

Public Involvement Plan

2022



South Dakota Department of Transportation

700 East Broadway Avenue

Pierre, SD 57501-2586

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Every day, hundreds of thousands of residents and visitors depend on the South Dakota transportation system. Every individual has unique mobility needs and the state's network of roads, bridges, trails, and other transportation facilities strive to serve all. By engaging with the traveling public, as well as connecting with communities to understand local, regional and statewide transportation challenges, the South Dakota Department of Transportation (SDDOT) is focused on placing the customers' perspective at the center of the agency's continuous effort to improve mobility.

This Public Involvement Plan (PIP) documents SDDOT's commitment to effective, thorough, and meaningful engagement with everyone in South Dakota as it pursues the agency's mission to efficiently provide a safe and effective public transportation system from Rapid City to Pierre to Sioux Falls, and everywhere in between.

The importance of transportation in everyday life makes public involvement particularly important to making effective transportation network decisions. Whether it's one's physical movement from one place to another, the use of a good or service that had to be delivered from its origin point, or another action that required something to move, everybody relies on the transportation system in a myriad of ways on a regular basis. The ways in which people rely on the transportation system in South Dakota vary greatly from one community to the next – mobility in Sioux Falls looks different from mobility in Aberdeen, and Pine Ridge is different still. Active and robust engagement with communities ensures that transportation improvements meet their unique needs and desires, provides them with a sense of ownership in projects, and helps establish a relationship of trust and accountability.

The public's involvement will help us better lives by delivering better transportation.

Name

Secretary of Department

Name

FHWA Division Administrator

Date

Date



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Acronyms

ADA	Americans with Disabilities Act
BIA	Bureau of Indian Affairs
CE	Categorical Exclusion
CFR	Code of Federal Regulations
EA	Environmental Assessment
EIS	Environmental Impact Statement
FAA	Federal Aviation Administration
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
LEP	limited English proficiency
LRTP	Long Range Transportation Plan
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NOA	Notice of Availability
NOI	Notice of Intent
PIP	Public Information Plan
Q&A	Question and Answer
ROW	right-of-way
SDCL	South Dakota Codified Law
SDDOT	South Dakota Department of Transportation
SDOEM	South Dakota Office of Emergency Management
SDSASP	South Dakota State Aviation System Plan
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Program
TTH	Telephone Town Hall
USC	United States Code
USDOT	United States Department of Transportation



1. Welcome

There is no one-size-fits-all approach to public involvement for transportation activities; the context, scope, and potential impacts vary widely from one activity to the next, with each plan, study, project, or policy requiring its own tailored approach to engagement. Some minor South Dakota Department of Transportation (SDDOT) maintenance activities may require only nearby residents be informed, while large-scale corridor studies and statewide planning efforts require robust collaboration with a large and diverse set of community members and other stakeholders.

The purpose of the South Dakota Department of Transportation's Public Involvement Plan is to improve and strengthen engagement between SDDOT and the public on the range of activities, projects and plans it undertakes, building a relationship of trust and accountability between the agency and the public it serves.

This document provides:

- ➔ An explanation of the Department's mission and the goods and services provided
- ➔ Activities and opportunities for public involvement
- ➔ Legal requirements for public involvement
- ➔ A guide for staff to develop effective public communication strategies for all activities
- ➔ A step-by-step public involvement process for some key processes and special considerations for more in-depth public involvement processes
- ➔ A process to track and improve communication and engagement between SDDOT and the public



2. Introduction

The South Dakota Department of Transportation (SDDOT) Public Involvement Plan is a resource to guide all SDDOT staff in developing an effective public engagement strategy and in implementing tools to gather robust input in support of making the best decisions for South Dakota's transportation network.

This plan presents a four-tiered spectrum of engagement – Inform, Coordinate, Involve, and Cooperate – to support SDDOT public involvement activities from concept to completion.

The first several chapters provide background information about the SDDOT and legal requirements related to public involvement, as well as general considerations for engagement. Chapter 5 summarizes the four levels of engagement and when/how to implement them; Chapter 6 documents specific considerations for certain SDDOT actions with more involved public processes, such as National Environmental Policy Act (NEPA)-involved actions, statewide planning, and construction.

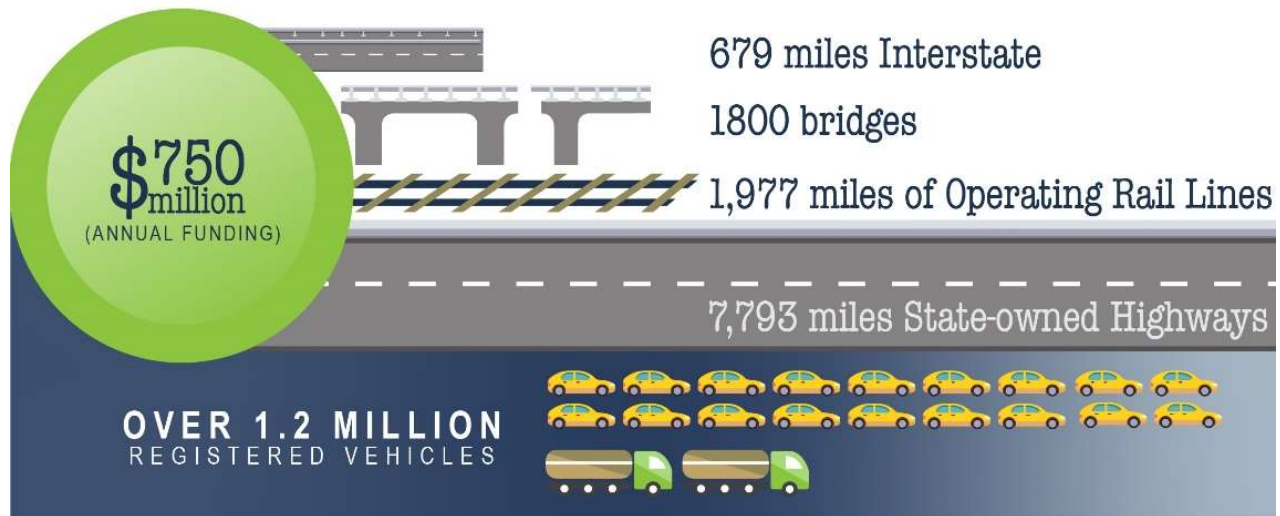


Throughout the document, the word **“activity”** is used as an inclusive term to represent all DOT efforts, including planning, projects, and programs. Although construction projects are often the most public facing activity, community engagement occurs across all Divisions with SDDOT and this plan is a tool for all staff.

Best practices for public engagement are constantly evolving. Since this PIP was last updated in 2010, virtual engagement tools, such as interactive project websites, commenting maps, and online meetings, have become much more common. These tools have also played an important role in allowing public agencies to reach larger groups and people unlikely to participate in traditional engagement opportunities. This PIP provides guidance about both traditional and new ways of engaging with communities.

2.1 About South Dakota Department of Transportation

The Department's core mission is to provide a safe and effective public transportation system. The agency oversees everything from high-level planning studies to major roadway design and construction to communications with the traveling public to the administration of federal funds to local government projects. Transportation by car, air, walking, bicycling, and rail – and the facilities necessary to support each mode – are all within SDDOT's purview. SDDOT is responsible for both capital investment in state transportation facilities and ongoing operations and maintenance work for those facilities.

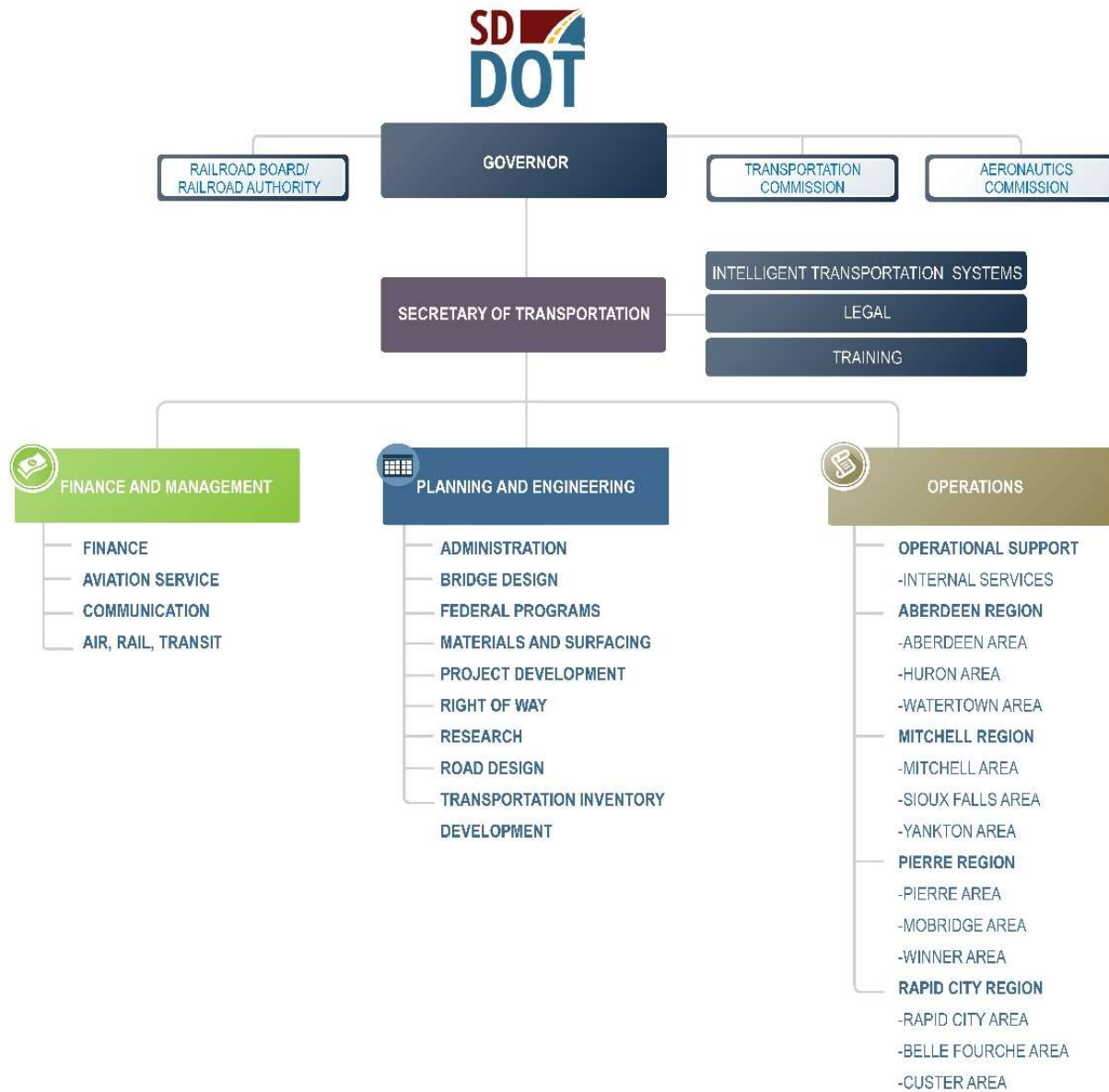


Because transportation is a part of everyone's daily life, there is a public interest in many of SDDOT's construction projects, planning studies, and other activities. Keeping the public informed and engaged throughout involvement efforts is key to the success of the agency and the transportation system.

Depending on the complexity of the activity, public involvement can require a large team of professionals. SDDOT staff provide a wide range of expertise and skills to support development and implementation of a public involvement strategy. The functional organization chart on the following page provides a high-level view of the offices at SDDOT that are responsible for providing goods and services to the public and helps to better understand the resources available to support different public involvement activities.



SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
Public Involvement Plan





2.2 Guiding Principles

The SDDOT has long been committed to public involvement and considers it essential to successfully fulfill our core mission to efficiently provide a safe and effective public transportation system. SDDOT staff recognize that every transportation decision or action impacts residents and the traveling public to some degree, which is why public involvement is an ongoing effort that is integrated across all departments. SDDOT further recognizes underserved communities and individuals who experience challenges and potential impacts from transportation-related decisions.

The guiding principles outlined in this document align with goals identified in the SDDOT Strategic Plan (2020), and when implemented, support the overall SDDOT strategic goals. These guiding principles are:

- ➔ Provide opportunities for early and continued participation throughout the lifecycle of the activity
- ➔ Provide consistent and timely dissemination of information
- ➔ Respond to input and feedback received from the public and stakeholders in a timely manner
- ➔ Increase knowledge and awareness of transportation opportunities and challenges within South Dakota
- ➔ Develop a scaled public involvement process that provides meaningful input at key decision points
- ➔ Make decisions and develop policy that reflects the needs of South Dakota communities and the traveling public to enhance community vitality
- ➔ Engage communities in the development and implementation of programs and projects that impact the communities that we serve, to include underserved communities
- ➔ Create collaboration with all communities that is transparent, inclusive, and ongoing
- ➔ Ensure the process provides opportunities for persons with disabilities to participate
- ➔ Stimulate genuine conversations with all potentially impacted communities and express openness toward their ideas



Communication-Specific

Goals Identified in the Strategic Communication Plan:

- ➔ Establish SDDOT as a leader in the transportation industry
- ➔ Enhance SDDOT's reputation as a trustworthy, responsible, transparent agency with the public's best interest at heart
- ➔ Reinforce that SDDOT listens to and values public input
- ➔ Reach as many residents as possible through channels they prefer and in ways they understand



2.3 Consultants

For activities that have an extensive public involvement component, SDDOT staff may need to bring on a consultant team to help expand capacity or deliver specific projects. Consultants are expected to serve as an extension of staff and, as such, are expected to use the guidance and minimum requirements outlined in this document to develop and implement public engagement strategies. Consultants will work closely with staff on public and stakeholder involvement activities to meet the specific needs of the activity. Tasks may include maintaining documentation and records of public and stakeholder involvement activities, developing a public involvement plan, developing reports, and performing other tasks. At the discretion of SDDOT, the consultant may be a point of contact for activity-specific questions and comments from the public. Unless otherwise directed, the SDDOT Communications Team should handle all media requests.

Unless otherwise directed by the SDDOT Communications Team, all project-specific information will be hosted on a SDDOT webpage. However, when a boutique domain name is needed for easier public access, consultants can purchase such a domain and have it automatically redirected to the corresponding SDDOT activity webpage. It is recommended that a QR code be used on all public materials.

The consultant will provide copies of all public involvement documents and records to SDDOT.



3. Laws and Policy

The federal government and the State of South Dakota have set parameters based on legal requirements that govern public involvement during transportation activities and projects. While these requirements are merely a starting point for crafting the public involvement strategy of a given activity and represent only the minimum of what should be considered, the overview in this section provides a basis for understanding SDDOT's public involvement process. This includes federal legal requirements and state legal requirements.

Federal Legal Requirements

- ➔ 23 United States Code (USC) 128, Public Hearings: Governs requirements for the need for public hearings for federal-aid highway projects.
- ➔ Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency: Requires federal agencies to provide meaningful access to limited English proficiency (LEP) populations.
- ➔ 25 CFR 170 Tribal Transportation Program: Offers pertinent public involvement regulation related to tribal relations.
- ➔ Executive Order 13175, Tribal Coordination: Requires state DOT coordination with tribes for planning and programming.
- ➔ America with Disabilities Act of 1990: Any public engagement activities should not exclude individuals with disabilities from participation.
- ➔ Freedom of Information Act 5 USC 552: Gives anyone the right to access information from the federal government.
- ➔ Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act: 49 Code of Federal Regulations [CFR] Part 24): Provides fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects that use federal funds.
- ➔ Fixing America's Surface Transportation (FAST) Act: Requires that statewide planning efforts be conducted using a documented public involvement process.
- ➔ Title VI of the Civil Rights Act of 1964: Prohibits discrimination based on race, color and national origin in programs that receive federal funding, which includes public involvement activities.



- ➔ Executive Order 12898, Environmental Justice: Requires federal agencies to achieve environmental justice by identifying and addressing adverse impacts on minority and low-income populations and to gather input from these populations early in the public involvement process.
- ➔ USDOT Order 5610.2(a) and Federal Highway Administration (FHWA) Order 6640.23A Updated Environmental Justice Order: Sets forth USDOT and FHWA policy to consider environmental justice principles in all USDOT and FHWA programs, policies and activities.
- ➔ 23 USC 139 Efficient Environmental Reviews for Project Decision-Making (also 23 USC 128): Provides for coordination and scheduling for public and agency participation on the environmental review process.
- ➔ 23 CFR 450 Planning Assistance and Standards: Requires that statewide planning efforts be conducted using a documented public involvement process and requires early and continuous public involvement.
- ➔ 23 USC 134 Metropolitan Transportation Planning and 23 USC 135 Statewide and Nonmetropolitan Planning: Requires documented public involvement.
- ➔ 23 CFR 771 Environmental Impact and Related Procedures: Addresses early coordination, public involvement and project development for proposed actions.
- ➔ 40 CFR Volume 31, Chapter V, Parts 1500–1508 National Environmental Policy Act: Addresses the availability of information to public officials and citizens prior to decisions being made.
- ➔ 36 CFR 800 Protection of Historic Properties: Outlines the need for public involvement for these actions.
- ➔ SDDOT Title VI Program Implementation Plan: States the policy of SDDOT to ensure that no person or group of persons shall be excluded from participation or denied benefits or subjected to discrimination under any program or activity by the Department.



State Legal Requirements

- ➔ South Dakota Codified Law (SDCL) Chapter 1–44 Department of Transportation: Creates the legal framework for SDDOT.
- ➔ Administrative Rules of South Dakota Title 70: Governs the various activities of SDDOT, including certain aspects of public involvement.
- ➔ SDCL Chapter 1–25 Meetings of Public Agencies: Makes official meetings of public bodies of the state open to the public, subject to limited exceptions; requires a period for public comment at regularly scheduled meetings of a public body; requires the state to post notice of a public body’s meeting and agenda at least 72 hours before the meeting is scheduled to start; requires the state to place public meeting materials on the state website.
- ➔ SDCL 1-27-1 Public Records Open to Inspection and Copying: Allows persons to examine public records.



A more detailed summary of legal requirements relating to public involvement may be found in Appendix A.



4. Initial Public Engagement Considerations

Aside from the legal requirements and obligations, public engagement is crucial for transportation actions to ensure outcomes are in the best interest of those who will be most impacted – the traveling public. They are the ones using South Dakota’s roads, trails, airports, and other infrastructure on a regular basis, meaning they may also be aware of specific challenges or opportunities that a project team more removed from the specific context may not otherwise be aware. Although public engagement strategies must be tailored to fit the individual circumstances of each action, several general initial considerations apply to all SDDOT work.

4.1 Branding

The average person may associate SDDOT most closely with highway construction, but the agency does much more than that – and more than the general public is likely aware. It’s important that SDDOT staff clearly identify themselves as such when representing the agency at meetings, on project sites, and in other settings to maintain consistent, professional, and purposeful messaging. Materials prepared and distributed by SDDOT should also be clearly identified as products of the agency. This is accomplished through adherence to SDDOT’s branding and identity guidelines, which can be found on the SDDOT website ([Branding Guidelines](#)). Branding guidelines provide guidance on when and where to use agency logos and icons, templates for presentations and other public-facing media, and tips for crafting written communications.



Current branding guidelines can be found in Appendix B. Refer to website for updates.

4.2 Public Engagement Best Practices

Public engagement is a part of any activity from project concept to completion and beyond, thus it is important that staff follow best practices to ensure a consistent approach across the lifecycle of the activity. These best practices will also support seamless transitions between the multiple project teams/consultant teams working on an activity, ensuring team members understand their roles in the public engagement process, when multiple team members are involved and when there are different staff leads for different project phases.

- ➡ A Public Involvement Plan (PIP) will be developed for all activities; it will be tailored to reflect the complexity of the activity. Section 4.5 provides guidance on how to create a PIP and typical content contained in the document.



- ➔ Staff leads will complete the Levels of Participation (Appendix C) and the Stakeholder List Worksheet (Appendix E) to identify all internal and external stakeholders, and when these stakeholders should be alerted to the activity.
- ➔ All public engagement documents and collateral will be filed in a shared location for easy access by SDDOT staff across all Divisions.
- ➔ Final decisions, final study reports, statewide plans, construction plans, design documents, etc. will be posted on the SDDOT website for reference by the public.

4.3 Determine Appropriate Level of Public Engagement

Public engagement should reflect the complexity of the activity and the public's expectations to influence the outcome. If an activity is simple and routine in nature, the public may have minimal expectations of their ability to influence the outcome and public engagement activities can be minimal. However, if an activity has far-reaching implications or is complex in nature, the public engagement process should reflect that complexity. Ultimately, SDDOT staff retain the final decision on determining the level of engagement and selecting the corresponding techniques for their specific planning, study, project, program, service, or ongoing engagement needs.

This plan is designed to help staff discern the appropriate level of public involvement and the associated minimum public engagement requirements. However, SDDOT is committed to the state's residents and the general traveling public; staff are encouraged to carefully consider how public engagement may enhance the project and exceed the minimum public engagement requirements where appropriate.

Step 1: Determine State, Federal, and Funding Partner Minimum Requirements

If the activity receives state, federal, or partner funding, minimum requirements for public engagement are needed. Funds might be contingent on soliciting public comment on the activity. If it is determined that a project is not subjected to the requirements associated with the funding source, this step may be skipped.

Step 2: Identify the Overall Goal of the Activity

Before developing a public engagement strategy, staff should consider the broader goal of the activity – what is the problem, challenge, or opportunity that the activity will address. It is likely that an activity will have multiple phases. Therefore, it is important to consider the goal for each phase and how public engagement can support each phase.



As an early step in the process, each team member should be able to answer the following questions:

- ➡ What are the objectives and the goals of this activity?
- ➡ Based on staff knowledge of the area and community, how is the public anticipated to respond to the activity? Are there known concerns?
- ➡ How will success be defined for this activity?

Step 3: Determine the Appropriate Level of Public Involvement

Once the goal of the activity is defined, it is important to understand the purpose of inviting the public to engage. Understanding why the public is invited to engage, and their ability to influence the final decision, will help guide the development of a public engagement strategy.

The appropriate level of public involvement will be different for each activity. Staff must use their knowledge of the community, the potential impacts, and the regional context to determine the appropriate level of engagement to support the activity's goals.



Since the goals of engagement will vary from one phase to another, the engagement tools and level of engagement will vary.

The following four levels of engagement are based on concepts developed by the International Association for Public Participation and will serve as the foundation for determining which engagement tools are required, suggested, and optional to support all SDDOT activities.



Determining the level of public engagement is a critical step in developing a successful public engagement strategy. Answering the following questions will help staff determine where their activity falls on the scale of participation:

- ➡ Are there legal requirements for public engagement on this activity?
- ➡ What is the budget for this activity? Does that align with other activity budgets in the area or is it much larger?
- ➡ What are the short-term impacts of the activity? Will the activity result in long-term impacts? Does the activity address or resolve past issues?



- ➔ Is the activity occurring in a rural or an urban area? How has the local community reacted to previous activities in the area?
- ➔ What is the anticipated level of change from the current condition? Is it anticipated that the change will be controversial within the community?
- ➔ What level of decision-making influence does the community have on the final outcome?
- ➔ Will the activity disproportionately affect certain communities or individuals?
- ➔ Based on the census data for the activity area, are there specific tools that more effectively reach diverse audiences that should be used to encourage participation by traditionally underrepresented audiences?



Resource: Appendix C includes a Level of Participation Worksheet to help staff identify the appropriate level of participation.

In addition to the Level of Participation Worksheet to identify the potential level of public engagement, the following table also identifies activities that often fall within each engagement category.

Level of Participation	Definition	Examples of Potential Activities
Inform	Does not provide an opportunity for public input. Communication is one-way.	<ul style="list-style-type: none">➔ Ongoing maintenance activities requiring short-term detours➔ Bid letting➔ Projects (some not all) with NEPA Class of Action Level 1 and 2 Categorical Exclusions¹➔ New Program Launch (website, new services, safety program, etc.)➔ Crisis communication (extreme weather event, cyberattack, natural disaster)
Coordinate	Agency obtains feedback and considers input when making a decision.	<ul style="list-style-type: none">➔ Interchange Modification Justification Report➔ Preliminary Design➔ Alternatives Analysis and Environmental Scan➔ Developing purpose and need and the range of alternatives (all project development procedures in 23 USC 139)➔ Section 4(f) <i>de minimis</i> findings➔ Projects with NEPA Class of Action Level 2 and 3 Categorical Exclusion➔ Program/Policy Directive (i.e., new standards)



Level of Participation	Definition	Examples of Potential Activities
Involve	Public is involved from the beginning and has multiple opportunities to provide input, concerns and ideas to improve and inform decision-making. The project team consistently understands and considers issues and concerns. An attempt to reach consensus is made; if consensus cannot be reached, a decision-maker is identified to keep the process moving forward.	<ul style="list-style-type: none">➔ Corridor Study➔ Interchange Study➔ Projects with NEPA Class of Action Level 3 Categorical Exclusions or Environmental Assessments➔ Public meeting to build noise barriers➔ Freight Plan or Active Transportation Plan [these may also fall under Cooperate]
Cooperate	Public is involved in all decision-making processes. Alternative solutions are developed, and a preferred solution is selected. Reaching consensus is often identified as a goal of a “cooperate” process and a greater amount of time and resources is put toward reaching consensus.	<ul style="list-style-type: none">➔ Long Range Plans➔ Projects with NEPA Class of Action of Environmental Assessment or Environmental Impact Statement

¹—Definitions of Categorical Exclusions levels are presented in Appendix D.

4.4 Identify Potential Participants

It is important to identify key stakeholders and determine the level of involvement required for each stakeholder. Some stakeholders require particularly close engagement. These include other SDDOT offices, other federal and state agencies, Tribes, landowners, local government agencies, and/or anyone anticipated to have an interest. At the onset of any project or other action, the SDDOT team should work to develop a stakeholder list for regular coordination throughout the schedule. For actions expected to go through multiple phases and SDDOT departments (e.g., corridor planning that will ultimately lead to design and construction), an ongoing database of stakeholder contact information and correspondence to date should be developed and maintained.

- ➔ Create or input into a database that is used from concept to implementation. Using such a tool could also enable a project to move from phase to phase, avoiding duplication, for instance, in reestablishing stakeholder lists, emails and comment tracking, or customer interactions.



4.4.1 Internal Stakeholders

An assigned staff member from a specific office typically leads SDDOT actions. However, when a task has multiple phases, a different staff member may be assigned to lead public involvement for each phase. When this is the case, all should be involved in the early task phases. The following represent examples of offices that are sometimes overlooked in early task phases and offer areas for improved coordination:

- ➡ Planning staff can help ensure continuity of the project vision from planning to implementation and can be an important resource on design and construction projects. They can also provide important context to scoping staff who may not have been involved during earlier project phases.
- ➡ Involving right-of-way (ROW) staff early can help identify and preemptively mitigate any potential property/ownership-related issues that may arise.
- ➡ Involving Utility Coordination staff early can help identify and mitigate potential conflicts with utility providers.
- ➡ Environmental staff should be coordinated with on all SDDOT actions to ensure compliance with all applicable laws and regulations and work with planning and design staff to avoid and minimize impacts to the environment.
- ➡ Area and Region staff should involve the maintenance staff or the custodian of the SDDOT activities in the review of the process and activity, especially when the activity creates a new asset that would require perpetual maintenance.

4.4.2 External Stakeholders

Outside SDDOT, a long list of potential stakeholders may need to be coordinated with on any action. The unique needs and issues of different stakeholders vary considerably ranging from stakeholders who will be directly affected to those who will be indirectly affected by the activities. When identifying stakeholders, equal consideration should be given to geographic and political boundaries, socioeconomic conditions and other characteristics that distinguish different impacted groups. This also applies to matching the best outreach techniques to different stakeholders and understanding that different approaches may be necessary to engage people who are not typically at the table during public processes to ensure that diverse voices are part of the engagement process. This subsection presents a non-exhaustive list of potential stakeholders to consider and their particular role in transportation.



“Everyday” Drivers

Everyday drivers are primarily interested in using the transportation network to safely travel with as little delay as possible. They likely know little about the DOT or the technical aspects of transportation planning, design, construction, or maintenance. However, this audience can also be the most vocal and getting their input is critical when developing an engagement strategy.

Property Owners and Homeowners

Many people do not engage in DOT activities until it impacts their property. Their primary concern is understanding how an activity will impact their lives, property value, or business. An engagement strategy should engage these key stakeholders early and often throughout the activity to avoid adversarial confrontations in later project phases.

Commercial, Trucking/Freight Operations

Unlike everyday drivers, commercial drivers and agricultural truckers depend on the transportation network as a critical part of their job, delivery, or agricultural operation. This audience is interested in the condition and operation of the roadways in relationship to the movement of various goods and services. Because commercial drivers are subject to regulations impacting route use, timely information about policy updates can give them advance notice of any permit or license adjustments to be made. Dynamic information about road closure and roadway conditions are of utmost importance to this group to minimize delays of their shipments.

Local Government Agencies

Local government agency means a county, city or district of any kind, including a school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency in the state. Many of these agencies regularly conduct transportation planning, design and construction, which includes public outreach with SDDOT participation. Representing their communities, businesses and customers, local government agencies and their staffs are critical entities with whom to coordinate and collaborate during all project phases, policy, program development and implementation.



Tribal Governments

Consultation and coordination with Tribal Governments requires that USDOT honor any requests for government-to-government coordination and is intended to strengthen the relationship between Tribal Governments and the U.S. government. SDDOT is committed to an ongoing relationship with the nine Tribes of South Dakota and implements its Tribal Coordination Plan through annual consultation meetings. SDDOT also coordinates on a project-by-project basis. Annual coordination meetings provide an important opportunity for meaningful communication on transportation projects. Typical topics of discussion include:

- ➡ Current Statewide Transportation Improvement Program (STIP) projects
- ➡ Coordination procedures
- ➡ Environmental Impact Statement (EIS)/Environmental Assessment (EA) individual projects
- ➡ Listed Batched and other Categorical Exclusion (CE) projects
- ➡ Projects with Tribal construction monitors



Nine Tribes located in South Dakota:

- ➡ Cheyenne River Sioux Tribe
- ➡ Crow Creek Sioux Tribe
- ➡ Flandreau Santee Sioux Tribe
- ➡ Lower Brule Sioux Tribe
- ➡ Oglala Sioux Tribe
- ➡ Rosebud Sioux Tribe
- ➡ Sisseton Wahpeton Oyate
- ➡ Standing Rock Sioux Tribe
- ➡ Yankton Sioux Tribe

Additional guidance can be found in the 2019 SDDOT Environmental Procedures Manual (<https://dot.sd.gov/media/documents/EnvironmentalProceduresManual.pdf>).

Metropolitan Planning Organizations

Metropolitan Planning Organizations (MPOs) are transportation planning organizations that conduct planning for federally designated urbanized areas with populations of more than 50,000 people. They are policy-making organizations made up of representatives from local government and transportation authorities. South Dakota has three MPOs covering the Rapid City, Sioux Falls, and Sioux City areas. The MPOs regularly conduct transportation planning, which includes public outreach, with SDDOT participation. Each MPO has developed and periodically updates its own PIP for transportation planning activities within these urban areas.



Federal Agencies

USDOT agencies are key stakeholders whose early consultation is important to the success of many activities. These agencies oversee federal programs related to surface transportation, including distribution of funds and competitive grant cycles. Other agencies may also need to be consulted, including Environmental Protection Agency; Department of Interior such as Bureau of Indian Affairs (BIA), Bureau of Land Management, and National Park Service; Department of Energy; and others.

Business Community

Transportation has a substantial impact on South Dakota's business community because it is the means for distributing goods and services and connecting with customers. As such, their concerns and ideas should be welcomed through planning and programming processes. Local businesses also provide opportunities for partnership and collaboration.

Other State Agencies

State land and resource management agencies are common stakeholders on SDDOT projects. Early and ongoing discussions with these agencies can help activities successfully obtain the needed permits, meet project deadlines, and ensure proper environmental mitigation strategies are incorporated. Early conversations can also help project teams develop more accurate project costs and timelines. Other state agencies, including the Governor's Office and Highway Patrol, could also be key stakeholders whose consultation may be critical to project success.

Utility Providers

State and regional utility providers are common stakeholders on SDDOT projects. Early and ongoing discussions with these agencies can help activities successfully obtain the needed permits or coordination on design and construction activities.

Advocacy Groups

Organizations that advocate for a specific interest such as the environment, particular modes of transportation, or a demographic group such as minority, low-income or LEP can provide valuable insight into transportation issues and opportunities that are most important/relevant to their work.



Resource: Appendix E provides a Stakeholder Identification worksheet.



4.5 Prepare and Implement

Regardless of the size, scale, or level of public participation, it is recommended that an activity-specific PIP be created for larger projects or an activity-specific Communications Matrix for smaller projects.

Activity-Specific Public Involvement Plan

A PIP is a comprehensive and tailored document that serves as the blueprint for public engagement. Just as activities vary in complexity, a PIP will also vary in complexity. As an activity moves up the scale of participation, it is anticipated that the supporting PIP will also increase in complexity and details.

The goal of a PIP is to support a successful activity by building community support in arriving at the final outcome. As such, a PIP may need to be adjusted during an activity to address deficiencies that emerge during implementation of the public involvement strategy. Because a PIP is a living document, it can be adjusted to meet the evolving needs of an activity. However, these adjustments should be documented to assist in the development of public involvement strategies for future activity phases.

The following are suggested headings for content within the PIP supporting a large or complex activity, often falling in the more involved Coordinate, Involve and Cooperate levels of public participation:

- A. Project Communication
 - a. Project background
 - b. Purpose/objectives/goals
 - c. List of known community concerns
 - d. Talking points (key messages related to the scope and intent of the project)
 - e. PI team (names and contact information)
- B. Engagement Schedule
- C. Project Branding
- D. Stakeholders and Key Audiences
- E. Outreach and Communication Tools
- F. Community Outreach Events/Public Meetings
- G. Documentation



Activity-Specific Communications Matrix

A Communications Matrix is a short assessment that identifies touchpoints and considerations for public engagement. The Communications Matrix can be used for small activities, most of which may fall into the Inform level of public engagement.

The following are suggested headings for a Communications Matrix checklist:

1. Project summary
2. Brief list of known community concerns and key stakeholders
3. Talking points (key messages related to the scope and intent of the project)
4. Schedule of outreach
5. Tools
6. PI team (names and contact information)



Reference: Appendix F provides a general Public Involvement Plan. Appendix G outlines a general Communications Matrix checklist.

4.6 Summarize Engagement

Following engagement activities, it is crucial to properly compile and document the input provided by members of the public and other stakeholders to ensure that the direction of the project or other action in question going forward is consistent with public sentiment. Providing comment cards, rollplots to mark up, voting exercises, and other similar materials/tools helps capture input. Designating a team member to take notes during engagement activities is also a good practice to make sure nothing is missed.

Best practices for summarizing public feedback include formal engagement summary documents and comment matrices. At a minimum, engagement summaries should include:

- ➔ Summary of advertisement and announcements
- ➔ Opportunities for input, both in-person and virtual
- ➔ Location and date of in-person events
- ➔ Key dates, such as when the comment period started and ended
- ➔ Summary of public input and themes
- ➔ Sign-in sheets or list of attendees if applicable
- ➔ Raw comment sheets, emails, survey results with personal information removed



If members of the public are asked to rank options, decide between two or more choices, or participate in some other activity with quantifiable results, the results should be aggregated and put into a spreadsheet format that allows visualization and analysis. With comment matrices – essentially digitized spreadsheet lists of every comment received – a “response” column should be included to document how/why the project team does or does not address each comment.



Resource: Appendix H provides a sample comment summary matrix.

4.7 Measure, Evaluate and Track

SDDOT understands that measuring and evaluating the public involvement process is important to ensuring that the objectives of the engagement are achieved. Regulations, specifically SAFETEA-LU Environmental Review Process Final Guidance, outline the need for periodic review of the effectiveness of the public involvement processes. Evaluation can be structured into an informal evaluation following the completion of a project, as well as through a more formal review process.

It is also beneficial that the team debrief after all public involvement milestones. For instance, SDDOT will conduct a small survey of meeting participations following public meetings (Appendix I). Each team member should participate and provide their unique perspective, insights, and ideas for improvements. A summary of the debrief should be finalized and saved in a shared location for the activity or project. Lessons learned should be captured in the PIP and referenced when developing subsequent engagement/input opportunities.

4.7.1 Informal Evaluation

Following the completion of a public involvement process, an evaluation form should be completed. Evaluation results can be used to inform public involvement processes and outreach moving forward. Based on the level of public involvement, the form can assess both quantitative and qualitative measures to evaluate the effectiveness of a program. The assessment can follow the type of public involvement engaged with the suggested evaluation metrics and questions below. These metrics can be added together for a comprehensive review. The following table shows both quantitative and qualitative ways to measure response for each public participation level.



	Outreach	Participation	Response
Inform <i>Quantitative</i>	<ul style="list-style-type: none"> ➔ Number and type of events held ➔ Number of documents distributed to the public (press releases, emails, flyers, letters, newsletters, etc.) 	<ul style="list-style-type: none"> ➔ Number of participants on the communications platforms, at the meeting ➔ Number of organizations represented ➔ Presence of public officials 	<ul style="list-style-type: none"> ➔ Number of public comments received ➔ Number of positive and/or negative comments ➔ Mode of receipt (social media, email, etc.) ➔ Number of media inquiries and media mentions ➔ Number of project website/social media hits and engagement ➔ Average response time to inquiries
Coordinate and Involve <i>Qualitative</i>	<ul style="list-style-type: none"> ➔ Did you receive advance notification of how to engage (the meeting, communications platform or tools)? ➔ Were you provided with contact information for individuals who would address any questions you had prior to the meeting? ➔ If you had questions prior to the engagement, were they adequately addressed? ➔ Was the communication tool/ platform meeting easily accessible? 	<ul style="list-style-type: none"> ➔ Were you given an adequate opportunity to participate? ➔ Do you feel like your participation made you more involved in the transportation planning process? ➔ Do you feel like your input will affect the ultimate decision that is made in regard to the projects presented? 	<ul style="list-style-type: none"> ➔ Do you feel like your input was accurately captured? ➔ Do you feel like your input was considered? ➔ Do you feel like the feedback you received was adequate? ➔ Do you feel like the feedback you received was timely?



	Outreach	Participation	Response
Cooperate <i>Qualitative</i>	<ul style="list-style-type: none"> ➔ Was outreach tailored to specific community needs? ➔ Was demographic data collected from participants at public engagement events to help identify populations who were/ were not engaged? ➔ Were these data then used to help guide the planning for future public engagement activities? 	<ul style="list-style-type: none"> ➔ Did the involvement effort have clear guidance on how to fully engage and offer input? ➔ Was there a defined process to work to achieve consensus? 	<ul style="list-style-type: none"> ➔ Did the agency report back to the public about how their input was used? ➔ Did information gleaned through the public engagement process result in modifications to a transportation process, plan or project? ➔ Were participants able to overcome their self-interest and work toward an overall solution? ➔ Are sufficient resources dedicated to measuring public engagement?

Adapted from Performance Measures for Public Participation Methods Texas A&M Transportation Institute, January 2018

4.7.2 Formal Review Process

SDDOT Office of Communications will periodically review the 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. At least every three years, a representative set of projects SDDOT has delivered will be evaluated to assess the effectiveness of the overall public involvement approach. The results of the review will include recommendations to improve the public involvement process and will be made available on request. The overall PIP will be reviewed every five years, with an update conducted every 10 years. SDDOT will also add public involvement-related questions on the regular public and stakeholder surveys. This collected information will inform the overall PIP and any revisions to the public involvement process.

Throughout the public involvement process it is important to:

- ➔ Coordinate expectations of the public as to the type of public involvement being implemented to help them understand their role and the expectations of their participation.
- ➔ Designate the proper resources and specifications to ensure that sufficient public involvement occurs.



4.7.3 Tracking Public Input Over Time

In addition to regularly evaluating the public involvement process, it will be critical to establish a process by which SDDOT tracks the strategies from planning through implementation. This includes recording contributions consistently from one plan to its update, tracking individuals/groups and how they are responding to the project. The Communications Office will support the project managers throughout their projects to ensure consistency, and the Office will report to the public how input and recommendations have been incorporated.

Document management for all records of the public involvement process, as part of the project or program record, will be managed by the SDDOT Records Retention process.



Resource: Appendix I provides a sample post community meeting survey.



5. Levels of Public Engagement and Communications Tools

Public involvement and engagement aims to involve as many segments of the community as possible and to receive thoughtful input that can be integrated easily into the activity process. To maximize public participation, SDDOT has identified tools required for each level of public engagement. Additional tools are also suggested, and a few are provided as optional. Project teams are encouraged to reflect on the activity goals and why public/stakeholder input is being sought – this may result in strategically using tools beyond what is required or suggested.

In Section 4.3, Determine Appropriate Level of Public Engagement, the project team determines where the activity falls on the spectrum of public engagement. The corresponding table below identifies the baseline menu of tools (more tools can be found in Chapter 7) that should be used to inform and engage the public. The table identifies which tools are required (R), suggested (S), and optional (O). It is also important to note that these tools build on each other from one level to the next, with new tools added at each level. Most often, tools from previous levels are used in combination with the tools in the level of engagement in which one is working.

5.1 Inform



Inform: SDDOT does not provide an opportunity for public input; communication is typically one-way.

Examples of when or how to use these tools	Tool	Classification*
<ul style="list-style-type: none">Activities such as maintenance operations or road closures, weather events with longer-term impacts to the traveling publicInforming the public of an upcoming construction project that is supported by a previous public engagement processCrisis situation when information needs to be disseminated quickly and widely	Website Update/511 Update	R
	Social Media Update	R
	Press Release	R
	Project Collateral (fact sheet, flyer, other)	S
	Message Sign (as permitted)	S
	Email Update	S
	Public Open House/Meeting	O

*Required (R), Suggested (S), and Optional (O)



5.2 Coordinate



Coordinate: SDDOT obtains feedback and considers input when making a decision.

Examples of when or how to use these tools	Tool	Classification*
<ul style="list-style-type: none"> Obtain feedback on pavement resurfacing or road realignment projects Determine the aesthetic preferences for a bridge Consult with businesses, landowners, or residents on ways to mitigate impacts during construction Design preferences of an interchange or a road widening project Conduct bike/pedestrian survey at a specific location 	Website Update/511 update	R
	Social Media Update	R
	Press Release	R
	Project Collateral (fact sheet, flyer, other)	S
	Message Signs (as permitted)	S
	Email Update	S
	Public Open House/Meeting	S
	Comment Card/Informal Survey	O
	Stakeholder Interview	O
	Visualization	O
	Virtual Opportunity to Review and Comment	O
	Site Visit	O

*Required (R), Suggested (S), and Optional (O)



5.3 Involve



Involve: Public is involved from the beginning and has multiple opportunities to provide input. The project team consistently understands and considers issues and concerns. An attempt to reach consensus is made; if consensus cannot be reached, a decision-maker is identified to keep the process moving forward.

Examples of when or how to use these tools	Tool	Classification*
<ul style="list-style-type: none"> • Wide-reaching policy development and adoption • Freight Plan • Aviation Plan • Planning Study • Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement • Community meetings to develop relationships with key organizations or community leaders • Determination of investment priorities 	Website Update/511 Update	R
	Social Media Update	R
	Press Release	R
	Project Collateral (fact sheet, flyer, other)	R
	Message Signs (as permitted)	S
	Email Update	R
	Public Open House/Meeting/Hearing	R
	Comment Card/Informal Survey	R
	Stakeholder Interview	R
	Visualization	R
	Virtual Opportunity to Review and Comment	S
	Pop-up Event/Intercept Event	S
	Interactive Commenting Map	O
	Site Visit	O
	Intercept Event	O
	Charrette	O

*Required (R), Suggested (S), and Optional (O)



5.4 Cooperate



Cooperate: Public is involved in all decision-making processes. Alternative solutions are developed, and a preferred solution is selected. Reaching consensus is often identified as a goal of a “cooperate” process and a greater amount of time and resources are put toward reaching consensus.

Examples of when or how to use these tools	Tool	Classification*
<ul style="list-style-type: none"> • Wide-reaching policy development and adoption • Freight Plan • Aviation Plan • Planning Study • Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement • Community meetings to develop relationships with key organizations or community leaders • Determination of investment priorities 	Website Update/511 Update	R
	Social Media Update	R
	Press Release	R
	Project Collateral (fact sheet, flyer, other)	R
	Message Signs	S
	Email Update	R
	Public Open House/Meeting/Hearing	R
	Comment Card/Informal Survey	R
	Stakeholder Interview	R
	Visualization	R
	Virtual Opportunity to Review and Comment	S
	Pop-up Event/Intercept Event	S
	Interactive Commenting Map	S
	Site Visit	S
	Intercept Event	S
	Charrette	S

*Required (R), Suggested (S), and Optional (O)



6. Specific Considerations

Beyond the general engagement guidance provided in the previous chapters, much of the work SDDOT does has specific requirements and processes for sharing information and collecting input from the public, including NEPA-involved actions, statewide planning, construction, and ROW negotiation. In this chapter, additional federal requirements that pertain to SDDOT and program-specific engagement considerations are summarized.

6.1 Statewide Planning Process

The first step in the transportation decision-making process is planning. Planning consists of forward-thinking studies and analysis that help shape the future of the State's transportation network – specifically the Statewide Long Range Transportation Plan (LRTP), which provides guidance for the development and implementation of the multimodal transportation system for the State, and the STIP, which prioritizes transportation projects to be programmed. In addition to the LRTP and the STIP, SDDOT conducts several other statewide planning efforts focused on particular modes or system aspects that require engaging the public and stakeholders. These include the State Freight Plan, State Aviation System Plan, Strategic Highway Safety Plan, State Rail Plan, and corridor studies.

Public involvement is particularly important to statewide planning efforts because these planning efforts are the primary means for identifying long-term infrastructure and programming needs that will ensure the continued safety, efficiency, and effectiveness of South Dakota's transportation system. It is particularly important to work with entities with their own transportation plans, such as MPOs, Tribes, municipalities, and counties, to ensure plan recommendations are coordinated and consistent.

Despite the importance of these long range plans, public disinterest is a common challenge because people are typically concerned with the immediate and near future. Interactive engagement opportunities that clearly highlight the public's role in shaping the State's future transportation network are key to overcoming this challenge. Although 23 CFR Section 450.210 outlines public involvement requirements, set by FHWA, for the statewide transportation planning process, including the development of the LRTP and STIP, teams are strongly encouraged to develop a robust engagement strategy that goes beyond the requirements to include a variety of innovative tools and technologies to help overcome barriers to participation.

6.1.1 Long Range Transportation Plan

The LRTP is a twenty-year planning document that looks to the future, identifies trends, and establishes the goals and objectives to guide the planning process. The LRTP estimates the resources that will be available for the transportation systems. Updating the LRTP is a thorough and involved



process requiring close and constant collaboration with dozens of key stakeholder groups, from appointed commissions to advocacy organizations and Tribal governments.

Stakeholders and the public receive advanced notice of the availability of the document for review and comment. Notice is given when the document is final, along with the location where it can be viewed. Public comments are addressed in all final reports through a summary document. When public comments are received, there is a content analysis to determine whether a comment is substantive or non-substantive in nature. FHWA and SDDOT are not required to respond to non-substantive comments. Although every comment is carefully considered and reviewed, non-substantive comments do not require a detailed response. Options to respond to non-substantive comments could include acknowledging the receipt of the comment or directing to other sources of information. Section 6.2.1 describes substantive and non-substantive comments.

6.1.2 Statewide Transportation Improvement Program

The STIP identifies statewide transportation project priorities. This four-year project list is developed in close cooperation with FHWA, Federal Transit Administration (FTA), Planning Districts (including Council of Governments), Tribal Governments and MPOs. Projects in the STIP are consistent with the LRTP and metropolitan Transportation Improvement Programs (TIPs). Due to the number of stakeholders involved and the impact the STIP has on the State's transportation network, funding priorities are determined by an inclusive and robust planning process. Currently, in non-MPO areas SDDOT conducts regular district planning meetings to coordinate with local officials responsible for transportation, including local governments/officials and Tribes. It should be noted that future transportation bills could change the non-MPO planning process.

There is an extensive public involvement process through public hearings, a minimum 30-day comment period, and other public involvement tools. The following is a list of annual coordination and public meetings held in the development of the STIP:

- ➡ Seven informal public meetings: presentation of tentative STIP with a question-and-answer period with each of the seven Planning Districts/Council of Governments in South Dakota
 - ➡ Each Planning District/Council of Governments is responsible for advertising and inviting the public to their respective meeting
- ➡ Four formal public meetings offered in-person with a virtual option
 - ➡ Advertised throughout the State through print and digital news, public service announcements and SDDOT social media
 - ➡ Formal invitation letters sent to the South Dakota U.S. Congressional Delegation, State Legislators and Elected Officers, Tribal Transportation Officials, and local government officials



- ➔ SDDOT also meets with individual Tribes during the preliminary development of the STIP
- ➔ The tentative STIP is presented at the annual meeting with Tribes, BIA, FHWA Federal Lands, and FHWA South Dakota Office
- ➔ The tentative STIP is presented at the annual meetings with the MPOs
- ➔ A tentative STIP is presented to the Highway Contracting industry and includes the opportunity for questions and answers
- ➔ STIP is submitted to the SDDOT Transportation Commission for approval
- ➔ STIP is submitted to FHWA and FTA for final adoption
- ➔ Final STIP is made available to the public

All comments and responses from the informal and formal public meetings, both in-person and virtual, are documented and provided for public review in the STIP document.

6.1.3 Tribal Consultation Process

In developing the statewide transportation plan and the STIP, Tribal officials responsible for transportation will be involved on a consultation basis for the portions of the plans in Tribal areas of South Dakota. SDDOT provides an opportunity for Tribal governments to participate in the statewide transportation process and the development of the STIP and the statewide transportation plan. In addition, numerous corridor preservation, access management, modal, intermodal, environmental, and project plans are coordinated in the Tribal areas of South Dakota that are part of the overall planning process. Tribal consultation components in the development process of the STIP and statewide transportation plan include:

Informal

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



Formal

In addition to the informal process, SDDOT also conducts annual formal meetings with Tribal governments to discuss the development of the STIP, development of and updates to the statewide transportation plan, or any other transportation issues or concerns. Steps include:

- ➡ January through March, SDDOT travels to each Tribal government to discuss transportation issues and concerns.
- ➡ SDDOT conducts a meeting in Pierre in June or July with representatives of each Tribe in South Dakota and the BIA to coordinate the development of the STIP with the Tribal and BIA development of the Tribal Transportation Improvement Programs.
- ➡ SDDOT reviews and considers all comments received from meetings with the Tribal governments. SDDOT determines whether to recommend any modifications to the STIP or LRTP to the South Dakota Transportation Commission for its action. Tribal governments are informed of the Transportation Commission's actions and the reasons for its decisions.

6.1.4 Non-MPO Local Official Consultation Process

In developing the statewide transportation plan and the statewide transportation improvement plan, affected local officials with responsibility for transportation will be involved on a consultation basis for the portions of the plans in nonmetropolitan areas of South Dakota. SDDOT provides an opportunity for nonmetropolitan local officials to participate in the statewide transportation process and the development of the STIP and the statewide transportation plan. SDDOT has defined its process in the "Non-Metropolitan Local Official Consultation Process." In addition, numerous corridor preservation, access management, modal, intermodal, environmental, and project plans are coordinated in rural South Dakota that are part of the overall planning process. Local officials and Tribal governments are invited early to coordinate with SDDOT on these plans. Local initiatives are evaluated for their consistency with the STIP and the statewide transportation planning process. Components of consultation include:

Informal

- ➡ SDDOT invites local officials and Tribal governments to meet and coordinate with SDDOT on specific issues and plans. These meetings occur throughout the year.
- ➡ SDDOT encourages local officials and Tribal governments to contact SDDOT with any transportation issues they may have.



Formal

In addition to the informal process, SDDOT also conducts annual formal meetings with local officials and Tribal governments to discuss the development of the STIP, updates to the statewide transportation plan, or any other transportation issue or concerns.

- ➡ The consultation meetings for the STIP and statewide transportation plan are held in June or July, prior to SDDOT's public meetings. The meetings are held in cooperation with South Dakota's six rural planning districts. A meeting is held in each district. Notices of the meeting are provided through the newsletters of the Municipal League, South Dakota Association of County Commissioners, Tribal Technical Assistance Program, and the Planning Districts.
- ➡ A meeting is also held in June or July with representatives of each Tribe in South Dakota and BIA to coordinate the development of the STIP with the Tribal and BIA development of the Indian Reservation Road Program TIP.
- ➡ SDDOT reviews and considers all comments received from meetings with the Tribal governments and local officials. SDDOT determines whether to recommend any modifications to the STIP or statewide transportation plan to the South Dakota Transportation Commission for its action. If the Commission does not adopt the modification, SDDOT notifies the Tribal governments, local officials or their associations of the reasons the modification was not adopted.

6.2 National Environmental Policy Act

NEPA mandates that federal agencies consider the effects of their actions on the quality of the human environment for any activity or project receiving federal funding or other federal action. NEPA also has several specific requirements for public involvement that will be briefly discussed in this subsection. One essential element of NEPA is to encourage and facilitate public involvement in decisions that affect the human environment (40 CFR 1500.2).

During the NEPA environmental process, projects undergo preliminary engineering to enable SDDOT to define a project sufficiently to conduct its needed NEPA analysis. By making information available to public officials and citizens before decisions are made, the NEPA process is intended to improve the decision-making process and to foster a better understanding of the environmental consequences of proposed federal actions (40 CFR 1500.1). As such, public and agency involvement are essential elements of the NEPA process. Following the preparation of a NEPA decision document, a project may proceed to its next step in implementation, such as final design, ROW acquisition, and construction.



Many environmental resources have additional requirements for public involvement as well. While these are outlined here, it is always advised to consult the SDDOT Environmental Procedures Manual for information regarding environmental resources, how they relate to public interactions, and when specific resources should include the public. The environmental resources that have specific public engagement requirements are discussed later in this subsection. It is important to note that these resource-specific public engagement requirements are considered during project development so that project delays are not realized because of these requirements. The SDDOT Environmental Office is also responsible for ensuring that the latest guidance is included in each project.

The intent of this section is not to provide a comprehensive list of requirements, but rather to provide an overview of the necessary categories of public involvement as it relates to environmental resources and the NEPA process.

6.2.1 NEPA Public Involvement

At its heart, NEPA is inherently a process that documents and discloses the decisions made to arrive at a chosen alternative, as well as to disclose the results of a project's analysis and the effects of a project implementation on the environment. NEPA regulations require agencies to "make diligent efforts to involve the public in preparing and implementing their NEPA procedures" (40 CFR 1506.6). Therefore, public involvement is a critical piece of NEPA. Public involvement acknowledges people's desire to participate in decisions that they perceive or will affect them. It provides a managed process that encourages and supports stakeholders so that input into the decision-making process is meaningful and considers their values, interests, and needs.

Areas in the project development process where public involvement can help develop sustainable decisions include:

- ➔ Definition of the project's Purpose and Need
- ➔ Development of potential issues to be addressed in the NEPA process
- ➔ Key concerns and issues affecting alternative selection
- ➔ Mitigation needs and opportunities
- ➔ Alternative selection



NEPA projects, such as EAs and EISs, typically require reaching out to the public at two milestones in the project: near the beginning and near the end when the NEPA decision is expected. The initial public involvement will be to gather input on the first three items previously listed, while the second is focused on the final two. When a Categorical Exclusion (CE) is being prepared, the public involvement can be from the STIP public process or project-specific public outreach as appropriate to the proposed action's scope and potential impacts.

The inclusion of the public in NEPA often takes the form of either a public meeting or a public hearing. According to the current SDDOT Environmental Procedures Manual, the following items are required for public meetings and public hearings (refer to Chapter 7 for additional information on the various tools and formats for meetings):

- ➡ Required for both public meetings and public hearings:
 - ➔ Publication requirements (The documents must be made available to the public for a minimum of 15 days prior to a hearing. If a hearing is not being conducted, then the document must be available for 30 days.)
 - ➔ Reasonable notification recommendations
 - ➔ Locations for posting
 - ➔ Notice contents, including type of meeting, date and time, location, and Americans with Disabilities Act (ADA) provisions
 - ➔ Press releases and/or paid advertising
 - ➔ Notification of public officials
 - ➔ Information to provide at the public hearing/meeting
 - ➔ Procedures for oral and written comments, including comment forms and comment periods (Comments must be accepted for at least 30 days for an EA and 45 days for an EIS)
 - ➔ Registration
- ➡ Additional requirements for a public hearing:
 - ➔ Legal notice of availability of the document and where it can be obtained
 - ➔ Third-party hearing officer
 - ➔ Official transcript
 - ➔ Public meeting records



Public Meeting—An

informal public hearing/open house that may include a map or project briefing. The public may arrive at various times, be given a brief explanation of the project, and then directed to project design team members for one-on-one explanations and discussions about specific questions and concerns.

Public Hearing—A structured meeting between SDDOT and the “public” audience. A project team of experts explains the project to the audience. The audience, one at a time, responds with comments and questions. The hearing activities are formally recorded and entered into a hearing record.



Information presented at the hearing must include:

- ➔ 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
- ➔ The State highway agency's procedures for receiving both oral and written statements from the public

Depending on the type of NEPA documentation that is being conducted (e.g., class of action), there are additional considerations regarding public involvement. The following subsections address the situations where the additional considerations are discussed.

Environmental Impact Statement

The EIS is the most rigorous NEPA evaluation that is undertaken and requires a formal Notice of Intent (NOI) to be prepared and published in the Federal Register and other outlets. The advertisement typically includes the following information:

- ➔ Draft EIS and a general description of the project
- ➔ Date and location of the first public meeting
- ➔ Invitation to place names on the project mailing list
- ➔ Information required to comply with the public involvement requirements of other laws, regulations, or Executive Orders
- ➔ Statement that reasonable accommodation will be provided at public meetings and hearings for persons with disabilities and that translators will be provided if necessary

As the project progresses, the project team continually updates the mailing list and notifies those on the list of meetings, workshops, and project updates via email blast or mass mailing. The mailing list typically includes federal and state agencies, local officials, regional transportation planning entities, citizen advisory groups, neighborhood/community groups, civic and professional organizations, property owners, and other interested citizens.

Upon FHWA approval, the Draft EIS is circulated for public and agency review. FHWA distributes copies to appropriate federal agencies and uploads to the Federal Permitting Dashboard for publication to the Federal Register. The project team announces the document's availability, called a Notice of Availability (NOA), through various notification methods, as previously mentioned, as well



as in the local newspaper(s) and minority publications. The NOA must indicate where the document and explanatory information are available, give the date and location of the public hearing, request comments on the Draft EIS, and indicate how to submit comments. The Draft EIS must be made available to the public for a minimum of 45 days. After this public comment period, a public hearing must take place to gather information from the public.

When public comments are received, there is a content analysis to determine whether a comment is substantive or non-substantive in nature. Consistent with 40 CFR 1503.4(b), all substantive comments must receive a response. FHWA and SDDOT are not required to respond to non-substantive comments. Although every comment is carefully considered and reviewed, non-substantive comments do not require a detailed response. Options to respond to non-substantive comments could include acknowledging receipt of the comment or directing to other sources of information.

A substantive comment does one or more of the following:

- ➔ Questions, with a reasonable basis, the accuracy of the information and/or analysis in the subject document
- ➔ Questions, with a reasonable basis, the adequacy of the information and/or analysis in the subject document
- ➔ Presents a reasonable alternative other than those presented in the subject document that meets the Purpose and Need of the proposed action and addresses significant issues
- ➔ Questions, with a reasonable basis, the merits of an alternative or alternatives
- ➔ Causes change in or revisions to the proposed action
- ➔ Questions, with reasonable basis, the adequacy of the planning process itself

A non-substantive comment is categorized as one of the following:

- ➔ General comment, opinion, or position statement
- ➔ Concern is outside the scope or irrelevant to the proposed action and decision
- ➔ Means of addressing the concern are already decided by law, regulation, or policy
- ➔ Concern can be better addressed through another decision process (e.g., project level analysis)
- ➔ Concern requests action that has already been considered in an alternative

If multiples of the same comments are received, they may be combined and receive the same response.



All substantive comments received and responses made during this period must be documented for review by the public and NEPA decision-maker.

The Environmental Procedures Manual presents specific information regarding the completion of the EIS process, specifically when the decision document (Record of Decision) is prepared.

Categorical Exclusion

While there are no specific NEPA requirements for public involvement during a CE project, it is recommended that some public involvement take place. Additionally, certain environmental resources that could be evaluated in a CE have specific public involvement requirements (i.e., Section 106, Section 4(f), environmental justice, and noise abatement). These resources are discussed later in this document. The documentation of this involvement will be beneficial if concerns are raised later. Public involvement is considered a best practice and should be included even if it is not required.

Environmental Assessment

The public involvement requirements and practices associated with EAs are similar to those for EISs. The primary difference is the rigidity of the requirements; for example, an NOI is not required to be published in the Federal Register for EAs and a public hearing is not required to be conducted for an EA. A public meeting (rather than a public hearing) must be conducted for an EA. The requirements of public meetings and hearings apply to EAs. Generally, similar scope and topics previously discussed for public meetings and hearings are required for EAs.

6.2.2 Environmental Justice

The public involvement process must comply with Title VI of the Civil Rights Act of 1964, which states, “No person in the US shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” During the NEPA process, if specific conditions exist, it is vital to consider populations that are considered Environmental Justice populations (low-income, minority, or LEP).

If during the NEPA Environmental Justice analysis, a project has determined that one of these populations exists within the project area, direct and targeted outreach is required. It is imperative that the project team devise ways to ensure that these populations are specifically reached out to and opportunities for meaningful input are provided. It is understood that meaningful input may not actually be received, but the effort to reach these populations is important



Outreach can take many forms but is dependent on the specific population that is within a project area. Outreach should be tailored toward these populations. Examples of specific outreach to populations include:

- ➔ Project materials presented in languages other than English
- ➔ Presence of interpreters at public meetings
- ➔ Printed information at locations where populations may frequent
- ➔ Flyers that are distributed to individual homes

SDDOT actively tracks participation in public involvement processes for Title VI compliance. This includes regular documentation of racial/ethnic/gender information from the participants.

6.2.3 Section 4(f)

Section 4(f) has been part of federal law since 1966 when it was enacted as Section 4(f) of the USDOT Act. It protects:

- ➔ Parks/recreational areas that are publicly owned and open to the public
- ➔ Publicly owned wildlife and waterfowl refuges that are open to the public
- ➔ Historic sites in public or private ownership regardless of if they are open to the public

During the evaluation of these resources, it may be determined that the project impacts these resources. These impacts can be considered *de minimis*, which requires lesser documentation and is the typical level of impacts of SDDOT projects. For more substantial impacts, a full Section 4(f) evaluation may be needed. In both cases, the public is required to have an opportunity to comment specifically on impacts and mitigation to these resources. This is a key consideration when developing public meetings.

Before a *de minimis* finding is made, public outreach is required; however, the specific outreach requirements vary depending on what type of property would be affected. For example, before making a *de minimis* finding on a historic site, consulting parties identified in the Section 106 process must be consulted, and the State Historic Preservation Officer or Tribal Historic Preservation Officer and the Advisory Council on Historic Preservation (if participating) must concur with a “no adverse effect” or “no historic properties affected” finding. Public notice and comment beyond that required by 36 CFR Part 800 is not required. For parks, recreation areas, and wildlife and waterfowl refuges, public notice and an opportunity for public review and comment are required (23 CFR 774.5(b)) before a *de minimis* finding can be made. SDDOT’s practice is for this information to be included in the NOA for the EA or Draft EIS, to include *de minimis* information at any public meetings and



hearings, and to make the Section 4(f) document(s) available in the same locations as the NEPA documentation.

For project types that do not routinely require public review and comment, such as certain CEs and reevaluations, but for which a *de minimis* finding is proposed, separate public notice and opportunity for review and comment are necessary. The SDDOT Environmental Office, in coordination with the Office of Communications, determines the appropriate method of public outreach for a proposed *de minimis* finding based on the specifics of the situation, the type and location of the Section 4(f) property, impacts on the property, and public interest. Public notice and the opportunity for public review and comment can be made multiple ways, including newspaper advertisement, project website, bulletin board notice, placement at a public library, and public meeting or hearing.

When public involvement is initiated solely for a *de minimis* impact finding, responses or replies to the public comments may not be required, depending on the substantive nature of the comments. All comments and responses are to be documented, as appropriate, in the project file. Comments are provided to the Official with Jurisdiction when requesting concurrence with the *de minimis* finding for publicly owned parks, recreation areas, or wildlife and waterfowl refuges.

In addition to public comment, there is also the requirement for Official(s) with Jurisdiction over the Section 4(f) resource to be allowed to comment on the impact determination.

6.2.4 Section 106

Section 106 of the National Historic Preservation Act of 1966 requires that all federal agencies take into account the impacts of their projects on historic and archaeological resources. An undertaking is any project that involves a federally owned building or facility or uses federal funding (including loans and grants), permitting, licensing, or approval.

The agency involved identifies potentially historic resources in the project area and evaluates if those resources are eligible for or listed in the National Register of Historic Places. The project is then reviewed to determine if the work will result in an adverse effect or no adverse effect to those eligible or listed resources. If a project will adversely affect a resource, the agency must minimize and then mitigate the adverse effects to the resource.

If a project will have an adverse effect on an historic property, then the agency must provide consulting parties the opportunity to comment on the project. Consulting parties include State Historic Preservation Officer, Tribal Historic Preservation Officers, such as members of certified local governments, local historical societies, museums, historic preservation commissions, or other knowledgeable groups/individuals. The Section 106 process was mandated to ensure that the public



has an opportunity to review and comment on how federal projects might impact historic properties in their communities.

6.2.5 Tribal Consultation

SDDOT actively consults and collaborates with Tribal officials in transportation planning. This specifically includes consultation when planning federally funded improvements that could potentially impact properties with cultural and/or religious significance to those Tribes. Consultation means the process of seeking, discussing, and considering the views of others, and where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed. Consultation is built upon the exchange of ideas, not simply providing information. [36 CFR 800.16(f)]. SDDOT has established a process to aid in fulfilling its obligations to Section 106 of the National Historic Preservation Act (NFPA).



Resource: Appendix J provides the SDDOT Tribal Consultation procedures.

6.2.6 Noise Mitigation

A new requirement involving the mitigation of traffic noise impacts is to survey impacted receptors. This requirement is needed only when impacts from a project have been determined to be great enough to evaluate mitigation effectiveness. Once noise mitigation is considered to be reasonable and feasible, a survey of impacted receptors, typically residences near or adjacent to a project, is needed to prove that the receptors desire the mitigation. Survey results determine whether the noise mitigation will be implemented. Thus, it is of critical importance to be cognizant of this requirement when the potential for noise impacts is present in a project.

6.2.7 Environmental Scan

An early level environmental evaluation document being used by the SDDOT is the Environmental Scan. This document occurs prior to NEPA and is often associated with the planning process.

An Environmental Scan identifies environmental resources and environmentally sensitive areas within a project's potential area of effect. The Environmental Scan is mostly composed of readily available data and limited field survey information. The purpose of this scan report is to identify resources early in the planning process to avoid fatal flaws and to consider sensitive environmental resources in the study area. The intent of the scan report is not to identify impacts but rather to identify potential resource areas for use in alternatives analysis to avoid and minimize impacts to resources during subsequent study phases while developing alternatives that meet Purpose and Need. If a



recommended improvement receives funding, the Environmental Scan results will be carried forward at that time into project development, additional environmental review (NEPA-level or similar local environmental review process), design, and ultimately construction, maintenance, and operations.

The public outreach efforts associated with the Environmental Scan will be conducted as part of the planning process.

6.3 Departmental Considerations

Certain programs within the DOT engage with the public and stakeholders in a unique way that does not clearly align with one of the levels of engagement. This section identifies those programs and provides additional guidance.

6.3.1 Bid Letting

Bid Letting staff are responsible for preparing and letting construction projects to contract. This group works mostly with contractors and rarely interacts with the public. Generally, their interactions focus on answering questions, providing clarifications, interpreting plans and specifications, or other matters directly related to the project. Communication between staff and contractors is regulated by 23 CFR 635.112.

Projects are typically advertised for letting the Friday three weeks prior to the Wednesday bid opening. Parties who are interested in bidding for construction projects must follow specific steps outlined in Administrative Rules 70:07. Additionally, South Dakota Codified Law 31-5-10 provides additional guidance on the manner of advertising for bids and the letting of contracts.



The bid letting website offers many helpful tools, including downloadable forms and instructions. One of the most useful tools is the South Dakota Electronic Bid System (SDEBS).

<https://dot.sd.gov/doing-business/contractors/bid-letting-information>

6.3.2 Construction

As an activity transitions from design to construction, the Area/Regional office takes responsibility and works closely with the Strategic Communications team to support public involvement activities. During construction, the public involvement process to involve and coordinate shifts to informing. This public information phase is typically where SDDOT provides the public with information about the project scope, project benefits, construction sequence, and work zone impacts.

As the project transitions from design to construction, the SDDOT engineering team should consider an assessment of the impacted stakeholders and community, including outreach to:

- ➡ Elected officials/local agencies



- ➔ Emergency service providers
- ➔ Special interest groups (homeowner associations, businesses, and others)

From the outset, SDDOT design and construction engineers, as well as program managers, should consult with the Communications Office to assess the communications needs for each project. SDDOT has established three tiers of projects for communications considerations.

Category I (Inform)

Category I projects represent the lowest level of project ranking with simple low-risk, short duration projects with minimal traffic impacts. Projects typically include, but are not limited to, asphalt surface treatments, crack seals, rumble strip installation, bridge deck overlays and other minor repair projects.

Category I project communications, which include Inform strategies, typically include, but are not limited to:

- ➔ Public information material(flyers/door hangers, photos)
- ➔ Social media updates
- ➔ Media updates/advisories
- ➔ Area Office and Contractor contact information
- ➔ Travel information (511 updates, message signs)

Category II (Inform)

Category II projects represent the medium level of the project ranking system with slightly complex projects that typically involve a limited number of linear, repetitive operations with typical project constraints and some traffic impact. Projects typically include, but are not limited to, asphalt concrete resurfacing, grading, shoulder widening, bridge replacement, concrete pavement repair, major bridge repair projects and interstate reconstruction.

Category II project communications, which include Inform strategies, typically include, but are not limited to:

- ➔ Public Involvement Plan, which includes the development and outreach to stakeholder lists and implementation of communications tools, including:
 - ➔ Project meetings
 - ➔ Public meetings
 - ➔ Web updates
 - ➔ Social media updates
 - ➔ Public information material (flyers, door hangers, photos, other)



- ➔ Media updates/advisories
- ➔ Area Office and Contractor contact information
- ➔ Travel information (511 updates, message signs)

Category III (Coordinate and Inform)

Category III projects represent the highest level of project ranking system with complex, high-risk projects with major impacts on traffic and adjacent businesses or neighborhoods. These projects may last for more than one construction season. Projects typically include, but are not limited to, urban reconstruction and interstate interchanges.

Category III project communications, which include both Inform and Coordinate strategies, typically include, but are not limited to:

- ➡ Public Information Manager who is a public relations professional with at least five years of experience and is not the Project Superintendent
- ➡ A requirement for a robust PIP that includes strategy on community relations, business outreach, government affairs and media relations, stakeholder lists, and communication tools, including but not limited to:
 - ➔ Stakeholder meetings (business/community)
 - ➔ Surveys and other public insight collection
 - ➔ Social media updates
 - ➔ Project meetings
 - ➔ Public meetings
 - ➔ Web updates
 - ➔ Public information material (newsletters, flyers, door hangers, photos, other)
 - ➔ Media updates/advisories
 - ➔ Area Office and Contractor contact information
 - ➔ Travel information (511 updates, message signs)

Category III projects may also include the hiring of a communications representative for SDDOT who provides communications oversight and involvement during construction, working with the contractors.

While not required, best practices identify standards by which construction communications activities are conducted. Setting expectations with the public about how they will be informed about the project, its progress, and when they should be aware of changes or impacts on the project builds a broader trust with the traveling public and helps minimize the disruption to residents, businesses, and the community.



Resource: Appendix K provides suggested construction impact notification timing.

6.3.3 Right-of-Way

ROW staff should be involved from the onset of a project to establish relationships, foster trust, and mitigate the risk of miscommunication.

Road Design & Area offices facilitate landowner meetings. These meetings provide an opportunity to interact with the adjacent landowners regarding the influences of construction and future operation and maintenance of the highway facility to their property that abuts the proposed project. The landowner meetings are a more focused and individually tailored public involvement after the open house meeting explaining the proposed project's purpose and need.

At public meetings held during the initial project phases, ROW staff should be available to explain the general acquisition process and to gather concerns of the public and potentially impacted landowners regarding the proposed project. Those attending ask questions regarding the landowner's property and relay any of their concerns to other offices within DOT and the ROW Office for future reference. "The Better Roads Brochure" and "Relocation Assistance Brochure," which outline much of the project design development and ROW processes, should be available for the public at the public meetings. ROW staff should have a thorough understanding of project designs and impacts to avoid misunderstandings.

The ROW Office is the primary office that meets with individual landowners on a one-to-one basis. The primary engagement role of the ROW Office is to acquire the property rights necessary to construct, operate, and maintain a project representing a specific highway segment. The main components of this phase include:

- ➔ Determine potential parcel value through appraisals or waiver valuations
- ➔ Determine relocation eligibility and relocation assistance benefits
- ➔ Determine just compensation for each property interest necessary for the construction, operation, and ongoing maintenance of the highway facility
- ➔ Acquire parcels through negotiations with landowners
- ➔ Assist property owners through the relocation process

It is important to remember that selling, leasing, or moving real property is more than just a financial transaction for most people. Landowner concerns must be heard and responded to honestly and respectfully, particularly if their requests cannot be fully accommodated. During each phase, the



ROW Office relays landowner concerns, requests, and changes to other offices within DOT, mainly Road Design, but also legal, area offices and other divisions of SDDOT. The ROW Office is the primary contact representing DOT, and all interaction with property owners must be done in cooperation with the ROW Office during this period. Careful documentation of all landowner communications and decisions is critical.

6.3.4 Railroad

The Office of Railroads, under the Division of Finance and Management, handles the management of all real and personal property acquired by the State of South Dakota for railroad purposes. This includes leasing of property, utility installation, track rehabilitation, industrial track expansion and construction. This office also prepares the South Dakota State Rail Plan, which addresses a broad spectrum of rail issues. Issues include identifying the State's freight and passenger rail objectives and plans; inventorying the rail system's transportation infrastructure; analyzing rail-related economic, safety and environmental impacts; identifying the State's policies governing investment in freight and passenger rail; and establishing a long-range investment program and policies.

The State Rail Plan is developed in conjunction with the South Dakota Railroad Board, who is charged with officially approving the Plan. This Board meets on the third Wednesday of each month. During this meeting, the public can provide formal comments to influence the content and recommendations of the Plan.

Also, any Federal Railroad Administration funded projects must be included in the STIP, which offers multiple opportunities for public input from communities across South Dakota. In addition, a CE, EA, or EIS must be performed, depending on the complexity of the project and the probability of environmental issues that need to be resolved. Public input opportunities will be governed by NEPA.

6.3.5 Transit

SDDOT acts as a facilitator of public and specialized transportation services and is the grantee for FTA programs. This office administers the following programs:

- ➔ FTA 5311 grants for rural transit agencies
- ➔ FTA 5303, 5304, and 5305 transportation planning in metropolitan areas and states
- ➔ FTA 5339 capital grants to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities

SDDOT does not directly provide the services but contracts for services to be delivered within the State through the award of grants to transit providers. All funding notices and announcements will be



posted on the SDDOT website and a notification will be placed in the newspaper of record. To apply for a grant, the subrecipient is required to distribute a notification identifying how they plan to allocate the funds. Although SDDOT supports local transit agencies, they are typically governed by a local board that takes the lead in soliciting public input.

Transit planning and project identification are part of the STIP and statewide transportation plan planning process, which is supported by a robust public engagement strategy. Transit-related construction projects, such as a bus barn, are subject to NEPA.

6.3.6 Aeronautics

SDDOT's air program provides planning and engineering expertise to communities interested in improving or building airports. The Aeronautics Program also administers the Airport Improvement Program, a Federal Aviation Administration (FAA) grant program, and inspects each general aviation airport each year. FAA grants to airports are considered direct federal actions and are not required to be in the STIP. Instead, the Aeronautics Program develops the South Dakota State Aviation System Plan (SDSASP).

The SDSASP guides decisions and educates those who oversee the system, including local, state and federal policy makers, the South Dakota Aeronautics Commission, and SDDOT staff. The plan helps stakeholders understand how each airport contributes to the community and the system, the system's financial needs, and the economic value and potential growth derived from South Dakota's airports. Public engagement strategies, in support of the SDSASP, should mirror those of the STIP, including, but not limited to, the use of surveys, website posts, social media campaigns, city and county commission meetings, Transportation Commission presentations, and stakeholder engagement.

6.4 Crisis Communication

Crises in transportation range from on-the-road emergencies to agency emergencies (e.g., cyberattacks). Crisis communications is a corollary communications track that, at times, includes all elements of the communications wheel, from Inform to Involve. When an emergency occurs, the need to communicate is immediate and is impacted directly by the type of crisis. SDDOT has established a structure that engages the state Office of Emergency Management (SDOEM), who establishes Incident Command and directs communications efforts with SDDOT support.

As an agency there are a number of steps that SDDOT can also take to support a crisis communications effort, ensuring that impacted stakeholders, from the traveling public to local officials to nearby businesses and communities, are properly engaged and informed throughout.



6.4.1 In the Field

Part of incident management involves distinguishing when an event is a lower level incident or has escalated to a more distinct crisis.

What is an Incident?

- ➔ Short-term weather impacts
- ➔ Crashes that result in short-term lane closures
- ➔ Short-term power outages/signal outages
- ➔ Law enforcement situation

What is a Crisis?

Incidents can escalate to the level of a crisis when weather deteriorates, road closures lengthen, and/or media inquire or arrive on the scene. Typically, a crisis is a longer-term incident or one where the severity has escalated. Common types of crises (incidents that have escalated to a higher level) include:

- ➔ Major weather impacts (flooding, blizzards, high winds, etc.)
- ➔ Long-term traffic delays/highway closures
- ➔ Major crashes involving multiple vehicles with injuries, hazardous materials, and/or fatalities
- ➔ Roadway, bridge conditions impacting traffic

As the first responders in the field, SDDOT team members will be called on to be the first layer of communications. This includes gathering the appropriate information, immediately beginning the notification process, and helping to secure the scene – should that be necessary – in collaboration with emergency responders and/or others.



Resource: Appendix L provides a sample field crisis communication card.



6.4.2 Communications Preparation

In the event of a crisis, SDOEM, with support from SDDOT, is the lead agency in charge of communications with the media, public, SDDOT staff, etc. The crisis communications approach should include:

- ➡ Designated staff to respond to the emergency
- ➡ An effective communications tree to engage and inform necessary team members
- ➡ Types of potential emergencies
- ➡ Approaches to addressing potential emergencies (designation of dedicated staff for different roles such as government relations, media relations and onsite media support and protocol, community and business outreach)
- ➡ Boilerplate messaging that includes:
 - ➔ Cause of specific disruptions (whether construction-related or not)
 - ➔ Actions being taken to alleviate the problem
 - ➔ Impact to the public and notification procedures
 - ➔ Anticipated duration of the disruption



7. Outreach Tools and Techniques

The best tool(s) for informing the public and capturing their input varies from project to project depending on the scope, setting, impacted population, and other factors; what works well for a corridor study in Watertown likely doesn't make sense for a temporary road closure in Chamberlain. An expansive array of tools and techniques for public involvement exists to consider and use as appropriate for all manner of SDDOT actions. The following subsections, which should not be considered comprehensive, highlight some of the most common.

7.1 Media Outlets

Media outlets offer an effective way to inform the public about transportation activities and can generate public involvement at key decision-making milestones. Although printing a public notice in the newspaper of record for an area is required for public meetings, staff are encouraged to consider how additional media presence can benefit the project.

The SDDOT Communications staff serve as the lead for all media campaigns, contacts, and inquiries. The SDDOT Office of Communications maintains a specialized list-serve to share releases for specific actions/information like construction and spring load limits. The list-serve contains contact information for media outlets across the state and can be filtered to an activity area.

All media engagement should be documented and summarized in the final public engagement summary document. For large activities, media kits can be disseminated to proactively control the narrative and dispel rumors.



A typical media kit includes:

- ➔ Fact and FAQ sheet
- ➔ Talking points
- ➔ Press releases
- ➔ Maps

7.1.1 Radio

Even as technology has advanced greatly beyond radio communications, radio remains an important technique for disseminating information, particularly in rural areas where internet connections are less reliable. Radio can be used to give advance warning of potential travel delays and detours resulting from SDDOT activity, as well as to publicize engagement opportunities.

7.1.2 Television

Local broadcast news outlets, a primary and trusted source of local news for many people, are invaluable partners for sharing information with their communities. They can be used both to share



updates about SDDOT actions that may impact travel and to spread the word about engagement opportunities.

7.1.3 Social Media

For people unlikely to engage with DOT/project-specific webpages, radio, or traditional broadcast television, most notably younger generations, social media is a more effective means for reaching them. Posts to SDDOT accounts on Twitter and Facebook are likely to reach a much broader audience than the traditional means listed previously, and they can be embedded with links to virtual engagement opportunities and other online content. These posts are most impactful when they are eye-catching, use visualization and minimal text, and provide a “call to action.”

7.1.4 Press Release

Distributing a press release to local media and other groups is a simple way to inform the public about SDDOT actions and to generate excitement and awareness about the activity within local communities. Media outlets decide if they will print the press release or not. The media outlet may also select to expand the press releases into a larger story or conduct an interview, further helping spread the word.



Resource: Appendix M includes a sample press release

7.1.5 Newspaper Public Notice

Where a press release provides flexibility in the content and layout, a public notice is less common and follows a specific format with very specific information. A fee is associated with public notices; the amount varies between publications. A public notice also represents a very specific use – to announce a formal opportunity for the public to provide input on an activity – and is required in relation to a draft EIS.

A public notice must be published at least two weeks before a meeting and again one-week after the notice is first printed. The public notice should also include the statement that addresses the presence of public officials, resulting in a quorum. “Although a quorum may be present no decision will be made/votes will be taken.”



Resource: Appendix N includes a sample public notice.



7.2 Print or Electronic Media

Print and electronic media each have pros and cons. Typically, a successful engagement process uses both to reach diverse audiences. When selecting which collateral is appropriate for your activity, it is critical to determine if the community/targeted audience has access to the internet. Although your audience may not have access to a computer, it is now estimated that 85 percent of the U.S. population owns a smartphone (Pew Research 2021). At 61 percent, adults age 65+ years are the segment of the population with the lowest smartphone ownership; this should be a consideration when selecting tools.

7.2.1 Door Hangers

For SDDOT actions focused on a specific corridor, community, or neighborhood, informative door hangers can be left at homes and businesses within the impacted area. The hangers may include links/QR codes for websites, information about upcoming engagement opportunities, contact information, and general information about the SDDOT action. This tool is not appropriate for large-scale actions that are likely to impact more than a few hundred homes and/or businesses.

7.2.2 Utility Mailers

Many local municipal utility companies send utility bills in the mail, often accompanied by a newsletter. With early coordination with municipal staff, a short activity write-up can be included in the newsletter. This is a free way to generate awareness of your project and can often reach an aging demographic.

7.2.3 Newsletters

For SDDOT actions with a long timeline and/or multiple distinct phases, such as major corridor improvements and statewide plans and studies, a newsletter is a helpful tool for keeping the public up to date on key milestones, statuses, and next steps. Many communities develop newsletters that are distributed electronically, or sometimes in print, highlighting current events. This can be a cost-free way to reach a wide cross section of the community and generate interest in the activity.

Newsletter distribution may follow a set schedule (e.g., every other month) or be timed around key milestones over the duration of the action. Websites and early engagement opportunities should provide interested members of the public the ability to subscribe to these newsletters, which may be shared electronically or via hardcopy.



7.2.4 Visualizations

Visualizations (e.g., infographics, graphics, illustrations, pictures, drawings) can help the public understand key activity concepts. These demonstrations can be used on the project website, on boards at a public meeting, in presentations, and on other outward facing materials.

7.2.5 Surveys

Surveys are useful for efficiently capturing a variety of input on a transportation project or other action from the public and stakeholders. Surveys can be formal or informal, depending on the desired outcomes and resources. Formal surveys, which follow a scientific approach to development and distribution with the aim of accurately reflecting the thoughts of an entire community, are typically much more resource-intensive to execute. Results of an informal survey may skew toward the viewpoint of a particular demographic or other subset of the community depending on who chooses to participate. Many options for survey platforms, formats, and distribution methods are available: hardcopy or digital, live during engagement events or standalone, multiple choice, short answer, priority ranking, etc.

7.2.6 Fact Sheets

A fact sheet can be useful in the initial state of an activity to introduce the public to the goals, objectives, background, funding sources, schedule, and other pertinent information. Often a fact sheet will also provide answers to anticipated common questions. A fact sheet can support multiple in-person events and can be hosted on the website.

7.2.7 Posters/Flyers

Posters and/or flyers are a simple and an efficient means for sharing information about a project, particularly for publicizing upcoming engagement opportunities and sharing web links. Hardcopies can be developed and shared with agency partners and local businesses to post in their buildings and share with constituents and customers. Digital versions can be shared via email with project contact lists. QR codes for project websites and virtual engagement tools should be considered for easy access via a smartphone.

7.2.8 Handouts

Project items to publicize the project – essentially any item that is handed out at engagement events or other places to help publicize a project – are useful for both spreading the word and encouraging people to engage (they are often offered to people who attend a meeting or stop by a booth). Common handouts include magnets, grocery bags, coasters, and drink koozies with general SDDOT branding and/or project-specific branding.



7.3 In-Person Events

In-person events can take many forms and are often preferred by some population segments of the population. The overall goal is to share information and create a conversation with the community. In-person meetings offer the chance for the community to view materials and directly interact with the project team. These events can be physical in-person events, virtual in-person events or hybrid events.

When planning in-person events, it is important to define what information needs to be shared and what type of input is needed. Attending an event at a specific time and location can be a barrier for some segments of the population, especially those with families, those who work non-traditional hours, those who speak English as a second language or do not speak English at all, or those who lack access to convenient transportation. Thus, a virtual event or a hybrid event might be needed to increase participation. A sign-in sheet or a way to capture attendance is critical to document participation.



Resource: Appendix O includes a sample sign-in sheet.

The project team should consider the following when planning an event:

- ➔ **Meeting Format:** Not all meetings need to be anchored by a formal presentation. Sometimes the most effective format allows the community to review materials at their own pace and ask questions as needed.
- ➔ **Meeting Platforms and Location:** For a virtual meeting, a critical early action item is to identify the virtual platform to be used (Microsoft Teams, Facebook Live, etc.). Most virtual meeting platforms offer similar functionality but differ in their processes and abilities for pre-registration, live Q&A, accessibility, recording, and other details. The intended outcome and audience of the meeting should dictate the platform.
- ➔ **Physical Meeting Location:** A meeting location should be convenient and within or near the activity area and be ADA compliant. If the selected location is unfamiliar to staff, a site-visit and photos of the location can help with planning efforts; facility staff can often provide a room layout if requested. The room size should accommodate the number of people expected to attend, and the layout should accommodate a logical flow through the materials/displays.
- ➔ **Meeting Time and Date:** Knowledge of the targeted audience is critical. The meeting time and date should be scheduled to avoid known constraints such as holidays, work schedules, school or community special events, other government meetings, or preferences.



- ➔ **Team Roles:** It is important to identify who from the team will be presenting information, in what order and what support roles other team members will play.
- ➔ **Safety and Cancellation Plan:** Although rare, it is important to consider how the team would respond to an emergency. Safety concerns vary by event and can range from extended exposure to heat, a fire inside a building or an aggressive member of the public. These issues may also result in the need to cancel an event. By preparing a plan, team members can feel comfortable about the task at hand. This includes preparing a protocol for cancellation, including notice through the media, social media, and at physical and virtual locations.



Resource: Appendix P includes a meeting planning checklist for physical, virtual and hybrid in-person events.

7.3.1 Open House Meetings

An informal public meeting is one of the most common methods for directly interacting with interested members of the public about proposed actions. Open house format meetings may or may not include a brief presentation, but they primarily consist of a series of boards and/or stations that attendees can peruse at their own pace. An open house format provides more opportunities for one-on-one discussions. Interactive elements such as rollplots and visual preference surveys, make for a more engaging meeting. Meeting locations and times should be identified on a case-by-case basis, though every public meeting must be in an accessible setting. The following logistics and framework should be considered and outlined in the activity-specific PIP:

- ➔ Public requirements
- ➔ Notification for posting
- ➔ Notice content: type of meeting, date and time, location, and ADA provisions
- ➔ Press release and/or paid advertising
- ➔ Notification of public officials
 - ➔ Members of a public body should take steps to avoid open meetings violations, such as staggering attendance by members to avoid a quorum; refraining from public policy discussions by a quorum of members; or posting notice of an official meeting to run concurrently with the open house.
- ➔ Information to provide at the public meeting
- ➔ Procedures for oral and written comments
- ➔ Registration/sign-in sheets



7.3.2 Public Hearings

Public hearings are required for an EIS. A public hearing “may” be warranted when one or more of the following conditions are present:

- ➔ A public hearing has been requested
- ➔ Substantial residential and/or commercial displacements will result from a project action
- ➔ Substantial socioeconomic and/or construction impacts will result from a project action
- ➔ Substantial changes to the layout or functions of connecting roadway or the improved roadway
- ➔ Substantial adverse impacts on abutting property
- ➔ Adverse Environmental Justice impacts are expected
- ➔ Substantial public controversy
 - ➔ If SDDOT or FHWA determine that the potential for public controversy is minimal, a Notice of Opportunity for a Public Hearing may be used rather than directly scheduling a hearing.
- ➔ Otherwise has a significant social, economic, environmental or other effect, for which FHWA determines that a public hearing is in the public interest

If it is determined that a public hearing is needed, the following steps should be taken in addition to the steps noted previously for an open house meeting:

- ➔ Provide legal notice of availability of any document that is the subject of the hearing and where it can be obtained
- ➔ Secure a third-party hearing officer to preside over the hearing
- ➔ Document and distribute the official transcript of the hearing
- ➔ Document and distribute public meeting records

7.3.3 Design Charrettes

Early on in transportation planning and design efforts, when a preferred alternative to carry forward into final design and construction has not yet been identified, interactive charrettes are great tools for fostering creativity and collaboratively developing solutions. Charrettes typically involve large printed rollplots of the project area that project team members and the public can draw and write on as they talk through issues and ways to address them. If several ideas are suggested or presented, live polling can be used to assess which ones have the most public support.



7.3.4 Site Visits

For projects with unique circumstances and contexts, a site visit can help to illuminate issues and opportunities not readily apparent from a desktop review and provide project team members a clearer understanding of potential impacts. Site visits also allow direct interaction with adjacent landowners who may or may not participate in other engagement efforts.

7.3.5 Pop-up Events

Hosting an activity-specific event/booth in conjunction with another community event helps reduce the need to specifically advertise for an activity-specific event and can “piggyback” on an audience that will be attending. A pop-up event can increase public feedback and reach broader audiences that may otherwise not participate. However, this is not targeted input from specific segments of the population but rather the goal is to get broad feedback from the general public.

7.3.6 Intercept Events

Similar to pop-up events, an intercept event can increase community engagement by setting up a booth where people will already be. Unlike pop-up events, an intercept event occurs within or close to the activity area or is set up in a location to get input from a specific segment of the community. One example involves setting up a booth along a trail to intercept people using the trail to get input on an Active Transportation Plan or to alert them to a potential design change in the area. Another example of an intercept event includes going to a Senior Center to get input specific to transit activities.

7.3.7 Work Groups

For large projects, it is often worthwhile to establish designated stakeholder working groups to regularly provide local and/or agency-specific input on deliverables, alternatives, public involvement ideas, and other items. This type of group is often referred to as a technical working group and is made up of those who are topical experts on a wide range of topics. This includes technical staff from the lead agency and partner agencies, community representatives, and advocates for particular issues.

7.3.8 Focus Groups

Often there is a specific piece of an activity that is worthy of a “deep dive.” A focus group differs from a work group in that it consists of members who can provide insight, ideas, and technical knowledge on a specific topic.



7.3.9 Advisory Groups

Advisory groups consist of high-level leaders/managers within an agency and elected/appointed officials. Although members of these groups generally are not familiar with the details or daily operations, these groups provide a unique perspective to ensure decisions align with the overall vision or goals of an activity, policy, and political environment.

7.3.10 Stakeholder Interviews

If the planning area covers a large region, if it is anticipated that a wide range of concerns will be expressed in reaction to the activity, or if a certain segment of the population will be disproportionately impacted, a representative sample of stakeholders may be selected for individual or small group interviews. These interviews are often guided by a set of questions developed by the project team, but each conversation is often unique due to the small group setting.

7.3.11 Milestone Events

A groundbreaking or ribbon cutting is typically associated with the beginning or completion of construction. It offers the opportunity for staff and the community to kick off and celebrate a large accomplishment. The Communications Manager will work with the area engineer and project engineer to decide if milestone events are appropriate. It is recommended that members of the local government, legislators, the media, and the public be invited to the ceremony.

7.3.12 Transportation Fairs

Most commonly, a transportation fair is an in-person opportunity to educate the public on transportation-related topics. Although the fair is often developed in response to a specific activity, it does not focus only on that activity but has information related to a wide range of SDDOT activities. A successful fair is usually family focused and consists of activities, games, information booths, and maps/brochures/handouts. Food, beverages, and prizes are often provided to encourage attendance.



7.4 Digital Tools

Tools to gather public and stakeholder input continue to evolve rapidly. Innovative tools focus on receiving thoughtful input from a greater cross-section of the community. When thoughtfully implemented, these tools can increase the dissemination of information and improve efficiencies on how input is collected and integrated into the decision-making process.

The FHWA Every Day Counts program

(<https://www.fhwa.dot.gov/innovation/everydaycounts/>) identifies the following as the benefits of virtual public involvement:

- ➔ **Efficiency and Low Cost:** Virtual tools and platforms can be made accessible to communities efficiently and at a lower cost than traditional public engagement methods.
- ➔ **Accelerated Project Delivery:** Robust public engagement helps identify issues early in the planning process, thereby reducing the need to revisit decisions.
- ➔ **Communication and Collaboration:** Virtual public involvement can aid in establishing a common vision for transportation and ensure that the opinions and needs of the public are understood and considered during transportation planning and project development.
- ➔ **Expanded Engagement:** Virtual tools include stakeholders who do not participate in traditional approaches to public involvement. Greater engagement can improve project quality.



Engagement tools, videos, surveys, and media assets can be posted on the project website for the duration of the public comment period. This allows community members who are not able to attend in-person activities to meaningfully engage and provide feedback. These materials can remain on the website to support the activity from concept to completion.

Many innovative tools are web-based, and it is important to not solely rely on virtual public engagement but to use several strategies to ensure balanced participation.

7.4.1 Project Websites or Webpages

The internet is an excellent and efficient means for communicating with large and diverse groups of people. SDDOT's website offers the public the ability to learn about SDDOT actions and engagement opportunities at their convenience. Information can be regularly updated online with minimal effort. Providing an option for visitors to subscribe to email lists ensures they can be notified when website updates are made. A variety of interactive elements can also be integrated so that websites become engagement opportunities themselves.



A strong digital presence helps draw interest and capture input from members of the public who may not be interested or able to attend in-person outreach events. Stand-alone project websites or individual webpages within the SDDOT website can be used to house a wide array of project information, as well as virtual engagement opportunities. Videos, surveys, public meeting boards, and other project materials can all be linked or directly embedded within project websites as a convenient means for people to learn and engage. Project sites should always be compatible with all common electronic devices, including computers, tablets, and smartphones. An option to register for project contact lists should be provided.

To request the creation of an activity specific webpage, for website updates, or other website management, please send a request to communications@state.sd.us.

7.4.2 Telephone Town Halls

Telephone town halls (TTH) provide a convenient way for large groups of people to participate in an interactive meeting without needing to travel or use specialized technology. Typically, a pre-recorded message is sent to a selected set of numbers (potentially tens of thousands) to inform recipients of the meeting time and focus; another is sent at the actual meeting time, so participants do not need to call in themselves. TTHs can be structured to have poll questions and opportunities for the public to speak.

Although reliance on mobile phones has reduced the effectiveness of TTHs, many platforms now allow the additional option to join virtually from a home computer. This pivot has allowed TTHs to remain relevant and continue to be an effective tool to gather feedback.

7.4.3 Interactive Commenting Maps

For projects focused on a specific geography (e.g., a certain road or region), interactive commenting maps allow members of the public to provide location-specific comments on issues or opportunities they know of in the project area. Numerous tools are available for developing and sharing such maps, which are typically based on GIS data; they should be hosted on or linked to project websites. Providing different types of icons for people to “drop” on the map helps visually demonstrate where concerns or ideas are common. Depending on the intent of the map, comments can be made public (i.e., everyone viewing the map can see them) or hidden, and some tools allow viewers to “like” other comments.

7.4.4 GIS StoryMaps

StoryMaps combine text, interactive maps, and other digital content to provide a more dynamic and compelling version of a standard project report or summary. The platform works well for a virtual public meeting, as it can be designed to gradually step viewers through information about a project – similar to an open house meeting with a sequential set of posterboards. Opportunities for viewers to



provide input can also be embedded into StoryMaps. They can be resource-intensive to create and may not be appropriate for small-scale projects.

7.4.5 Project Videos

A project video is useful for sharing information about a project with a large audience, though it does not provide viewers the ability to provide input. Videos can take a variety of forms; narrated slideshows and conceptual fly-through renderings of proposed improvements are two of the most common types. Project videos should be hosted on or linked to project websites.

7.4.6 Virtual and/or Hybrid Meetings

Before 2020, hosting a virtual meeting in support of a transportation activity was rare, and the technology needed was obscure or reserved for large information technology companies. However, in response to the high demand to host virtual meetings due to social distancing mandates, video conferencing platforms quickly responded to make their platforms available and easy to use by all segments of the population. Project teams can also host a hybrid meeting by developing virtual tools in conjunction with an in-person meeting.

SDDOT staff continues to experiment with the use of virtual/hybrid meetings and, at this time, no official guidance for use of these tools exists. Staff is encouraged to experiment with how virtual meetings can best support their activity and seek advice from peers about best practices to develop and effectively use these tools.

Virtual meetings can be recorded and posted on the project website for public review. Virtual meetings can increase participation by removing common barriers to participation by:

- ➡ Allowing people to attend from the comfort and safety of their own homes. Participants do not need to travel to a specific location at a specific time to review materials and provide input.
- ➡ Eliminating the need for families to arrange for child-care or to entertain their children during the meeting.
- ➡ Using video conferencing platforms that offer real-time translations and closed-captioning service – removing an intimidating barrier to participation.
- ➡ Using platforms that work well on mobile phones, tablets, and personal computers, thereby encouraging participation across all income levels.
- ➡ Providing multiple platforms for the public to submit comments.



A virtual meeting is typically anchored by setting ground rules for participation up front, viewing a formal presentation, providing an opportunity for questions/answers, and integrating activities or providing an opportunity for integration.



Resource: Appendix Q contains a sample virtual meeting facilitators introduction and tips for hosting a virtual meeting.

7.4.7 Real-Time Voting Software

A variety of options exist to allow real-time voting by meeting participants. Integrating these platforms into an in-person or virtual meeting offers an important touchpoint with participants and can provide important feedback. Often the software works best on a smartphone, but all can also be used on a tablet or personal computer.

The team can tailor polling questions to get topic-specific feedback, identify priorities, create a shared vision, or test participants' knowledge. The flexibility of real-time voting software programs can enhance most engagement opportunities.

7.4.8 511 Road Condition Service

South Dakota's 511 Road Condition Service is a traveler information website that shows road conditions and has an integrated trip planning tool. Motorists can plan for safe travel by viewing up-to-date road surface conditions, construction project impacts, road camera images, road closures, travel incidents, and alerts. The tool can be accessed at <https://www.sd511.org> or by downloading the free app for Apple and Android mobile phones and tablets.



Appendix A. Federal and State Legal Requirements



Appendix A: Federal and State Legal Requirements

Federal Legal Requirements

23 United States Code 128, Public Hearings

In accordance with 23 United States Code (USC) 128, a public hearing or the opportunity for a public hearing is required for any federal-aid highway project that bypasses or goes through a city, town, or village, as well as for an Interstate Highway System project. Per § 771.111(h)(1), each State must have procedures approved by the Federal Highway Administration (FHWA) to carry out a public involvement/public hearing program pursuant to 23 USC 128 and 139 and Council on Environmental Quality (CEQ) regulations.

Executive Order 13166, Limited English Proficiency

Executive Order (EO) 13166, Improving Access to Services for Persons with Limited English Proficiency, requires federal agencies to provide meaningful access to limited English proficiency (LEP) populations. The EO requires all federal agencies to “develop and implement a system by which LEP persons can meaningfully access [agency] services consistent with, and without unduly burdening, the fundamental mission of the agency” (EO 13166). If a project has potential impacts on LEP individuals, SDDOT must provide meaningful access to those individuals throughout the National Environmental Policy Act (NEPA) process. The U.S. Department of Justice’s LEP Guidance describes a four-factor analysis that can be used to determine what steps should be taken to provide meaningful access for LEP persons and to develop an LEP outreach program (U.S. Department of Justice LEP Guidance and USDOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient [LEP] Persons). If LEP-specific outreach is warranted, the aforementioned USDOT policy guidance further describes how to select language assistance services, including interpretation and translation; how to design and update an LEP program; and how to provide notice to LEP persons.

25 CFR 170, Tribal Transportation Program

25 CFR 170 Tribal Transportation Program is a pertinent public involvement regulation related to Tribal relations. Public involvement is required in the development of the Tribal Transportation Improvement Program, including other transportation projects and policies. The Tribe may hold public meetings at which the public may comment orally or in writing. The Tribe, the State transportation department, or Metropolitan Planning Organization (MPO) may conduct public involvement activities.



Executive Order 13175, Tribal Coordination

The intent of this EO is to establish regular and meaningful consultation and collaboration with Tribal officials in the development of federal policies that have Tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

Americans with Disabilities Act of 1990

Any public engagement activity should take into consideration the Americans with Disabilities Act of 1990 (ADA; 42 USC 12101 *et seq.*), which prohibits the exclusion of individuals with disabilities from participation in the services, programs, or activities of a public entity. In addition, it encourages the engagement of people with disabilities. SDDOT's policy is to ensure that communication with persons with disabilities is as effective as communication with others. When public meetings and events are planned, public notices must include standard language to offer assistance to individuals with disabilities. The current approved language is available from SDDOT's Civil Rights Officer. Public meeting facilities will comply with ADA accessibility standards to the greatest extent practicable.

Freedom of Information Act

The Freedom of Information Act (FOIA) (5 USC 552) gives anyone the right to access information from the federal government. All federal-aid highway projects are subject to FOIA requests. To build awareness among the public that their comments and any other information given to the project team are subject to the FOIA, it is advisable when requesting comments to include language that states, "All public comments received will become part of the public record and may be subject to Freedom of Information Act requests."

Uniform Relocation Assistance and Real Property Acquisition Policies Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act; 49 CFR Part 24) provides for fair and equitable treatment of persons whose property will be acquired or who will be displaced because of programs or projects that use federal funds. To satisfy FHWA NEPA regulations regarding public disclosure of the relocation assistance program and right-of-way (ROW) acquisition process (23 CFR 771.111(h)(2)(v)(D)), if property acquisition is anticipated as part of the project, SDDOT makes ROW Brochures and staff available to the public at public meetings and includes information in the public notice regarding the property acquisition. The ROW program information is available on SDDOT's website (<https://dot.sd.gov/doing-business/engineering/design-services/relocation-assistance>).



Fixing America's Surface Transportation (FAST) Act

The FAST Act, the most recent long-term federal transportation bill, requires that statewide planning efforts be conducted using documented public involvement processes. This must include, at a minimum, the components described in CFR 450, such as convenient and accessible public meeting locations/times, explicit response to public input, and a focus on traditionally underserved populations.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and national origin in programs that receive federal funding. To comply, public involvement activities must reach out to all groups in the community, especially the traditionally underserved or people who do not traditionally participate. A variety of activities and methods to encourage public involvement should be used to keep from unintentionally discriminating.

SDDOT Title VI Program Implementation Plan

SDDOT is a recipient of federal funding assistance and is, therefore, subject to the Title VI compliance conditions, including USDOT Order 5610.2. The SDDOT Title VI Program Plan states that the policy of SDDOT is to ensure that no person or group of persons shall, on the grounds of race, color, national origin, religion, sex, age, disability of other statutorily prescribed basis, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by the Department. It also sets forth the policy for how the Department will integrate compliance with Title VI into planning, programming, and policy formulation.

Executive Order 12898, Environmental Justice

EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to achieve environmental justice by identifying and addressing adverse impacts on minority and low-income populations, and to gather input from these populations early in the public involvement process. Federal agencies must identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” (EO 12898) in support of their environmental justice goals. If a project has potential impacts on minority and low-income populations, SDDOT must do the following as part of public outreach:

- ➡ Provide meaningful opportunities for public involvement to minority and low-income populations (U.S. Department of Transportation [USDOT] Order 5680.1, Section 5.b(1))



- ➔ Provide access to information regarding potential impacts on minority and low-income populations (USDOT Order 5680.1, Section 5.b(2))
- ➔ Solicit input from affected minority and low-income populations in considering alternatives (USDOT Order 5680.1, Section 7.c(4))

EO 12898 also addresses outreach to populations who speak limited English and suggests that agencies do the following (EO 12898, Section 5-5):

- ➔ “Translate crucial public documents, notices, and hearings relating to human health or the environment for limited English-speaking populations”
- ➔ “Work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public”

Further direction is given in USDOT’s Environmental Justice Strategy, specifically Section II (A.3), which encourages coordination with community leaders to develop outreach plans, and exploration of traditional and nontraditional outreach strategies to ensure participation. CEQ Guidance on Environmental Justice (Section III.C, Considering Environmental Justice in Specific Phases of the NEPA Process) lists potential options to consider during public involvement planning to overcome potential linguistic, institutional, cultural, economic, historical, or other potential barriers to public participation.

USDOT Order 5610.2(a) and FHWA Order 6640.23A – Updated Environmental Justice Order

USDOT Order 5610.2(a) and FHWA Order 6640.23A set forth USDOT and FHWA policy to consider environmental justice principles in all USDOT and FHWA programs, policies, and activities. It describes how the objectives of environmental justice will be integrated into planning and programming, rulemaking, and policy formulation. The order sets forth steps to prevent disproportionately high and adverse effects on minority or low-income populations through Title VI analyses and environmental justice analyses conducted as part of federal transportation planning and NEPA provisions. It also describes the specific measures to be taken to address instances of disproportionately high and adverse effects and sets forth relevant definitions.

23 USC 139, Efficient Environmental Reviews for Project Decision-making

The efficient environmental review process established in 23 USC 139 has precise public and agency involvement requirements for transportation projects requiring an environmental impact statement



(EIS). This environmental review process may also be used for projects requiring an environmental assessment (EA), but this occurs rarely.

National Historic Preservation Act of 1966, Section 106

The objective of Section 106 of the National Historic Preservation Act of 1966 (54 USC 300101 *et seq.*) is to balance the needs of federal agencies and their undertakings with historic preservation concerns and to resolve potential conflicts between the two. Requirements for public and agency outreach under Section 106 include identifying consulting parties and conducting formal Section 106 consultation (36 CFR 800.3), as well as providing the public with information about the project and its effects on historic properties and seeking public comment (36 CFR 800.2(d) and 800.3(e)). This public outreach requirement is routinely satisfied through the NEPA process.

U.S. Department of Transportation Act of 1966, Section 4(f)

Section 4(f) of the USDOT Act of 1966 (49 USC 303; 23 USC 138) governs the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or private historic sites for federal-aid projects. Before a *de minimis* finding is made, public outreach is required; however, the specific outreach requirements vary depending on what type of property would be affected. For example, before making a *de minimis* finding on a historic site, consulting parties identified in the Section 106 process must be consulted, and the State Historic Preservation Officer or Tribal Historic Preservation Officer and the Advisory Council on Historic Preservation (if participating) must concur with a “no adverse effect” or “no historic properties affected” finding. Public notice and comment beyond that required by 36 CFR Part 800 is not required. For parks, recreation areas, and wildlife and waterfowl refuges, public notice and an opportunity for public review and comment are required (23 CFR 774.5(b)) before a *de minimis* finding can be made. SDDOT’s practice is for this information to be included in the Notice of Availability (NOA) for the EA or Draft EIS, to include *de minimis* information at any public meetings and hearings, and to make the Section 4(f) document(s) available in the same locations as the NEPA documentation.

For project types that do not routinely require public review and comment, such as certain Categorical Exclusions (CEs) and reevaluations, but for which a *de minimis* finding is proposed, separate public notice and opportunity for review and comment are necessary. The SDDOT Environmental Office, in coordination with the Office of Communications, determines the appropriate method of public outreach for a proposed *de minimis* finding based on the specifics of the situation, the type and location of the Section 4(f) property, impacts on the property, and public interest. Public notice and the opportunity for public review and comment can be made multiple ways, including newspaper advertisement, project website, bulletin board notice, placement at a public library, and public meeting or hearing.



When public involvement is initiated solely for a *de minimis* impact finding, responses or replies to the public comments may not be required, depending on the substantive nature of the comments. All comments and responses are to be documented, as appropriate, in the project file; comments are provided to the Official with Jurisdiction when requesting concurrence with the *de minimis* finding for publicly owned parks, recreation areas, or wildlife and waterfowl refuges.

23 CFR 772, Procedures for Abatement of Highway Traffic Noise and Construction Noise

FHWA procedures for traffic noise abatement are found in 23 CFR 772. SDDOT's implementation standards for the FHWA noise abatement procedures are presented in the SDDOT Noise Analysis and Abatement Guidance. FHWA procedures define traffic noise impacts and the consideration of noise abatement measures when traffic noise impacts are identified for certain projects. Noise abatement measures found to be reasonable and feasible must be constructed for such projects. As part of determining whether noise abatement is reasonable, SDDOT considers the viewpoints of the property owners and residents of properties who would benefit from the proposed noise abatement. This is achieved through a noise abatement stakeholder meeting and through voting by the benefitted property owners and residents. See the SDDOT Noise Analysis and Abatement Guidance for additional information about this meeting and voting procedures.

Executive Order 11990, Protection of Wetlands

EO 11990, Protection of Wetlands, requires that adverse impacts on wetlands be avoided whenever there is a practicable alternative. If the project has potential impacts on wetlands, the EO requires that an opportunity for early public review be provided (EO 11990, Section 2(b)). SDDOT provides an opportunity for early public review.

Executive Order 11988, Floodplain Mitigation

EO 11988, Floodplain Management, requires federal agencies to avoid adverse impacts on floodplains to the extent practicable. When SDDOT determines that a project has potential adverse impacts on floodplains, opportunity for early public review is required and provided through SDDOT public notices and other public involvement materials. See also USDOT Order 5650.2, Floodplain Management and Protection, Section 7, and FHWA's implementing regulations found in 23 CFR 650.

Procedures that have been established to meet the public involvement requirements of [23 CFR part 771](#) shall be used to provide opportunity for early public review and comment on alternatives that contain encroachments.



23 USC 109(h), Economic, Social, and Environmental Effects of Highways

USC 109(h) provides standards to assure that the potential adverse economic, social, and environmental effects of a proposed project in the federal-aid system have been fully considered in developing the project and that the final project decisions are made in the best overall public interest.

23 USC 139, Efficient Environmental Reviews for Project Decision-Making (also 23 USC 128)

USC 139 provides coordination and scheduling for public and agency participation on the environmental review process.

23 CFR 450, Planning Assistance and Standards

23 CFR 450 requires early and continuous public involvement.

23 USC 134, Metropolitan Transportation Planning, and 23 USC 135, Statewide and Nonmetropolitan Planning

23 USC 134 and 23 USC 135 require public involvement.

23 CFR 771, Environmental Impact and Related Procedures

23 CFR 771 addresses early coordination, public involvement and project development for proposed actions.

40 CFR Volume 31, Chapter V, Parts 1500–1508 National Environmental Policy Act

40 CFR Volume 31 addresses the availability of information to public officials and citizens prior to decisions being made.

36 CFR 800, Protection of Historic Properties

36 CFR 800 outlines the need for public involvement for these actions.



State Legal Requirements

South Dakota Codified Law Chapter 1-44

South Dakota Codified Law (SDCL) Chapter 1–44 created the legal framework for SDDOT. Among other things, the laws in this chapter established the Secretary of Transportation as the head of SDDOT and created the Transportation Commission and the South Dakota State Railroad Board.

Administrative Rules of South Dakota

Title 70 of the Administrative Rules of South Dakota governs various activities of SDDOT. Included are regulations in the areas of highway safety, aeronautics, oversize and overweight vehicles, signage, financial assistance, contracting, the exercise of eminent domain by railroads, access management, utility corridor management, rest areas, county highway and bridge improvement plans, bridge improvement grants, state highway fund loans, automated vehicles, and the administration of the South Dakota State Railroad Board.

SDCL Chapter 1–25 Meetings of Public Agencies

SDCL Chapter 1–25 governs meetings of public bodies. Under this chapter of the law, official meetings of public bodies of the State are open to the public, subject to limited exceptions. The law also requires the State to post notice of a public body’s meeting and agenda at least 72 hours before the meeting is scheduled to start, and the State must place public meeting materials on the State website. The law also requires that scheduled meetings of a public body include a period for public comment.

SDCL Chapter 1–27 Public Records Open to Inspection and Copying

This chapter of South Dakota law allows interested persons to examine public records and identifies those records that are exempt from public inspection.



Appendix B. Branding Guidelines



Appendix B: Branding Guidelines

SDDOT maintains a set of branding standards – logos, colors, document templates, etc. – to help ensure consistency in presentation and messaging from the agency. This appendix presents an overview of key branding elements. More information, as well as downloadable elements to incorporate into project materials, can be found at [this link](#).

Logos

The logo can stand alone or be used in conjunction with other identifiers. It is most appropriate for general correspondence, flyers, internal business documents, reports, and presentations. The logo should not be used for formal contracts or other official government documents.



Wordmarks

The Wordmark is a more formal version of the logo and should be used for formal contracts and on official documents. Do not use the Wordmark next to the headline text that also says, “South Dakota Department of Transportation.” It also is not usually appropriate for social media.





Colors & Fonts

Three main colors, shown below, are used in SDDOT-branded materials. Main fonts are Calibri Light Bold, for headings subheadings, and Calibri, for all body text.



Spearfish Formation Red

Process: 79/2/10/11
Pantone PMS: 7624 C
RGB: 117/17/19
WebHex: 751113



Missouri River Blue

Process: 85/52/29/6
Pantone PMS: 7699 C
RGB: 47/107/141
WebHex: 2E6B8D



South Dakota Sunflower Yellow

Process: 0/29/98/0
Pantone PMS: 7408 C
RGB: 253/186/23
WebHex: FDBA17

Other Materials

At the site linked above, templates/ordering information for SDDOT letterhead, PowerPoints, press releases, business cards, vinyl banners, and stickers can also be found.



Appendix C. Levels of Participation



Appendix C: Levels of Participation

Directions: Using the scale below, rank the questions in the table with an estimated level of priority or impact (from 0 = very low to 3 = very high). Then, follow the instructions in the worksheet to score your assessment.

Scale:

0 – Indicates very low – Participation recommendation: **Inform**

1 – Indicates low to moderate – Participation recommendation: **Coordinate**

2 – Indicates moderate to high – Participation recommendation: **at least Involve**

3 – Indicates high to very high – Participation recommendation: **Cooperate**

Assessment Questions	Very low	Low to moderate	Moderate to high	High to very high
1. Are there legal requirements for public engagement on this project?				
Public Relations and Politics				
2. What's the expected level of political controversy?				
3. What is the expected level of media interest?				
4. What level of community support does the project currently have?				
Public Interest and Stakeholder Involvement				
5. How much do stakeholders care about the issues and the decisions to be made?				
6. What degree of involvement in the process do stakeholders appear to want?				
7. What SDDOT/transportation-related history in this community may affect public perceptions or expectations?				
8. What level of public anger and opposition is anticipated?				



Assessment Questions	Very low	Low to moderate	Moderate to high	High to very high
9. What is the likelihood for culturally specific processes for how we engage?				
10. What is the potential for undesirable outcomes if appropriate public engagement doesn't occur?				
Influence and Impact				
11. What level of internal (and other) resources are available to support public participation?				
12. What level of influence do internal staff members think the public can have on the decision?				
13. What is the likelihood that decision-makers will fully consider public input?				
Project Impacts				
14. What is the probable level of difficulty in addressing the problem/opportunity?				
15. How significant are the actual negative impacts of the project to people, neighborhoods, businesses and communities?				
16. What level of environmental impacts might affect stakeholders?				
17. How intrusive/disruptive will the public perceive this project to be?				
Add numbers in each column for score:				
<p>Add the column scores together and enter the total:</p> <p>Divide the total score by the number of questions (17):</p> <p>Enter the result here:</p>				

This is the average score that may help you select the best participation level for this project (the higher the number, the higher the participation level that is likely to be most effective).



Appendix D. Categorical Exclusion Definitions



Appendix D: Categorical Exclusion Definitions

In the National Environmental Policy Act (NEPA) process, there are three levels of documentation:

1) Environmental Impact Statement (EIS), 2) Environmental Assessment (EA), or 3) Categorical Exclusion (CE). CEs are used when an action is known to not have significant environmental impacts.

According to the Programmatic Agreement between the Federal Highway Administration (FHWA) and the South Dakota Department of Transportation (SDDOT) (SDDOT 2021), there are three levels of CEs that can be used by SDDOT:

- ➔ CE1 – SDDOT Batched Programmatic CE
- ➔ CE2 – SDDOT Approved Programmatic CE
- ➔ CE3 – FHWA Approved Programmatic CE Based on SDDOT Certification

A description of each type of CE is provided in the following subsections. In all instances, a summary of public involvement complying with the requirements of FHWA-approved public involvement policy is required.

CE1 – SDDOT Batched Programmatic CE

Based on past experience, FHWA has determined these actions do not result in significant natural or human environmental impacts; therefore, SDDOT may review these actions for NEPA approval without the involvement of FHWA. Furthermore, these actions do not have a potential to generate substantial controversy on environmental grounds, impact properties protected by Section 40 of the U.S. Department of Transportation (USDOT) Act, cause effects to historic properties whether or not such properties are present (36 CFR 800.3(a)(1)), or create inconsistencies with federal, state, or local laws, requirements or administrative determinations relating to the environmental aspects of the action. These actions include:

Non-Ground Disturbing Activities

1. Planning and research activities
2. Grants for training
3. Engineering to define the elements of a proposed action or alternatives to assess environmental effects
4. Federal-aid system revisions that establish classes of highways on the federal-aid highway system
5. Acquisition of scenic easements



6. Ridesharing activities
7. Funding for the development of Information Technology support materials (i.e., programs, guidelines, software)
8. Funding for SDDOT and Local Transportation Assistance Program training and equipment
9. Safe Routes to School education/outreach (non-infrastructure) projects
10. Visual Statewide Bridge Inspections

Ground Disturbing Activities Within the Existing Operational Right-of-Way (ROW)

1. Replacing/repairing existing underground utilities and replacement and relocation of existing utility poles between the sidewalk and roadway
2. Construction, reconstruction, or restoration of bicycle and pedestrian lanes, paths, and facilities
3. Installation of noise barriers
4. In kind replacement or maintenance of landscaping
5. Installation or replacement of fencing (like kind if historical type materials)
6. New or renewal of pavement markings, rumble strips and stripes, signs, impact attenuators, median glare screens, roadway delineators, breakaway devices, and reflective object markers.
7. Repair, replacement, or installation of lighting, traffic and pedestrian signals, in ground traffic sensors, or other similar devices
8. Emergency Repairs declared by the State Governor or President of the United States (23 USC 125)
9. Improvements to existing rest areas and truck weigh stations unless included on the “Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System”
10. Replacement of sidewalks and curbs to satisfy the requirements of the Americans with Disabilities Act (ADA) when there are no alterations to adjacent structures or façades
11. Repair, replacement, or installation of railroad warning devices and track and rail bed maintenance when carried out within the existing railroad ROW
12. Deployment of electronics, photonics, communications, or information processing equipment to improve safety or enhance security or passenger convenience



13. Reconstruction, restoration, and resurfacing activities within the existing operational ROW
14. Pothole filling, crack sealing, joint repair, pavement milling or grooving, and surface treatments
15. Routine roadway, roadside, and drainage system maintenance activities necessary to preserve existing infrastructure and maintain roadway safety, drainage conveyance, and storm water treatment
16. Minor highway safety or traffic operation improvement undertakings involving drainage system elements, including but not limited to converting existing drop inlets to traversable designs; installation, replacement, and extensions of pipes and pipe end sections as long as such work is not within a stream; installation, replacement, modification of safety barriers, and removal of fixed objects such as utility poles, non-breakaway signs, and modern pipe headwalls within the roadway ROW
17. Repair, replacement or resetting of existing guardrail with replacement of existing wood or weathering steel guardrail being replaced consistent with the existing materials
18. All work within interchanges or medians of divided highways unless the median has not been previously disturbed by construction
19. All work between a highway and the adjacent frontage road, unless the area has not been previously disturbed by construction
20. Replacement or repair of curb and gutter and sidewalks (exclusive of ADA projects) when there are no alterations to adjacent structures or façades
21. Rehabilitation, reconstruction or refurbishing of existing at-grade railroad crossings
22. Emergency structural repairs to maintain the structural integrity of bridges
23. Routine maintenance of bridges and culverts including bridge repairs, deck replacement or repairs, overlays, railing repair, painting, and berm repairs

CE2 – SDDOT Approved Programmatic CE

Programmatic CE actions that do not meet the requirements of a CE1 may be reviewed and documented as a CE2. For SDDOT to approve an action as a CE2, the action may not exceed the **CE approval threshold** or include any **unusual circumstances** that would make the CE2 approval inappropriate.

When approving a CE2, SDDOT will certify the following: “This project meets the definition for a Categorical Exclusion under 23 CFR 771.117(a), does not involve unusual circumstances as defined under 23 CFR 771.117 (b), does not require preparation of an Environmental Impact Statement or



Environmental Assessment, qualifies for a Categorical Exclusion under 23 CFR 771.117(c) or 23 CFR 771.117(d) and does not exceed the threshold criteria listed in the Programmatic Agreement between FHWA and SDDOT regarding Categorical Exclusions."

CE Approved Thresholds

Individually, each of the following conditions defines the SDDOT CE approval threshold. The SDDOT may not approve a CE in which any of the following conditions apply:

- ➡ "May Affect, Is Likely to Adversely Affect" federally listed or candidate species or proposed or designated critical habitat or projects with impacts subject to the conditions of the Bald and Golden Eagle Protection Act except those species included in a programmatic ESA consultation.
- ➡ Requires the use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303) approved by FHWA under individual, *de minimis*, or programmatic evaluations. This condition excludes exceptions identified under 23 CFR 77 4.13 when FHWA concurs with SDDOT's application of the exception.
- ➡ Requires the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act of 1965, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property.
- ➡ Results in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act.
- ➡ Requires one or more acres of wetland impacts.
- ➡ Requires a U.S. Army Corps of Engineers Section 404 Individual Permit.
- ➡ Requires work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR § 650 subpart A.
- ➡ Involves acquisitions of more than a minor amount of ROW.
 - ➡ Acquisitions include:
 - Options to purchase, rights of first refusal, fee title, permanent easements and access rights
 - Both advance and post-NEPA acquisitions



- ➔ Acquisition is considered more than minor if:
 - It will require displacement of owners or tenants and personal property from residences, commercial or non-profit establishments, or farms
 - It will affect the functionality of the primary structure(s) on the property or use of the property
 - Typical examples of minor amounts of ROW acquisition include low cost, strip acquisitions, and corner acquisitions that do not affect permanent structures
- ➡ Requires Tribal consultation as requested by a Tribe.
- ➡ Is defined as a “Type I project” per 23 CFR 772.5 for purposes of a noise analysis.
- ➡ Requires an air quality impact assessment under the Clean Air Act.
- ➡ Requires a U.S. Coast Guard bridge permit.
- ➡ Requires construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the U.S. Department of the interior/U.S. Department of Agriculture.
- ➡ Is not included in or is inconsistent with the statewide transportation improvement program, and transportation improvement program when in an urbanized area (as applicable).

Unusual Circumstances

Unusual circumstances include but are not limited to the following:

- ➡ Access control changes that affect traffic patterns. For example:
 - ➔ Changes that would affect traffic patterns include actions such as installing medians and providing new temporary and permanent access to the interstate.
 - ➔ Changes that would not affect traffic patterns include actions such as breaks in access control for maintenance or emergency access or minimal alterations or adjustments to driveways.
- ➡ Use of temporary roads, detours, or ramp closures. This condition will not apply when all of the following are true:
 - ➔ Provisions have been made for access by local traffic and are so posted.
 - ➔ Through-traffic dependent business will not be adversely affected.
 - ➔ Use of detour(s) or ramp closure(s), to the extent possible, will not interfere with local special events or festivals.
 - ➔ Use of temporary road detour(s) that will reroute traffic flow has been provided to the public and no substantial controversy has been identified.



- ➔ Capacity expansion of a roadway by the addition of through lane.
- ➔ Closure of existing roads, bridges, or ramps.
- ➔ Acquisition of land for hardship or protective purposes, or early acquisition pursuant to federal acquisition project (23 USC § 108(d)).
- ➔ Use or lease of real property owned by a federal agency.
- ➔ Modification of a watercourse.
- ➔ Substantial public controversy.

CE3 – FHWA Approved Programmatic CE Based on SDDOT Certification

Programmatic CE actions that do not meet the requirements of a CE1 or a CE2 may be reviewed, documented, and recommended for approval to the FHWA as a CE3 by the SDDOT.



Appendix E. Stakeholder List Worksheet



Appendix E: External Stakeholder List

The table below can be used to help develop an approach for engaging with stakeholders. As potential stakeholders are identified, issues they may care about, their interests in decisions regarding those issues, and the expected level of influence they may have over those decisions should be noted. Based on that information, determine how important and relevant their issues of interest are to the overall project and how much that stakeholder will need to be engaged.

Considerations to be given include:

- ➔ What is the initial feedback from the public and stakeholders on the project?
- ➔ Who are the stakeholders?
- ➔ Who cares about the plan/project?
- ➔ What do people know, believe and fear?
- ➔ What are the key issues?
- ➔ What communities will be impacted?
- ➔ What level of interest and influence do stakeholders have in/over decisions?

Stakeholder	Issue			Engagement Level	
	Issue	Level of Interest	Level of Influence	Level of Importance	Level of Engagement
Organization X	Bicycling	Moderate	Moderate	High	Moderate
Organization Y	Freight	High	High	Low	Low

Resource: IAP2 Stakeholder Analysis and Interest and Influence Grid



Appendix F. Sample Activity-Specific Public Involvement Plan



Appendix F: Activity-Specific Public Involvement Plan

A. Project Communication

1. Project background
2. Purpose/objectives/goals
3. List of known community concerns
4. Talking points (key messages related to the scope and intent of the project)
5. Public Information Team (names and contact information)

Provide a high-level summary of the project, internal communication protocol, and public messaging themes.

B. Engagement Schedule

Provide a graphic schedule identifying key engagement milestones such as public meetings, surveys, stakeholder meetings, and elected official briefings/board meetings. The schedule should reflect phases of the overall project as well.

C. Project Branding

Provide a summary of project logo(s) and color palette.

D. Stakeholders and Key Audiences

Provide a list of identified project stakeholders, including contact information, organization/interest they represent, and how they will be engaged with. Make sure to specifically identify elected officials to engage with and a government affairs strategy to handle them.

E. Outreach and Communication Tools

Provide a list of tools and strategies that will be used to engage the public and stakeholders, such as social media, websites, and newsletters. For each tool, provide an overview of how it will be used and at what stages of the project.

F. Community Outreach Events/Public Meetings

Provide an overview of engagement opportunities planned for the duration of the project. For each event, include the format (e.g., open house), timeframe, intent, and desired outcome.

G. Documentation



Appendix G. Activity-specific Communications Matrix Checklist



Appendix G: Activity-specific Communications Matrix Checklist

Project background and goals High-level summary of the project	
List of known community concerns and key stakeholders High-level summary of the project issues and significant stakeholders	
Talking Points Key messages related to the scope and intent of the project	
Schedule of outreach Project schedule with key communications milestones	
Tools List of tools and strategies that will be used to engage	
PI Team Names and contact information	



Appendix H. Sample Comment Matrix



Appendix H: Sample Comment Matrix


Comment	Source	Date	Name	Email	Home Jurisdiction	Category	Response
I support this project	Public Meeting	XX/XX/XXXX	John Doe	__@__.com	Meade County	General	Response sent
	Project Website	XX/XX/XXXX		__@__.com	Rapid City	Bike/Ped	Addressed
	Email	XX/XX/XXXX		__@__.com	Fort Pierre	Maintenance	Response sent
	Etc.	XX/XX/XXXX		__@__.com	Etc.	Etc.	Etc.



Appendix I. Public Meeting Survey



Appendix I: Public Meeting Survey



SDDOT Public Meeting Survey

The South Dakota Department of Transportation (SDDOT) invites you to share your opinion about this public meeting and tell us how we can improve our meeting process. Thank you for taking just a few minutes to complete this survey.

You may either mark this survey and turn it in as you leave this meeting or complete it later online at <https://www.surveymonkey.com/r/SDDOT-Public-Meeting-Survey>

1. In what city was this SDDOT meeting held?

<input type="radio"/> Aberdeen	<input type="radio"/> Mobridge	<input type="radio"/> Winner
<input type="radio"/> Belle Fourche	<input type="radio"/> Pierre/Ft. Pierre	<input type="radio"/> Yankton
<input type="radio"/> Custer	<input type="radio"/> Rapid City	<input type="radio"/> Web Meeting
<input type="radio"/> Huron	<input type="radio"/> Sioux Falls	
<input type="radio"/> Mitchell	<input type="radio"/> Watertown	
<input type="radio"/> Other (please specify)	<input type="text"/>	

2. When did you attend this meeting?

Please enter the meeting date (month/day/year)

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

3. How did you learn about this meeting? (please check all that apply)

<input type="checkbox"/> Letter from SDDOT	<input type="checkbox"/> Radio	<input type="checkbox"/> Twitter
<input type="checkbox"/> SDDOT Web Site	<input type="checkbox"/> Television	<input type="checkbox"/> Friend or Acquaintance
<input type="checkbox"/> Newspaper	<input type="checkbox"/> Facebook	<input type="checkbox"/> Electronic Message Board
<input type="checkbox"/> Other (please specify)	<input type="text"/>	

4. Why were you interested in attending this meeting? (please check all that apply)

<input type="checkbox"/> I own property that may be affected SDDOT activity
<input type="checkbox"/> I live or work adjacent to a road that may be affected by SDDOT activity
<input type="checkbox"/> I travel on roads or streets that may be affected by SDDOT activity
<input type="checkbox"/> I am a public official in the area
<input type="checkbox"/> My business may be affected by SDDOT activity
<input type="checkbox"/> I have general interest
<input type="checkbox"/> Other (please specify)



5. Please indicate your agreement or disagreement with the following statements:

	Strongly Disagree	Disagree	Agree	Strongly Agree	Does Not Apply
The purpose of the meeting was clearly explained	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information was presented clearly at the meeting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I felt free to comment and ask questions during the meeting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Questions were answered clearly and completely	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any of your answers

6. How could SDDOT improve the quality and value of this public meeting?

7. If you would like to be contacted about your responses, please provide your name and contact information (this is entirely optional).

Name:	<input type="text"/>
Email:	<input type="text"/>
Phone:	<input type="text"/>

Thank you for taking time to complete this survey. You may either mark this survey and turn it in as you leave this meeting or complete it later online at <https://www.surveymonkey.com/r/SDDOT-Public-Meeting-Survey>





Appendix J. Tribal Consultation Procedures



Appendix J: Tribal Consultation Procedures

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

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

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

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

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

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

SDDOT and FHWA will collaboratively meet with each individual Tribe on an annual basis to discuss the Section 106 requirements and review this process. Planned and programmed projects of interest to each Tribe, along with projects that have been "batched" for environmental purposes, will also be discussed.



Batched projects typically do not have the potential to disturb cultural resources. Examples include projects that are confined to the roadway surface or are located in areas within the existing right-of-way that have been previously disturbed. A list of batched projects shall be provided to Tribes prior to the annual meetings for review at the meeting.

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

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

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

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

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

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



Appendix K. Construction Impact Notification Timing



Appendix K: Construction Impact Notification Timing

Deliverable Message	When to be published
Full road closures, detours, and major traffic impacts lasting 7 days or longer	14 days prior to the beginning of activity in any area of the project
Major project activities (such as major lane shifts, bridge demolitions, etc.) lasting 7 days or less	7 days prior to the beginning of the activity
Other remaining types of construction activities in any area of the project, including: ➔ Night work ➔ Utilities ➔ Change of business/residential access	7 days prior to the beginning of activity in any area of the project or as determined jointly by teams
Other construction updates (e.g., cancellation of planned closures, additional lane closures, closure removals, major traffic shifts, etc.) that directly impact the public	As soon as known with at least 24 hours' notice

Example Stakeholder Lists

- | | | |
|---|---|---|
| ➔ City Manager's Office | ➔ County Sheriff's Office | ➔ Neighborhood Associations |
| ➔ City Public Works | ➔ County Road & Bridge | ➔ Multi-Family Housing/
Property Management Firms |
| ➔ City PIO | ➔ County PIO | ➔ Special Districts (Business
Improvement, Parks,
Maintenance, Water, etc.) |
| ➔ Chamber of Commerce | ➔ Schools/School District | ➔ Airports |
| ➔ City Fire/Rescue | ➔ Businesses | ➔ Utility Owners |
| ➔ Police Department | ➔ Community Centers | ➔ Commercial Vehicle
Operators |
| ➔ Local State Patrol Office | ➔ Churches | ➔ Others |
| ➔ Hospital | ➔ Visitor Centers/Tourist
Destinations | |
| ➔ Ambulance | ➔ Railroads | |
| ➔ Grain Elevators/Ag Producer
Plants | | |



Appendix L. Field Incident Crisis Contact Card



Appendix L: Field Incident/Crisis Communications Card

INCIDENT INFORMATION	INSTRUCTIONS
INCIDENT LOCATION (Route, Milepost, Landmark, Cross Street, Direction of Travel)	<p>Following incident.</p> <ul style="list-style-type: none">• Secure site as necessary and support any onsite response.• Contact your Area/Region office to provide the following information regarding the incident.<ul style="list-style-type: none">○ Phone: XXX-XXX-XXXX• Coordinate with SDHP as necessary.<ul style="list-style-type: none">○ Phone: XXX-XXX-XXXX• Contact Traffic Operations with roadway impact information as necessary.<ul style="list-style-type: none">○ Phone: XXX-XXX-XXXX• If media present onsite: Contact Communications Office with information. Work with onsite responders to provide safe space for media.
DATE/TIME OF INCIDENT	
TYPE OF INCIDENT (Major/Intermediate/Minor)	
ANTICIPATED IMPACT (Hours)	
INJURIES/FATALITIES	
INCIDENT DESCRIPTION	
SDDOT ON-SITE CONTACT CELL NUMBER	



Appendix M. Sample Press Release



Appendix M: Sample Press Release



Rapid City Region Office

2300 Eglin Street, PO Box 1970

Rapid City, SD 57709-1970

Phone: 605-394-2244 FAX: 605-394-1904

Website: <https://dot.sd.gov/> and <https://sd.511.org>

For Immediate Release:

Day of Week, Month 00, 0000

Contact: Project Manager, SDDOT Position, 555-555-555

Department of Transportation Seeks Public Input into the [PROJECT NAME]

RAPID CITY, SD – The South Dakota Department of Transportation (SDDOT), in collaboration with the South Dakota Department of Game, Fish & Parks (SDGF&P), the United States Forest Service (USFS), the United States National Park Service (USNPS), and the Federal Highway Administration (FHWA) will hold a virtual public meeting on the website [PROJECT SITE] on [DATE].

[BRIEF PROJECT OVERVIEW (possibly including study area map)]

The purpose for the open house is to inform the public of the improvement options being proposed by the consultant, to record any concerns the public may have with those ideas, and to gather other ideas to help determine the future look of the interchange and crossroad corridor. The study will address a full range of transportation options and issues, including pedestrian, bicycle, transit, freight, and automobile.

[MAP OF VENUE (if applicable)]

Area residents, business owners, and daily commuters are encouraged to participate in this virtual public meeting. The opportunity to present written comments will be provided. Comments on the virtual public meeting will be accepted until [DATE].

Any individuals with disabilities who will require a reasonable accommodation to access the information on the study website may submit a request to the department's ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Relay Services for the Deaf).



Public meeting and additional information is posted on the study website: [WEBSITE LINK]

For more information, contact [PROJECT MANAGER] at (555) 555-5555 or by email at [EMAIL ADDRESS].

About SDDOT:

The mission of the South Dakota Department of Transportation is to efficiently provide a safe and effective public transportation system.

Read more about the innovative work of the SDDOT at <https://dot.sd.gov>.



Appendix N. Sample Public Notice



**SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
NOTICE OF PUBLIC INFORMATION RELEASE VIA VIRTUAL PUBLIC MEETING**

FOR
[PROJECT NAME]

Dates: XX/XX through XX/XX

Website: [URL]

The South Dakota Department of Transportation (SDDOT), in conjunction with [stakeholders] will hold a virtual style public meeting for [project name].

[BRIEF PROJECT OVERVIEW]

The purpose for the open house is to inform the public of the improvement options being proposed by the consultant, to record any concerns the public may have with those ideas, and to gather other ideas to help determine the future look of the interchange and crossroad corridor. The study will address a full range of transportation options and issues, including pedestrian, bicycle, transit, freight, and automobile.

Due to limitations on public gatherings recommended by the Centers for Disease Control, the department is posting the public meeting information on the project website rather than presenting documents at an in-person public meeting. By visiting the project website, members of the public will be able to review and provide comments on potential improvements. Members of the public may submit questions or comments about the project by email or by calling 605-777-1973 and providing verbal comments. This project is being developed in compliance with state and federal environmental regulations.

Any individuals with disabilities who will require a reasonable accommodation to view the project website should submit a request to the SDDOT ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Relay Services for the Deaf).

All persons interested in this project are invited to attend this virtual meeting to share your views and concerns any time between XX/XX and XX/XX. For further information, questions, comments regarding this project, or for those who do not have access to a computer, contact [project manager contact info].

Public Meeting Information may be found at [project url]

[QR CODE]

Notice published twice at a cost of \$ ____.



SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION NOTICE OF PUBLIC INFORMATION
MEETING
[PROJECT NAME]

Date:

Place:

Time:

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

A presentation will take place shortly after 5:30 p.m. Afterwards, SDDOT staff will be available with displays to discuss the proposed project and answer your questions. During this time, you will also have the opportunity to present written comments.

Information will be available on the acquisition of right-of-way and relocation assistance. This project is being developed in compliance with state and federal environmental regulations.

Notice is further given to individuals with disabilities that this public meeting is being held in a physically accessible place. Any individuals with disabilities who will require a reasonable accommodation in order to participate in the public meeting should submit a request to the department's ADA Coordinator at 605-773-3540 or 1-800-877-1113 (Telecommunication Relay Services for the Deaf). Please request the accommodations no later than 2 business days prior to the meeting to ensure accommodations are available.

All persons interested in this project are invited to attend this meeting to share your views and concerns any time between 5:30 p.m. and 6:30 p.m.

For further information regarding this project, contact [Project Manager].

Public Meeting Information @ <http://sddot.com/dot/publicmeetings/default.aspx>

Notice published twice at a cost of \$ _____.



Appendix O. Sample Sign-in Sheet



Appendix O: Sample Sign-in Sheet

Name	Email	Organization	Join Email List? (Y/N)
	<u> </u> @ <u> </u> .com	Public Works	Y
	<u> </u> @ <u> </u> .com	Private	Y
	<u> </u> @ <u> </u> .com	School District	N
	<u> </u> @ <u> </u> .com	XX/XX/XXXX	Y



Appendix P. Meeting Planning Checklist



Appendix P: Meeting Planning Checklist

In-Person Meeting

Meeting Format

Not all meetings need to be anchored by a formal presentation. Sometimes the most effective format allows the community to review materials at their own pace and ask questions as needed.

Meeting Location

A meeting location should be convenient and within or near the activity area. The location also needs to be ADA-compliant. If unsure, a site-visit may be required. The following should also be considered to encourage attendance:

- ➞ Can people easily access from transit?
- ➞ Is there sufficient free parking?
- ➞ Is additional signage needed to help people easily find the location?
- ➞ Is the parking lot well-lit for an evening meeting?
- ➞ What additional technology is needed to ensure everybody will be able to hear and see the materials?

Room Layout

Audio and visual capabilities of the room should be confirmed beforehand. On the day of the meeting, it is good practice to arrive well in advance of the start time to set up technology and troubleshoot if necessary.

Meeting Time and Date

Meeting Materials

Prepare a list of materials (sign-in sheets, posters, nametags, etc.) and quantities that need to be gathered ahead of time and brought to the public meeting.

Safety Plan

Although rare, it is important to consider how the team would respond to an emergency. Safety concerns vary by event and can range from extended exposure to the heat, a fire inside a building, or



an aggressive member of the public. By preparing a plan, team members can feel comfortable for the task at hand.

Virtual Meeting

Meeting Platform

For a virtual meeting, a critical early action item is to identify the virtual platform to be used (Microsoft Teams, Facebook Live, etc.). Most virtual meeting platforms offer similar functionality but differ in their processes and abilities for pre-registration, live Q&A, accessibility, recording, and other details. The intended outcome and audience of the meeting should dictate the platform.

Meeting Time and Date

Meeting Materials

Materials for virtual meetings will generally consist of slideshows or other documents to be presented via screenshare.

Team Roles

For a virtual meeting, it is important to identify who from the team will be presenting information – and in what order – and what supporting roles other team members will play. In addition to the key presenters, it is useful to identify someone to operate the slideshow (if applicable), a primary note-taker and recorder of attendance, and an overall facilitator to handle transitions, Q&A, etc.

Hybrid Meeting

The checklist items for in-person and virtual meetings all apply to hybrid meetings as well, which are essentially both formats in one. Particularly important to hybrid meetings is ensuring ahead of time that the venue for the in-person meeting has sufficient audio, video, and internet capabilities to simultaneously stream the presentation and other relevant meetings elements virtually. Any input opportunities provided to in-person participants need to be made available in a digital format for those participating virtually.



Sample Packing List

VIDEO AND ELECTRONICS
1 x Projector with Power Cord
4x HDMI Cables
Projector Screen
1x Loaded/Labeled USB Flash Drive
4x Extension Cord
4x Power Strip
4 x Laptop
2x Hot Spots
2 x Large Computer Monitors for videos
COLLATERAL, POSTERS AND PRINTED MATERIAL
10x Sign-in sheet (mtg specific)
2 x Corridor Conditions Report
50 x Survey Monkey Questionnaire
2xAnnouncement Flyer
1x Public Meetings Summary
Welcome Board
What is a PEL Board
Purpose and Need Board
Process Flow Chart (where are we now?) Board
Alternatives Development and Screening Process Overview, Purpose, Outcomes Board
Ways to be Involved/Next Steps Board

MEETING SUPPORT ITEMS
Printed Project Team Name Tags
10x Blank Nametags
5x Thick Sharpies (name tags)
50 x Clipboard
Camera
Refreshments (with approval)
2 x Comment Card Basket
100x Pens
20x Markers
30 x Easels
Sticky Notes
Tape
10 x "I heard this" notebook for staff
5x Staffing Assignments (mtg specific)
5x Safety Plan (mtg specific)
SIGNAGE
2x Place Comment Forms Here (with project logo)
Directional Arrows



Appendix Q. Sample Virtual Meeting Tips



Appendix Q: Sample Virtual Meeting Tips

Virtual Meeting Script Sample

Welcome to the meeting, everyone!

First, please note that we are recording this meeting.

My name is Jane Doe with SDDOT and I will be facilitating our meeting today. As always, and even more important during our virtual meeting, please introduce yourself before you speak.

During this meeting, we will use the same functions as our last meeting, but just as a reminder:

- ➡ When you move your mouse on the zoom screen, a tool bar will show up across the bottom.
- ➡ Please go ahead and turn your video on.
- ➡ Click chat and participants. You should get a side column.
- ➡ Please raise your hand to indicate you have a question. We have built in breaks for questions; however, we have a tight timeline and will be able to field only a couple questions each time.

You are currently on mute. During the presentation I ask that you keep yourself on mute. We are going to do introductions, so as I call your name, please unmute yourself and state your name and the organization you are representing.

Similar to the last meeting, we will not share information over chat. Even though it may appear like I have sent a link with relevant information, please do not click on it. This is one of the security measures we are taking. All materials will be sent out via email or follow-up phone call from the project team.