We are committed to providing equal access to this event for all participants. If you need a reasonable accommodation, please contact (contact listed in the notice) by (date)." Additionally, if the project area is known to speak a language other than English and the project impacts that population, the district will document how accommodations were made such as disseminating the public notice in that language as well. This information can be found by going to data.census.gov and reviewing table B16001 and C16001 for a specified geographic location and the most recently available survey – either the ACS 5-Year Estimates or latest decennial census data. Additional assistance with this website and the tables can be obtained from MoDOT's External Civil Rights (EC) Division. The PM can find the latest language contracts here: [Interpreter and Translation Contracts](#). If an opportunity is published and the district receives no requests for a meeting, they document the opportunity for public meeting notice and that no requests were received.

Figure 6: Major Project webpage.



The information on the notice should also be available on the district's website. Information from public meetings can be made available online as virtual public meetings through the district's website ([EPG 129.3](#)).

If the district believes other methods of advertising a public meeting would help increase public attendance, these options should be explored. Options may include direct patron mailings, flyers posted in high-traffic public areas, neighborhood newsletters, signs erected in the project area, or other means.

If the "open house" format is to be utilized, this procedure is explained in the notice. The notice of public meeting specifies that maps, drawings, appropriate environmental documents, other pertinent information developed by the department and written views received as a result of coordination with other agencies or groups, will be available for public inspection ([CFR 771.111](#)). A copy of the notice shall be kept in eProjects or on CR Division sharepoint site.

129.5.2 Procedures for Public Meetings

Public meetings are to be held at a place and time generally convenient for persons affected by the proposed undertaking and should be close to the project area. When selecting the time and location of the meeting, special consideration will be given to making the setting comfortable and accessible for all, including minority and disadvantaged populations ([129.1 Environmental Justice, ADA, LEP and Title VI](#)). MoDOT's PM and CR manager is responsible for determining the information to be provided and style of the meeting. The PM will coordinate with other appropriate staff including the MoDOT environmental representative, when necessary to ensure a productive and informative meeting.

The following are informational types of items that might be included in the meeting materials:

- The proposed project's purpose and need.
- Describe the proposed project's conformity with the goals and objectives of the area.
- Describe the problem to be addressed, why MoDOT is the appropriate agency to address them, and the reasonable process MoDOT will follow or has followed to come to a solution.
- Communicate the potential project impacts to the community and the efforts that would be made to minimize and/or mitigate those impacts ([23 CFR 771.111\(2\)\(v\)](#)).
- Include information such as crash data, structural deficiencies, and capacity problems.
- Public requests may be cited as justification for the project.

It is the project manager's responsibility to document everything (e.g. notices, comments, how comments are being addressed, commitments developed as a result of comments, all PI material), and then provide them to MoDOT Environmental for all Classes of Actions, including PCEs.

129.5.3 Types of Public Meetings

Essentially, MoDOT manages all types of public meetings similarly by providing a public meeting notice, conducting an open-house-style format, and obtaining comments from the public. The Commission directs MoDOT to conduct public

involvement prior to Commission approval of Location and Design for significant projects ([Commission policy 010-10-01-HWYS](#)).

129.5.3.1 Pre-location Study Meeting

A pre-location study meeting is a type of public meeting that may be necessary for an EA or EIS environmental classification, prior to the preparation of a location study (LS)/environmental report ([EPG 126](#)).

The purposes of a pre-location study meeting are to describe the general nature of the proposed project to the public, and to obtain comments concerning the project's purpose and need, the range of alternatives and their impact to local communities and the environment of the area. The pre-location study meeting should help to determine the details of community values, goals and objectives and other areas of special interest of which the local citizens may be aware including history, archaeology, geology, biology, and public lands in the study area. The draft [Purpose and Need](#), as accepted by FHWA and the Design Division, is furnished at the meeting for consideration and comment by the public to help define the Purpose and Need under [23 USC 139](#). Comments and information received at the meeting will be used to refine or expand the draft Purpose and Need prior to its inclusion as a section of the [Location Study Report](#).

Prior to the pre-location study meeting date, preliminary scoping, and screening and early constraint identification for wetlands, cultural resources, public use areas, etc., must be completed. Preliminary scoping may include scoping meetings for complex projects or written agency correspondence for less complex projects as determined by the Design Division and FHWA. The information from the screening and constraint identification is presented to the public at this meeting as it can limit potential for alternatives.

Displays available at the pre-location study meeting should be general in nature showing the entire study area with no definite solutions identified. Typically, one display should demonstrate all environmental and cultural constraints identified except the archaeological sites, threatened and endangered species, and caves. These are considered sensitive information and are not revealed to the public. Other displays might include information from the [Purpose and Need](#) concerning crash rates, and capacity and/or deficiencies of the existing facility. To assist the public in understanding the process, [a display may be provided](#) showing the general process

for completing a location study/environmental report with the pre-location study meeting stage highlighted. For projects where relocation of a route might be an option, it is helpful to provide a blank display on which the public can draw suggested alignments. The public can also identify potential environmental impacts such as family cemeteries, underground storage tanks, etc. This display and all meeting materials must be included in the environmental documentation (administrative record, eProjects, RES) as well as a summary, and any written comments and responses provided.

Comments and recommendations from the meeting will be used by the district to refine the purpose and need for the project, develop the range of reasonable alternatives, and develop the location study/environmental report.

129.5.3.2 Location Public Meeting

A location public meeting is held to provide the opportunity for effective participation by interested persons in discussing specific location features, including the social, economic, environmental and other effects of all the reasonable project alternatives. These meetings afford the department an opportunity to receive information from sources that will be of value in choosing a preferred location. Location public meetings are typically part of the EA and EIS process but could be held for a CE2 or PCE as well. It may be acceptable to hold a combined location and design public meeting for CE2 projects. A summary of the meeting is submitted to the state design engineer for location approval of a PCE and CE2 projects in the form of a Conceptual Study Report. For location approval of EA and EIS processes, Commission approval is needed.

When a location public meeting is to be held for an EA or EIS, it is typically held after FHWA approves the EA or Draft EIS for public review. In the case of an EIS project, once the draft EIS is signed, a notice of availability (NOA) is published by the Environmental Protection Agency (EPA) once they receive the approved draft EIS in Washington D.C. The district may then advertise for the location public meeting. For a project with an environmental classification of CE2, a location public meeting may be held after the conceptual plan is approved.

129.5.3.3 Design Public Meeting

A design public meeting, or opportunity afforded for such meeting, is required for all projects, regardless of environmental classification, that are on new location, require substantial amounts of new right of way, substantially change the layout or functions of connecting roadways or of the facility being improved, have a substantial adverse impact on abutting property, or otherwise have a substantial social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest. MoDOT guidelines for determining substantial amounts of right of way are as follows: total additional right of way and permanent easements greater than 20 acres in rural areas or 100,000 square feet in urban areas. If the projects involves Noise, Section 106, Section 4(f) or Section 6(f) lands, the Design Public Meeting can contribute to the requirements of those issues ([EPG 129.7](#), [129.8](#), [129.9](#)).

These criteria are considered a minimum level for which a public meeting or opportunity for a meeting is required. Authority to conduct the design public meeting is given with the district engineer's approval of the preliminary plans. At design public meetings, the preliminary plans and other exhibits from the [location study](#) are displayed. Pertinent information about the location alternatives studied and reasons for selecting the proposed location are discussed. Details of the effect of the proposed design on individual properties are discussed along with information about the design alternatives studied.

A meeting will be considered, even if not "required", if the impact on the traveling public, adjoining property owners and businesses in the area is considered to be substantial. Additional consideration should be given for large projects, those that have many parcels or heavy public interest. This is left to the discretion of the District Engineer, in consultation with the PM. A meeting may be desirable to advise local officials, EMS, School Districts (bus routes), motor carriers (OWOD permits), adjacent property owners and other users of the details of the project. A summary of the meeting is submitted to the state design engineer for design approval.

129.6 Public Hearing

Public hearings have federal requirements, such as a legal advertisement, prescribed time for notice before the hearing, and a full account of all comments, along with the department's response to those comments. Public hearings or opportunities for a public hearing are required for any Federal-aid project that "requires significant amounts of right-of-way, substantially changes the layout or functions of connecting

roadways or of the facility being improved, has substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest.” (23 CFR 771.111).



Figure 7: Buck O'Neil Bridge Public Hearing.

Formal public hearings consist of an opening statement, a period for statements and questions from the public, and a closing statement. The following is a list of actions and statements that take place at all formal public hearings:

- The public hearing is conducted in a business-like manner, with questions answered as completely and unbiased as possible.
- The following statement will be made at all hearings: "This project is being processed in accordance with federal rules and regulations. Plans will be subject to review by FHWA. If federal funds are used in right of way acquisition and/or construction, the percentage of federal funds used will be in accordance with current regulations".
- The tentative schedule of right of way acquisition and construction is mentioned. It is limited to a statement that once design approval is received, the department will proceed with design and right of way acquisition and construction will take place when funds are available. A statement is included that the improvement under consideration is on the [State Transportation Improvement Program \(STIP\)](#).

- Projects requiring a public involvement hearing due to facility expansion of a route must have a presentation of the proposed acquisition plan for the attendees and provide the “[Pathways for Progress](#)” brochure and “[Residential Relocation Brochure](#)” or “[Business Relocation Brochure](#)”. The “[Pathways for Progress](#)” brochure explains the various steps in acquisition of property required for a highway project. If the proposed project is approved, you may be contacted by a representative of the department at the beginning of the acquisition process and all features in this brochure will be discussed in detail with each property owner.
- In the event the project requires relocations services, the public will be informed regarding the relocation assistance procedures and the process involved in relocating. The “[Business Relocation Brochure](#)” or “[Residential Relocation Brochure](#)” explain relocation benefits for displaced property owner(s) in detail to prepare for the individual meetings with MoDOT staff. In addition to this statement, it is necessary to discuss the number of individuals, families, businesses, etc. that may be relocated by the project under consideration; and whether studies indicate there is adequate replacement housing available. If sufficient comparable replacement housing is not available, we must indicate that we are committed to provide last resort housing. It is also necessary to state that no one will be displaced from their residence unless an appropriate replacement dwelling is available or provided.

Informal or “open-house” type of Public Hearings is a style that is in an easy-to-navigate space where the public can come and go at their convenience. The “open-house” style allow members of the public to discreetly ask questions and talk with project representatives about their needs, concerns, and ideas. Visual aids, displays, and handouts are often provided as well as a station where public comments can be submitted for consideration. Open house meetings can be effective for introducing a proposed project to the public and stimulating an exchange of ideas.

The following is a list of possible displays and/or handouts to inform the public about a project at the public hearing:

- The proposed project’s purpose and need, goals, objectives and problems or solutions.

- Communicate the potential project impacts to the community and the efforts that would be made to minimize and/or mitigate those impacts ([23 CFR 771.111\(2\)\(v\)](#)).
- Information such as crash data, structural deficiencies, and capacity problems.
- Proposed project schedule.
- Projects requiring a public involvement hearing due to facility expansion of a route must have a presentation of the proposed acquisition plan for the attendees and provide the "[Pathways for Progress](#)" brochure and "[Residential Relocation Brochure](#)" or "[Business Relocation Brochure](#)". The "[Pathways for Progress](#)" brochure explains the various steps in acquisition of property required for a highway project. If the proposed project is approved, you may be contacted by a representative of the department at the beginning of the acquisition process and all features in this brochure will be discussed in detail with each property owner.
- In the event the project requires relocation services, the public will be informed regarding the relocation assistance procedures and the process involved in relocating. The "[Business Relocation Brochure](#)" or "[Residential Relocation Brochure](#)" explain relocation benefits for displaced property owner(s) in detail to prepare for the individual meetings with MoDOT staff. In addition to this statement, it is necessary to discuss the number of individuals, families, businesses, etc. that may be relocated by the project under consideration; and whether studies indicate there is adequate replacement housing available. If sufficient comparable replacement housing is not available, we must indicate that we are committed to provide last resort housing. It is also necessary to state that no one will be displaced from their residence unless an appropriate replacement dwelling is available or provided.

129.6.1 Advertisement for Public Hearing or Opportunity for a Public Hearing

Notices concerning public hearings will be published as a legal notice in a newspaper having general circulation in the vicinity of the proposed project. Additional paid advertisements are encouraged to ensure maximum public input. Notices of public hearings shall have a description of the project, specify the date, time and location of the hearing as well as where to find the project documents for

viewing. Refer to [23 CFR 771.119\(d-f\) and \(h\)](#) and [EPG 129.4.3](#) for timelines related to an EA.

The public hearing is to be held at a place and time generally convenient for persons affected by the proposed undertaking and close to the project location. In addition to publishing a notice of public hearing, the district provides news releases to the newspaper and social media at the same time as the official notice is published and again approximately 5 to 12 calendar days prior to the date of the hearing. The district will also place the news release on their website. The news releases generally contain the same information included in the official notice. An email notification is sent through e-updates or other email distribution lists for the proposed project area. The notice shall contain language such as, “if assistance is needed in another language, please contact the (contact listed in the notice) by (date)”,” or something more generic like “We are committed to providing equal access to this event for all participants. If you need a reasonable accommodation, please contact (contact listed in the notice) by (date).” Additionally, if the project area is known to speak a language other than English and the project impacts that population, the district will document how accommodations were made such as disseminated the public notice in that language as well. This information can be found by going to data.census.gov and reviewing table B16001 and C16001 for a specified geographic location and the most recently available survey – either the ACS 5-Year Estimates or latest decennial census data. Additional assistance with this website and the tables can be obtained from MoDOT’s EC Division. The PM can find the latest language contracts here: [Interpreter and Translation Contracts](#).

In addition to the news releases, specific notification by letter of meetings is made to impacted property owners, business owners, service providers (sheriff, police, fire, schools, post office, emergency, etc.) community leaders, planning commission representatives, local representatives of state and federal resource agencies and any special interest groups, where they can be present or set up displays if they have projects going on in the area for which public questions are anticipated. The districts maintain a mailing list so interested agencies, local officials, groups or individuals are sent a notice of the public hearing by mail/email.

If the district believes other methods of advertising a public hearing would help increase public attendance, these options should be explored. Options may include direct patron mailings, flyers in public areas, signs erected in the project area or other methods.

If the open house format is to be utilized, this procedure is explained in the notice. The notice of public hearing specifies that maps, drawings, appropriate environmental documents, other pertinent information developed by the department and written views received as a result of coordination with other agencies or groups, will be available for public inspection ([CFR 771.119](#)). The notice also specifies this information is available in the appropriate district office and FHWA. If appropriate, the documents can also be placed at some other convenient location such as a courthouse, city hall or library for public inspection and/or copying.

The information is also to be made available on the district's website. The public hearing information should include pdfs of the materials presented at the public meeting and provide an online comment form option if running concurrent with the hearing.

By federal statute, the notice of public hearing is published a minimum of 15 calendar days prior to the date of the hearing, however, MoDOT prefers to publish the notice 21 days prior to the date of the hearing. The draft notice is sent to FHWA, Design Division Environmental Section, and the core team for approval. The notice shall be included in eProjects, or CR Division Sharepoint site for project documentation.

If, in the judgment of the district engineer, with input and approval from FHWA, a public hearing is not expected due to unknown events, the district may advertise the opportunity for a public hearing at the start of the 30-day comment period. Letters to individual property owners, business owners, service providers (sheriff, police, fire, schools, post office, emergency, etc.) and other interest groups are provided. In addition to or instead of the information required for the notices and news releases described above, the notice of opportunity for a public hearing includes instructions concerning how to request a public hearing. All requests must be in writing and must be acknowledged in writing by the district engineer.

This notice is published as either a paid advertising notice or a legal notice and submitted as a news release. This notice advises the public of a deadline for the request for a public hearing and comment period. The deadline for submission of a request to hold a public hearing is 21 calendar days, however, the public may still comment on other aspects of the project for a full 30 calendar day period.

If a request is received, the district may contact the individual to discuss their concerns with the project and potentially remedy the request. The person making the request is allowed 14 calendar days to withdraw their request in writing. A public hearing is held if the request is not withdrawn.

If the district receives no requests for a hearing, they document the opportunity for public hearing notice and certify that no requests were received. The public is still afforded the opportunity to comment during the normal comment period. This documentation and certification is forwarded to the Design Division.

129.6.2 Procedures for Conducting Public Hearings

The district conducts the public hearing with assistance from the Design Division. Two procedures may be used to conduct public hearings: the traditional formal speaker-audience format, or the open house format. The selection of format is at the discretion of the district engineer with assistance from the design liaison engineer and PM and should be based on an analysis of the project's specific conditions. This analysis must include consideration of minority and low-income populations, with the goal of using a format that proactively engages these populations. The recommended open house format tends to be comfortable for a wider variety of people. The open house format will still require a court reporter on hand to transcribe and record official comments, which then become part of the official transcript. In the event a court reporter is not used, the district shall still be required to document written and verbal comments from the public.

At a public hearing, the following must be provided: project purpose and need; information demonstrating consistency with local urban planning goals and objectives; project alternatives and major design features; social, economic and environmental impacts; relocation assistance program and the right of way acquisition process; and MoDOT's procedures for receiving written and oral public statements ([CFR 771.111](#)).



Figure 8: I-270 Public Meeting.

Preparation of all exhibits and displays is the responsibility of the district, in coordination with MoDOT Environmental and FHWA, and will be retained for possible use at future meetings. The exhibits of the project area will be of sufficient quality and scale so property owners can clearly identify their property. Multiple sets may also be appropriate if anticipating large crowds. It is recommended that a wide corridor be

shown but not design features, since these are subject to change. Additional exhibits showing traffic, crash, environmental, economic, or other data will also be displayed. They should show all known constraints, both environmental and engineering. Typically, these include one display showing all environmental and cultural constraints identified except the archaeological sites, threatened and endangered species and caves. These are considered sensitive information and are not displayed for the public. This display and all meeting materials must be included in the environmental documentation (administrative record, eProjects, RES) as well as a summary, and any written comments and responses provided.

129.6.3 Transcripts

The district is responsible for the preparation of an accurate written transcript of the oral proceedings and verbal input of each public hearing whether formal or open house style. This may include the use of a tape recorder, a court recorder, or any reliable method that will assure a verbatim transcript to record comments from the public. Shorthand notes are not adequate. Recordings are retained as part of the administrative record and kept with the project file. Public comments expressed at the hearing but not recorded will also be noted. One copy of the transcript is prepared in the district office for submission to the Design Division and FHWA.

The transcript is created and saved in eProjects and must also include the following summary contents in this order:

- Executive Summary that describes and discusses issues identified at the hearing or during the open comment period. No recommendations are included in this summary.
- Project information handout
- Double-spaced transcript of any oral hearing proceedings
- Color location map(s) showing the alternate locations presented (location public hearing only) or the location of the recommended design (design public hearing only)
- Data pertinent to statements or exhibits used or filed in connection with the public hearing
- Data pertinent to information made available to the public prior to the public hearing
- Pertinent correspondence
- Copy of all written comments received and substantive comments addressed

The following material will not be included in the hearing transcript but must still be maintained as part of the administrative record in the project file:

- Data pertaining to newspaper advertising. This covers the descriptive notice as well as letters to newspapers requesting publication of a public hearing notice.
- Informative letters to FHWA.
- Letters to agencies, interested parties and tribes concerning notification of a public hearing and listing of agencies so notified except where Section 4(f) and Section 6(f) lands are affected.
- List of names of people attending the public hearing.
- Plan sheet prints or similar large material bulky in nature unless they can be conveniently included.
- Other data such as copies of letters from the Central Office, listing of information made available to the public prior to the public hearing, etc.
- Preliminary plans used as exhibits at the public hearing.
- Right of way or relocation brochures.
- Additionally, a [Commission Backup Form](#) is submitted with the Letter of Transmittal by email from the district engineer to the Design Division. The Letter of Transmittal and [Commission Backup Form](#) are not made a part of the transcript. The Letter of Transmittal addresses any substantive comments from

the public hearing and includes the number of people who attended, recommendations, and general project information. The Letter of Transmittal from the district engineer will also certify that the public hearing was held in accordance with all applicable rules and regulations, and that the department has considered possible social, economic, and environmental effects of the proposed improvement together with its conformity with local planning goals and objectives.

For EA and EIS projects, the Design Division sends FHWA a copy of the transcript so substantive issues to be addressed in the EA decision document or Final EIS can be considered prior to submittal of the document for FHWA's approval. FHWA must approve the FONSI or Record of Decision (ROD) prior to Commission approval of the location. The Design Division will provide a copy of the transcript, with executive summary, to FHWA for their review and comment. No department recommendation will be provided to FHWA at this time. FHWA will provide comments to the department concerning the issues identified as a result of the public hearing. Their comments will be considered in the development of the department's recommendations to the Commission. It is desirable that the submission of the transcript and executive summary to the Design Division be made within a reasonable period (usually less than two months) after the public hearing.

Prior to submitting the transcript to the Design Division, the district makes the transcript and related material available for public inspection and copying at the district office.

The [Commission Backup Form](#) and final transcript will be saved in eProjects by the district.

In the event a scheduled public hearing is not held, a letter conveying information pertaining to the scheduled hearing will suffice in lieu of a transcript.

129.6.4 Presentation for Location and Design Approval to the Commission and Commission Actions Needed

Commission approval of the location or design of an improvement is required for the following:

- The location of all projects classified as an EA or an EIS.

- The design of all projects requiring total additional right of way and permanent easements greater than 20 acres in rural areas or 100,000 square feet in urban areas.

Commission policy requires public involvement be carried out for those projects that meet the above thresholds. A procedure governing the presentation of information to the Commission for location or design approval following a public hearing or meeting is stated below. Location, design, and combined location and design public hearing transcripts are submitted to the Design Division through email. The district must receive Commission approval at this stage before further development of the plans can be accomplished.



Figure 9: MHTC Meeting.

- The district submits one copy of the transcript or documentation from the public involvement plan, together with the executive summary, Commission Backup Form and location sketch for the Commission exhibit, to the appropriate design liaison engineer in the [Design Division](#).

- The transmittal letter must include the district's

recommendations concerning how to address the issues identified as a result of the public involvement.

- The DLE will then submit the information via e-mail addressed to "Commission Exhibit".
- For each item placed on the monthly Commission agenda, any conflict of interest for the Commissioners must be established. A Commission property layer is available on [TMS maps](#) for easy review (Under STIP and Commissioner Property Detail). A MHTC Agenda Item Checklist must be included for any agenda item for which there is a conflict (i.e., a Commissioner owns property within one-mile (1.6 km) of the project). The SIMS Reports: MHTC Agenda Checklist and MHTC Agenda Checklist for Design can be used to identify known property conflicts. Additionally, District Right of Way and Chief Counsel's Office can provide information on potential

conflict of interest areas for projects within the district. In the event a possible conflict does exist, the MHTC Agenda Item Checklist identifies the name of the Commissioner and the location of the property of concern. This information is provided for the Commission Secretary and Chief Counsel's Office use. If no conflicts exist, the e-mail must indicate that no conflict of interest exists.

- To properly schedule hearing information for presentation to the Commission for design approval, the district will provide the information to the Design Division according to the Commission meeting [schedule requirements](#). This will allow for a two working-day review and ensure the item has been thoroughly discussed before it is placed on the Commission agenda.
- If a difference of opinion develops between the Design Division and the district concerning recommendations to the Commission, the director, the chief engineer, or the asst. chief engineer will be consulted to reach consensus. The recommendation provided to the Commission indicates the department's formal determined position and not that of a single district or division.
- With the information received from the district, the Design Division will ensure the item is placed on the Commission agenda and [Commission backup](#) is provided to the Commission. Based upon this information, the Design Division will place the item on the regular or consent portion of the meeting agenda. In doing so, a consistent format will be maintained for the Commission's benefit.
- When the item is placed on the Commission's regular agenda (because of controversy or public interest), the district engineer will attend the Commission meeting and present the item for approval. If the item is placed on the Commission's consent agenda, it is preferred the district engineer attend the meeting to answer questions from the Commission in the event it is transferred to the regular agenda.

Following Commission action, the Design Division will prepare the necessary Commission minutes.

After the Commission has approved the location of the proposed improvement, design beyond preliminary design of the project may continue. FHWA must approve the FONSI or ROD prior to Commission approval of the location. After the Commission has approved the design of the proposed improvement and the District

Engineer has approved right of way plans developed in accordance with [EPG 236](#), acquisition of right of way may begin.

129.7 Noise Wall Public Meeting and Voting

For projects with noise impacts where noise abatement is both reasonable and feasible, a noise wall public meeting is required. Refer to [EPG 127.13.8 Noise Wall Public Meeting and Voting](#) for guidance.

129.8 Section 4(f) Lands

Section 4(f) of the Transportation Act of 1966 specifies that a transportation project requiring the use of publicly owned parks, recreation areas, wildlife and waterfowl refuges, and other considerations as determined by FHWA, or publicly or privately-owned historic sites listed or eligible for listing on the National Register of Historic Places can be approved only if there is no feasible and prudent alternative or is a de minimis impact to using that land and if all possible planning is done to minimize harm to the property. These types of properties are often referred to as Section 4(f) resources ([EPG 127.10 Section 4\(f\) Public Lands](#)).

The level of public involvement required for Section 4(f) properties is dependent on how the use of the property will be documented for approval by FHWA. The Environmental and Historic Preservation Section must be consulted for appropriate public involvement for Section 4(f) properties.

For parks, recreation areas, or refuges, when there is a specific or isolated population that uses the Section 4(f) property, a more direct contact approach such as targeted mailing can be used. When it is unknown who uses the property, or the users come from a much larger geographic area, the public involvement requirement may involve a public meeting and/or hearing. If a public meeting or hearing will be used to satisfy the public outreach requirements of Section 4(f), be sure to clearly disclose such in the meeting or hearing notifications and advertisements ([23 CFR 774.5 \(b\)\(2\)\(i\)](#)). For historic properties, public notice and comment, beyond that required in 36 CFR 800, is not obligatory ([23 CFR 774.5 \(b\)\(1\)\(iii\)](#)).

Historic de minimis

For historic de minimis the public involvement process mirrors the Section 106 public involvement process ([EPG 129.9](#)).

Parks, recreation areas, wildlife and waterfowl refuge de minimis

Parks, recreation areas, wildlife and waterfowl refuges shall have, at a minimum, a public notice and an opportunity for public review and comment. If the project does not require a public meeting, other means must be made to provide the public information on the Section 4(f) resource, impacts on it, and an opportunity to comment on the proposed de minimis determination. The notice shall be a minimum 10-day public notice and comment period and looks similar to the public meeting advertisement. Consult your CR manager for what is most appropriate for the area in question. This information can be made public through a press release in a newspaper, social media posts, comment cards left at the facility, sign-boards, hand-outs, etc. The notice should consider the resource and how the users of that resource are most likely to be reached. The public notice or opportunity for comment may be combined as part of other public involvement for the project, such as for NEPA, if the proposed impacts and findings related to the Section 4(f) properties have been determined.

If a public meeting is held, the materials at the public meeting should include information that identifies parks as Section 4(f) properties, identifies the characteristics of any parks in the project area, and include that a de minimis determination will be sought under 23 CFR 774.

The 4(f) evaluation shall be provided to the official with jurisdiction (OWJ) over the 4(f) property for coordination and comment. The OWJ(s) cannot approve the use of the property until after the public comment period has ended and public feedback has been provided. Any comments shall be addressed in the de minimis documentation. The public feedback must be provided to the OWJ(s) for consideration as part of the evaluation. The de minimis evaluation form, maps, OWJ concurrence, and the public involvement materials are submitted to FHWA for comment and approval. The materials are then included in the NEPA administrative record and/or the RES for the project.

Programmatic Evaluation:

The project shall include public involvement activities that are consistent with the specific requirements of 23 CFR 771.111, Early coordination, public involvement and

project development. For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public meeting(s) or hearing(s).

Temporary Occupancy

There are no regulatory requirements for public involvement for the temporary occupancy of a Section 4(f) resource. If a Section 4(f) resource will be used in such a matter, and it is known prior to a public meeting, the public meeting should include information on the Section 4(f) resource and the nature of impacts and how the resource will not be permanently damaged by the project.

Individual Section 4(f)

If an Individual Section 4(f) Evaluation is part of an EA or EIS, the draft Section 4(f) is included in the document which is made available for the public, and the public comment periods and methods overlap. For an EA or EIS, the draft Section 4(f) Evaluation must be included in the EA or draft EIS (DEIS) and FHWA must approve the draft Section 4(f) Evaluation as part of the approved EA or DEIS before the location public hearing can be held. The approved draft Section 4(f) Evaluation is provided to the U.S. Department of the Interior (DOI) for comment. A 45-day public comment period runs concurrently with the DOI review and comment. Typically, the notice is similar to a public meeting advertisement. For EISs, this occurs automatically with circulation of the DEIS. The environmental specialist circulates the approved Draft Section 4(f) Evaluation accompanying an EA or separate Section 4(f) Evaluations prepared for projects classified as CEs to DOI for comment. A Final Section 4(f) Evaluation that addresses any substantive comments is included with the Finding of No Significant Impact (FONSI) or Final EIS (FEIS).

If the project is a CE, there is a 30-day public comment period during the 45-day DOI review period, usually they end on the same date. A notice about the availability of the document is placed in the local newspaper and MoDOT website, an electronic copy of the document is placed on the project website, and a hard copy is placed in a local repository (city hall, county courthouse or public library). For CE projects, the environmental specialist prepares a separate Final Section 4(f) Evaluation.

Comments should be sent by letter to the District Engineer. FHWA approval of the Final Section 4(f) Evaluation is integrated with location approval, which allows detailed design to begin.

129.9 Section 106 and Tribal Consultation

Section 106 of the National Historic Preservation Act requires that the public be offered the opportunity to receive information about and comment on the project's effect on historic properties. Section 106 also requires a federal agency to notify the public of proposed projects and offer the public an opportunity to provide input in a timely manner. The project's impacts on historic properties should be identified and discussed at public meetings. Documentation of public input or knowledge regarding these impacts is required in eProjects or the RES. A member of the public with a demonstrated interest in an undertaking may request and receive consulting party status from the federal agency. The District should work with the Historic Preservation Section to coordinate HP involvement in public meetings when there are historic properties present on a project.

Below is the guidance provided by the Advisory Council on Historic Preservation on what are the minimum standards for public involvement, public notice and information standard [36 CFR PART 800 2(d) & 6(a)(4)]:

“At a minimum, the Agency Official has to provide an opportunity for the public to examine the results of the agency's effort to identify historic properties, evaluate their significance and assess the undertaking's effects upon them. When adverse effects are found, the Agency Official must also make information available to the public about the undertaking, its effects on historic properties and alternatives to resolve the adverse effects and must provide the public an opportunity to express their views on resolving adverse effects. The precise method of meeting these standards is left up to the Agency Official and may be guided by other applicable agency public involvement procedures. The agency can adjust the level and method based on the circumstances of the undertaking, as provided for in Sections 800.2(d) and 800.6(a)(4).”

“At a minimum, public notice should be designed to effectively inform the public about the nature of the undertaking, its effects and the public's likely interest in it. As for information, the documentation standards of Section 800.11 set requirements for the record at various steps in the process. These materials should be available to the public, unless constrained by legitimate confidentiality concerns. Other than Section 800.11's documentation

standards, there is no special prescribed public notice and information standard for Section 106. Efforts to inform the public for other planning and environmental review purposes should be a guide to adequate efforts to meet Section 106 needs.”

Besides the public, Section 106 also requires federal agencies to consult on a “government-to-government” basis with federally-recognized tribes and nations with ancestral, historic, and ceded land connections to Missouri to facilitate avoiding or minimizing project impacts to cultural resources that a tribe considers of historical or religious significance. Consultation means the process of seeking, discussing, and considering the views of others, and where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed. The federal government's unique relationship with tribes is derived from the U.S. Constitution, treaties, Supreme Court decisions, federal statutes, and executive orders. The Federal Highway Administration cannot delegate its government-to-government responsibility and overall consultation and coordination duties. However, if a tribe agrees in advance, FHWA may rely on MoDOT to carry out day-to-day, project-specific coordination and consultation. FHWA remains legally responsible for all findings and determinations.

129.10 Railroads

The district advises all railroads in the affected project area by sending a notice to the railroads' chief engineers when the project affects railroad lines, railroad yards or industrial properties belonging to the railroad. Preliminary layouts through yards or industrial areas are discussed with the railroads to ensure their current plans are not in conflict with the proposed project. This is done in coordination with the [Multimodal Operations Division](#).

129.11 Public Involvement for Stormwater

Refer to [EPG 127.29.9 Public Involvement for Stormwater](#).

129.12 Glossary of Terms

Categorical Exclusion (CE): A category of actions that based on past experience with similar actions, do not individually or cumulatively have a significant effect on

the human environment and have been found to have no such effect in procedures adopted by a Federal Agency pursuant to the National Environmental Policy Act (NEPA), and for which neither an environmental assessment or an environmental impact statement is required. They are actions which: do not induce 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 involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; and do not otherwise have any significant environmental impacts either individually or cumulatively.

Emergency situation: A health or other emergency situation as declared by the Governor, and/or President, and/or a local government jurisdiction which determines an in-person public hearing and/or in-person inspection of documents should be limited out of concerns for public health and/or safety, and/or MoDOT in coordination with FHWA determines that an in-person public hearing should not be held out of concerns for public health or safety.

Environmental Assessment (EA): A concise public document prepared in compliance with the National Environmental Policy Act (NEPA), that briefly discusses the purpose and need for an action, alternatives to such action, and provides sufficient evidence and analysis of impacts to determine whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI).

Environmental Impact Statement (EIS): A detailed written statement required by section 102 (2) (C) of the National Environmental Policy Act (NEPA), analyzing the environmental impacts of a proposed action, adverse effects of the project that cannot be avoided, alternative courses of action, short-term uses of the environment versus the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitment of resources.

Finding of No Significant Impact (FONSI): If after the completion of an EA it is determined there will be no significant impacts on the quality of the environment, a finding of no significant impact (FONSI) will be prepared to conclude the process and document the decision.

Limited English Proficiency (LEP): Individuals who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively.

Location Study: Prepared to determine the most advantageous location for a proposed highway improvement based on project purpose and need and on engineering and environmental constraints. The location study and the environmental analysis are developed concurrently.

Low-Income: A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

Low-Income Population: Readily identifiable groups of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient person (such as migrant workers or Native Americans), who will be similarly affected by a proposed DOT program, policy, or activity.

Major Infrastructure Project: An infrastructure project for which multiple Federal authorizations will be required to proceed with construction, the lead Federal agency has determined that it will prepare an EIS under NEPA, and the project sponsor has identified the reasonable availability of funds sufficient to complete the project.

Minority: A person who is:

- (1) Black: a person having origins in any of the black racial groups of Africa;
- (2) Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- (3) Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent;
- (4) American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
- (5) Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority Population: Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient person (such as migrant workers or Native Americans) who will be similarly affected by a proposed Department of Transportation (DOT) program, policy or activity.

National Environmental Policy Act (NEPA): Requirement of Federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Under the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions and provide opportunities for public review and comment on those evaluations. NEPA applies to a broad range of federal actions that include, but are not limited to, constructing highways and other publicly owned facilities, adopting federal land management actions, and federal permitting.

Notice of Intent (NOI): A notice published in the federal register that an environmental impact statement will be prepared and considered.

Pre-Location Study Meeting: A meeting conducted for projects that require an EA, EIS, or CE2 held prior to the preparation of a location study/environmental report or conceptual study, or a CE2 to gain public input on the draft purpose and need, the range of alternatives and the impact on the local communities and the environmental of the area.

Programmatic Agreement (PA): A document that spells out details the terms of a formal, legally binding agreement between a state DOT and other state, local and/or federal agencies.

Programmatic CE (PCE): An agreement between FHWA and the State DOT to make Categorical Exclusions (CE), (most of which are listed under 23 CFR Part 771.117(d)), more efficient and faster. The PCE agreement allows the State DOT to document, review, and approve CEs without requiring FHWA Division Office review in order to proceed to the next step of the-project development process.

Public Hearing: 23 U.S.C. 128. A public gathering for the express purpose of informing and soliciting input from interested individuals regarding transportation issues.

- A formal hearing consists of an opening statement, a period for statements and questions from the public, and a closing statement.
- An open house format public hearing is one where the public can come and go and are able to ask questions of project representatives as well as a station where public comments can be officially recorded. Visual aids, display and handouts are often provided.

Public Involvement (PI): An integral part of the transportation process which helps to ensure decisions are made in consideration of and to benefit public needs and preferences. It involves seeking public input at key points in the decision-making process where such input has a real potential to help shape the final decision or set of actions. This includes early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.

Public Involvement Plan (PIP): An announced meeting conducted by transportation officials designed to facilitate participation in the decision-making process and to assist the public in gaining an informed view of a proposed project at any level of the transportation project development process; also, such a gathering may be referred to as a public information meeting.

Public Meeting: A public gathering for the express purpose of informing and soliciting input from interested individuals regarding transportation issues.

Purpose and Need: A clear and well documented section of an EIS or EA or some CEs defining the need for the project and how that need will be fulfilled. The purpose and need drive the development of the range of alternatives.

Virtual Public Involvement (VPI): The use of digital technology to engage individuals or to visualize projects and plans.