

# Public Involvement Requirements

Prepared by the Ohio Department of Transportation, Office of Environmental Services

Last Updated: 01/12/2021

This document outlines ODOT's procedures for ensuring compliance with public involvement legal and regulatory requirements for transportation project development with a federal nexus. The [Ohio Department of Transportation](#) (ODOT) is committed to fostering and integrating public involvement (PI) into project planning and development for all transportation projects. In accordance with [23 CFR 771.111\(h\)\(1\)](#), each state is required to develop procedures to implement a comprehensive PI program, and to receive approval from FHWA that existing regulatory requirements are being met. On April 18, 2018, ODOT's Public Involvement Requirements were approved by FHWA Ohio Division (see page x). This document will serve as ODOT's Public Involvement requirements.

The ODOT PI process is designed to go beyond simply meeting legal requirements. Conducting PI simply to meet legal requirements neglects the purpose of informing, engaging, and meeting the needs of stakeholders and the public. Planning and conducting comprehensive PI assists decision-makers in understanding community needs and promotes meaningful dialogue to take place to develop viable transportation solutions. While meeting legal requirements is important, ensuring stakeholders and the public are part of the process is equally, if not more, important.

As a component of ODOT's environmental process, ODOT's PI process will:

- Provide **early and continuous** public involvement opportunities;
- Provide reasonable **public access** to technical data and policy information;
- Provide **adequate notice** of public involvement opportunities and time for public review and comment at key transportation planning development milestones;
- Conduct **public meetings at convenient and accessible locations** and times;
- Employ **visualization techniques** to describe the planning process inputs and outcomes;
- To the maximum extent practicable, **make public information available in electronically accessible format** and means, such as the internet;
- Demonstrate **explicit consideration and response to public input** received;
- Seek out and **consider the needs and input of traditionally underserved populations**, including low-income and minority households in accordance with Title VI and Environmental Justice requirements; and,
- Provide information for/to populations with Limited English Proficiency (e.g., translation), as needed.
- Provide for procedure within the bounds of these requirements to allow for proper and meaningful public involvement in accordance with federal law, regulation, policy or guidance for environmental impacts associated with items such as Section 106, Section 4(f), floodplains, etc., as required.

Furthermore, PI is integrated into ODOT's [Project Development Process](#) (PDP) so that each project incorporates these strategies. Depending on a project's type and complexity, District Environmental Staff, the Project Manager (PM), or the Project Management Team will be responsible for incorporating PI requirements. The Project Management Team may be comprised of, but is not limited to, the District Environmental Coordinator (DEC), the project manager, environmental specialists, planners, engineers, designers, public information officer, support staff, and consultants.

ODOT developed [Underserved Populations Guidance](#) to provide information on how to properly identify traditionally Underserved Populations and appropriately engage them as part of the environmental process and public involvement activities and to ensure ODOT is in compliance with Environmental Justice (EJ) and Title VI of the Civil Rights Act of 1964 (Title VI) laws, regulations, and executive orders, and requirements. ODOT defines Underserved Populations as minorities, low-income households, older adults, individuals with disabilities, and individuals with limited English proficiency.

Minimum requirements are integrated into ODOT's PDP to assure an appropriate level of PI is conducted for each project. **However, this does not mean that each project will only require the minimum.** Each project is different, and the PI approach must be commensurate with a project's type and complexity. This ensures legal requirements are met, the opportunity for public notification and/or engagement is provided, and decision-making is enhanced.

As a project management and decision-making tool, the PDP:

- Helps establish communication with stakeholders and the public
- Provides for early identification of potential issues
- Documents input received, and consideration/response given
- Documents the rationale/criteria used to make a decision

It is imperative that District Environmental Staff, the PM, or the Project Management Team not oversimplify and fail to anticipate the need for PI. Conversely, it is easy to overreact and build more into the process than is required. The key is to be flexible, for at any point during project planning and development it may become necessary to elevate the level of PI. Being proactive - not just reactive - will enable community needs to be considered and addressed as a project progresses.

As part of [Statewide](#) and [Metropolitan](#) Transportation Planning and Programming processes, federal regulations require ODOT and Ohio's Metropolitan Planning Organizations (MPOs) to develop proactive PI processes that provide opportunities for public review and comment as part of early project planning and development. These activities are essential to developing a Statewide Transportation Plan (STP) and a Statewide Transportation Improvement Program (STIP), in accordance with 23 United States Code (USC) [134](#) and [135](#). As part of the planning process, the public is provided information on the need for a transportation project(s), as well as technical and policy information used as part of project planning and development. ODOT publishes a guidance document for planning studies ([ODOT's Planning Program Public Involvement Process](#)), which goes into more details on this topic. This guidance document is developed and published by [ODOT's Office of Statewide Planning and Research](#) and is also approved by FHWA.

PI is revisited during each subsequent phase of the PDP to determine if additional outreach is needed based on the type and complexity of the project. The following table (pages iv - vii) lists ODOT's minimum PI requirements for each PDP path.

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
1	<p>Simple maintenance projects:</p> <ul style="list-style-type: none"> <li>• Roadway Resurfacing</li> <li>• Culvert Replacements</li> <li>• Guardrail Installation</li> <li>• No ROW or Utility Impacts</li> </ul>	<p>Ensure project is listed on the STIP and that any PI performed during the STIP process is incorporated into the NEPA decision</p> <p>Ensure project information is published on ODOT Website (Construction Plan, Work Plan, etc.)</p> <p><b>Issue Public Notifications</b></p> <ul style="list-style-type: none"> <li>• As appropriate if impacts and/or detours</li> </ul> <p><b>Initiate Contact with Emergency and Public Services (EMS, police, fire, schools, etc.) during the Planning or PE Phases of PDP (during NEPA)</b></p> <ul style="list-style-type: none"> <li>• If detours and/or roadway restrictions are anticipated that may cause substantial traffic disruptions</li> </ul> <p><b>Ensure use of Public Involvement Templates in PI Toolbox</b></p> <ul style="list-style-type: none"> <li>• Contact OES to request deviation from use of the templates</li> </ul>	<p><b>Public Notifications</b></p> <ul style="list-style-type: none"> <li>• Standard plan notes executed by the contractor (e.g., TEM 642-58, construction schedule coordination, detours, roadway closures, etc.)</li> </ul>

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
2	<p>Simple projects Low Level Environmental Documents</p> <ul style="list-style-type: none"> <li>• Culvert &amp; Bridge Rehab/Replacement</li> <li>• Addition of Turn Lanes and Shoulders</li> <li>• Involve Minor ROW Acquisition (strip takes, temporary easements, channel easements)</li> </ul>	<p><b>Ensure project is listed on the STIP and that any PI performed during the STIP process is incorporated into the NEPA decision</b></p> <p><b>Ensure Project Information is published on ODOT Website (Construction Plan, Work Plan, etc.)</b></p> <p><b>Issue Public Notifications</b></p> <ul style="list-style-type: none"> <li>○ Including Public Notification Letters, if impacts (e.g. access restrictions, ROW take) and/or detours <ul style="list-style-type: none"> <li>▪ If this will be the only form of outreach, a 30-day comment period is required</li> </ul> </li> </ul> <p>NOTE: Right-of-Entry Letter may serve as Public Notification but must follow template</p> <p><b>Consult with Stakeholders</b></p> <p><b>Initiate Contact with Emergency and Public Services (EMS, police, fire, schools, etc.) during the Planning or PE Phases of PDP (during NEPA)</b></p> <ul style="list-style-type: none"> <li>• If detours and/or roadway restrictions are anticipated that may cause substantial traffic disruptions</li> </ul> <p><b>Underserved Populations Outreach, if applicable</b> If Underserved Populations are identified within or adjacent to the project area additional tailored outreach to these populations may be needed. Contact OES and refer to the ODOT Underserved Populations Guidance for further guidance.</p> <p><b>Ensure use of Public Involvement Templates in PI Toolbox</b></p> <ul style="list-style-type: none"> <li>• Contact OES to request deviation from use of the templates</li> </ul>	<p><b>Public Notifications</b></p> <ul style="list-style-type: none"> <li>• Standard plan notes executed by the contractor (e.g., TEM 642-58, construction schedule coordination, detours, roadway closures, etc.)</li> </ul>

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
3	<p>Moderate Roadway and/or Structure Work Possibly Capacity Additions Higher Level Environmental Documents; Require NEPA Studies and Approval in Accordance with 23 CFR 771.117(d)</p> <ul style="list-style-type: none"> <li>• ROW Acquisition/ Minor Utility Impacts</li> <li>• Minor Realignments and/or Reconstruction</li> <li>• Intersection/Int erchange Upgrades</li> <li>• Median Widenings</li> </ul>	<p><b>Ensure project is listed on the STIP and that any PI performed during the STIP process is incorporated into the NEPA decision</b></p> <p><b>Ensure Project Information is published on ODOT Website (Construction Plan, Work Plan, etc.)</b></p> <p><b>Develop a Public Engagement Plan</b></p> <ul style="list-style-type: none"> <li>• For projects with a D1 or higher level environmental document <ul style="list-style-type: none"> <li>○ Exempt from this requirement are <ul style="list-style-type: none"> <li>▪ Disposal of Excess ROW Projects</li> <li>▪ Projects with a C2 level environmental document bumped to a D1 because an individual waterway permit is required</li> <li>▪ Limited case-by-case instances with approval from OES</li> </ul> </li> </ul> </li> <li>• Must be submitted to OES for approval if the project requires a D2 or higher level environmental document</li> </ul> <p><b>Issue Public Notification Letters</b></p> <ul style="list-style-type: none"> <li>○ If impacted or as appropriate (e.g. access restrictions, ROW take) and/or detours</li> </ul> <p>NOTE: Right-of-Entry Letter may be serve as Public Notification but must follow template</p> <p><b>Consult with Stakeholders</b></p> <p><b>Initiate Contact with Emergency and Public Services (EMS, police, fire, schools, etc.) during the Planning or PE Phases of PDP (during NEPA)</b></p> <ul style="list-style-type: none"> <li>• If detours and/or roadway restrictions are anticipated that may cause substantial traffic disruptions</li> </ul> <p><b>Issue Public Notifications</b></p> <ul style="list-style-type: none"> <li>• Issue a Press Release, if no public meeting will be conducted</li> <li>• Post press release on social media and ODOT website</li> <li>• Any additional method of distribution</li> <li>• Prefer 30 days (minimum 15 days)</li> </ul> <p><b>Conduct Public Meeting, as appropriate</b></p> <ul style="list-style-type: none"> <li>• Issue direct invitations <ul style="list-style-type: none"> <li>○ Invite residents, businesses, and organizations within or adjacent to the project area and potentially impacted by the project</li> <li>○ Prefer 30 days' notice (minimum 15 days)</li> </ul> </li> </ul>	<p><b>Public Notifications</b></p> <ul style="list-style-type: none"> <li>• Standard plan notes executed by the contractor (e.g., TEM 642-58, construction schedule coordination, detours, roadway closures, etc.)</li> </ul>

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
<p style="text-align: center;">3 Cont'd</p>		<ul style="list-style-type: none"> <li>• Published press release/article or paid advertisement (not in legal section) which includes the following details: <ul style="list-style-type: none"> <li>○ Meeting date, time, and location; Project description; Purpose of Meeting; Meeting Format; Project area map with construction limits and impacts clearly identified; Project Impacts (environmental, right-of-way, MOT, etc.), Comment due date; Contact information for only one point of contact; and, the following statement “Public participation is solicited without regard to race, color, sex, age, national origin, or disability. Individuals who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services or sign language interpreters should contact me at least 15 calendar days prior to the public meeting [Insert date 15 days prior to meeting].”</li> <li>○ Prefer 30 days (minimum 15 days)</li> </ul> </li> <li>• Post on social media and ODOT website <ul style="list-style-type: none"> <li>○ Prefer 30 days (minimum 15 days)</li> </ul> </li> </ul> <p><b>Public review and comment period (include consideration of and response to comments)</b></p> <ul style="list-style-type: none"> <li>• Prefer 30 days (minimum 15 days)</li> </ul> <p><b>Ensure NEPA Assignment Disclosure Statement on posters or brochures available at public meetings</b></p> <p><b>Submit all PI materials to OES for approval for projects with a D3 or higher level environmental document</b></p> <p><b>Underserved Populations Outreach, if applicable.</b> If traditionally Underserved Populations are identified within or adjacent to the project area additional tailored outreach to these populations may be needed. Contact OES and refer to the Underserved Populations Guidance for further guidance.</p> <p><b>Ensure use of Public Involvement Templates in PI Toolbox</b></p> <ul style="list-style-type: none"> <li>• Contact OES to request deviation from use of the templates</li> </ul>	

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
4 and 5	<p>Highest Level environmental documents, including Environmental Assessments (EAs) and Environmental Impact Statements (EISs). Require NEPA Studies and Approval in Accordance with 23 CFR 771.117(d), 771.119, or 771.123 Complex Roadway and/or Structure Work Complex and Competing Interests</p> <ul style="list-style-type: none"> <li>• Added Capacity or New Alignment</li> <li>• Substantial ROW Relocations and Complex Utility Issues</li> <li>• Substantial Environmental Impacts</li> <li>• Typically Involve Multiple Alternatives and/or Access Management Considerations</li> <li>• Highway Widening, New Alignments in Urban or Rural Settings, Affects access, businesses, neighborhoods, recreational and/or historic resources;</li> <li>• Roadway or Bridge Reconstruction</li> <li>• Access Management</li> <li>• New Interchange</li> </ul>	<p><b>Ensure project is listed on STIP and any PI performed during the STIP process is incorporated into the NEPA decision</b></p> <p><b>Ensure Project Information is published on ODOT Website (Construction Plan, Work Plan, etc.)</b></p> <p><b>Develop Public Engagement Plan</b></p> <ul style="list-style-type: none"> <li>• D1 or higher level environmental document <ul style="list-style-type: none"> <li>○ Exempt from this requirement are <ul style="list-style-type: none"> <li>▪ Disposal of Excess ROW Projects</li> <li>▪ Projects with a C2 level environmental document bumped to a D1 because an individual waterway permit is required</li> <li>▪ Limited case-by-case instances with approval from OES</li> </ul> </li> </ul> </li> <li>• Submit to OES for approval for projects with a D2 or higher level environmental document</li> </ul> <p><b>Issue Public Notification Letters</b></p> <ul style="list-style-type: none"> <li>• If impacted or as appropriate (e.g. access restrictions, ROW take)</li> <li>• Include NEPA Assignment Disclosure Statement</li> </ul> <p>Note: Right-of-Entry Letter may be substituted for Public Notification Letter <b>but</b> must follow template on OES website</p> <p><b>Conduct Stakeholder Consultation</b></p> <p><b>Initiate Contact with Emergency and Public Services (EMS, police, fire, schools, etc.) during the Planning or PE Phases of PDP (during NEPA)</b></p> <ul style="list-style-type: none"> <li>• If detours and/or roadway restrictions are anticipated that may cause substantial traffic disruptions</li> </ul> <p><b>Issue Public Notifications</b></p> <ul style="list-style-type: none"> <li>• Press Release, if no public meeting <ul style="list-style-type: none"> <li>○ Post press release on social media and/or ODOT website</li> <li>○ Prefer 30 days (minimum 15 days)</li> </ul> </li> <li>• Any additional method of distribution</li> </ul> <p><b>Conduct Public Meeting(s)</b></p> <ul style="list-style-type: none"> <li>• Issue direct invitations <ul style="list-style-type: none"> <li>○ Invite residents, businesses, and organizations within or adjacent to the project area and potentially impacted by the project</li> <li>○ Prefer 30 days (minimum 15 days)</li> </ul> </li> </ul>	<p><b>Public Notifications</b> Standard plan notes executed by the contractor (e.g., TEM 642-58, construction schedule coordination, detours, roadway closures, etc.)</p>

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
4 and 5 Cont'd		<ul style="list-style-type: none"> <li>• Published press release/article or paid advertisement (not in legal section) which includes the following details: <ul style="list-style-type: none"> <li>○ Meeting date, time, and location; Project description; Project area map with construction limits and impacts clearly identified; Purpose of Meeting; Meeting Format (Open House, Presentation, Times, etc.), Project Impacts (environmental, right-of-way, MOT, etc.), Comment due date; and Contact information for only one point of contact; and, the following statement “Public participation is solicited without regard to race, color, sex, age, national origin, or disability. Individuals who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services or sign language interpreters should contact me at least 15 calendar days prior to the public meeting [Insert date 15 days prior to meeting].”</li> <li>○ Prefer 30 days (minimum 15 days)</li> </ul> </li> <li>• Post on social media and ODOT website</li> <li>○ Prefer 30 days (minimum 15 days)</li> <li>• Additional tailored outreach, as needed (especially for traditionally Underserved Populations)</li> </ul> <p><b>Public review and comment period (Include consideration of and response to comments)</b></p> <ul style="list-style-type: none"> <li>• Prefer 30 days (minimum 15 days)</li> </ul> <p><b>Ensure NEPA Assignment Disclosure Statement poster or brochure is available at public meetings</b></p> <p><b>Submit all PI materials to OES for approval for projects with a D3 or higher environmental document</b></p> <p><b>Underserved Populations Outreach, if applicable</b> If Underserved Populations are identified within or adjacent to the project area additional tailored outreach to these populations may be needed. Contact OES and refer to the Underserved Populations Guidance for further guidance.</p> <p><b>Ensure use of Public Involvement Templates in PI Toolbox</b></p> <ul style="list-style-type: none"> <li>• Contact OES to request deviation from use of the templates</li> </ul>	

Path	Description	Minimum NEPA PI Required	Minimum Post-NEPA PI Required
<p style="text-align: center;"><b>Environmental Assessment (EA) or Environmental Impact Statement (EIS)</b></p>		<p><b>In addition to all Path 4 and 5 project requirements:</b></p> <p><b>Conduct Public Hearing</b></p> <ul style="list-style-type: none"> <li>• Issue direct invitations <ul style="list-style-type: none"> <li>○ Invite residents, businesses, and organizations within or adjacent to the project area and potentially impacted by the project</li> </ul> </li> <li>• Paid advertisement (not in legal section) on the highest circulation day in the local newspaper preferably 30 days in advance of the hearing (minimum 15 days) and a follow up ad (not in legal section) on the highest circulation day in the local newspaper closest to but prior to the hearing. Changeable message signs, etc. may also be used in the project area to advertise the event. Advertisement must include the following details: <ul style="list-style-type: none"> <li>○ Hearing date, time, and location; Purpose of Hearing; Hearing Format; Project description; Project area map with construction limits and impacts clearly identified; Project Impacts (environmental, right-of-way, MOT, etc.), Comment due date; Contact information for only one point of contact; and, the following statement “Public participation is solicited without regard to race, color, sex, age, national origin, or disability. Individuals who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation or interpretation services should contact me at least 15 calendar days prior to the public meeting [Insert date 15 days prior to meeting].”</li> </ul> </li> <li>• Open mic session</li> <li>• Formal Presentation</li> <li>• Stenographer required to generate transcript</li> <li>• EA/EIS document must be made available to the public a minimum of 15 days prior to public hearing</li> <li>• Public review and comment period (include consideration of and response to comments) <ul style="list-style-type: none"> <li>○ Minimum 30 days</li> </ul> </li> <li>• Public Hearing Summary document must be made available to the public following the hearing (via direct email or posted on ODOT website)</li> </ul> <p><b>Ensure use of Public Involvement Templates in PI Toolbox</b></p> <ul style="list-style-type: none"> <li>• Contact OES to request deviation from use of the templates</li> </ul>	



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Ohio Division**

April 18, 2018

200 North High Street, Room 328  
Columbus, OH 43215  
614-280-6896  
614-280-6876

In Reply Refer To:  
HDA-OH

Jerry Wray  
Director  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Dear Director Wray:

The purpose of this letter is to approve the use of the Public Involvement Requirements within Ohio Department of Transportation's (ODOT's) Public Involvement Manual to carry out a public involvement/public hearing program.

23 CFR 771.11 (h)(1) requires each state to have procedures approved by the Federal Highway Administration (FHWA) to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128, 139, and CEQ regulation. The ODOT Public Involvement Requirements of the ODOT Public Involvement Manual is hereby approved to meet this requirement.

ODOT and FHWA Ohio Division recently agreed to an approach for the Public Involvement Manual by which FHWA's interest is in the approval of ODOT's procedures in accordance with 23 CFR 771.111 (h). This means FHWA can issue the needed approval based on what was formerly Chapter 1 of the Public Involvement Manual, or edits to it, so long as any edits continue to cover the needed elements as are contained in the current version, per the regulation. In taking this approach, ODOT hopes to gain maximum flexibility in making edits or modifications to the manual. We appreciate the time and effort that your staff put forth in developing the Public Involvement Requirements and feel it will be a valuable tool to help ODOT staff, District project managers, and project team members to conduct consistent and high quality public involvement.

If you have any questions or comments, please contact Carmen Stemen, Planning and Environment Specialist, at (614) 280-6848, or [carmen.stemen@dot.gov](mailto:carmen.stemen@dot.gov).

Sincerely,

For: Laura S. Leffler  
Division Administrator