



**Public and Non-Metropolitan Local Official Participation Plan for  
Statewide Planning and Programing Activities**



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**February 2016**

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The preparation of this document has been financed in part through grant(s) from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this document do not necessarily reflect the official views or policy of the U.S. Department of Transportation

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# 1: INTRODUCTION

## 1.1: Use of This Document

The intent of this document is to provide guidance in the public involvement process related to the North Dakota Department of Transportation (NDDOT) statewide planning and programming activities conducted by the NDDOT. Additionally, this document is intended to serve as the guide for involving non-metropolitan local officials and interested parties in the statewide transportation planning and programming public involvement process. The combined purpose of this document is intended to meet the public and non-metropolitan local government official involvement requirements as prescribed by 23 Code of Federal Regulations (CFR) 450.210. Although, it is the intent of this document to identify public involvement opportunities in statewide transportation planning and programming activities for all interested parties in North Dakota, *Chapter 4: Non-metropolitan Local Government Official Process* offers discrete guidance for the public involvement of local government officials related to the state long-range transportation plan and the State Transportation Improvement Program.

This document generally involves statewide transportation planning and program activities undertaken by the following NDDOT Divisions:

- Planning/Asset Management
- Programming

This document may be used by NDDOT staff to determine appropriate public involvement procedures as well as to assist interested parties in understanding opportunities for involvement in the NDDOT transportation planning and programming processes. In general, this document provides statewide guidance irrespective of jurisdictional boundaries. Specific continuing, cooperative, and comprehensive direction related to the state's Metropolitan Planning Organizations (MPOs) will be provided by the Memorandums of Understanding Covering Metropolitan Planning for the respective MPOs and maintained by the NDDOT Local Government Division. **Activities associated with project implementation such as, Preliminary Design, Final Design, Right of Way Acquisition, or Construction are beyond the scope of this document and must follow the public involvement process identified within the NDDOT Design Manual.**

## 1.2: Guiding Principles

The guiding principles are based on public involvement requirements identified in 23 CFR 450.210

1. Establish early and frequent public involvement opportunities that provide timely information about transportation issues and decision-making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services and other interested parties.

2. Provide public access to technical and policy information used in the development of the long-range statewide transportation plan and the State Transportation Improvement Program (STIP).
3. Provide adequate public notice of public involvement opportunities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed statewide long-range transportation plan and STIP.
4. To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times.
5. To the maximum extent practicable, use visualization techniques to describe proposed transportation plans and supporting studies.
6. To the maximum extent practicable, make public information available in electronically accessible format and means, as appropriate to afford reasonable opportunity for consideration of public information.
7. Demonstrate explicit consideration and response to public input during the development of the statewide long-range transportation plan and STIP.
8. Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems and who face challenges accessing employment and other services.
9. Provide for the periodic review and effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

### **1.3: Overview of NDDOT's Statewide Transportation Planning and Programming Products**

**Strategic Business Plan** – This plan is an internal document used to help establish the overall direction, philosophy, and purpose of the NDDOT. The commitment of the NDDOT to carry out the values and strategic focus areas identified within the plan helps the department in working toward and achieving its mission and vision, as established by the Governor.

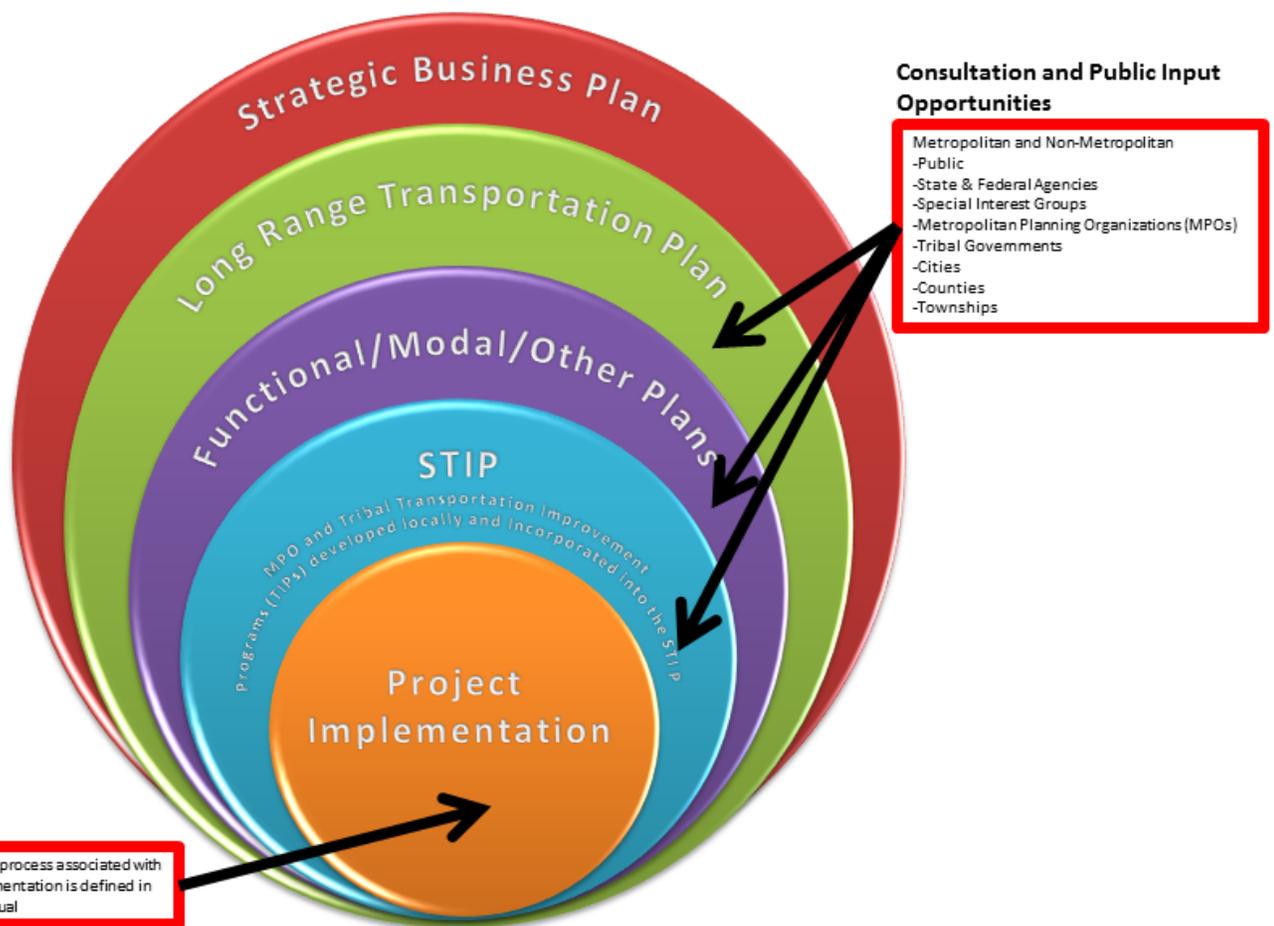
**Statewide Long Range Transportation Plan** – The long range transportation plan (LRTP) is a guide for the development of the state's transportation system over the next 20-plus years. The LRTP addresses transportation system needs and opportunities and offers recommendations to guide transportation investments, policies, and programs for developing an integrated multi-modal transportation system that supports the safe and efficient movement of people and goods. Generally, the plan is updated every 4-6 years to address changes in North Dakota's transportation values, as well as, changes to demographic, economic, environmental and/or other factors which may have influence on transportation.

**Functional/Modal/Other Plans** – These types of plans may be conducted to focus more specifically on certain aspects of the transportation system. While the Strategic Business Plan and LRTP provide broad guidance, these plans generally provide for a more detailed level of analysis and offer more specific recommendations. These plans may be an intermediary step between the broader long-range planning process and the more detailed work of project development. Examples of these plans might include but not be limited to: state freight, bicycle/pedestrian, or rail plans.

**State Transportation Improvement Program (STIP)** – The STIP is a fiscally constrained multi-modal listing of transportation projects to the state and local transportation systems which generally utilize some portion of federal and/or state transportation funding. This document identifies the listing of projects anticipated for implementation over the next four-year period. Updated annually, the STIP is developed in cooperation with North Dakota’s Metropolitan Planning Organization’s (MPOs) and Tribal Governments to incorporate the locally developed Transportation Improvement Programs (TIPs).

**Project Implementation** – This is intended to be the final stage of the process which generally includes the implementation/acquisition of a multi-modal physical asset. A physical asset might include a roadway, a bridge, a multi-use path, a bus, or a rail-line for example. For roadway projects this stage may include a variety of steps including but not limited to: Preliminary Design; Final Design; Right-of-Way Acquisition; and ultimately Construction. Public involvement activities associated with this stage is beyond the scope of this document. Public involvement activities associated with roadway and bridge construction activities are defined in the NDDOT Design Manual.

**1.4: Relationship of the NDDOT Planning, Programming, and Project Implementation Processes**



## **1.5: Incorporating Traditionally Underserved and Limited English Proficiency (LEP) Populations into the Statewide Transportation Planning and Programming Process**

To the extent possible, efforts should be made to ensure traditionally underrepresented socio-economic populations are included in the statewide transportation planning and programming process. For specific guidance on how to incorporate traditionally underserved and LEP populations NDDOT staff should refer to the latest available versions of the following documents:

- (NDDOT) *Title VI Nondiscrimination/ADA Program*
- (NDDOT Title VI Nondiscrimination/ADA Program) *Goals and Accomplishments Report*
- (NDDOT) *Limited English Proficiency Plan*

The aforementioned documents may be accessed at the following link:

[www.dot.nd.gov/divisions/civilrights/titlevi.htm](http://www.dot.nd.gov/divisions/civilrights/titlevi.htm)

# 2: STATEWIDE TRANSPORTATION PLANNING

In general, an NDDOT statewide transportation plan is considered to be an adopted statement of policy, in the form of any combination of text, maps, and graphics used to guide transportation related public and/or private actions. It provides decision-makers with the information they need to make informed decisions affecting the long-range transportation needs of the state or portion of the state. More specifically, statewide planning activities may include but are not limited to (descriptions included in Chapter 7 *Definitions*):

- Statewide long-range transportation plan
- Statewide functional/modal plans (such as freight, rail, or bicycle/pedestrian plans)

Specific consultative direction related to the state's Metropolitan Planning Organizations (MPOs) will be provided by the Memorandums of Understanding Covering Metropolitan Planning for the respective MPOs and maintained by the NDDOT Local Government Division.

## 2.1: Public Involvement

Public involvement associated with the development of statewide planning activities may take a variety of forms and should be based on the discretion of NDDOT staff as to the most effective techniques to meet the intent of the aforementioned guiding principles. At a minimum, public involvement should include an opportunity for the public and interested entities to comment on the document. Often public meetings may also be a forum to exchange information between the public/interested parties and NDDOT staff. The NDDOT will strive to attain the following public comment and public meeting notification expectations.

### 2.1.a: Public Comment Notification

#### **Draft Documents**

A draft plan will be released for a **30** day public comment period. Appropriate NDDOT staff will work with the NDDOT Communications Division to develop a press release notifying of the public comment opportunity. At a minimum, the press release will provide information on how to view and submit comments related to the draft document. Public comment will be accepted for a period of at least **30** days from the date the press release is issued. Commonly, interested stakeholders are identified through the course of plan development. If stakeholders have been identified through plan development, the plan stakeholders should also be notified of the opportunity to comment and the associated public comment period. The NDDOT maintains various lists of statewide transportation stakeholders. The stakeholder lists generally include but are not limited to: representatives of public transportation employees; freight shippers; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of the disabled; providers of freight transportation services; tribal governments; U.S. Department of the Interior; federal land management agencies; the ND Association of

Counties; the ND League of Cities; regional planning agencies; agencies providing services to traditionally underserved populations; as well as other metropolitan and non-metropolitan local officials. Depending on the purpose and geographic extent of the plan any or all of the impacted parties identified may be notified for opportunity to be involved in the development of a plan as well as to comment on a draft plan document.

### **Amendment to Documents**

Over the life of a plan document, amendments may occur. Amendments which materially alter a plan will be released for a **15** day public comment period. Appropriate NDDOT staff will work with the NDDOT Communications Division to develop a press release notifying of the public comment opportunity. At a minimum the press release will provide information describing the proposed amendment as well as how to view and submit comment related to the proposed amendment. Public comment will be accepted for a period of at least **15** days from the date the press release is issued. Commonly, interested stakeholders are identified through the course of plan development. If stakeholders have been identified through plan development, the plan stakeholders should also be notified of the opportunity to comment on the proposed amendment and the associated public comment period. The NDDOT maintains various lists of statewide transportation stakeholders. The stakeholder lists generally include but are not limited to: representatives of public transportation employees; freight shippers; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of the disabled, providers of freight transportation services; tribal governments; U.S. Department of the Interior; federal land management agencies; the ND Association of Counties; the ND League of Cities; regional planning agencies; agencies providing services to traditionally underserved populations; as well as other metropolitan and non-metropolitan local officials. Depending on the purpose and geographic extent of the plan, any or all impacted parties identified may be notified for opportunity to be involved in the development of a plan as well as to comment on associated amendments.

### **2.1.b: Public Engagement Notification**

A public engagement opportunity would be considered an opportunity in which the general public is invited to participate in the planning process at a designated location and time. Examples of public engagement opportunities might include, but may not be limited to, a public meeting, open-house, or charrette. Appropriate NDDOT staff will work with the NDDOT Communications Division to develop a Legal Display Advertisement notifying of the public engagement opportunity. At a minimum the Legal Display Advertisement will provide information describing the purpose, time, and location of the public engagement opportunity. A Legal Display Advertisement of the public engagement opportunity will be published once in the official county newspaper in the town or city where the meeting is to occur. Additional papers having a general circulation in the area of the public engagement opportunity may also be considered for publication by the NDDOT Communications Division. The goal is to publish the Legal Display Advertisement at least **15** calendar days prior to the public engagement opportunity. A press release containing similar information to the Legal Display Advertisement should also be

considered in addition to the Legal Display Advertisement and should be submitted to the official county newspaper in the town or city where the meeting is to occur.

### **2.1.c: Forms of Public Involvement to Consider**

Public involvement may take many forms. As plans may serve different purposes, geographic extents, and impacted parties the development of a plan should not be restricted to a limited number of options. Often several forms of public involvement may be needed to obtain meaningful public input. Planners are increasingly looking for methods to engage the public to obtain representative and meaningful public input that are cost-effective yet offer convenience to members of the public. The following, among other forms, represent a sample of the variety of forms of public involvement that may be considered, but not be limited to, in the development of a plan document:

**Public Meetings** – These are one of the most commonly used forms of public involvement. Public meetings are held at strategic times throughout the development of the planning process and are intended to exchange information with the general public. Meetings early in the process allow for planners to obtain insights for the needs and values related to the issues to be resolved in the planning process. Often at the initial meetings, goals and objectives begin to be formulated to guide the planning process. Meetings held mid-way through the process allow for impacted parties to assist in the development of the universe of alternatives to address planning-related issues to be resolved. Meetings held at the end of the process allow the impacted parties to react to the refined alternatives identified to address the impacted parties needs within the planning process. Depending on the geographic scope of the plan involved in the planning process, meetings may be held at different communities within the state for statewide efforts or different neighborhoods within a community for localized efforts to enhance convenience and outreach opportunities for members of the public. Also, different portions of the planning area may have different values and insights related to issues to be resolved within the plan. Meetings might also be held at different times of day to accommodate typical work schedules of the area. The array of meetings should inform the public about the planning process, explain how residents can participate in the process, describe how the plan will impact them, and indicate the importance of public input in plan development. Public involvement meetings may take a variety of forms which may include a formal presentation and input period or may be an “open-house” style format. Although generally recommended with the planning process, increasingly planners are finding traditional public meetings to be ineffective alone, in gathering broad, meaningful, and representative public input so may look to other means to involve the public.

**Media Outlets** – Use of media outlets can take many forms. For instance, press releases can be provided to local newspapers or cable television stations. Interviews can be arranged or articles developed to inform local media outlets about the subject plan.

**Focus/Stakeholder Group** – Focus/Stakeholder groups could be a randomly selected group of residents or could be strategically targeted for broad and diverse representation. A focus/stakeholder group is intended to capture more representative input of the planning area at large. This group may be used as a “sounding board” for ideas or alternatives developed

throughout the planning process. Identifying appropriate representation for a focus/stakeholder group can greatly increase the success of this form of public involvement. The development of the recent NDDOT long-range plans included the use of a variety of stakeholder groups such as the Directors Advisory Council (DAC) and the Director's Transportation Forum (DTF). The DAC's role was to provide insight and guidance to the director of the NDDOT. The DAC also provided guidance and assistance in the development of the communications plan and transportation constituency goals, strategies, and initiatives within the documents. The DAC's members included representatives from the NDDOT, ND League of Cities, ND Association of Counties, ND Township Officers Association, Greater North Dakota Association, Indian Affairs Commission, Economic Developers Association, North Dakota Department of Commerce, and the North Dakota Senate and House of Representatives Transportation Committees. The DTF's main role was to identify issues and provide policy recommendations. The DTF also provides guidance in the development of the vision, mission, goals, and strategies contained in the document and was comprised of roughly 50 members from both the private and public sectors. The NDDOT maintains various lists of statewide transportation stakeholders. The stakeholder lists generally include but are not limited to: representatives of public transportation employees; freight shippers; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of the disabled, providers of freight transportation services; tribal governments; the ND Association of Counties; the ND League of Cities; regional planning agencies; agencies providing services to traditionally underserved populations; as well as other metropolitan and non-metropolitan local officials. Depending on the purpose and geographic extent of the plan, any or all impacted parties identified may be notified for opportunity to be involved in the development of a plan as well as to comment on a draft plan or associated amendments.

**Targeted Interviews** – Identifying key impacted parties in the development of a plan and interviewing them is a common public involvement technique. An interested party might be considered a person, business, or other entity that has a direct interest in the recommendations developed through the planning process.

**Charrette** – A charrette is an intense, interactive, problem-solving process conducted through meetings held to focus on a specific issue involving planners and members of the public or others. A charrette should be interactive, with significant involvement from the attendees in trying to develop suggested solutions to problems or issues identified. Commonly, a facilitator is used to guide the process. It is important to make attendees feel as though they are part of the process. Often a charrette is held near the location of the issue to be addressed and the facilitators will set up working offices at the location so suggestions established through the process can be developed, tested, or, presented at the charrette. These events are typically a collaborative problem-solving process that encourages the active participation of all attendees.

**Surveys** – A statistically valid random sample survey often can provide the most representative input related to a planning area's values and insights. This method is also effective in obtaining public input as it is more convenient for the participant to participate and since the identity of survey participants are often hidden, a more authentic perspective may be provided. Special attention should be paid to the questions that are asked and the way the questions are phrased

in the development of a survey. Surveys may come in many forms such as a form mailed to individual dwellings and businesses or a telephone-based survey. These more traditional survey methods are effective but can add time and cost to the planning process. There are a variety of cost effective electronic web-based survey platforms that may be considered.

***Websites, Social Media, and Other Electronic Public Involvement Platforms*** – The use of websites, social media outlets, and other electronic public involvement platforms are commonly used, given their relative cost effectiveness and convenience to members of the public. These forms of public involvement also provide opportunities to disseminate information about the planning process.

***Targeted Engagement*** – Targeted engagement is an opportunity to coordinate information exchange associated with the planning process with another popular event or gathering space to try to attract public input from individuals that may not typically take the time to attend a traditional public meeting. For example, a planning-related booth, kiosk, or public meeting might occur in conjunction with a local farmers market or at a popular local park to attempt to inform or receive information from the general public. These types of opportunities may be more attractive to members of the public in a planning area as they may offer more convenience, as well as, a potentially less intimidating atmosphere to engage members of the general public.

# 3: STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

The Statewide Transportation Improvement Program (STIP) includes federally-funded highway, safety, pedestrian, and transit projects to be constructed in North Dakota. Approval by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) is required. The development of the STIP involves participation and input from many on the state, federal, and local level, along with interaction and contributions from the public.

## 3.1: Public Involvement

**News Releases** – In the fall of each year, a news release is distributed to all North Dakota daily and weekly newspapers and broadcast media outlets notifying the public of the completion of the Final STIP and of the start of the development of the next STIP. It affords the public opportunities to provide comments to points of contact such as NDDOT District Engineers, County Engineers, Metropolitan Planning Organizations (MPO), Bureau of Indian Affairs (BIA), or other appropriate agencies.

In the Spring/Summer of each year, a second news release is issued notifying the public of the release of the Draft STIP and the start of a 30 day comment period.

An amendment to the Final STIP can be processed anytime during the year if there is a large change in a project's cost or scope, or if a new project is added to the STIP. The amendment is handled by issuing a news release notifying the public of the change or addition.

**Solicitation of Projects** – to select projects to utilize the assigned federal dollars for these programs.

**HSIP** – Every fall projects are solicited for the Highway Safety Improvement Program (HSIP) thru an application process. State, MPO, city, county, and tribal entities are sent a letter requesting projects. The HSIP's goal is to achieve a significant reduction in traffic fatalities and serious crashes on all public roads through the implementation of infrastructure-related highway safety improvement projects.

**TAP** – Every fall projects are solicited for the Transportation Alternatives Program (TAP) through an application process. Agencies, MPOs, governments, and schools from the state, federal, city, county, and tribe are notified of the request for projects. The TAP provides funding for programs and projects defined as transportation alternatives. They include pedestrian and bicycle facilities; safe routes to school projects; safe routes for non-drivers; community improvement activities, and environmental mitigation projects.

**NDSTREET** – Every fall/winter projects are solicited from cities less than a population of 5,000 for the North Dakota Small Town Revitalization Endeavor for Enhancing

Transportation (NDSTREET) program through an application process. The intent of the program is to provide assistance in upgrading the existing infrastructure through cities with a population of less than 5,000 and to enhance the appearance of streets and sidewalks. Projects are limited to state highways that run through the city limits.

**Urban Areas** – Every fall projects are solicited from the MPOs and cities with a population greater than 5,000 for the state regional and local urban roads systems. The MPOs and cities submit a prioritized list of candidate projects for these urban funding programs. Each MPO adheres to its individual Public Participation Plan during the development of its Transportation Improvement Program (TIP). In cities not governed by a MPO, the project selection process follows an established process which includes public and government entity involvement.

**County** – On an annual basis, individual counties select and prioritize their road and bridge projects based on their allocation of funding. The project selection process includes public and government entity involvement.

**Transit** – Each year applications are solicited from Transit Providers and MPOs for public transportation projects through the 5310, 5311, and 5339 federal transit grant programs. The notice of applications is advertised in the three (3) major newspapers in the state and is posted on the NDDOT website. An email notification is also sent out to a list of current grantees and potential applicants who have contacted NDDOT throughout the year. Additionally, a news release is distributed to all North Dakota daily and weekly newspapers and broadcast media outlets notifying of the subject public transportation funds.

# 4: NON-METROPOLITAN LOCAL GOVERNMENT OFFICIAL PROCESS

The intent of this chapter is to identify the process for involvement of non-metropolitan local government officials and tribal entities within the development of the statewide long-range transportation plan and the STIP.

North Dakota is comprised of approximately 360 incorporated communities, roughly 1,300 organized townships, and 53 counties. As identified by the North Dakota Indian Affairs Commission, there are five federally recognized tribes within the state including:

1. The Mandan, Hidatsa, and Arikara Nation
2. The Spirit Lake Nation
3. The Standing Rock Sioux Tribe
4. The Turtle Mountain Band of Chippewa
5. The Sisseton-Wahpeton Oyate Nation

(North Dakota Indian Affairs Commission - [www.nd.gov/indianaffairs/?id=18](http://www.nd.gov/indianaffairs/?id=18))

Additionally North Dakota is comprised of eight (8) regional planning councils including the following:

1. Tri-County Regional Development Council
2. Souris Basin Planning Council
3. North Central Planning Council
4. Red River Regional Council
5. Lake Agassiz Regional Council
6. South Central Dakota Regional Council
7. Lewis & Clark Regional Development Council
8. Roosevelt Custer Regional Council for Development

(North Dakota Department of Commerce - <http://www.business.nd.gov/data/regional/>)

The majority of the aforementioned entities are located outside of one of the three (3) Metropolitan Statistical Areas (MSA) within North Dakota which include:

- Bismarck, ND MSA
- Fargo, ND MSA
- Grand Forks, ND MSA

Although it is the intent of this document to identify public involvement opportunities in statewide transportation planning and programming activities for all interested parties in North Dakota, this chapter provides involvement efforts specific to non-metropolitan local government officials and tribal entities.

## **4.1: Statewide Transportation Planning**

The NDDOT seeks to incorporate all interested parties in the statewide planning process to the greatest extent possible, which includes non-metropolitan local government officials and tribal entities.

Strategic efforts are made by the NDDOT in an attempt to incorporate non-metropolitan local government and tribal entity official participation in the statewide long-range transportation planning process.

In regard to North Dakota's statewide long-range transportation plan, efforts to incorporate non-metropolitan local government official and tribal entity participation include but are not limited to:

- The NDDOT maintains contact information for non-metropolitan local government and tribal entity officials and targets mailings to the subject officials in relation to the development of the statewide long-range transportation plan.
- The NDDOT targets non-metropolitan (including tribal entity) locations for public engagement opportunities in development of the statewide long-range transportation plan.
- The NDDOT works with the North Dakota League of Cities, the North Dakota Association of Counties, the North Dakota Township Officers Association, and the North Dakota Indian Affairs Commission to keep their members informed of involvement opportunities in the development of the statewide long-range transportation plan.
- The NDDOT strives to incorporate non-metropolitan local government and tribal entities through stakeholder engagement opportunities.
- Non-metropolitan local government (including tribal entity) officials are notified through press releases and member organizations (such as the North Dakota League of Cities, North Dakota Association of Counties, the North Dakota Township Officers Association, and the North Dakota Indian Affairs Commission) for opportunities to review and provide comment on the draft version of the statewide long-range transportation plan and amendments to the adopted statewide long-range transportation plan.

## **4.2: State Transportation Improvement Program (STIP)**

Local governmental consultation is intended to provide non-metropolitan local officials, including tribal officials, an opportunity for their participation in the statewide transportation planning process and development of the STIP.

Consultation is a process which consists of meetings with local officials or tribal officials to discuss the general program and operations of NDDOT as well as any specific concerns the local officials may have.

Local government and tribal officials will be provided the opportunity to consult with a NDDOT representative. Consultation opportunities will be provided at the annual meetings of the ND League of Cities, and the ND Association of Counties. Notification of the consultation will be

provided through the organizations' newsletters, publications or other meeting notifications. Local governmental officials may request a consultation meeting at any time.

Annually, the NDDOT schedules meetings with tribal transportation officials to obtain input into the STIP. Discussions at these meetings include specific project and roadway concerns to philosophical concepts regarding STIP development assumptions and methods.

# 5: ADDRESSING COMMENTS

The intent of public involvement activities is to obtain feedback from interested parties. Effective public involvement activities should result in comments, which the NDDOT will consider.

Addressing comments from interested parties should involve the following steps:

## 1. Reception

- Feedback may be transmitted in a variety of formats. The specific format(s) NDDOT desires to receive interested party comments should be identified in the solicitation request for feedback. Often, written comment is the most effective method for managing interested party comments however it may not be applicable in all methods of interaction.
- The time frame, for which interested party comments may no longer be considered, must be defined in the solicitation request for feedback. Nothing in this document would preclude the NDDOT from considering comments received after the identified timeframe for the solicitation request for feedback.

## 2. Documentation

- It is imperative to document comments received. The following elements should be accounted for in the documentation step:
  - **Record** – If comments are received in methods other than in writing, such as verbal communication via a telephone conversation, the staff member receiving the comment should provide a written record which summarizes the comment.
  - **Date** – The date a comment is received should be recorded with the specific comment.
  - **Subject Matter** – The content of the comment should be reviewed to determine if an immediate response is necessary. It may be possible that comments received may not be associated with the subject document development. Such comments should be forwarded to the appropriate entity to address the feedback.
  - **Contact Information** – Not all forms of public input will allow for contact information. In fact, some methods of obtaining public input are intentionally anonymous (such as surveys). However, for individuals who desire a response it will be necessary to obtain appropriate contact information.
  - **Storage** – An electronic or hardcopy file should be established to store comments received in the development of a document. The comments received should be retained for the life of the document.

## 3. Acknowledgement

- Comments, with associated contact information, should be acknowledged. The acknowledgement should verify that the comment was received and that the comment will be considered.
- The acknowledgement should be recorded and stored with the comment.

- Some comments may ask for detailed information in which more research is necessary to provide an appropriate response. In the acknowledgement, indicate that additional time may be necessary to formulate a response and identify a general time frame for when the response may be expected.

#### **4. Analysis**

- When all comments have been received their content should be analyzed to determine common themes or trends.

#### **5. Consideration**

- Common themes or trends based on comments received should be considered in the preparation of the document and associated recommendations. All comments should be considered in the preparation of the document. The NDDOT will consider publishing comments associated with the development of a document. If comments are published they might be included within an appendix, as a stand-alone document, or possibly other formats.

# 6: DOCUMENT MAINTENANCE

Title 23 Code of Federal Regulations (CFR) 450.210 requires states to have a public involvement process (or public participation plan), as well as, a process for the inclusion of non-metropolitan local officials related to the development of the statewide long-range transportation plan and the State Transportation Improvement Program (STIP). This document is intended to meet both of the aforementioned requirements. The following sections identify processes associated with modifications to different components of this document.

## **6.1: Public Participation Plan**

The Public Participation Plan identifies how all interested parties can be involved in the development of planning and programming documents, such as but not limited to the statewide long-range transportation plan and the STIP. For purposes of public notification procedures to the Public Participation Plan the entirety of this document with the exception of Chapter 4 *Non-Metropolitan Local Government Consultation Process* may be considered as the NDDOT Public Participation Plan for statewide planning and programming activities required by 23 CFR 450.210. Chapter 4 *Non-Metropolitan Local Government Consultation Process* of this document will have separate public notification requirements as identified later within this chapter.

### **6.1.a: Public Notification Related to Adoption and Modification to the Public Participation Plan**

As prescribed in 23 CFR 450.210, this document, with the exception of changes associated with Chapter 4 *Non-Metropolitan Local Government Consultation Process*, at a minimum, shall allow for **45** calendar days for public review and written comment before the procedures and any major revisions to the existing procedures are adopted. The NDDOT shall also provide copies to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) for information purposes.

## **6.2: Non-Metropolitan Local Government Consultation Process**

Chapter 4 *Non-Metropolitan Local Government Consultation Process* of this document is considered the NDDOT non-metropolitan local government consultation process prescribed by 23 CFR 450.210. The intent of the document is to identify processes, procedures, and opportunities for non-metropolitan local government officials to be involved in the development of the STIP and statewide long-range transportation plan.

### **6.2.a: Public Notification Related to Adoption and Modification of the Non-Metropolitan Local Government Consultation Process**

As prescribed by 23 CFR 450.210, at least once every **five (5)** years the NDDOT shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than **60** calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the North Dakota League of Cities, the North Dakota Association of Counties, the North Dakota Township Officers Association, and North Dakota's regional planning councils (identified in Chapter 4 *Non-Metropolitan Local Government Consultation Process*).

### **6.3: Document Effectiveness Review**

Periodically, the NDDOT staff will review the effectiveness of the procedures outlined within this document related to statewide transportation planning and programming activities. Based on the subject review(s), this document may be amended following the procedures outlined within this chapter for the specific area of concern. In assessing the effectiveness of procedures identified within this document staff may consider the nine (9) guiding principles identified in Chapter 1 *Introduction* of this document as well as potential other measures, including feedback obtained from interested parties and the goals and accomplishments identified in the latest (NDDOT Title VI Nondiscrimination/ADA Program) *Goals and Accomplishments Report*.

# 7: DEFINITIONS

This section identifies select definitions that may assist in the understanding of terms used throughout this document. Items noted with an \* are taken directly from 23 CFR Subpart A – Transportation Planning and Programming Definitions 450.104.

**\*Consultation** – Means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken. This definition does not apply to the “consultation” performed by the States and the MPOs in comparing the long-range statewide transportation plan and the metropolitan transportation plan, respectively, to State and Tribal conservation plans or maps or inventories of natural or historic resources.

**Final Design** – It is specifically defined in 23 CFR 636.103 as the following, “Final design means any design activities following preliminary design and expressly includes the preparation of final construction plans and detailed specifications for the performance of construction work.”

**\*Metropolitan Planning Area** – Means the geographic area determined by agreement between the metropolitan planning organization (MPO) for the area and the Governor, in which the metropolitan transportation planning process is carried out.

**\*Metropolitan Planning Organization (MPO)** – Means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

**\*Non-Metropolitan Area** – Means a geographic area outside a designated metropolitan area.

**\*Non-Metropolitan Local Officials** – Means elected and appointed officials of general purpose local government in a non-metropolitan area with responsibility for transportation.

**Limited English Proficiency Plan** – The NDDOT has developed the Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to individuals with Limited English Proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP individuals are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP individuals that assistance is available.

**Preliminary Design** - A detailed project-specific level of environmental analysis which generally occurs after a project has been identified through the planning and programming process. It includes all that is necessary to conduct a National Environmental Protection Act (NEPA) alternatives analysis and review. The decisions made in the Preliminary Design process help to define the characteristics and location of the resulting project through the remainder of the design and construction process. Specifically it is defined in 23 CFR 636.103 as, “Preliminary Design defines the general project location and design concepts. It includes but is not limited to,

preliminary engineering and other activities and analyses, such as environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, and other work needed to establish parameters for the final design. Prior to completion of the NEPA review process, any such preliminary engineering and other activities and analyses must not materially affect the objective consideration of alternatives in the NEPA review process.” The public involvement activities associated with this effort are beyond the scope of this document and may be found in the NDDOT Design Manual.

**\*Provider of Freight Transportation Services** – Means any entity that transports or otherwise facilitates the movement of goods from one location to another for others or for itself.

**\*Public Transportation Operator** – Means the public entity which participates in the continuing, cooperative, and comprehensive transportation planning process in accordance with 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304, and is the designated recipient of Federal funds under title 49 U.S.C. Chapter 53 for transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, intercity bus transportation or intercity passenger rail transportation provided by Amtrak.

**Statewide Functional Plans** – Plans that typically provide specific direction for statewide program or transportation system level development and implementation. An example of a functional plan might be a freight plan.

**\*Statewide Long-range Transportation Plan** – Means the official, statewide, multimodal, transportation plan covering a period of no less than 20 years developed through the statewide transportation planning process.

**Statewide Modal Plans** – Plans that typically provide for statewide policy direction and investment strategies within a mode. These plans may also identify system and service deficiencies and improvements needed to achieve desired performance and service levels. Examples of modal plans might include: bicycle and pedestrian; highway; and rail plans.

**\*Statewide Transportation Improvement Program (STIP)** – Means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

**Statewide Transportation Plan** – An adopted statement of policy, in the form of any combination of text, maps, and graphics used to guide transportation related public and/or private actions.

**Title VI Nondiscrimination/ADA Program** – NDDOT is required to protect the public interest by developing a Title VI and Nondiscrimination Program for their benefit. This plan identifies the

implementation, compliance, and enforcement policies and procedures NDDOT has developed to ensure compliance with Title VI at all levels.

***Title VI Nondiscrimination/ADA Program Goals and Accomplishments Report*** – This document identifies specific goals and accomplishments related to the Title VI Nondiscrimination/ADA Program for various NDDOT Divisions and District offices.

***\*Transportation Improvement Program (TIP)*** - means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.