

Public Involvement

SAFETEA-LU requires the Governor (under 23 CFR 450.200 - 450.224) to ensure that WisDOT and MPO's develop plans to actively involve the public in the development of the STIP. WisDOT proposes an ongoing, grassroots STIP public involvement plan that includes:

- 30-day written comment period on the STIP (yearly);
- State Trunk Highway System project development and Six-Year Highway Program hearings (ongoing);
- MPO public hearings on TIPs (yearly);
- Local government hearings on transit projects for smaller systems (ongoing);
- Local government hearings on local road projects (ongoing).

The focus of this plan is on maximizing public involvement at the state, MPO and local levels -- on an ongoing basis -- when initial project decisions are presented and made. WisDOT published its first STIP Public Involvement Plan in November of 1993 that summarized the STIP as well as the role of public involvement in the STIP. The STIP Public Involvement Plan, which was updated in December of 2007, focuses on the public involvement processes used on various types of transportation projects.

Though this year's STIP Public Involvement Plan does **not require** any public hearings, WisDOT may agree to have a public hearing if one is requested. As a result of the lack of public interest/attendance at these hearings in the past, the STIP Public Involvement Plan will continue to rely on written comments to the draft STIP from the public.

The legal notice advertising the draft STIP was published on November 2, 2009. A copy of the notice is presented below.

LEGAL NOTICE

The Wisconsin Department of Transportation announces the availability of its draft 2010 multimodal Statewide Transportation Improvement Program (STIP). The draft STIP is available from the State Transportation Improvement Program website, www.dot.wisconsin.gov/localgov/highways/stip.htm. The comprehensive improvement program includes all federally funded highway, transit, and bike and pedestrian projects to be undertaken in Wisconsin during the 2010-2013 timeframe. This STIP is also subject to a 30-day public comment period. The final STIP will be issued on approximately January 7, 2010. Inquiries about the draft STIP and written comments on the improvement program should be directed by December 10, 2009 to the Wisconsin Department of Transportation's Division of Transportation Investment Management, Bureau of Planning, P.O. Box 7913, Madison, WI 53707-7913; (608-266-1857).

Statewide Transportation Improvement Program Final Public Participation Plan

Background

The Statewide Transportation Improvement Program (STIP) lists all transportation projects within Wisconsin proposed to receive federal funding for the next four years. The STIP includes projects identified in Wisconsin's 14 Metropolitan Planning Organization's Transportation Improvement Programs, the Federal Lands Highway Program and the Bureau of Indian Affairs Indian Reservation Road Program, as well as all roadway and transit projects located outside MPO areas (see map below) that receive federal funds.

Metropolitan Planning Organizations are responsible for transportation planning activities in urbanized areas with populations of at least 50,000.

The STIP Public Participation Plan relies on the ongoing, grassroots public involvement efforts of:

- State Trunk Highway System project development and Six-Year Highway Program meetings (ongoing – See Appendix A for a brief description of public involvement activities)
- MPO public meetings regarding the MPO TIPs (yearly – Refer to the individual MPO Public Participation Plans for specific information)
- Local government meetings for transit projects in non-MPO areas (ongoing)
- Local government hearings on local road projects in non-MPO areas (ongoing)

Consultation

Federal regulations require WisDOT to consult with local officials in non-metropolitan areas. In February 2005, WisDOT reaffirmed this consultation process (Appendix A). WisDOT will follow these guidelines as they relate to the STIP.

Federal regulations also require WisDOT to consult with tribal governments. WisDOT will follow the tribal consultation process outlined in Appendix A.



*The red outline indicates approved MPO planning area boundaries.

Information Availability

WisDOT has created a website for the STIP - www.dot.wisconsin.gov/localgov/highways/stip.htm. The web site will include the STIP, as well as all amendments to the STIP.

Copies of the draft and final STIP will be available in paper and electronic format.

STIP Public Participation Process

Draft STIP

- WisDOT will post the draft STIP on the STIP website. Interested individuals will also have the opportunity to request a printed copy.
- WisDOT will provide a 30-day public comment period. WisDOT will announce the start of the public comment period by:
 - Publishing a legal notice in the Wisconsin State Journal
 - Issuing a press release announcing the public comment period
 - Sending an email to each MPO, RPC, county highway commissioner and transit operator
- WisDOT will provide the opportunity for any individual to request a formal public hearing on the STIP. If a public hearing is requested, WisDOT will:
 - Publish a legal notice announcing the public hearing at least 14 days prior to the hearing
 - Send an email to each MPO, RPC, county highway commissioner and transit operator informing them of the upcoming public hearing
 - Issue a press release announcing the public hearing

Final STIP

- WisDOT will post the final STIP on the STIP website. Printed copies will be available upon request.
- WisDOT will document comments received and WisDOT's response to those comments

STIP Amendment Process

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) approve the STIP. The STIP can be administratively modified or officially amended at any time.

23 CFR 450-104 Definitions

Administrative modification means a minor revision to the STIP that includes minor changes to project/project phase costs, minor changes to funding sources of previously included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment, re-demonstration of fiscal constraint, or a conformity determination (in non-attainment and maintenance areas).

Amendment means a revision to the STIP that involves a major change to a project included in the STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). Changes to projects that are included only for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment, re-demonstration of fiscal constraint, or a conformity determination (for “non-exempt” projects in non-attainment and maintenance areas).

Administrative Modification is considered a minor revision to the STIP, including:

- Minor changes to project/project phase costs – less than 20% and \$2 million
- Minor changes to funding sources for previously included projects
- Minor changes to project/project phase initiation dates within the same calendar year
- And the change does not impact:
 - Conformity in non-attainment/maintenance areas
 - Fiscal constraint of the STIP – the cumulative impact to be determined by the WisDOT Bureau of Planning and Economic Development

Administrative modifications will be processed within the existing WisDOT programming structure.

Any changes that do not fall under the definition of an administrative modification will be considered an amendment and will require that the amendment to the STIP be published on the web site for a 15-day period prior to FHWA/FTA approval. In addition an e-mail will be sent to each MPO, RPC, transit operators and county highway commissioners.

For projects located within metropolitan planning areas, the MPO is responsible for amending the TIP (refer to the individual MPO’s Public Participation Plan for a description of the TIP amendment process). Once a TIP has been amended, the MPO submits the amendment to the WisDOT Secretary. The WisDOT Secretary forwards his approval of the amendment to the FHWA and FTA.

FHWA and FTA approve the amendment.

Additional Public Involvement Activities

WisDOT will continue to seek ways to improve the STIP public involvement process. Current activities to be pursued include:

- Creating a brochure to describe the STIP process
- Developing a STIP email list – anyone interested in receiving updates on the STIP, including the availability of the draft and final STIP, as well as STIP amendments
- Working with Wisconsin’s eleven tribal governments to identify ways to improve tribal involvement in the STIP process

Amending the STIP Public Participation Plan

WisDOT will review the STIP Public Participation Plan each year. If changes are made, WisDOT will:

- Provide a 45-day public comment period. WisDOT will announce the start of the public comment period by:
 - Publishing a legal notice in the Wisconsin State Journal
 - Sending an email to each MPO, RPC, transit operators and county highway commissioner
- Post the draft STIP Public Participation Plan on the web site
- Document any comments received and WisDOT's response to those comments

Appendix A

Documentation of the Wisconsin Department of Transportation's Process for Consultation with Local Officials in Non-Metropolitan Areas

Introduction

The Wisconsin Department of Transportation (WisDOT) consults continually with local officials in areas of the state that are not served by Metropolitan Planning Organizations (MPOs). The central office in Madison and each of the five transportation regions have worked hard to develop strong relationships with local and tribal governments throughout Wisconsin.

In response to the FHWA final rule defining local consultation in areas not served by MPOs, WisDOT is submitting this document as a description and documentation of the agency's local consultation process. It also presents highlights from the central office and the transportation regions of some of their successful practices, and reviews the steps in the local consultation process for a few select WisDOT plans and programs. Lastly, it provides a description of the review process for this local consultation documentation and outlines the steps WisDOT will take to ensure the process is reevaluated in the future.

WisDOT's Non-Metropolitan Local Consultation Process

WisDOT's local consultation process is built upon a strong tradition of cooperation. For years, WisDOT has incorporated local governments and officials into the transportation planning and programming decision-making process. The agency has always been committed to working closely with local officials to understand and meet their transportation needs. WisDOT advises, but does not set, local priorities.

WisDOT's existing planning process provides opportunities for statewide public input and review. The public outreach efforts for Wisconsin's multimodal plan *Translinks 21* and subsequent modal plans were praised for their comprehensiveness and ability to invoke input from the entire state. This extensive outreach effort continues as WisDOT develops its current multimodal transportation plan, *Connections 2030*. Information regarding *Connections 2030* is available online or by contacting the WisDOT Bureau of Planning and Economic Development (BPED). Information regarding previous planning efforts and/or the STIP is also available by contacting the BPED.

Consultation with Indian Tribal Governments

In February of 2004, Governor Doyle issued Executive Order 39 "Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Within the State of Wisconsin." As a result of that executive order, WisDOT, the Wisconsin Division of FHWA and Wisconsin's eleven federally recognized tribes entered into a partnership agreement in May 2005. The purpose of the agreement is to "create and define processes by which WisDOT and FHWA will work in collaboration with Wisconsin's eleven sovereign Indian Nations. This agreement is designed to acknowledge and support the government-to-government relationship between tribes and state and federal agencies and to support American Indian sovereignty." As part of the partnership agreement, WisDOT has established a WisDOT Tribal Task Force that includes representatives from WisDOT, FHWA and each individual tribe. Part of the task force's goal is to create a document that defines tribal consultation for both projects and planning.

WisDOT will consult with tribes who have ancestral homelands within the state boundaries on all decisions that may affect tribal rights and interests in regard to long and short range transportation planning. WisDOT is committed to government-to-government consultation with tribes on actions that affect identified tribal rights and issues.

Consultation means respectful, effective communication in a cooperative process that works toward a consensus, before a decision is made or an action is taken. Consultation means more than simply informing affected tribes about what the department is planning to do. WisDOT acknowledges that consultation is a process, not a guarantee of agreement on outcomes. While dedicated to implementing constructive consultation practices, the department hopes to go beyond issue-specific consultation. The goal is to achieve mutually beneficial priorities, programs and interests.

Given the number of tribes, the extent of tribally reserved rights, and the size and complexity of WisDOT, the Department may not be able to identify in advance all issues that may be appropriate subjects for tribal consultation. However, WisDOT will begin the planning consultation process, as follows:

- 1) BPED and the WisDOT Tribal Liaison shall review tribal long-range transportation plan documents whenever WisDOT and/or a tribe updates their respective long-range transportation plan.
- 2) When WisDOT is developing a long-range transportation plan, the WisDOT BPED will hold:
 - a. A meeting with representatives from the Tribal Planning Departments of all 11 tribal Nations in Wisconsin, planning representatives from each WisDOT region, the Bureau of Indian Affairs, and the FHWA, to discuss the transportation issues and needs;
 - b. A statewide follow up meeting to discuss the draft plan, and;
 - c. A meeting at any other time as requested by individual tribes and/or WisDOT.
- 3) WisDOT shall hold one regional planning meeting per year per WisDOT transportation region with WisDOT Regional Office Planning staff and tribes located within that region. The meeting shall focus on short-range planning goals and specific planning goals within WisDOT's 6-year highway program.

Highlights from the Local Consultation Processes in WisDOT Regions

For years, WisDOT's central office and five transportation regions have been very successful in consulting with local officials in areas not served by MPOs. The following section highlights some examples of these local consultation efforts. Not all of the listed functions are performed in every region as the level of consultation can vary depending on region size, number of local officials, and proximity to an MPO.

Also presented is a brief overview of WisDOT's *Local Roads and Streets Council*, a very successful partnership of state, regional and local transportation stakeholders.

Planning Studies and Land Use Issues:

- Creating advisory committees, workgroups, expert panels, websites, newsletters, and brochures (committees include professional staff, municipal representatives, local leaders, and other interested parties).
- Assisting local officials in the development of long-range comprehensive plans that includes discussion of local and regional land use, transportation, and access management.
- Assisting local officials with the transportation element of their comprehensive plans.
- Working with consultants on public involvement issues, including organizing meetings and focus groups.
- Developing a local program guidebook that outlines the various state and federal programs, acting as a reference for evaluating projects for funding eligibility.

Six-Year Highway Improvement Program:

- Organizing meetings with county highway committees to review program additions, and any changes in the schedule of the projects.
- Discussing potential candidate projects with cities, counties and tribes.
- Staffing local meetings to answer any questions regarding process or projects.
- Distributing the Six-Year Highway Improvement Program to County Clerks throughout the state.
- Maintaining a Six-Year Highway Improvement Program website and providing a contact for questions regarding the program.

Local Program Notification:

- Providing Surface Transportation Program-Urban notification and statewide eligibility criteria for all eligible municipalities with populations between 5,000-50,000 vying for statewide projects.
- Providing Bridge and Surface Transportation Program-Rural notification and statewide eligibility criteria to County Highway Commissioners, who set priorities within their regions and vie for projects statewide.
- Notifying local jurisdictions of Congestion Mitigation and Air Quality Improvement (CMAQ) program funding availability in eligible non-attainment areas of the state (SE Wisconsin).
- Notifying local jurisdictions of Local Transportation Enhancements (LTE) program funding availability (notifications include a mailing with program information and guidelines, and subsequent follow-up at regional and statewide local association meetings and conferences).
- Conducting Local Programs Forums throughout the state to provide information on various state and federal programs at the local level.
- Participating in statewide local association conferences and conventions to provide information on various state and federal programs available to local communities.
- After project approval, regional project development staff and management consultants coordinate with local officials to ensure completion of the project from design to construction.

Other Local Consultation Practices:

- Working with the state's local associations (Wisconsin Counties Association, Wisconsin Towns Association, Wisconsin Alliance of Cities and League of Wisconsin Municipalities) on

major policy issues, funding formulas and related topics for federal and state funded local improvement and assistance programs.

- Involving local officials in the project development process.
- Working with the Regional Planning Commissions (RPCs), cities and counties to stay informed on local issues.
- Responding to requests by local governments to attend various meetings.
- Participating in quarterly safety commission meetings.
- Holding meetings with County Highway Commissioners to discuss topics such as programming and schedules for state trunk highway improvement and maintenance projects.
- Holding meetings on corridor planning projects, access management issues, or major highway development issues that ultimately could impact program delivery.
- Consulting with local officials during the enumeration and scheduling of projects ahead of letting.
- Partnering, educating and training county highway commissioners and other local officials with regard to state funded Local Roads Improvement Program guidelines, policies, applications and other key information.
- Consulting with local officials with regard to state funded Transportation Economic Assistance (TEA) projects during initial application and construction.
- Coordinating access management and local road connection issues with various municipalities. This coordination includes direct contact or attendance at public meetings.

Local Roads and Streets Council:

Celebrating its tenth anniversary in 2005, the Secretary's *Local Roads and Streets Council* (LRSC) is comprised of representatives from all levels of government, including WisDOT, the Wisconsin Towns Association, Wisconsin Counties Association, Wisconsin Alliance of Cities, League of Wisconsin Municipalities, RPCs, and MPOs. As direct advisors to the Secretary of Transportation, this cross-section of transportation stakeholders allows for input from a wide range of viewpoints and perspectives, which is an asset in developing policy and direction for the LRSC. In addition, the LRSC provides education and outreach to local government and transportation officials with regard to local policy and implementation issues.

The Local Consultation Process for Select WisDOT Programs and Plans

The following section briefly lays out the steps in the local consultation process for a few of WisDOT major programs and statewide transportation plans.

State Transportation Improvement Program (STIP):

WisDOT's public involvement activities for the STIP are very extensive. Opportunities for the public to comment on local projects and programs before they become part of the final STIP are promoted and maximized. In brief, the public outreach for the STIP contains the following major components:

1. Statewide 30-Day public comment period
2. State highway system program hearings¹

¹ In some regions, hearing may be informal.

3. Local informational meetings and public hearings for the Six-Year Highway Improvement Program including:
 - Meetings with local officials and the public in their communities, to obtain project requests, understand local needs, and address local concerns.
 - Meetings to inform the public of the proposed Six-Year Highway Improvement Program and the range of modal alternatives that were explored in its formation, and to receive comments on its projects.
 - Public hearings every two years in each WisDOT Transportation Region to elicit public comment on the program and the range of modal alternatives.
4. Small urban centers and rural transit program and project hearings.
5. Local project hearings.

Beginning with the 2007-2010 STIP cycle, WisDOT will notify stakeholders, the general public, MPOs and RPCs that the draft STIP is available on our website. They will be offered a 30-day opportunity to provide the WisDOT with any comments for final STIP incorporation. This outreach will be conducted on an annual basis.

Ultimately, all transportation projects and programs included in the STIP benefit from significant local input from conception to completion.

Local Roads Improvement Program (LRIP):

In addition to federal improvement programs, LRIP is a state-funded entitlement and discretionary program provided by WisDOT and targeted specifically to aid local units of government with improvements to their local roads. The program includes the following six components:

- County Highway Improvement Program (CHIP)
- Town Road Improvement Program (TRIP)
- Municipal Street Improvement Program (MSIP)
- County Highway Improvement Discretionary Program (CHIP-D) for high-cost county projects.
- Town Road Improvement Discretionary Program (TRIP-D) for high-cost town projects.
- Municipal Street Improvement Discretionary Program (MSIP-D) for high-cost municipal projects

In general, the steps in the local consultation process include:

1. Working with local association leadership on program policies and elements.
2. Notification to local jurisdictions of program eligibility and funding availability, as solicited by each WisDOT region office, is coordinated statewide with county highway commissioners who play an integral role in program implementation and implementation.
3. Local review, prioritization and selection of projects
4. Project selection by groups made up of:

- Town road committees and municipal street committees for municipalities with populations less than 20,000. Counties and municipalities with populations over 20,000 select their own projects (LRIP entitlement projects – CHIP, MSIP, TRIP).
- Statewide committee consisting of six Wisconsin Towns Association district directors and six members at large (TRIP-D).
- Statewide advisory committee consisting of members of the League of Wisconsin Municipalities and the Wisconsin Alliance of Cities (MSIP-D).
- Committees established in each of the five Transportation Regions made up of all county highway commissioners within the region. (CHIP-D).

The discretionary components each have distinct regional and statewide processes for project review, selection and recommendation for approval. Eligibility is based on community type. Detailed information is available on WisDOT's website at: <http://www.dot.wisconsin.gov/localgov/highways/lrip.htm>.

The *Local Transportation Programs and Finance Section* of WisDOT's Bureau of Transit, Local Roads, Railroads and Harbors manages all local highway, bridge and multi-modal programs other than Scenic Byways and TEA. These various programs provide funding for specific projects.

Modal and Multimodal Plan Development:

Since 1994, WisDOT has developed a multimodal transportation plan (*Translinks 21*) and a number of other modal plans including the *State Highway Plan 2020*, *State Airport System Plan 2020*, the *Wisconsin Bicycle Transportation Plan 2020* and the *State Pedestrian Policy Plan 2020*. Throughout the development of these plans, WisDOT worked with local jurisdictions to ensure their input was included in the plan development process. A similar process is being followed in the development of the department's new long-range multimodal plan, *Connections 2030*. In brief, the steps in the planning process included:

- Extensive public outreach including informational meetings and presentations to groups such as:
 - Chambers of commerce
 - Towns associations
 - MPOs and RPCs
 - Environmental advocacy groups
 - Local governments
 - Tribal governments
- Development of plan alternatives
- Additional public outreach to garner comments on alternatives
- Development of draft plan
- Draft plan outreach meetings and teleconferences throughout state
- Development of final plan
- Public hearing on final plan
- Adoption by WisDOT Secretary

Review of WisDOT Local Consultation Process Documentation

This document has been distributed to, and reviewed by, numerous associations, agencies, commissions and organizations throughout the state. Revisions were made based on comments received. The list of reviewers included:

- Internal WisDOT management and staff
- WisDOT regions
- Wisconsin Towns Association
- Wisconsin Counties Association
- League of Wisconsin Municipalities
- Local Roads Streets Council
- Wisconsin Alliance of Cities
- MPOs and RPCs serving affected areas of the State

In general, comments received were positive and backed WisDOT's position that its consultation process with local officials in areas of the state that are not served by MPOs is comprehensive and appropriate.

Future Evaluation Process

WisDOT will continue to review and improve the local consultation process. This effort is not intended to be a one-time occurrence. The agency is committed to continue to work to improve and update its process to achieve its goal of ensuring that all local entities in areas not served by MPOs have sufficient input in the transportation planning process. To make sure the local consultation process remains current and effective, WisDOT will:

- Periodically request comments on the process from towns and counties associations, municipal leagues, MPOs, RPCs, local and tribal governments, and the LSRC.
- Internally assess the success of various tools and techniques used to acquire input. Assessments may address the level of input, the type of input received and/or the role the input had in the process.
- Continue to monitor best practice activities developed in Wisconsin and around the country. WisDOT will implement best practices that are applicable and relevant for our activities.
- Review and solicit comments for at least 60 days at least once every 5 years.
- Apply the process to both statewide planning and the STIP, and integrate questions about the consultation process into our current outreach efforts with transportation stakeholders, community groups, tribal governments and the general public in order to periodically reevaluate the process.

Summary

WisDOT believes its demonstrated process of consulting with local officials meet the requirements of the FHWA rule. WisDOT's practices have been very successful over the years, and therefore, will remain in place. As mentioned, WisDOT will continually monitor its local consultation activities to ensure to process remains current and successful.

