



Chapter 21

REQUIREMENTS FOR PUBLIC
INVOLVEMENT PROGRAMS
– Federal Funds

BUREAU OF LOCAL ROADS AND STREETS MANUAL

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Chapter 21
REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS - Federal Funds

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Chapter 21

REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS - Federal Funds

The information detailed in this chapter is the Illinois Department of Transportation's (IDOT) public involvement policies and procedures that are required for all projects processed through the Bureau of Local Roads and Streets (BLRS).

21-1 FEDERAL REQUIREMENTS FOR PUBLIC INVOLVEMENT PROGRAMS

Section 128 of Title 23 of the *United States Code (USC)* specifically requires:

- (a) Any State transportation department which submits plans for a Federal-aid highway project involving the by passing of or, going through any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.
- (b) When hearings have been held under subsection (a), the State transportation department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report.

In accordance with the Federal Highway Administration (FHWA) Regulations on Environmental Impact and Related Procedures (23 CFR 771.111(h)1) and pursuant to 23 USC 128 and 139 and Council on Environmental Quality (CEQ) regulations, each State must have procedures approved by FHWA to carry out a public involvement/public hearing program.

These procedures must provide for:

1. coordination of public involvement activities and public hearings with the entire *National Environmental Policy Act (NEPA)* process;
2. 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;
3. one or more public hearings or the opportunity for hearing(s) to be held at a convenient time and place for any Federal-aid project that:
 - requires significant amounts of right-of-way (ROW);
 - 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

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- FHWA determines that a public hearing is in the public interest.
4. reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information and provide information that is required to comply with the public involvement requirements of other laws, executive orders, and regulations; and
 5. an explanation at the public hearing of the following information, as appropriate:
 - the project's purpose, need, and consistency with the goals and objectives of any local urban planning;
 - the project's alternatives and major design features;
 - the social, economic, environmental, and other impacts of the project;
 - the relocation assistance program and the ROW acquisition process; and
 - the State highway agency's procedures for receiving both oral and written statements from the public.
 6. Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered.
 7. An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action processed as an Environmental Impact Statement (EIS).
 8. Public notice and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, in accordance with 49 U.S.C. 303(d).

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21-2 DEFINITION AND APPLICATION

The following Sections provide guidance on the application of public involvement programs. When there is a question as to whether a public hearing is required, a determination must be obtained from the Central BLRS (CBLRS) and FHWA. This is typically done at a district coordination meeting.

21-2.01 Public Involvement Process and the NEPA Process

FHWA regulations require coordination of public involvement activities with the entire *NEPA* process and early and continuing opportunities during the project development process for the public to be involved in identification of impacts. The intent of public involvement is to obtain input from and inform affected property owners, the traveling public and other interested parties about the project and its impacts to the environment. The public involvement process includes a range of activities from sending a letter to an impacted property owner to holding formal public hearings. Whenever comments are received from the public, the local public agency (LPA) is obligated to respond to the comments in an attempt to resolve any concerns about the project.

The application of the public involvement process is intended to be flexible so that it can be applied to any project from a simple bridge replacement to a new roadway on a new alignment.

Public involvement coordination is a continual process throughout the entire *NEPA* process and through the Phase 2 design stage of the project.

Proposed actions “that significantly affect the environment” will require preparation of an EIS (23 CFR 771.115(a)). Significance of impacts requires consideration of context (existing environment and setting) and intensity (severity and degree) (40 CFR 1508.27). Early coordination with BLRS and FHWA will be necessary to determine if an action will likely “significantly affect the environment” and require preparation of an EIS (see [Chapter 25](#) – Environmental Impact Statements and [Chapter 26](#) – Special Environment Analyses in the *Bureau of Design and Environment (BDE) Manual*).

21-2.02 Significant Right-of-Way (ROW)

When a project is planned for new location, it will involve a “significant” amount of ROW in the context of 23 CFR 771.111(h)(2)(iii) and may have considerable impact on the area in which it is located. For those projects that use the existing alignment with minor relocations or require additional strips of ROW, the district/LPA must consider several factors in determining whether acquisition is a significant amount. When it is determined to be a significant amount, a public hearing or an opportunity for a hearing must be held or given.

Factors that may determine whether there is a significant amount of ROW include the following:

- Quantity and location of land to be acquired;
- Number of property owners from which ROW will be acquired;
- Usage of the property to be acquired.

21-2.02(a) Quantity

The first factor to consider is the quantity of land to be acquired. The significance of the quantity will vary depending upon the character of the surrounding land. In rural areas, the acquisition of several acres (hectares) per mile (kilometer) for a project may be insignificant. In urbanized areas, acquisitions involving less than 1 acre (0.5 ha) might be significant if high-occupancy properties will be affected. Each location must be evaluated separately considering the density of population, types of properties, and the remaining open space available.

21-2.02(b) Number of Property Owners

The number of property owners involved can also be a factor in determining the significance of the ROW taking. The number of affected property owners does affect the type of public involvement activity to be held; however, there is no specific number of affected property owners above which a public hearing or opportunity for a hearing is required. At a minimum, the LPA must contact individual property owners from whom land will be acquired, during the project development stage. At some point, it is practical to hold one meeting rather than to separately contact all the property owners involved. Generally, separate contacts of 10 or more property owners are not as cost effective as offering a public hearing or holding an informational meeting.

21-2.02(c) Usage

The use of the property to be acquired can result in a significant amount of ROW even if the number of owners involved is small. Other effects that could be considered significant are acquisitions that will impact improvements that have been made on the property. A typical example is the taking of storage tanks or pumps from service stations at intersections. Although the property taking might be minimal, the impact on the business, and perhaps on the neighborhood, may be considered significant. Other situations might involve water supplies or power supplies feeding particular communities or neighborhoods, or small takings along a street, which might affect a neighborhood or community commercial area.

If a property proposed for acquisition is used as a recreational area or wildlife refuge, or if it is a historic property (see [Section 20-5](#)), it may be protected under Section 4(f) of the 1966 Department of Transportation Act (see [Section 20-3](#)). The public must be offered an opportunity to review and comment on impacts to Section 4(f) property when FHWA intends to issue a “de minimis” finding for a transportation use of a Section 4(f) property. This requirement can be satisfied in conjunction with other public involvement procedures for the project or through one or more activities specifically for that purpose (e.g., a public hearing, public meeting, or a newspaper notice seeking comments on the Section 4(f) resource impacts).

21-2.03 Changes in the Layout or Function

Projects that change the layout of a facility or the layout of the roads and streets that connect to it could have considerable impact upon abutting properties and users of the facility. Generally, changes in layout will involve the acquisition of additional ROW, and the LPA should consider the factors discussed in Section 21-2.01. Projects that cause adverse travel and that affect service to abutting properties, including change in access, usually result in considerable public interest, regardless of the amount of ROW acquired. The development of a public involvement program is warranted to address these impacts and, if substantial changes will occur, a public hearing is required.

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Changes in the function of a street or highway, especially when not accompanied by the acquisition of additional ROW, result in more subtle impacts to abutting property owners and other citizens. These impacts, whether real or perceived, may create considerable public interest in a highway project. The district and LPA should carefully consider this when planning a public involvement program or the possibility of a public hearing.

There are several changes which are sufficient to cause a change in the function of a facility or of connecting roads and streets. These changes do not necessarily require the acquisition of additional ROW, but rather alter the character of use (e.g., changing from local access to through traffic). The following is a list of typical actions that are considered changes in function:

- change in access to individual properties, such as addition of frontage road, right-in/right-out;
- change from two lanes to four or more lanes;
- change from no median or a flush median to a raised median;
- changing to a one-way couple that involves a street not previously carrying through traffic;
- converting a conventional intersection into a roundabout;
- road closures; and
- removal of marked on-street parking.

The reverse of these actions also constitutes a change in the function.

Changes in function can result in many impacts that may create considerable controversy or public interest. The following are typical impacts that may result from the changes in the function of a facility or its connecting roads and streets:

- changes in traffic volumes;
- changes in the type and character of traffic (e.g., volume of trucks, local or through traffic, low- or high-speed traffic);
- change in commercial or residential development affecting the neighborhood character;
- change in property use;
- change in pedestrian accessibility such as constructing new sidewalk, on existing ROW, where none currently exists;
- change in accessibility to abutting properties; and
- changes in travel patterns.

The following projects will not normally require the holding or offering of a public hearing because of 23 USC 128:

- upgrading an existing road or street to current design criteria for 20-year traffic including the acquisition of additional ROW, but not including additional through traffic lanes;
- intersection improvements including signals, radius returns, throat widening, adding turn lanes, and other channelization;

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- widening less than a one-lane width and resurfacing, with or without additional ROW;
- changing from open ditches to closed drainage; and/or
- projects in rural areas that do not pass through or bypass a city, town, or village.

21-2.04 Social, Economic, Environmental Effects and Relocations

See [Chapter 19](#) of the *BDE Manual* for guidance in determining if a public hearing is warranted based on social, economic, environmental effects and relocations caused by a project.

21-2.05 Environmental Impact Statements (EIS)

Public involvement activities for an EIS must comply with 23 USC 139. See Chapters [19](#) and [25](#) of the *BDE Manual* for additional information. If during project development, FHWA determines an action will “significantly affect the environment”; the preparation of an EIS will be required (23 CFR 771.115(a)). In the context of *NEPA* determining the “significance” of impacts requires consideration of context (existing environment and setting) and intensity (severity and degree) (40 CFR 1508.27). Early coordination with BLRS and FHWA will be necessary to determine if an action will likely “significantly affect the environment” and require preparation of an EIS.

21-2.06 NEPA Re-evaluations and Project Development Report (PDR) Addenda

If, after *NEPA* approval has been granted (Categorical Exclusion (CE), Finding of No Significant Impact (FONSI), or Record of Decision (ROD)), the LPA discovers new impacts to cultural or biological resources, changes the scope of work, or if additional ROW and/or easements are needed, the *NEPA* decision must be re-evaluated to determine if the CE, FONSI, or ROD is still valid. The LPA shall consult with the District and CBLRS prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested FHWA action. These consultations will be documented when determined necessary by the FHWA (see 23 CFR 771.129(c)). Additional public involvement activities may be required during the re-evaluation. The proposed changes to the scope of work, environmental impacts or additional ROW will determine if additional public involvement activities are required. The LPA shall coordinate with the District and CBLRS to determine the level of required public involvement activities and required environmental clearances. See [Section 22-2](#) for more information about PDR addenda.

21-2.07 General Public Interest

Those projects in which there is a high public interest or controversy must be discussed at a district coordination meeting. The appropriate public involvement activities will be determined in consultation with the CBLRS and the FHWA. Public interest in a project, especially public controversy, may be sufficient enough to warrant a public hearing not otherwise warranted under Sections 21-2.01 through 21-2.06.

21-3 DESIGNING PUBLIC INVOLVEMENT PROGRAMS

An effective public involvement program can consolidate overall public support and contribute significantly to the timely completion of projects with the additional benefit of a positive attitude towards IDOT and the LPA. Providing advance notice and a public forum for the citizenry to receive information about a project and to comment where appropriate can avert much controversy or antagonism.

21-3.01 Types of Public Involvement Activities

The following are examples of public involvement activities that can be implemented during project development. LPAs should consider the context and intensity of the proposed action when selecting which activity, or combination of activities, are appropriate for each project.

- 1) Property Owner Notifications by letter – Notify all property owners that will have either temporary or permanent ROW acquired;
- 2) Individual property owner meetings – either the property owner requested meeting as a follow up to notification letter or LPA chooses to have a meeting;
- 3) Newspaper notice – *de minimis* Section 4(f), Section 106 marketing of historic bridges, and other required notices to the public;
- 4) Public Informational Meetings – substantial change in access (either temporary or permanent). Substantial amounts of ROW, substantial social, economic, and environmental impacts, substantial number of relocations of individuals, groups, or institutions; and/or
- 5) Public Hearing.
 - Significant amounts of ROW (Section 21-2.02);
 - Substantial changes to the layout or function (Section 21-2.03);
 - Substantial adverse impact on abutting property (Section 21-2.02(c));
 - Significant social, economic, environmental or other effect (Section 21-2.04); or
 - FHWA determines that a public hearing is in the public interest (Section 21-2.07).

This *Manual* does not provide a fixed format or schedule of public involvement activities because a tailored approach is recommended to fit each project and achieve maximum effectiveness. The program may include any or all the above activities, or additional activities appropriate for a project. If a public hearing is deemed necessary, the LPA in consultation with FHWA and IDOT may determine when and in what format public hearings will be held.

There is sometimes a delay from the time public involvement activities have taken place to the time land acquisition or construction begins. When a project again becomes active, the project area should be reviewed to ensure that any new development or new property owners affected by the project are aware of the proposed improvement. It may be necessary to issue a press release or individually contact the new property owners. In some cases, an additional public involvement activity should be held.

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21-3.02 Public Involvement Activities

If a project meets the public hearing criteria discussed in Sections 21-1 and 21-2, the LPA must include the holding or offering of at least one public hearing in the public involvement program. On all other Federal-aid projects several options for obtaining public involvement are available.

For those projects that involve additional ROW including the use of temporary easements, the LPA will have the following options available:

1. Property Owners Notification by Letter. This option is generally suitable when the project involves acquisition of minimal ROW from a small number of property owners (e.g., less than 10, depending on context). Under this option the LPA will contact each property owner from which ROW will be acquired and provide them with an opportunity to comment on the project. The LPA shall contact owners via certified mail with return receipt requested. For follow-up contacts, a representative of the LPA can make personal contact via telephone or on-site visits. All personal contacts are to be documented in a memorandum to the file. The letter should describe:

- the reason for the contact;
- policy on public involvement;
- property affected;
- scope of project;
- reason the ROW is needed;
- scheduling of the project;
- how to comment;
- options for commenting;
- where to get more information; and
- acquisition procedures.

See Figure 21-3A for a sample letter. The LPA should send two copies of the letter (i.e., one original and one copy), with an exhibit showing the property and proposed taking, by certified mail with a return receipt requested and a self-addressed stamped envelope for returning comments. Make a record of any comments from the property owner, whether contacted in person or by certified mail, and inform the owner of any actions taken to resolve any objections or suggested changes.

2. Individual Property Owner Meetings. These types of meetings are appropriate when either a property owner has requested a meeting as a follow up to a notification letter or the LPA chooses to have the meeting.
3. Public Information Meeting. This option is generally suitable when the project involves acquisition of more than minor amounts of ROW, involves the taking of improvements on affected properties, or involves known controversy, organized opposition, or potentially "significant" impacts in the context of NEPA. Under this option, the LPA will schedule and hold an involvement activity open to the public and advertise in advance.
4. Public Hearing Offer. Depending on the scope of work and with consultation with CBLRS and the FHWA, the LPA may determine the level of public interest in a project by publishing a notice in the newspaper of an offer to hold a public hearing. When

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regulations require a public hearing, but other activities have apparently satisfied the need for public involvement, or when there is no apparent adverse impact or interest in a project, the regulations may be satisfied by publishing a notice in a newspaper offering an opportunity to request the LPA to hold a public hearing. The LPA should publish the notice of the offer at least twice, approximately one week apart in at least one newspaper of general circulation near the project. The deadline for requesting a public hearing must be at least 21 days after the notice announcing the offer first appears in a newspaper. When an offer for a public hearing has been published and the process completed, a letter must be sent to the FHWA certifying that the offer to hold a public hearing had been made and a resolution of any comments received. See Figure 21-4B for a sample letter that is to be sent to the FHWA.

5. Public Hearing. The decision to offer or hold a public hearing should be based on analyzing the factors in Sections 21-2.02 through 21-2.04. There could be circumstances when there is no public interest or no organized opposition, but the project still warrants a public hearing because there is “significant ROW”, or “changes in the layout or function” etc. required by the project.

On those projects which involve no additional ROW and for which no public involvement activity is planned, the LPA should determine what information will be released to the news media to inform the public of the project.

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[Project Identification]

[Date]

[Property Owner Identification]

Dear _____:

The purpose of this letter is to notify you that **[LPA]** is presently in the preliminary engineering phase of a study of the improvement of **[identify project and termini]**. This project is tentatively scheduled for construction in **[date]**.

It is the policy of the Illinois Department of Transportation (IDOT) and **[LPA]** to provide the public an opportunity to become acquainted with highway proposals of potential concern to them and to provide an opportunity for their input.

Based on a review of the tax record of **[county name]** County, you are identified as the owner of the property located **[description]** as shown on the attached **[aerial photograph or drawing]**.

The proposed improvement generally consists of **[project description]**. The proposed right-of-way that is to be acquired from your property for this improvement is indicated on the enclosed preliminary plan sheet. The right-of-way acquisition is needed to **[give reason]**.

At the end of this letter is an area where you can indicate your comments, if any. You may also request further discussions with us, either via the telephone or a personal meeting. Please indicate the appropriate response and return one copy to us in the enclosed self-addressed envelope. If no response is received within 21 days, it will be construed as a "no comment" response.

Upon completion of our study, a report will be prepared describing the proposed work and submitted to IDOT for approval. After approval is received, we will proceed with the plan preparation and land acquisition phase. In that phase, a representative of **[LPA]** will contact you regarding any necessary acquisition.

Please note that your response or lack thereof will in no way influence the amount of compensation you will receive for your property if acquired as part of the project.

If you have any questions, please contact **[LPA representative, email address, and phone number]**.

Very truly yours,

[LPA Representative]

SAMPLE PROPERTY OWNER CONTACT LETTER

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Figure 21-3A

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Check the appropriate response:

_____ I have no comments at this time.

_____ I have noted my comments below or on the back of this page.

_____ I would like to discuss this further in a telephone conversation.

_____ I will call you.

_____ Please call me. (Include telephone number and preferred day and time.)

_____ I would like to have a personal meeting to discuss this project.
Please call to arrange a date, time, and location.
(Include contact person and telephone number)

Signature of Owner

Date

[Property Owner Identification]

SAMPLE PROPERTY OWNER CONTACT LETTER

(Sheet 2 of 2)

Figure 21-3A

21-3.03 Format Options of Public Meetings and Hearings

There are several primary differences between a public information meeting and a public hearing. A public hearing requires the following:

1. A formal presentation to the public;
2. The public is allowed to make comments to the project representatives in a public forum;
3. Comments during the public forum must be recorded by either a court reporter or by electronic means;
4. The hearing shall be held after all the environmental studies are complete and prior to the conclusion of the *NEPA* process (CE determination, FONSI, Final EIS/ROD).
 - a. The approved EA shall be available at the public hearing and for a minimum of 15 days in advance (see 23 CFR 771.119(e)).

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- b. The approved Draft EIS shall be available at the public hearing and for a minimum of 15 days in advance (see 23 CFR 771.123(h)).
5. Submission to FHWA a transcript of each public hearing, and a certification that a required hearing or hearing opportunity was offered, and copies of all written statements from the public that were submitted at the hearing and during an announced period after the hearing (23 CFR 771.111(h)(2)(vi)).

While it is a good practice to provide the above activities at a public information meeting, the above is not required for a public information meeting.

The following information shall be explained at a public informational meeting or a public hearing:

- the project's purpose, need, and consistency with the goals and objectives of any local planning;
- the project's alternatives, and major design features;
- the social, economic, environmental, and other impacts of the project;
- the relocation assistance program and the ROW acquisition process; and
- the procedures for receiving both oral and written statements from the public.

Public hearings/meetings may use several formats to provide information to the public and receiving public input. The LPA should select the format for an activity according to the situation. Many people prefer one-on-one contact, which does not require speaking before large groups. The following provides a description of the more common formats. Other formats are discussed in [Section 19-3](#) of the *BDE Manual*:

1. Open House Public Information Meeting. An open house public information meeting offers the public an opportunity to meet with LPA representatives at a time and place that is reasonably convenient to discuss a proposed project. Appropriate members of the LPA will be available to discuss the project with the public and answer questions. Informational meetings are informal public gatherings that can blend the individual discussions of an open house with the group interaction of public hearings. They may include an informal one-on-one discussion period characteristic of an open house, a formalized presentation, a group question-and-answer period and, if questions remain, another informal discussion period. A transcript of the meeting is not required, however; notes on the questions and answers are kept.
2. Formal Public Hearings. Formal public hearings are proceedings conducted by appropriate officials to inform the public of proposed projects or programs, to explain the alternatives under consideration, and to receive and document public input. This format generally has a speaker addressing a large audience. Members of the audience in turn have an opportunity to address the speaker in a public forum. Depending on the size of the audience, the program must be structured allowing for very little informal exchange of information. 23 CFR 771.111(h) requires that, if a public hearing is held, a transcript of the proceedings must be recorded and a certification that a required hearing or hearing opportunity was offered, and copies of all written statements from the public that were submitted at the hearing and during an announced period after the hearing. This transcript can be advantageous because it eliminates conjecture and interpretation. Recording the proceedings must be by a court reporter or electronic means. A variety of

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governmental agencies have extensively used the formal public hearing format, and the public is generally familiar with the process and the role expected of them.

3. Hybrid Open House Public Hearings. These meetings are like an open house public information meeting in set-up and format. The difference is that the hybrid open house public hearing includes a formalized presentation and an opportunity for members of the audience to express their comments and concerns in front of other members of the public, as required for a public hearing. A transcript of the meeting is recorded by a court reporter or electronic means and notes on the question and answers are kept. FHWA has recognized the benefits of this format and encourages its use as an effective public involvement method that meets the requirements of a public hearing .

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21-4 NOTIFYING THE PUBLIC

After the format of the public involvement program has been determined, the LPA must decide how to transmit information to the public, so it will be aware of the opportunities for involvement in project development.

The following Sections briefly discuss these topics. For a more detailed discussion, see the *BDE Manual*.

21-4.01 Announcements of Involvement Activities

Generally, activities to which the public is invited (e.g., open houses, information meetings, public hearings) should be advertised via the news media, mailing lists, websites, and other media as needed. Presentations to specific groups and other activities that the general public is not expected to attend do not require advanced advertising of the presentation.

21-4.01(a) Timing and Number

Each public hearing/meeting shall have a minimum of two newspaper advertisement / notices published as noted below. More than two notices may be published if a special effort is needed to ensure an adequate public response or if there is considerable public interest in the project. The first notice of a public hearing and for all other public involvement activities on a project being processed as a CE must be published at least 15 days in advance of the hearing/activity. In all cases, the second notice must be published 3 to 7 days before the meeting or hearing.

- For projects that are being processed as CEs, if a public hearing is required it should be held after environmental studies and the preliminary design have been completed, but before CE approval is given.
- An Environmental Assessment (EA) or Draft EIS must be approved and available for review a minimum of 15 days before the public hearing is held.
- The first notice of a public hearing on a project requiring an EIS must be published at least 30 days in advance of the hearing. The first notice of a public hearing on a project requiring an EA must be published at least 15 days in advance of the hearing/activity. In all cases, the second notice must be published 3 to 7 days before the activity.

21-4.01(b) Distribution

Before steps are taken to notify the public, the LPA must determine which groups or sectors will be contacted and what means, or media are most appropriate. When identifying groups to be notified, consider several general categories:

- those who live in the geographic area of the project and may be affected;
- groups who are known to be, or are likely to be, directly affected by property acquisition; and
- potential users of the facility.

Once the proper recipients of project information have been identified, the next action is to determine the most appropriate means of announcing the involvement activity to the public. It is not necessary to publish legal notices of upcoming activities. Paid advertisements in newspapers and on radio and television are acceptable and frequently more effective.

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However, where local news media are reluctant to carry these advertisements, a legal notice may be one means of ensuring verbatim publication and specific timing. It may also be necessary to advertise notices in more than one newspaper or on more than one radio or television (including cable) station to provide adequate coverage.

In areas where there may be limited newspaper delivery, notices should be posted at locations where the public are known to congregate or visit on a regular basis. These locations could include, but are not limited to, the local post office, restaurants, gasoline stations, or convenience stores. Every practicable effort should be made to ensure that the affected public receives notice and the opportunity for comment.

The use of social media such as LPA websites, Facebook or Twitter may augment an advertising campaign for the public involvement activity. However, it is not a substitute to the published notices.

21-4.01(c) Content

For an announcement in a newspaper to be effective, it must be strategically located and of sufficient size to attract attention. The announcement should state the type of activity, the purpose of the activity, and the time and location. It should state that all interested persons are invited to attend and participate and should also state that personnel will be present to receive input, provide information, and answer questions. The announcement should include a description of the proposed improvement. When individuals or businesses will be relocated, the notice must state that ROW acquisition and relocation assistance information will be available. It should further indicate the name, address, and telephone number of the person to contact to obtain additional information. As practical and economically feasible, a map should be included to further define the area affected by the project. Announcements also must contain information on accessibility for persons with a disability. Depending on the ethnicity of the area, the announcement may have to be printed in another language.

Figure 21-4A presents an example of an announcement for a public information meeting. Figure 21-4D presents an example of an announcement for a public hearing.

Public Information Meeting

Scheduled by

[LPA]For Improvement of **[Location]**

The **[LPA]** will hold a Public Information Meeting concerning the proposed improvement of **[project location]**. The public information meeting will be held at **[location]** on **[date]** at **[time]**. All persons interested in this project are invited to attend this meeting. Persons with disabilities planning to attend this meeting should contact the individual listed below by **[date]**. Persons with a disability desiring to participate in this activity should contact the person listed in this Notice by (date 5 days prior to meeting) to make arrangements for participating. The contact may be by telephone, in writing, by fax or by telecommunications device for the deaf (TTY).

This is a federally-funded project, and the public Information Meeting is being held in compliance with *National Environmental Policy Act (NEPA)* requirements and the Illinois Department of Transportation's public involvement policy.

[Add specific language as needed from Section 21-4.01(d)]

The meeting will be conducted on an informal basis. Representatives of **[LPA]** will be available from **[time]** until **[time]**. Representatives will answer individual questions and record comments offered by those in attendance. Verbatim comments will not be recorded. The LPA representatives will address topics such as the need for the project, the design alternatives under consideration, right-of-way acquisition and relocation assistance, and the tentative construction schedule. Preliminary reports, including environmental documents (*Environmental Impact Statement (EIS)* or *Environmental Assessment (EA)*, when applicable) and an engineering analysis with drawings, maps, and aerial photography, will be available for inspection and viewing during the entire time. The same material is currently available for review and inspection at **[location]**.

For more information, contact **[LPA representative, address, email address, and telephone number]**.

PUBLIC INFORMATION MEETING ANNOUNCEMENT EXAMPLE**Figure 21-4A**

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[LPA]
[Street Address]
[City, State, Zip]

[LPA]
[County]
[Section]
[Route]

[Name], Division Administrator
Illinois Division
Federal Highway Administration
U.S. Department of Transportation
3250 Executive Park Drive
Springfield, Illinois 62703

Dear **[Name]**,

In accordance with 23 CFR 771(h)(2)(vi), **[LPA]** certifies that an offer to hold a public hearing was published on **[date]** and **[date]** in the **[Newspaper]**. Attached are the following items:

- a. Newspaper announcement;
- b. Newspaper publication certifications;
- c. Written comments received during the public comment period and our responses; or
- d. If no comments are received, the LPA shall state "No written comments were received during the public comment period."

Sincerely,

[Name]
[Title of LPA Official]

CERTIFICATION TO FHWA ON AN OFFER FOR A PUBLIC HEARING

Figure 21-4B

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The notice offering a public hearing should state that a public hearing will be held if sufficient interest is demonstrated. The LPA, in consultation with the district, CBLRS and the FHWA, will make the determination of sufficiency. If sufficient interest is not demonstrated, each requestor will be contacted by a LPA representative or by certified mail with return receipt and informed of the lack of sufficient interest. The LPA will also advise the requestor that comments are welcome. If a personal contact is made, record all comments during the contact. If the contact is by certified mail, include a stamped, self-addressed envelope for returning comments and the name and telephone number of a contact person.

Public hearing offers can be announced by use of paid advertisements in newspapers. Although not required, legal notices may also be used to ensure verbatim publication and specified timing. Publishing a legal notice often includes a certification that the notice was published on specific dates. Public hearing offers should normally contain the following information:

- proposal and project description;
- information concerning the availability of the PDR, EIS or EA;
- an invitation to the public to request a hearing;
- the name and address where requests should be sent;
- the date by which all requests must be received;
- an announcement that data is available for viewing and inspection including the name, address, and telephone number of the person to be contacted for arranging to view that information and to obtain other information desired; and
- as practical and economically feasible, a map showing the location of the improvement.

Figure 21-4C presents an example of a typical offer of a public hearing.

21-4.01(d) Additional Required Language for Public Meeting and Public Hearing Notices

The following language is to be included, as applicable, in notices announcing a public information meeting, a public hearing or an offer to hold a public hearing.

1. Section 106 Effect Finding & Determinations

This meeting will also serve to involve and obtain the views of the public for purposes of Section 106 of the National Historic Preservation Act of 1966, as amended. Information will be available on known historic resources that may be affected by the proposed project and the historic resources protection process. IDOT requests comments from the public on effects to historic resources to assist in consultation with the Illinois State Historic Preservation Officer.

2. PM2.5 Hot Spot Analysis

The [LPA] is currently proposing improvements from [project limits]. The project scope includes [describe scope]. On March 10, 2006, the US Environmental Protection Agency issued new regulations on Particulate Matter (PM2.5 and PM10) Hot-Spot Analysis in Project-Level Transportation Conformity Determinations. A Hot-Spot analysis is defined in 40 CFR 93.101 as an estimation of likely future localized PM2.5 or

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PM10 concentrations and a comparison of those concentrations to the relevant air quality standards.

The proposed project has been identified as a project of air quality concern requiring a Hot-Spot analysis as part of the project level conformity determination. [LPA] has completed a Hot-Spot analysis for the proposed improvement that is available for public comment. The Hot-Spot analysis is available for review on [date] or at [location]. A hard copy of this analysis can be obtained by contacting [LPA representative] at [address, email address, and telephone number]. Comments should be received no later than [date]. (Thirty days is recommended. For shorter time-periods consult BDE and FHWA.) Written correspondence related to this Hot-Spot analysis should be addressed to [LPA representative].

3. **Executive Order on Floodplains (EO 11988 as amended by EO 13690)**

The proposed project will require construction in a floodplain. Pursuant to EO 11988, as amended by EO 13690, public review and comment on this proposal and its alternatives are hereby requested.

4. **Section 4(f) de minimis Finding**

The [LPA] is seeking public comments on the effects that proposed improvements to [route] will have on the [Section 4(f) property name]. The [Section 4(f) property name], which is under the jurisdiction of the [Section 4(f) property owner], is a significant, publicly owned [describe land use of Section 4(f) property]. As such, it is subject to protection under Section 4(f) of the U.S. Department of Transportation Act of 1966. For the [route] project, [LPA] intends to seek a Section 4(f) "de minimis" impact finding from the Federal Highway Administration based on a determination that the project will not adversely affect the features, attributes, or activities that qualify the [Section 4(f) property name] for protection under Section 4(f).

Effects of the [route] project on the [Section 4(f) property name] will include [describe the project aspects that will affect the property and the nature and extent of the resulting effects]. Mitigation will include [describe proposed mitigation measures for the effects to the property]. Detailed documentation describing the impacts and mitigation associated with the effects of the [route] project on the [Section 4(f) property name] will be available for review at [location] from [date] to [date].

21-4.02 Mailing Lists

Each LPA should develop and maintain mailing lists for distributing information on highway projects. A general mailing list should include agencies, organizations, and appropriate individuals that are generally interested in being advised of all highway projects scheduled under the jurisdiction of a LPA. A project-specific list should include the general mailing list and any additional individuals or groups that are interested in specific highway projects. At the very least, a project specific mailing list should include all the affected property owners along the project limits.

Public Hearing Offer

The **[LPA]** is proposing to improve **[route]** from **[termini]** to **[termini]** in **[city]**. The project will consist of **[project scope of work]**. The project will include **[additional work needed to complete project]**. Alternatives under consideration have potentially significant impacts to **[sensitive site]**. A Project Development Report (or *an approved Environmental Assessment* or *an approved Draft Environment Impact Statement*) has been prepared for this project.

Any interested person who desires that a public hearing should be held for this project may request a hearing be held by contacting **[LPA representative]** at **[address, email address, and telephone number]**. To be considered, requests must be received by **[date]**. A hearing will be held if the public demonstrates sufficient interest.

This is a federally-funded project, and this hearing is being offered as part of the *National Environmental Policy Act (NEPA)* requirements and in accordance with the Illinois Department of Transportation's public involvement policy.

[Add additional language as necessary from Section 21-4.01(d)]

Maps, drawings, aerial photography, the Project Development Report (*or Environmental Assessment*) and project related information are available for viewing and inspection by the public are held by the **[LPA]** at the above address. If additional information is desired, contact the **[LPA representative]**.

PUBLIC HEARING OFFER EXAMPLE

Figure 21-4C

Public Hearing

Scheduled by

[LPA]For Improvement of **[Location]**

[LPA] will hold a Public Hearing concerning the proposed improvement of **[project location]**. The public hearing will be held at **[location]** on **[date]** at **[time]**. All persons interested in this project are invited to attend this meeting. Persons with a disability desiring to participate in this activity should contact the person listed in this Notice by **[date]** (*five days prior to meeting*) to make arrangements for participating. The contact may be by telephone, in writing, by fax or by telecommunications device for the deaf (TTY).

This is a federally-funded project, and this public hearing is being held in compliance with the *National Environmental Policy Act (NEPA)* requirements and IDOT's public involvement policy.

[Add specific language as needed from Section 21-4.01(d)]

A brief presentation on the status of the project, the proposals under consideration, and any alternatives under consideration will begin at **[time]**. After the presentation, there will be an opportunity for comments or questions to be made in a public forum. Representatives of **[LPA]** will be available from **[time]** until the presentation and after the presentation until approximately **[time]** to discuss the project. Representatives will answer individual questions and record comments offered by those in attendance. Verbatim comments will be recorded. The presentation will address topics such as the need for the project, the design alternatives under consideration, right-of-way acquisition and relocation assistance, and the tentative construction schedule. Preliminary reports, including environmental documents (*Environmental Impact Statement (EIS)* or *Environmental Assessment (EA)*, when applicable) and an engineering analysis with drawings, maps, and aerial photography, will be available for inspection and viewing during the entire time. The same material is currently available for review and inspection at **[location]**.

For more information, contact **[LPA representative, address, email address, and telephone number]**.

PUBLIC HEARING ANNOUNCEMENT EXAMPLE**Figure 21-4D**

21-5 PREPARING FOR AND CONDUCTING PUBLIC MEETINGS AND HEARINGS

The LPA must carefully prepare and develop public involvement activities not only to attract and hold the public's attention, but to create a pleasant atmosphere for discussion of highway projects.

This Section briefly discusses the process for planning an individual activity, whether it is an open house, an informational meeting, or a public hearing. See [Section 19-4](#) of the *BDE Manual* for a more detailed discussion on planning a public meeting.

21-5.01 Pre-Meeting Activities

While developing a public involvement program, the LPA generally will have gained some insights on the profile of the potential audience. The knowledge of which public sectors are most likely to attend, what they are likely to expect, and their likely positions may be helpful in selecting a format for the involvement activity that will be most effective.

After the meeting site has been selected and the timing of the activity has been set, an inspection of the site should be performed to ensure all the necessary equipment can be accommodated.

The LPA should ensure the site is ADA accessible; and if necessary, secure the appropriate language interpreters. If the LPA is holding a public hearing, secure a certified court reporter or electronic equipment to record verbatim comments. The site should also be accessible to those members of the public who rely on municipal transit systems for transportation.

21-5.02 Preparing the Meeting Site

When all personnel have reached the site, and set up the equipment, perform a final check to ensure all equipment, especially which is furnished at the site, is operational. Set up a table at each entrance. Assign personnel to each table to handle the registration and to direct attention to the available handout materials. Entrances used for the meeting should be properly signed. Place other signing determined necessary at the meeting location. Set up displays and orient them with the North arrow in the same direction on each. Ensure all the necessary steps are taken to facilitate the presentation information to all the attendees (e.g. non-English speaking persons and persons with disabilities).

21-5.03 The Presentation

21-5.03(a) **General Requirements**

Public participation and attitudes may depend on how well the personnel conducting the activity understand and react to the public's viewpoints and reasons for participation. With the proper approach, both the public and the LPA can use the involvement activity to benefit its interests.

21-5.03(b) **Content**

Generally, the format of the presentation should be as follows:

- opening remarks;

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- introductions;
- presentation of project design;
- purpose and need, consistency with goals and objective of any local planning organization;
- alternatives, and major design features;
- social, economic, environmental, and other impacts;
- tentative project schedule;
- ROW acquisition;
- procedures for receiving both oral and written statements from the public; and
- formal comment period.

The selected approach may vary somewhat, and the exact nature of the data presented may vary from activity to activity depending upon the anticipated participants. The presentation should describe the project in appropriate detail. If the purpose of the meeting is to collect data, the description should briefly outline the work that is proposed and describe the type of information that is desired from the participants. If the project is further advanced and the participants are expected to offer information concerning the development of alternatives, the description should include a discussion of some of the work completed to date. If the involvement activity occurs when the project is in an advanced stage and the purpose is to provide information that will facilitate a choice among alternatives, provide more information to indicate the status of the improvement and the scope of the options or alternatives that remain.

21-5.04 Post Activity Follow-Up

Those who attend a public involvement activity are normally interested in the results of the input provided. This includes the follow-up to questions for which answers were not available at the time of the activity. The public may determine the success or failure of a public involvement activity based on the actions taken after the activity. Therefore, the follow-up is a critical action to minimize opposition and create a positive relationship with the public. The LPA must respond in writing to all written and recorded oral comments received at a public hearing or public information meeting or received as part of an individual property owner contact letter. If other forms of communications (i.e. field meetings, phone calls, emails) are used, the LPA should document the discussions with a memo to the file and be included in the PDR.

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21-6 RECORDS AND REPORTS**21-6.01 Recording Public Comments**

The LPA must record all comments received on a given highway improvement and maintain these comments in the project file. Encourage all commenters to put their comments in writing and include their name and address. This relieves personnel from the responsibility of interpreting the meaning of the commenter's spoken word in recording their input. Consider providing a Comment Form that commenters may complete and return. Include on the form the date by which the form should be returned.

Not all comments must be recorded verbatim. There will not be a transcript of most informal involvement activities, and LPA representatives therefore must ensure that all non-written comments are properly noted and documented. The recorder of comments may use tape recorders or each representative may carry a note pad and record comments during his/her conversations with the public. Two-person teams may be formed – one to interact with the public and one to record comments. Take notes during the receipt of comments to ensure that none are overlooked. Attempt to obtain the name and address of those persons offering comments so a response can be provided later.

Record comments when they are received, whether or not they were received as a part of an involvement activity. For example, if an individual visits or calls the LPA and comments on a project, record that comment in the project files. All comments received must be addressed.

There is sometimes a delay from the time public involvement activities have taken place to the time land acquisition or construction begins. When a project again becomes active, the project area should be reviewed to ensure that any new development or new property owners affected by the project are aware of the proposed improvement. It may be necessary to issue a press release or individually contact the new property owners. In some cases, an additional public involvement activity should be held.

21-6.02 Transcripts

A transcript is required for all public hearings, regardless of the format used. Transcripts also may be useful for other meetings and activities, especially if critical discussion or input is anticipated. This might include meetings with organized opposition or officials of agencies likely to be impacted by the project. These transcripts can be obtained by transcribing the record from a tape recorder, or utilizing certified shorthand reporters or court reporters. In this manner, important meetings can be recorded exactly and there is no summary or interpretation to be questioned.

For formal and open house public hearings, the record of the transcript will include a copy of:

- the newspaper announcement,
- newspaper publication certifications,
- handout,
- the attendance list,
- all written comments received at and during the public comment period after the hearing,

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- a written copy of the narrative from the general presentation,
- a written copy of the verbal comments recorded by the official recorder, written responses to any comments received at the public hearing or during the public comment period after the hearing, and
- written responses to any verbal comments recorded by the official recorder.

The LPA shall submit to the district the following:

- a copy of the public hearing transcript;
- a certification letter that a public hearing was held (See Figure 21-5A for a sample letter); and
- copies of all written statements from the public (both submitted at the public hearing or during an announced period after the public hearing).

CBLRS will submit this information to FHWA.

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[LPA]
[Street Address]
[City, State, Zip]

[LPA]
[County]
[Section]
[Route]

[Name], Division Administrator
Illinois Division
Federal Highway Administration
U.S. Department of Transportation
3250 Executive Park Drive
Springfield, Illinois 62703

Dear **[Name]**,

In accordance with 23 CFR 771(h)(2)(vi), **[LPA]** certifies that a public hearing was held on **[date]** at **[location]**. Attached is a copy of the official public hearing transcript. The copies of the following items are included in the transcript:

- a. Newspaper announcement;
- b. Newspaper publication certifications;
- c. Handout;
- d. Attendance list;
- e. Written copy of the narrative from the general presentation;
- f. Written comments received at the public hearing or during the public comment period after the hearing;
- g. Written copy of the verbal comments recorded by the official recorder;
- h. Written responses to any comments received at the public hearing or during the public comment period after the hearing;
- i. Written responses to the verbal comments recorded by the official recorder.

Sincerely,

[Name]
[Title of LPA Official]

CERTIFICATION TO FHWA ON A PUBLIC HEARING

Figure 21-5A

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21-6.03 Documenting Public Comments and Responses

All comments must eventually become a part of the project files and summarized in the PDR, EA/FONSI, or Final EIS/ROD. If a public hearing was held, the transcript and certification must be provided to the FHWA. The transcript is required to be included for public hearings. For other public involvement activities, if a transcript is not available, prepare a summary of the substantive comments that have been received from the public and include this in the PDR, EA/FONSI, or Final EIS/ROD. In either case, the report should also contain a response to each of the comments included in the transcript. If a comment is addressed in the body of the report, it is not necessary to repeat that information in the responses. Instead, refer to the applicable pages of the report.

21-6.04 Responding to Public Comments

The LPA shall acknowledge in writing all written and oral comments received from the public, including individuals, private organizations, or government agencies.

The acknowledgment should thank them for their input and provide a response to their questions or comments. If an answer will not be available for some time, acknowledge receipt of the comment with an indication that a final response will be forwarded later. Verbal comments should also be acknowledged and responded to when the name and address of the commenter is available.

To reduce the workload of responding to comments after scheduled public involvement activities, forward copies of the summary of comments and responses with a letter thanking them for their participation, to all who attended the activity. Separate responses need not be prepared.

The LPA should also acknowledge and respond to comments received from other governmental agencies.

21-7 CONTEXT SENSITIVE SOLUTIONS (CSS)

CSS ([605 ILCS 5/4-219](#)) principles place emphasis on the importance of an effective stakeholder involvement process for identifying the transportation and community concerns and values that need to be considered on each project. CSS also highlights the need for appropriate flexibility in the application of design criteria to accommodate the development of innovative solutions that effectively respond to the identified concerns and values. If a LPA decides to use CSS, the procedures outlined in the *BDE Manual* should be used.

While CSS is a LPA option on most projects, the District may require a LPA to use CSS under the following criteria:

- A LPA project on a highway under department jurisdiction;
- a project initiated by the LPA to be completed by the department; or
- a project initiated by the department to be completed by the LPA.

21-8 ACRONYMS

This is a summary of the acronyms used within this chapter.

BDE	Bureau of Design and Environment
BLRS	Bureau of Local Roads and Streets
CBLRS	Central Bureau of Local Roads and Streets
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CSS	Context Sensitive Solutions
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
IDOT	Illinois Department of Transportation
<i>ILCS</i>	<i>Illinois Compiled Statutes</i>
LPA	Local Public Agency
<i>NEPA</i>	<i>National Environmental Policy Act</i>
PDR	Project Development Report (Form BLR 22210)
PM	Particulate Matter
ROD	Record of Decision
ROW	Right-of-Way
TTY	Teletype (preferred) or a Telecommunications Device for the Deaf (TDD)
<i>USC</i>	<i>United States Code</i>

21-9 REFERENCES

1. 23 USC 128, *Public Hearings*
2. 23 USC 139, *Efficient Environmental Reviews for Project Decision Making*
3. 49 USC 303, *Management Systems*
4. 23 CFR 93, *Determining Conformity of Federal Actions to State or Federal Implementation Plans*
5. 23 CFR 771, *FHWA Environmental Impact and Related Procedures.*
6. 40 CFR 1500-1508, *CEQ Regulations for Implementing NEPA.*
7. Section 106 of the *National Historic Preservation Act*
8. Executive Order 11988, *Floodplain Management*
9. Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*
10. [Chapter 19](#) "Public Involvement Guidelines", *BDE Manual*, IDOT.
11. [Chapter 25](#) "Environmental Impact Statements", *BDE Manual*, IDOT.
12. [Chapter 26](#) "Special Environmental Analyses", *BDE Manual*, IDOT.
13. [Chapter 20](#) "Special Environmental Studies", *BLRS Manual*, IDOT.
14. [Chapter 22](#) "Project Development", *BLRS Manual*, IDOT.