

A stylized graphic on the left side of the cover, set against a black background. It depicts a road with a central median. The road lanes are represented by white trapezoidal shapes that narrow towards the top. A horizontal white bar represents the median, with small rectangular shapes on either side suggesting a curb or shoulder.

# **A Public Involvement Handbook for Median Projects**

*Prepared for the  
Florida Department  
of Transportation  
Systems Planning Office*



**Center for Urban  
Transportation Research**  
University of South Florida

# A Public Involvement Handbook For Median Projects

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Florida Department of Transportation  
Systems Planning Office

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### OBJECTIVES

The objective of this handbook is to assist planners and engineers in developing a public involvement strategy for controversial access management issues. The strategies are designed to facilitate open communication with affected parties and to assure adequate public involvement at key steps in the decision process. The emphasis is on median projects and state practices, but much of the information is equally applicable to permitting decisions and regional or local practices.

People will get involved in decisions that affect them, whether or not they are offered a formal opportunity. The challenge, therefore, is to involve them in a way that is productive and meaningful for them and for your agency. This is achieved through techniques that help minimize conflict, foster public trust, and safeguard projects against arbitrary or undesirable changes.

#### Course Objectives:

- To review the principles of public involvement
- To explore techniques for involving the public
- To learn how to design a public involvement process
- To share ideas, strategies, and concerns

### WHAT IS PUBLIC INVOLVEMENT?

Public involvement implies a role for the public in agency decision making. It goes beyond informing the public or allowing an opportunity to comment, although these are important components of any public involvement program. It also requires a mechanism for responding to public concerns or ideas. Adhering to minimum statutory requirements meets legal conditions, but is rarely sufficient to address public concerns.

Effective public involvement is:

- Not a discrete task
- Integrated into the entire work program
- Involvement at key decision points

**WHY INVOLVE THE PUBLIC?**

“When decisions are controversial, public involvement is a means of demonstrating the equity of the decision-making process to the public.”

—James L. Creighton, *“The Public Involvement Manual”*

**Democracy and Public Accountability**

The primary role of any government agency is to serve the public. In a democracy, government must be responsive and accountable to citizens. Unfortunately, bureaucracies have a tendency to become self-contained. Government agencies may lose sight of their responsibility to the public as information and activities become increasingly departmentalized. Ultimately, agencies may become more responsive to their own needs, than to those of the people they serve. Every organization must keep its customers clearly in mind whenever it conducts business.

**Access, Politics, and Public Opinion**

Efforts to control access, such as restrictive medians or driveway controls, tend to be highly controversial. Concerns over infringement on private property rights, impact on business sales volumes, the potential for cut through traffic in neighborhoods, the safety of U-turns, and adequacy of access for trucks are among the issues that frequently arise in relation to access controls.

Access management initiatives have been impeded or derailed because the public was not involved in the decision process or was involved too late for meaningful debate. Without a process for responding to public concerns, planners and engineers will likely face intense political pressure to concede to demands for unrestricted access. This also increases the prospects for administrative hearings or litigation and reduces the potential for a successful outcome.

### **Benefits of Public Involvement**

An effective public involvement program can ultimately safeguard an access management project against arbitrary or undesirable changes, avoid costly delays and hearings, and reduce resentment that can lead to future retaliation.

It will also build trust and enhance relationships with the public, as well as elected officials and other agency staff. This, in turn, strengthens the credibility of your agency as one that makes responsible decisions and has a commitment to preserving the public trust. Ultimately, public involvement increases the likelihood of public acceptance and leads to better project outcomes.

An effective public involvement program:

- Builds trust and enhances relationships
- Strengthens agency credibility
- Educates and informs
- Increases the likelihood of public acceptance
- Reduces costly delays
- Helps avoid hearings or litigation
- Leads to better outcomes

### **STATE AND FEDERAL REQUIREMENTS**

#### **ISTEA**

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) sets forth the most extensive mandate for public involvement in transportation to date. Rules for state transportation planning specify that:

“Public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement.”

**Florida ISTE  
(Chapter 339.155(6), F.S.)**

Florida ISTE was adopted in 1993 to implement ISTE's new transportation planning requirements. More extensive public involvement requirements were included for development of the Florida Transportation Plan, but public involvement requirements for development of project plans remained largely unchanged.

Chapter 339.155(6), F.S. requires that public hearings must provide an opportunity for effective participation by interested persons in the transportation planning process, in site and route selection, and in the location and design of transportation facilities. The factors involved in the decision and any alternative proposals must be clearly presented so that the persons attending the hearing may present their views relating to the decision.

Subsequent rehearing is required during the design phase only where the design is so changed from that previously presented to have "a substantially different social, economic, or environmental effect."

**A TYPICAL PROCESS****PD&E**

The statutorily prescribed public involvement process for facility location and design occurs during the Project Development and Environment or PD&E study phase. The typical process begins with an optional kick-off meeting to inform community leaders and government officials about the project.

Upon analysis of alternatives, a second meeting may be held to inform the public of design alternatives and their impacts, and to obtain public input. Additional workshops may be held to follow up with special interest groups regarding additional design and environmental analysis. Finally, a public hearing is required to present the conceptual design for the proposed facility and obtain public comment.

Median issues may arise during the public hearing related to the conceptual design, but the number and type of median openings or closures may or may not be addressed in detail, depending upon the District. Upon completion of the public hearing, affected parties are provided 10 days to



comment. If no major objections are received, then the preliminary engineering document is submitted to FHWA for location and design approval.

### **Design Phase**

Following the PD&E process and public hearing the details of median design are determined. This involves four subphases: Phase 1 (30% design plan) documents the existing condition and preliminary improvements; Phase 2 (60% design plan) includes proposed improvements; Phase 3 (90% design plan) addresses right-of-way acquisition; and Phase 4 (100% design plan) is preparation of the final design plan.

Subsequent rehearings are conducted if a major design change occurs after the initial public hearing. However, what constitutes a major design change is subject to interpretation of project environmental documents. These documents are reevaluated by each District and the FHWA, but this is typically treated as a formality unless a design decision is highly controversial. Additional public meetings or public information activities during the design phase are optional.

## **PUBLIC INVOLVEMENT ISSUES**

Many median projects fall outside of the minimum public involvement requirements. Although the PD&E public hearing is required for all new projects and road widenings (other than intersection widenings), median changes are typically not addressed in detail during this hearing.

In addition, median changes tend to be interpreted as a programmatic Categorical Exclusion (CE). This category is reserved for projects with minimal impact and therefore does not require public involvement. If a project is state funded, then the Department need only document that potential impacts were considered and public involvement is not required.

### **Issues In Current Practice**

- PD& E involves the conceptual design hearing, and design is not usually addressed in detail.

- Years may lapse between public hearing and production and affected parties often change.
- Many projects involving median changes fall outside of minimum public involvement requirements.
- Public involvement during design is required only for major design changes and is not automatic with median changes
- Inconsistencies in applying median opening standards or overly strict interpretation of standards has damaged agency credibility. Need for clear guidelines regarding appropriate level of flexibility.
- Inadequate local government support for median projects and access decisions.

## CONCLUSIONS AND RECOMMENDATIONS

**Median decisions are controversial and should always include some level of public involvement.** Public opposition and political appeals are common with median projects. Yet current statutory and procedural requirements do not address the need for public involvement during the design phase when controversial median decisions are made. The PD&E public hearing may occur years before production is initiated and median projects are frequently considered to be exempt from the PD&E public hearing process. As a result, Districts vary in terms of the level of public involvement provided for median projects.

**Public involvement related to median decisions should begin in PD&E and occur again early in production.** Continuity is crucial in a public involvement effort. Some median issues, such as installation of a new raised median or substantial redesign of a median, must be addressed in PD&E and decisions must be clearly documented. Public involvement activities should be initiated again early in the production process to allow adequate opportunity for the public to express concerns and for consideration of potential design alternatives. If public involvement is initiated too late in the design phase, it loses legitimacy and decreases the likelihood that desired project changes can be incorporated.

**Public hearings should not be the sole forum for public involvement in median decisions.** Districts that rely on public hearings for median projects report that they tend to be adversarial and have not been effective in resolving public concerns for several reasons. First, the hearings are held before the median design has been developed and thus there is no closure. Second, the hearings must focus on the broad range of issues related to the project, and access issues are not adequately addressed. Third, not enough is done to explain to participants the purpose of access management and the need for the proposed median changes. As a result, political appeals are frequent and results have been unpredictable.

**Coordination and consistency in median decisions is crucial to agency credibility.** Problems with implementing median changes have been compounded by inconsistencies within and across Districts in addressing deviation from access management standards. Better coordination and consistency of median decisions, as well as a fair procedure for evaluating requests for deviation, will strengthen the credibility of the access management program. This is crucial for effective management of the political controversy that surrounds access management projects.

**The public involvement process for median projects should be open, fair, and technically sound.** Districts that involve the public in median design decisions report high success in achieving access management objectives and relatively few problems with managing political appeals. According to District IV, fewer than 1% of access management issues go to the District Secretary. District V has never had to go to administrative hearing on a median decision. Each District attributes their effectiveness to their fair and open process for responding to public concerns. In the process, both Districts are building relationships that are fundamental to long term success. These findings hold promise for the initiation of similar public involvement programs for median projects in other Districts.

**The reasons for median improvements need to be strongly communicated to the public.** A sound logical and technical basis for median decisions is necessary to achieving public confidence. Department policies and standards are not a sufficient justification of the need for a particular design alternative. Preliminary traffic engineering analyses should be completed prior to initiating public involvement. This provides the logical basis for justifying a proposed alternative to the public and explaining why other alternatives were not selected. This includes better data on resulting improvements in safety and roadway level of service, and

economic indicators, such as reduction in property damage and expansion of overall market area.

#### **NEW PUBLIC INVOLVEMENT PROCEDURE**

A median opening task force was formed in 1994, including representatives from the central office and each FDOT District, to discuss issues in current practice related to median openings and public involvement for median projects. From these discussions, a new procedure was developed to improve consistency of median opening decisions, establish a committee process for review of deviation requests, and to provide more effective public involvement.

The new procedure, entitled *Deviations from Median Opening Standards: A Procedure for Engineering Decisions*, was adopted by the Department in 1995. The procedure calls for initiating public involvement on median design during PD&E and carrying this through production, with some involvement to occur by at least the 30% design phase.

A tiered public involvement program was recommended, with more extensive public involvement for complex or controversial projects. An open house meeting format was suggested for this purpose, as well as personal visits and meetings with local government officials, civic associations, and others as warranted. The need for clear graphics, adequate traffic engineering analysis prior to the public meeting, involvement of all those affected (including leasors of businesses and neighbors or users of the corridor), and internal coordination were also emphasized.

Knowledge of the following principles is useful for managing public opinion on controversial projects. Several of these principles are also applicable to dealing with applicants in permit situations.

### PROCESS PRINCIPLES & STRATEGIES

“Procedures, rather than actual decisions, are the origin of most people’s perception of political legitimacy.”

– *Public Planning and Control of Urban Land Development*

**Satisfy process values.** Consent is most likely to be achieved when the process values of affected parties have been met. In other words, participants should generally agree that the decision-making process is fair and reasonable, that they are being heard, and that their concerns are being considered.

In particular:

- People will be less likely to accept a project or decision if they feel it is being imposed on them or that the process that produced it is not legitimate.
- Affected parties are more likely to accept some hardship, if they have been treated fairly in the decision making process.
- Political appeals can be more effectively managed if it can be demonstrated that a complainant’s concerns have been carefully weighed.
- Those that refuse to participate in the problem solving process, only to become vocal opponents late in the process, tend to lose credibility.

**Involve the stakeholders.** The objective of public involvement on controversial projects is to bring public concerns to the forefront so they can be debated and resolved. Seek out major stakeholders and actively solicit their involvement. Also, never try to exclude anyone who wants to participate. This creates suspicion of the agency’s intentions and could transform potential participants into opponents.

**Start early and minimize the number of steps.** Involve interested parties early to provide for meaningful involvement and allow enough time for assisted problem solving. Concerns that are raised early in the process are more likely to be resolved than those that arise after the project has been designed. For median projects, the public involvement process should begin in PD&E and parallel the production process so public concerns can be addressed in project solutions. Avoid dragging out the process. Encourage early resolution of issues and minimize the number of steps required for achieving a decision.

**Clarify the parameters of median decisions.** The public should be informed of the Department's median policy and median opening standards, as these are important parameters of the decision process. However, these are the parameters, rather than the justification, for a design alternative. Political pressure may revolve around opposition to the median policy, rather than how the median is designed. If so, then Department representatives must be prepared to explain in clear and persuasive terms, the basis for the median policy. Disputes related to requests for deviations from median opening standards should be addressed in the context of the department's technical and procedural guidelines. A fair and objective review of alternatives proposed by the public is essential to maintaining credibility of the public involvement process.

**Maintain continuity of involvement as a project progresses.** Project managers often lament that the people often do not get involved until the project is well underway. It is important to realize that different publics tend to get involved at different stages of the project development process. In general, more people will tend to get involved as a project progresses. This is because issues that may be obscured in the planning phase, come to light in the design phase when people can clearly see how proposed access changes will affect them. Therefore, it is essential to have opportunities for involvement at each milestone of the decision process.

Continuity is crucial, because:

- Different groups get involved at different stages
- More people get involved as a project progresses
- Continuity of involvement helps keep project on track

**Never try to slip a controversial decision past the public.** Even if you can get away with this, the affected parties will find out eventually and your project (and possibly even the access management program), will be living on borrowed time. The damage to your agency's credibility will be difficult to reverse, and the potential for future retaliation will be high.

**Prove to the public that their concerns will be addressed.** Make it clear to participants that the project is not set in stone; that there is a process for considering modifications. Acknowledge the public's role in the decision process and show a willingness to modify the project in response to valid public concerns. The challenge is to balance technical solutions and public concerns, while advancing access management principles and project intent. Even where nothing should be done to change the project, it is important to let the public know that their concerns have been considered and why no better solution could be achieved.

**Achieve clear resolution and provide prompt feedback.** Nothing is more damaging to the credibility of a process than failure to resolve issues and follow-up with participants on decisions made in response to their concerns. Summarize the key recommendations or concerns that were expressed, the official response, and any future opportunities to participate. If additional analysis is called for, then it should be completed as soon as possible after meeting with affected parties and obtaining their concerns or comments. Clearly resolve the major issues or concerns. Although consensus is generally unattainable, it is important to achieve some resolution of the issues—even if some remain unsatisfied.

## INTERPERSONAL PRINCIPLES & STRATEGIES

“When it comes right down to it, other things being relatively equal, the human dynamic is more important than the technical dimensions of the deal.”

—Stephen R. Covey, *The 7 Habits of Highly Effective People*

Providing an opportunity for public involvement is not sufficient. Planners and engineers must also develop skills for managing the differences that arise when diverse interests are given a voice in the process. Dealing with diverse interests requires strong communication skills and an understanding of the limits and objectives of the public involvement program. It also involves application of some basic rules of human interaction.

**Strive for consent, not consensus.** It is generally unrealistic to expect consensus for decisions related to controversial projects. Instead, project managers should strive for consent—defined in this context as “a grudging willingness to go along.” Affected parties should be able to acknowledge that the project is needed or at least that the proposed action is better than doing nothing. Efforts to achieve consensus can result in endless discussions, which are frustrating for everyone. Instead, the project manager should elicit the key concerns, take in all points of view, and then make the final decisions.

**Build trust and enhance relationships.** Relationship-building is crucial to long term success. Get to know the local decision makers and community leaders, and keep them informed about the status of project decisions. Ask the same of them in return. Building a network of relationships will help you avoid unpleasant surprises. Participate in a professional or community activity where they will be present or communicate with them informally when the opportunity arrives. This will help promote trust and increase your credibility and ultimately that of your agency.

**Seek to clearly understand public concerns.** Many planners and engineers feel that the primary objective of a public meeting is to make participants understand their position. This puts you in a defensive, or worse yet, offensive mode. It is far more important that you first focus on clearly understanding the concerns and position of participants. If you are unclear, then ask, “Let me see if I really understand what your position is and what your concerns really are about this alternative.”

An accurate diagnosis of public concerns is crucial to achieving a compromise. *Sometimes simply talking through the concerns of all those involved in a decision, will lead to discovery of an acceptable solution.* It will also help participants better understand and respect each other’s interests, ready them for a compromise, and increase the likelihood they will work toward the best possible *mutual* solution.

**Present your position from your listener’s frame of reference.** The natural tendency in resolving disputes is to begin with an appeal to logic. In controversial situations, it is more important to first establish your credibility as someone who is capable of reaching a fair decision. Stephen Covey advises that “being influenceable is the key to influencing others.” He suggests that an effective presentation would: “Describe the alternative they are in favor of better than they can themselves. Show that you understand them in depth. Then carefully explain the logic behind your request.”



**Establish need.** An audience that disputes the need for a proposed project will be less receptive to proposed design plans and less willing to compromise. Establish *why* the project is important as well as *what* must be done. Present a convincing argument using data on accidents, injuries, property damage, or increases in traffic volumes to demonstrate need. Do preliminary traffic engineering analyses prior to the proposed design to demonstrate how change has negatively affected the corridor and why the project is needed. Use *before* and *after* studies of other similar projects to demonstrate project benefits.

**Try to be affirming.** The resolution of conflict requires us to offer personal acceptance to the other side—to acknowledge each individual’s value and importance to resolving the issues at hand. It is a basic human need to feel accepted and valued. If acceptance is withheld, then that often becomes the primary source of contention.

**Try letting participants draw up their own solution.** Strive for solutions that are fair, workable, and that address the concerns of involved parties. Try giving participants an opportunity to draw up their own solution. Sometimes, this will stimulate their understanding of the difficult trade-offs.

**Be tolerant and stay calm.** It is difficult to keep cool under fire, but it is essential for obtaining and maintaining public respect. Avoid aggressive posturing and do not behave as if you have all the answers. Instead, respectfully explain your position, listen carefully to public concerns, and ask their help in devising a better solution. If the audience is emotional, then strive to be reasonable and listen. Never allow your conduct to be influenced by others.

**Anticipate some anger** – *especially if the lines of communication have been closed in the past.* People often need to vent their hostility before they are ready to consider alternatives. This is sometimes a necessary, if unpleasant, step in achieving their trust. Let volatile individuals “burn themselves out.” If the discussion gets heated, reiterate that “We are not here to fight, we are here to find solutions. We want to find common ground.” However, if the meeting becomes too hostile, you should probably postpone the conclusion and let people cool off. Public involvement specialist James Creighton notes that, “some issues simply cannot be resolved till the time is ripe. Usually, that time occurs when both sides realize that continued conflict

is getting them nowhere and that, to get what they want, they will have to compromise.”<sup>1</sup>

**Remember: people can generally differentiate what’s reasonable from what isn’t.** People are generally capable of differentiating legitimate concerns from unreasonable or self-serving demands. Although some people will try to get as much as they can, they will not necessarily expect all of their demands to be met. For complex issues, the public will require professional assistance in weighing the implications of proposed alternatives.

**Practice prototype scenarios.** A prototype scenario is an example of a set of circumstances and issues that the agency is likely to encounter. It could be used prior to proposing a median improvement to develop a strategy for communicating with various groups and to help highlight potential problems and appropriate responses. Practicing prototype scenarios is one way to develop knowledge and experience that can be applied to real world situations-without having to learn the hard way.

**Avoid hasty concessions or commitments.** Some try to appease others by making concessions. This can backfire when managing diverse interests and rarely produces a lasting solution. Avoid committing to a project change without first considering the ramifications. Advise the concerned parties that you will look into the matter. Be aware that an approach which is popular with one group may incite the wrath of another. In addition, a premature commitment that later must be revoked would put the project manager, and the Department, in an awkward position.

## COMMUNICATING WITH THE PUBLIC

**Tell the truth.** Consistent responses and clear communication are essential to credibility. Vague or inconsistent responses erode public confidence and can lead to harmful misunderstandings. Be forthright, negotiate in good faith, and request the same of your audience. Don’t hold information back. If affected groups are fully informed about the ways a project or program will affect them, they’re much more likely to accept the situation as a necessary inconvenience.

**Speak (and write) in everyday language.** Avoid abstractions and jargon, including acronyms. Instead, translate technical material into everyday language and present the information in such a way that people can clearly

understand how it affects their lives. Your presentation will be more persuasive if you bring policies and principles down to a personal level.

Even an experienced speaker may have difficulty speaking in a public meeting forum. Be aware that issues which seem perfectly clear to professional staff, may not be clear to the public. A clear, well-rehearsed presentation in layman's terms will yield a more successful outcome than one which assumes a level of awareness that the audience may not possess.

Follow these guidelines:

- be concise
- use commonly understood words and phrases
- speak slowly and deliberately

**Use clear visuals.** Portray existing conditions and project changes so they can be easily interpreted by a lay audience with a minimum of explanation. Use conceptual drawings and aerial photos, rather than construction plans to communicate proposed median changes. A few *before* and *after* slides showing the transformation into a more attractive, functional corridor can be highly effective in selling the project to the public and are worth the effort to produce.

**Be prepared to answer objections.** Learn as much as possible about the concerns and values of influential groups and their basic position toward the objective. If you don't know or understand their position, then ask them to explain it. Says planning strategist Jerome Kaufman, "whatever the concerns of the target groups, strategists should know about them in specific terms so they can anticipate or lesson perceived negative aspects."<sup>2</sup> Practice your responses, be prepared to answer all possible objections, and emphasize perceived positives of the project.

**Keep the lines of communication open.** It is surprising how many misunderstandings are created because the lines of communication were not adequately open between the agency and the public. Make yourself available to the public and respond promptly and courteously to calls, letters, complaints, and requests for information. Consider establishing a minimum turn around time for letters (one week) and calls (24 hours).

A prompt and courteous response will help avoid unnecessary conflicts and maintain relationships.

**Attend to nonverbal communication.** People send messages to one another, often unconsciously, through their body language, facial expressions, hand gestures, or simple positioning of their arms, legs, or head. Be aware of these nonverbal indicators, and try to avoid sending signals that could be interpreted as defensive or aggressive, such as standing with arms folded or frowning.

## **ORGANIZATIONAL VALUES**

“Trust is a big part of successful change. The way you build trust is by practicing the politics of inclusion.”

—*David Osborne, Reinventing Government*

### **Establish A Unified Value System**

The *Public Outreach Handbook for Departments of Transportation* (NCHRP Report 364, 1994) emphasizes the need for organizations to develop a strategy and unified value system for dealing with the public. Says the report, “Only a calm, forceful current at the deepest level - strategy and values - can keep a DOT from being carried off on the tides of opinion or beaten by the waves of attitude, rather than remaining master of its own fate.” This value system should promote “the politics of inclusion” - including people in decisions that affect them, keeping people informed, and opening the lines of communication.

### **Be Proactive**

A primary objective of highway agencies is to produce transportation projects in a timely and cost-effective way. Public involvement may be perceived as an impediment to this objective. For this reason, it is crucial to proactively engage the public early enough to avoid production delays. A simple technique is to allow changes that arise from public meetings to be attached as an addendum to the project report, so as not to hold up the report. In addition, it may be necessary to demonstrate to management and project staff how not involving the public on other projects has resulted in longer delays or unsatisfactory outcomes.

### Establish a Commitment to Customer Service

Generating public support requires a strong commitment to customer service. Customer service is everyone's responsibility, not just that of the public information officers or of some group other than yours. The impression people get when dealing with the Department on median issues affects the image of the department and the access management program. When affected parties contact the Department for information about a median project or decision, it is essential that they are dealt with efficiently and courteously. Make sure support staff know how to refer call-ins. Giving callers or visitors the bureaucratic run-around is the kiss of death for any government agency.

### Conduct Public Outreach

The Department should create an understanding of a median project or access management program among the public through information. Build a public constituency in favor of the project and the policies being advanced through targeted public outreach. *The Public Outreach Handbook for Departments of Transportation* suggests that DOTs should conduct public outreach on noncontroversial issues to build a foundation for trust. It also recommends the following strategies, which can be applied to access management:

- ***Humanize the face your department presents to the world.*** For example, instead of discussing problems related to “increased conflict points”, describe the hazardous turning movements associated with a median opening or give an example of an unsafe access situation that resulted in an injury or property damage.
- ***Create a positive image through success stories or “institutional legends.”*** Identify some access management success stories and use them to improve the image of the program. Before and after corridor studies can be used for this purpose, not only as safety and efficiency improvements, but also for their aesthetic benefits.
- ***Inform people about efforts underway to improve the efficiency of the system.*** Access management and median improvements are traffic management strategies and this should be emphasized in planning and public information programs.

- *Collaborate with the public information office.* Public information officers should be briefed on the purpose and intent of access management policies and projects underway. They should also be able to inform callers how to get involved in the decision process or who to contact for more information.
- *Create a Speaker's Bureau.* Extensively brief one or more people on staff on all aspects of a major project or the Department's access management program. Then make these speakers available to local governments and community or business organizations for presentations. Slide programs covering various aspects of the access management program are available from the central office for this purpose.

#### WORKING WITH THE MEDIA

Good media coverage is helpful to achieving public and legislative support for Department projects and programs. Unfortunately, it is much harder to get positive coverage of access management projects—especially when the Department's story is complex and technical, while the other side raises basic human concerns. It takes some knowledge of inherent biases of the media, to tailor your news so it is more “newsworthy”.

Be aware that the media, like any agency, has certain production biases. Reporters may manipulate the news, take quotations out of context, and sensationalize headlines to attract readers. But your agency can play to these biases so your side of the story will be heard. Also, establish a working relationship with a reporter - preferably one that has a reputation for fair and thorough coverage of issues.

In his article “How Public Managers Can Exploit The Biases of the Press,” Robert Behn explains these biases and provides the following tips for getting broader media coverage of *your* side of the story.<sup>3</sup>

Journalists prefer stories that are:

- simple to report,
- simple to understand,
- contain personal vignettes,
- are symbolic and represent eternal truths or age-old themes

Journalists tend to:

- report what is said about complicated regulations, rather than think it through.
- feel morally compelled to cover government incompetence: government fueds, scandals, mistreated citizens.
- gloss over philosophical disagreements.

Project managers can play these production biases, by:

- making their news easy to cover, understand and report.
- providing personal vignettes.
- linking it to an enduring American theme.
- making the bad news complicated and abstract and without a moral lesson.

### Press Kits

Journalists are pressed to get each story out quickly and appreciate press releases and other prepared materials about the project. Toward this end, project managers could prepare a press kit. The kit could contain facts about the project, a press release including quotations from key agency representatives, information on any future public involvement activities, who to contact for more information, and crisp graphics or tables (ie, graphics showing accident hot spots or data on rising traffic volumes on the corridor slated for improvement).

### References

<sup>1</sup> James L. Creighton, *The Public Involvement Manual*, Cambridge: ABT Books, 1981, pp. 76.

<sup>2</sup> Jerome Kaufman, "Making Planners More Effective Strategists," in Barry Checkoway, ed. *Strategic Perspectives on Planning Practice*, Univ. of Michigan: Lexington Books, 1986.

<sup>3</sup> Robert D. Behn, "How Public Managers Can Exploit The Biases of the Press," *Governing*, June 1994, pp. 80.

NOTES:



“We need a way to deal with the public on median opening issues.”

*-FDOT Design Engineer*

### **OPINION SURVEYS OR POLLS**

One of the most common difficulties related to median projects is the tendency for opponents to be far more active than supporters. The traveling public, which is more likely to support a median project, is often not represented at public hearings. Elected officials, faced with an irate constituency, often react as if the opposition were the majority view. One way to overcome this problem is to conduct a survey or poll to obtain public opinion related to median projects.

Opinion surveys are especially useful for obtaining information on perceptions of various groups regarding the median project, after construction. Favorable results can be used in selling future projects to the public. FDOT Districts IV and V have used this technique and found opinions of the travelling public and truck drivers to be generally favorable. A survey by District IV found the majority of business owners perceived no loss of profit following a median change. A sample of the District V survey results appears in the Appendix of this Chapter.

### **MONITOR ACTUAL IMPACTS**

One of the difficulties in achieving public consent on median projects is responding to concerns about potential negative impacts of the project. One way to address this issue, is to monitor the actual impacts of a project after it is constructed. This will provide essential information on actual impacts, some of which may not have been anticipated and could be avoided in future projects. It will also indicate anticipated impacts that were not realized. This could be accomplished through opinion surveys, evaluation of operational and safety impacts, information on business activity, and so on.

Each District should initiate a process for monitoring actual impacts of a project and documenting this information for future use. This should be accomplished by the project designer, who has more intimate knowledge of the issues and concerns that surrounded the project and may recognize issues that others would overlook. It should also involve someone who is less closely tied to the project and less likely to bias the results.

**VISUAL PREFERENCE SURVEYS**

A visual preference survey can be used to identify design characteristics that citizens prefer. Several examples of median and non-median images could be displayed on slides, with some from the affected community. Citizens would be given about 5 seconds per slide to rate the image on a scale of +10 to -10. After the survey, citizens are given a questionnaire and are asked to write down additional comments. The results of this session are synthesized into the 10 most positive and negative images. The visual preference survey can be helpful in providing the support of public opinion for proposed median designs.

**FOCUS GROUPS**

Focus groups are an effective way of assessing public opinion regarding policy directions and program objectives. They could be used to obtain the views of a particular group related to an access management or median initiative, or to obtain a random cross section of views from various groups. For example, a focus group was held by FDOT consultants with Florida developers to identify developer attitudes regarding various techniques for right-of-way reservation.

A focus group involves a small group discussion with a professional facilitator. The agenda is focused on answering only a few key questions and the emphasis is on identifying points of agreement as well as diverging opinions. Discussion is free flowing and spontaneous, rather than controlled. The idea is to elicit, not shape, perspectives - therefore this is not a problem-solving technique. Some presentation of material may be needed to clarify the subject and participants are not required to prepare.

**TASK FORCE**

A task force is an excellent, although somewhat time consuming, approach for building collaboration and achieving resolution of a complex or controversial problem. Applications could include a corridor access management program or major median project. The task force is established by a sponsoring agency and should be comprised of a cross section of interests. Members must be thoroughly apprised of the issues and alternatives through background information and technical presentations. They are charged with deliberating the issues and formulating an appropriate course of action. For example, a task force was established by the Santa Rosa County MPO for the US 98 corridor to identify acceptable access management strategies.

## PUBLIC MEETINGS

Public meetings have a dual purpose—to furnish information to the general public, and to obtain public comments on a current or proposed project. These meetings can be held throughout the life of a project to heighten community awareness, obtain public feedback, and involve the public in project decisions. For controversial projects, public meetings are an essential intermediary step before conducting formalized public hearings.

Benefits of public meetings:

- They allow early, timely citizen involvement.
- They allow for broader participation.
- They reflect agency support for public involvement.
- The procedures are flexible and informal.
- They can be held whenever necessary throughout the project.
- They allow use of various involvement techniques, depending upon the meeting objective.

## INDIVIDUALIZED MEETINGS

Small group or one-on-one meetings are useful to discuss specific issues that are of concern to a particular group or individual. These meetings can be anticipated with local officials, business or other interest groups, neighborhood associations, legislative representatives, and property owners. Small meetings tend to be more productive when they are less formal and encourage open discussion. Sometimes, the group will request a presentation. If so, keep it brief and informal. If possible, attend a regularly scheduled meeting of that group or organization.

In addition:

- List what you want to cover in advance so nothing is missed.
- Allow plenty of time for questions and discussion.
- Listen carefully and take good notes.

- Document the results of each meeting for participants and the project file.

If during the course of a public meeting or workshop, it appears that agreement is being reached on a particular subject, participants should be asked if they support the recommendations or ideas being discussed. *A direct, well-timed question can turn individual ideas into group consent for an alternative.*

**Briefing Elected Officials.** It is essential to brief elected officials on a project or project decision if it is going to be controversial. This could involve mailing a packet of information on the project, a telephone call, a one-on-one with a legislative representative, or a more formal meeting and presentation, such as to a County Commission. Be aware that elected officials will likely be contacted by constituents for assistance in stopping a project or reversing a decision. Meet with them early in the process, and let them know the about the project and the process you have established for responding to public concerns. In addition, keep them informed of any new developments and your agency's progress at key points. Keep in mind that staff support does not mean support from elected officials. In addition, elected officials may support a project in concept, but that may deteriorate when the opposition becomes vocal without some evidence of public support for the project.

## CHARETTES

A charrette is a useful meeting forum for resolving an impasse or for focusing on a single issue with a range of potential solutions. It could be part of an effort to develop a corridor access management plan or when exploring design alternatives for a major median project. A charrette allows citizens and interest groups an opportunity to gain hands on experience with the problem at hand, under the guidance of technical staff and a professional facilitator.

A charrette can generate enthusiasm toward a project, build public ownership in the solution, and educate both the public and the agency about the project area and the trade-offs involved in selecting an appropriate alternative. Project planners and engineers provide the technical knowledge essential to explore proposed alternatives from a traffic operations, policy, and design standpoint. Affected citizens provide insights into the needs and issues they face in relation to the corridor and the project. It is essential that the leader be experienced in charrettes to manage group

dynamics and keep things moving on schedule. The charrette may be a day long event, or last a few hours, depending upon the issue. It typically involves extensive preparation and resources, such as graphic materials, slides of different alternatives, maps, overlays, and aerial photographs.

## OPEN-HOUSE MEETINGS

An open-house meeting promotes an open exchange of information between citizens and project staff in a casual, relaxed atmosphere. This forum can be used for public hearings or for more informal meetings. It is highly recommended for the purposes of informing the public regarding median changes during design, and should be done prior to development of 30% design plans. It is described more fully below:

**Getting the word out.** An open invitation should be extended to all those who would like to participate. Special effort should be taken to inform and invite stakeholders and those directly affected by the project. This should include those who lease property on the corridor, and may include neighborhood associations and other civic or business organizations. Flyers advertising the meeting should be posted in highly visible locations near the project and distributed by hand to all businesses along the affected corridor. If the project involves a large geographic area, it may be necessary to use a combination of techniques or to solicit assistance from the local government. If a business proprietor is amenable, leave a stack of handouts in the business to notify customers. A notice of the event should also be published in the local newspaper and sent directly to any organizations that may have an interest in the outcome.

**Attendance.** The project manager and technical specialists should attend so that questions can be answered at the meeting. Project managers may consider staggering attendance of the public by inviting different groups to attend at different times. This allows the project manager to more thoroughly address the needs and concerns of a particular group at different phases of the meeting. If this alternative is chosen, be sure to indicate that anyone may still attend at any time.

**Writing the Invitation.** Write the invitation in everyday language. This is in contrast to a formal public notice in legalistic language, which sets an almost adversarial tone. Briefly explain the project and why it is needed, the meeting time and location, and extend an invitation to the public to comment. Use phrases like, "You are *invited* to...*We plan* to improve the median along... and have scheduled an open house to show you the *preliminary* design concepts...*We welcome your ideas, comments, or suggestions*

as we strive to create the most effective design for that corridor.”

**Time and Duration.** The meetings should be held during non-work hours or on the weekend. Typical times run from 4:00 pm to 8:00 pm or 5:00 pm to 9:00 pm. The duration of the meeting could range anywhere from two to eight hours, depending on the number of participants expected to attend. Typically, three or four hours is sufficient.

**Citizen Reactions To Open House Format**

"The information was well presented and clear, and the opportunity for everyone to make their opinions known and recorded was well-timed and convenient."

"No one had to spend more time waiting to be heard than necessary."

"It is so nice not to sit through long harangues."

"Very informative in this relaxed environment."

"I hope other people have taken the time to let you know how superior this system is to the debate system used in prior time. It is a much more efficient use of everyone's time."

Source: David E. Studstill, P.E., "The Open Forum Public Hearing Format," Georgia Department of Transportation.

**Visual Aids.** Exhibits of the proposed project should be prepared ahead of time and displayed for citizen review. The project exhibit should be clear to a lay audience and citizens should be able to interpret it with little or no explanation. Aerial photographs of existing conditions in the project area accompanied by a simple drawing of the proposed median changes are ideal for this purpose (*see* Case Studies, District V). This should be supplemented with handouts that include the drawing along with some facts and information on the project.

**Handouts.** Handouts play a crucial role in open house meetings, as they replace formal presentations. Handouts should include:

- a welcome letter that briefly describes how the open house forum works and how citizens can submit comments.
- a graphical depiction of the location and design of the project
- a description of the project and a statement of need or purpose
- a brief description of the project decision process, including the timeline for decisions making and any deadlines for submission of comments.
- provide some handouts in Spanish in areas with a large Spanish speaking population.

**Tips for handouts:** Keep your message clear, simple and informal. If you find your writing is too formal, try writing as you speak. How you present your message is just as important as what you have to say. Don't use passive voice - it is too impersonal. Translate jargon into human terms to make the handout more accessible and interesting to a lay audience. Also, be sure to spell check all correspondence, including summaries of public comments—sloppy summaries and misspellings send the wrong messages to the public.

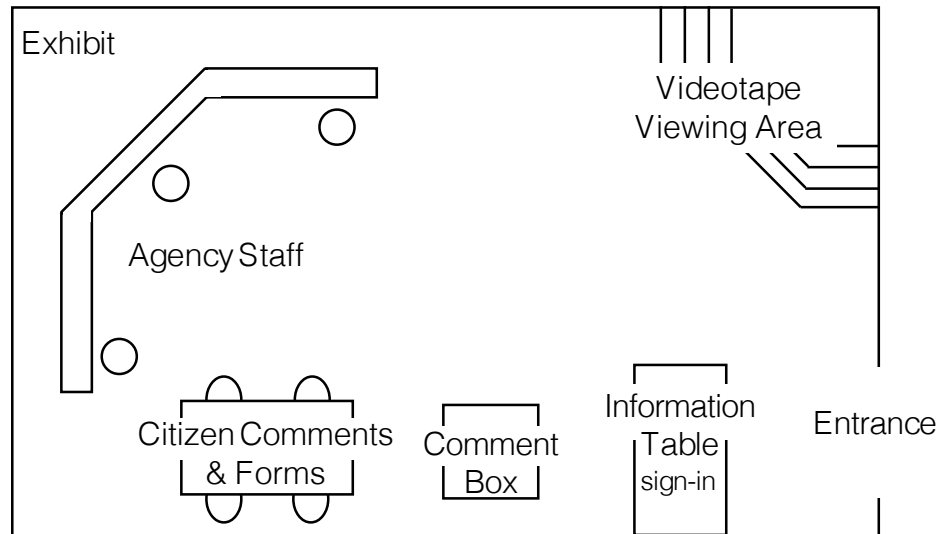
These commonly used planning terms are impersonal and therefore not as effective in stimulating interest or understanding. Instead, try using the alternatives outlined below:

input = ideas, concerns, suggestions  
provided input = participated  
mitigate = reduce  
implement = carry out  
significant impact = (means many things—be more descriptive)  
maximized = increased  
minimized = reduced  
utilize = use

**Room Set-Up.** Information tables should be set up at the entrance of the meeting place and each participant should be required to sign in before receiving a copy of handouts. A “greeter” should staff this table to explain the handouts, provide comment cards, and direct the public to the displays

inside. Exhibits should be displayed and a separate “comment table” could also be set up with a box for comment cards. The room set-up should allow visitors to circulate freely between the displays and the comment table (see Figure 1).

**FIGURE 1: OPEN HOUSE MEETING FORMAT**



**Running the Meeting.** The project manager and technical specialists should be available at the display area to answer any questions that might arise. Other Department representatives should be available to assist with sign-up and running the meeting. The public should be encouraged to speak with Department representatives and other experts who are present, and to ask as many questions as they wish.

**Do preliminary engineering before the meeting.** This provides you with the necessary technical information to adequately respond to questions and concerns about the project. It also assures that you have clearly thought through the major design and operational issues prior to the public meeting. Being prepared and having reasonable and technically sound answers, is important to establishing the credibility of your agency and the project.



**Advantages.** Advantages of the open-house forum include:

- DOT generally receives much more public input from citizens than at a formalized hearing, where comments may not always be given.
- Citizens feel more comfortable making written comments than they would at a formal hearing where they may be intimidated by other speakers or embarrassed to ask questions.
- The public has more flexibility in attending at any point during an established time frame. They can come and go at their convenience, and it is a more efficient use of everyone's time.
- A written reply to all comments helps the public understand that DOT is responding to concerns.<sup>1</sup>

## **PUBLIC HEARINGS**

Public hearings should be held only after every effort has been made to address the concerns of each interest and obtain public support for the project. The purpose of the public hearing is to establish an official record of agency decisions and to meet minimum legal requirements for public involvement. The proceedings are recorded and transcribed into a written record, which is certified by a hearing officer. Some time is allowed before and after the hearing to allow additional comments to be submitted into the record. Public hearings are advertised in a newspaper of general circulation, furnishing the date, time, and location of the event.

Preferably, the hearing should ratify a project decision that has already been informally worked out. This does not mean total agreement will have been reached, only that every effort has already been made to reach an agreement.

A public hearing is less of an occasion for citizen involvement than it is a legal precondition to agency decisions. They are typically ineffective as a primary public involvement technique because:

- They're typically held too late in the decision process.
- They put the public and the agency in a defensive and often adversarial posture.

- Citizens often feel that their concerns will not be addressed, and only powerful or politically adept opponents tend to have any influence over the process.
- They do not reflect a high level of agency concern over public involvement.

### **Public Hearing Formats**

The format for a public hearing may be either informal, using the open house format, or formal, with presentations and a moderator to manage the comment period and broker discussion. Some of the common problems associated with formal public hearings are:

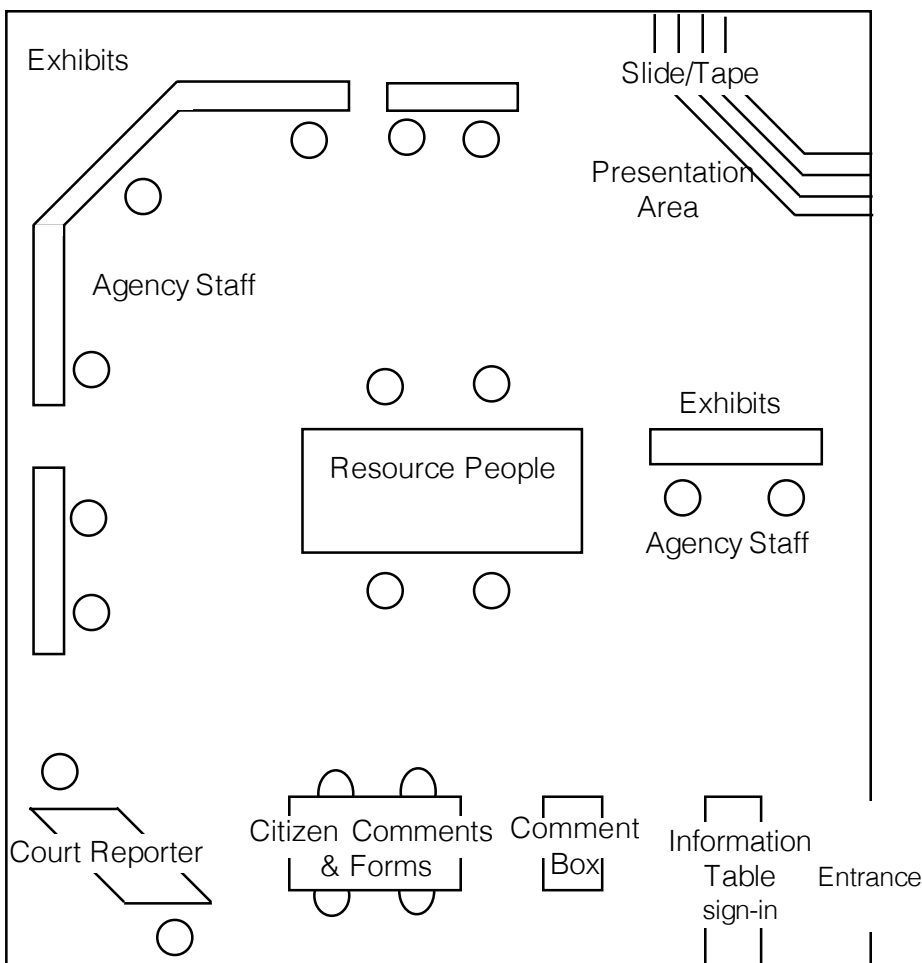
- Typically, the public has developed misconceptions about the project through rumors or incomplete media reports.
- Those most affected by the project—usually those with the most to lose—are more likely to invest time and energy in attending the hearing.
- Frustration grows due to procedural formalities, long waits, and inability to see displays.
- People may feel intimidated by polished presentations and having to speak into a microphone in front of a crowd.
- Unaccustomed to the public spotlight, many become emotional or even militant, using uncompromising and inflammatory language.
- A vocal opponent may use the hearing as an opportunity to obtain public sympathy and rally opposition. Suspicious of agency intent or assumptions, the public may be easily swayed.
- This “mass effect” causes the hearing to deteriorate into an arguing match, and agency representatives are harrassed by an irate public.

**An informal “open house” format is preferred** as it creates a more relaxed atmosphere and does not require participants to sit through lengthy debates. This is similar to the open house meeting described above with some differences. It requires a court reporter to record lengthier

comments, as well as additional displays and more detailed handouts. A sample room layout appears in Figure 2. (Note: One of these displays should address changes that affect property access, such as proposed installation or redesign of a restrictive median.)

Additional experts need to be on hand to address various aspects of a project, such as right-of-way, environmental experts, traffic operations and design engineers, and others as needed to respond to questions and concerns. Project staff not only provide information, but also may learn of issues that otherwise would not have arisen, such as changes in property ownership or design alternatives.

**FIGURE 2: OPEN HOUSE PUBLIC HEARING FORMAT**



Participants should be greeted, asked to sign in, and then be directed to the display with the fewest people. Provide three methods for public comment:

- comment cards with a table where participants can fill them out and a box to deposit them;
- a court report to record lengthier oral comments;
- sending written comments with an address and deadline in the handout materials and signs explaining this in the hearing room.

After the time period has elapsed for comments, then the official transcript should be sent to a location stated in the handout for public review. A thank you note or response to specific questions be sent to every participant that commented. In addition, if supporters or opponents want to provide information or circulate petitions, set up tables outside the hearing room for this purpose.

### **LOGISTICS**

Before drafting a notice advertising an upcoming public meeting, think about your target audience. So often, public notices regarding plans or projects are so "legalistic" and complicated, they are not understood by the recipients. This gives the impression of bureaucracy. To improve public involvement at meetings, the invitation to attend should be clear, concise, and above all else, readable.

The purpose of the meeting (whether to solicit citizen input, describe a current proposal, or provide information on an ongoing project) should be clearly stated in the notice. Date, time, and place of meeting should also be clearly visible. There should be a number for people to call for directions or further information.

Take the time to invite community leaders to the meeting. An individually addressed invitation or telephone call may ensure their presence. To find out the names of community leaders, call the chamber of commerce, the planning commission, or the mayor's office.

### Choosing a Meeting Site

The three most important factors in deciding the site for a public meeting are: location, location, and location! The site for a meeting designed to improve public involvement should be one which is readily accessible and well known by the majority of the expected participants. The meeting site also needs to be located in proximity to the project site. Excellent meeting places include churches, schools, and community centers, which are generally centrally located and usually provide ample parking. An environment conducive to discussion and exchange of ideas will help contribute to the success of a public meeting. Even the location and distribution of chairs and tables in a meeting room can influence how much gets accomplished.

### Accommodating Persons with Disabilities

Issues to consider when preparing for a people meeting include:

- Are primary entrances accessible?
- Is there adequate circulation space for wheelchairs at the entrance and throughout the meeting room?
- Are meeting notices in alternative formats for people with visual and hearing impairments?
- Are published materials available prior to meeting in alternative media: large print, computer disk, taped or Braille?

### Record Keeping

**Keep thorough records.** The political process can be fraught with pitfalls, including sudden reversals on previous agreements or attempts to influence the process through misinformation. It is extremely important to maintain good records of all persons notified or contacted, each meeting, and any issues discussed or decisions made. Keep thorough notes, put as much as possible in writing, and maintain everything related to the process on file.

### Follow-Up

Failure to follow-up with participants after a meeting is highly damaging to the credibility of a public involvement process. The public meeting should be viewed as the termination point of one phase of activities and the

starting point of another phase. Community input generated at the meeting should be weighed during subsequent project decisions, and participants should be informed of any changes made as a result of their involvement.

Some methods of appropriate follow-up include:

- **Respond in writing.** Brief thank you letters should be sent to all participants, along with a summary of comments received, actions taken or underway, and explanations of what happens next, including any additional opportunities to participate.
- **Update the mailing list.** Names and addresses should be taken from the sign-in or attendance list at the public hearing, and project mailing lists should be updated accordingly.
- **Distribute transcripts.** Copies of accurate meeting transcripts could be sent to appropriate state and federal offices and made readily available for participants or other members of the public to review.
- **Analyze comments and prepare responses.** An in-house meeting should be held to review the input from the meeting. If additional analysis is required, this should be done immediately. Suggestions, comments, and criticisms transcribed from the public meeting should be described, addressed, and followed-up in writing where appropriate.

## BUILDING COMMON GROUND

In *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes*, Susskind and Cruikshank advise that “courts are an appropriate forum for resolving constitutional questions, but disputes involving the distribution of gains and losses are best addressed through consensual approaches.”<sup>2</sup>

The conventional approach, based on political compromise, calls for “splitting the difference” or forfeiting one vote in exchange for another. This rarely produces decisions based on knowledge and experience and instead often leads to arbitrary results. Facilitation and mediation are two mechanisms for resolving disputes. These methods provide an alternative to lengthy administrative hearings or costly litigation, and can transform disputes into win-win solutions.

### **Intergovernmental Agreements and Resolutions**

Intergovernmental agreements and joint policy resolutions can be used to coordinate access management activities between agencies that share jurisdiction over a corridor. Written agreements can require specific actions, yield tangible results, clarify roles and priorities, or simply stimulate further discussion.

For example, the North Carolina DOT and local policy makers in the Charlotte-Mecklenburg metropolitan area entered into a joint policy agreement in 1993 for coordinated approval of access, median opening and signalization requests along Harris Boulevard. The policy establishes general guidelines for median openings and promotes shared driveways and driveway design appropriate to the traffic characteristics of the land use. The MPO Technical Coordinating Committee (TCC) is charged with reviewing requests for median openings and access along the Boulevard, with final authority resting with the NCDOT along selected segments, and the City of Charlotte DOT along other segments.

### **Neutral Third Party**

Sometimes a third party can achieve what disputing parties cannot. Simply bringing in a third party can help break down the communication barriers created by past problems or personality conflicts. A consultant could be used to meet individually with affected groups to encourage participation in a collaborative problem solving effort.

### **Facilitation**

If you feel a meeting may be confrontational, consider using a trained facilitator. Facilitation involves the use of a trained, objective facilitator to run a workshop or meeting and moderate dialogue between parties. The facilitator helps design an agenda and keep discussion on substantive issues, rather than personality conflicts or past problems. In this way, a facilitator can help diffuse conflict and promote a more productive dialogue. The facilitator also ensures that notes and minutes of the meeting are accurate.

NOTES:



## DEVELOPING THE PLAN

A brief public involvement plan should be prepared for each project in the work program to establish the appropriate level and sequence of public involvement activities. The plan may be only a page long or it may be several pages, depending upon the nature and complexity of the project. The plan should also identify:

- who in the agency should be involved;
- whether outside expertise will be needed to assist with public involvement activities;
- major issues to be addressed in the decision process;
- who should be notified;
- what techniques will be used.

A public involvement plan is a reference, and may need to be revised as circumstances change or more information becomes available. Aside from clarifying who does what, when, why and how, it can also be useful in facilitating management support for a public involvement process.

### Assign Responsibility

Public affairs officers or public involvement coordinators can assist with various public involvement activities, but primary responsibility for preparing and implementing the public involvement plan for median projects should rest with the project manager or consultant. This helps to assure continuity of involvement and provides a knowledgeable point person for public comment throughout the decision process.

### Evaluate the Context

It is essential to gain a basic understanding of the decision context. For example, is there a history of opposition to median projects in your area? Is this the first time such a project has been proposed? Have there been any previous outreach efforts on this subject? If so, who was involved and what were the public's reactions? What are the primary concerns of stakeholders? How do elected officials and community leaders feel about the project or program - who supports it, who does not, and why? Sample environmental assessment questions are included in the appendix of this chapter.

For major projects it is useful to conduct interviews with community leaders and stakeholders. Stakeholder interviews are an opportunity to collect information about the ideas and concerns of various groups. This is also an opportunity to find out how the group wants to be involved.

#### **Stakeholder Interviews**

Introduce the project and describe purpose and need. Explain that the interview is to inform them about the project and provide them an opportunity to shape the public involvement process.

Sample questions might include:

1. Have you previously been involved in issues related to this project?
2. What is your understanding of the project?
3. Do you have any concerns or questions related to this project?
4. How would you characterize the concerns/expectations of the community or other interest groups?
5. What has been your experience with (our agency)? What has been your experience with public involvement activities on our past projects?
6. What are the best ways to communicate with you and involve you on this and upcoming projects?

#### **Determine Level of Involvement and Decision Process**

The level of involvement needed will vary according to the nature of the project and the level of public interest or concern. Large controversial projects, such as retrofitting an entire corridor, require the most extensive public involvement program and public involvement should be carefully integrated into the entire decision-making process. Projects resulting in minor changes and affecting only a few property owners may require little

involvement beyond notification or individualized negotiations. The project manager must decide how the public will be consulted, and who will be consulted, at each key phase of the technical decision making process.

### **Select Involvement Techniques**

An understanding of the nature of the controversy or conflict, as well as situational factors, is needed to select appropriate involvement techniques. Agencies should ask themselves: What are we trying to accomplish through the process? What information must be provided to the public and what do we need to learn from the public? What publics do we need to reach and how can we best solicit their involvement? A description of some of the situational factors that affect public involvement programs appears in Table 1. Also, look for ways to leverage resources and use available networks to help get the word out.

### **Schedule Activities**

Schedule public involvement activities to coincide with technical decision points. For medians, it is essential that the process begin as early as possible. The scope and timing of activities will vary according to the level of involvement. At a minimum, public involvement should occur prior to completion of 30% design plans.

**TABLE 1: SITUATIONAL FACTORS THAT AFFECT PUBLIC INVOLVEMENT PROGRAMS**

**Lack of management support:** May require a minimum program and traditional techniques, such as public meetings or hearings.

**Limited resources:** Use the multiplier effect by getting interest groups to involve their members. Emphasize the period after alternatives have been identified, but before one of them is selected.

**Duration of program:** Prolonged decision process may require techniques to maintain visibility, such as newsletters or advisory committee. A short process precludes techniques that require substantial preparation time.

**Technical complexity:** Use publications to translate technical information for the public. Work more closely with other agencies and interest groups than with the general public. May need an advisory group that can be thoroughly informed.

**Divided public:** Deal with leadership of the various interests, rather than working through elected officials.

**Hostile public:** Create opportunities for ventilation of hostility. This may require a series of meetings before the program is productive.

**Well-informed public:** Determine if accurately informed and provide information based on this appraisal.

**Uninformed public:** Requires public information program. Work with leaders of interest groups to get them to inform their membership.

**Apathetic public:** Plan a public information campaign so people can decide whether or not to participate.

**High level of significance to groups:** Emphasize conflict resolution techniques, such as small group discussion, workshops, advisory committees, and conflict mediation.

**Compact geographic area:** Potential for meetings, workshops, face-to-face discussions.

**Dispersed geographical area:** May need to rely on newspaper inserts, mail-in or phone-in responses. Meetings will have to be repeated in several locations.

Source: James L. Creighton, *The Public Involvement Manual*, Cambridge: ABT Books, 1981, pp. 77-78.

## CASE STUDIES

Recognizing the need to address public concerns related to median improvements, some Districts have initiated public involvement programs during the design phase of production. Below is an overview of two public involvement programs, one in District IV and another in District V, that were initiated to resolve public concerns related to medians as well as other controversial projects.

### District IV

FDOT District IV in Ft. Lauderdale has formal Community Awareness Plan Guidelines for public involvement on transportation improvement projects (see Appendix). The public involvement guidelines were developed and adopted in the mid-1980s to address growing problems with public opposition during the production process. The guidelines prescribe minimum requirements for public involvement, including the development of a community awareness plan for each project in the work program. The stated objective of the guidelines is to notify local governments and the public of proposed construction and to resolve controversial issues that arise during the design phase. Project managers are responsible for developing and carrying out the public involvement plan.

The guidelines prescribe a tiered approach for informing and involving the public. Projects are categorized as level 1-3 according to the complexity or anticipated level of controversy, and greater public involvement is required for more controversial "level 3" projects (see Table 2). Projects involving closure of median openings or construction of a restrictive median are categorized as level 3.

Generally, where only small groups of people are affected (defined as less than thirty), then these persons will be informed of the project through the mail. A general explanation is provided, along with a reduced copy of the plans and a telephone number of the contact person. A reasonable amount of time is set aside for comments and responses are handled by phone. Greater involvement may be scheduled, at the discretion of the project manager, depending upon the nature of the project.

TABLE 2

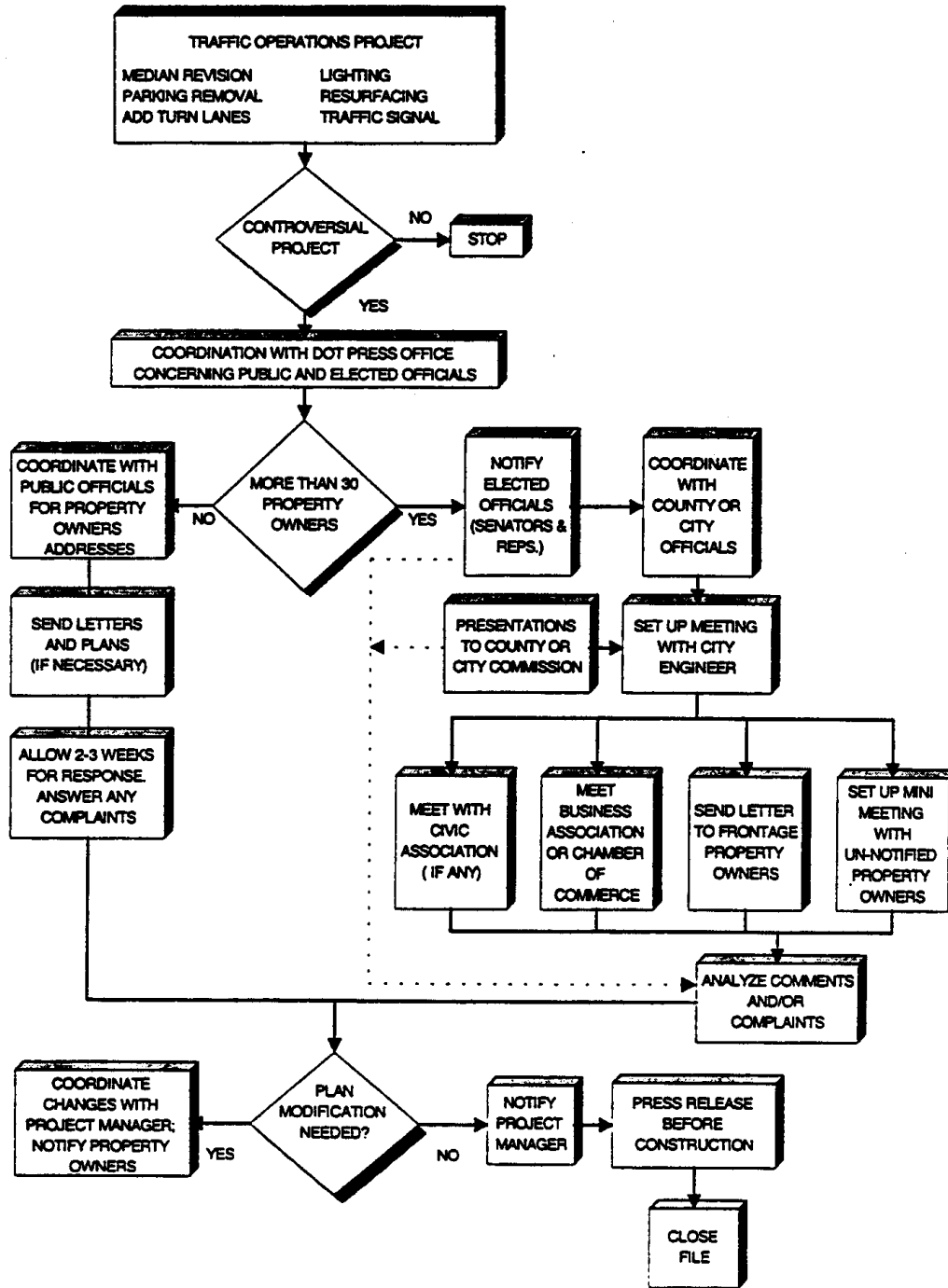
| ACTIVITY                                      | LEVEL |   |   |
|---|-------|---|---|
|   | 1     | 2 | 3 |
| Public Hearing                                | □     | □ | □ |
| Notice of access impact to owners             |       |   | • |
| Project information workshop with local staff |       |   | • |
| Public information meeting                    |       |   | • |
| Comments requested from City/County           | •     | • | • |
| Plan review from City/County                  | •     | • | • |
| Presentation to elected officials, MPO        | ○     | ○ | ○ |
| Dear Neighbor letter                          |       |   | • |
| Pre-construction notice to City/County        | •     | • | • |
| News Release                                  | •     | • | • |

- Only as legally required.
- Generally only as requested.

For controversial corridor improvement projects, the process is more intensive (see Figure 3). When the engineering study is complete, a meeting is scheduled with local government staff to discuss the report. The meeting is scheduled at least 18 months before the construction letting date and local staff are provided with copies of the report for review.

After obtaining a preliminary agreement from local engineers, the District then involves elected officials. A complete packet of information is sent to the affected local elected officials and the area state representative and senator. Elected officials may request a workshop presentation to ask questions and provide their position on the project. Typically, however, elected officials also request that the project manager hold a public meeting to obtain public reaction before stating their position.

FIGURE 3:  
PUBLIC INVOLVEMENT PROCESS, FDOT DISTRICT IV



Public meetings are held in phases. Where organized civic groups will be affected by the project, then separate small meetings are held to inform them and obtain their position before the general meeting. This could include neighborhood associations and affected businesses, which may be part of a local business association or Chamber of Commerce chapter. If a project is highly controversial, then local government staff may be contacted for advice on who to involve in the process.

After small meetings with affected groups, an open public meeting is held for all concerned parties. A logical meeting site is selected, preferably near the project site to encourage attendance. Official invitations are sent to all property owners and organized groups, and news releases are issued to publicize the meeting. A table is placed across the entrance of the room with a sign-in sheet, to obtain the names and addresses of all who attend for purposes of follow-up.

The District does not use a traditional public hearing format for this meeting. Their experience with public hearings is that on controversial projects, even general acceptance can be overturned by a highly vocal minority. Instead the format is an open public forum, similar to an open house. The meeting runs about three to four hours and is staggered by having different interest groups attend at different times. The invitation advises when each group should attend, such as business operators and neighborhood residents, but states that all questions will be answered at any time. Attendance of business groups may be staggered even further between tenants and owners, because they often have different concerns.

The format involves no formal presentations, unless specifically requested by the local government. Instead, displays of the project are exhibited and staff are available to answer questions, and note unanswered concerns. Project changes that arise from these meetings are carried out and if the changes are major, then a formal letter is sent to inform the affected citizens. This marks the end of the conceptual stage of the public information process. The last phase involves before and during construction news releases to inform motorists and others of the progress of the project.

The open house approach has reduced counterproductive confrontations in public meetings, while maximizing direct communication with affected property owners regarding their specific concerns. The number of meetings is minimized by combining several meetings into one, and thus is less expensive in terms of staff time. The result has been so successful that nearby Ft. Lauderdale has adopted this format for their public meetings.



The public involvement process has helped the District build relationships with community leaders and elected officials, and has produced information of importance to the project. "A good project is one that addresses both technical and real world considerations," says traffic operations engineer Freddie Vargas. Vargas emphasizes the importance of maintaining good written records of all meetings, as attitudes and agreements can change. He also advises project managers to obtain the opinion of elected officials, as well as local government staff, when obtaining a local government's position on a median project.

Also beneficial is a consistent procedure for handling variance requests that result from the public involvement process. District IV has established a Variance Committee, comprised of Directors of Design, Operations, and Maintenance, that meets once per month to decide on requests for variation from median standards. The Committee handles variances related to permit applications as well as those that arise during reconstruction. A formal variance review process improves internal coordination and consistency in access management decisions, and is therefore a logical complement to the public involvement program.

#### District V

FDOT District V has adopted a public involvement approach for median changes that occur during the design phase of production. The project manager or the design consultant is responsible for carrying out public involvement activities, which are programmed into the project budget. This helps assure continuity, as the individuals responsible for the project stay informed of the issues and decisions that emerge from the public involvement process.

Consultants are asked to prepare a public information packet, including slides, graphics and other materials to demonstrate benefits of the project. A videotape on median projects, entitled *Managing Our Highways*, was developed for use in the District's public involvement activities. A brochure providing an overview of median projects and answers to commonly asked questions was also prepared for the public (see Resource Kit).

Public involvement activities are initiated early in the production process—prior to completion of Phase 1 design plans. This allows adequate opportunity for the public to express concerns and for consideration of potential alternatives. If public involvement is initiated too late in the design phase, the process loses legitimacy. This also decreases the likelihood that changes may be incorporated into the project. Property owners

are notified of the opportunity to review and comment on the project in two ways. A notice is mailed directly to all registered property owners affected by the project and notices are also hand delivered to tenants within the affected area.

An open house meeting format is used, with no formal presentation. The open house may run from 3:00 to 9:00 pm or 4:00 to 8:00 pm and affords opportunities for interested parties to view the proposed project and ask questions or comment. The District uses graphic display boards for this purpose. The boards display an aerial photograph of the affected corridor above a simple graphical representation of the proposed median design. This enables participants to clearly see the effect of the project on access to their property. The display board costs approximately \$5000 to produce but, says District Traffic Operations Engineer George Gilhooley, “it pays for itself many times over.”

All preliminary traffic engineering analyses are completed prior to initiating public involvement. This provides the justification for the proposed design and aids in explaining to property owners and their engineers the purpose of the median changes. If a concern is raised in relation to the median design then additional analysis may be done to evaluate the issue in more detail. “We have come up with a fair amount of changes that property owners like and that we can live with,” says George Gilhooley.

#### **Capitol Region Council of Governments Corridor Initiative**

A growing number of metropolitan planning organizations are incorporating access management strategies into their planning program. A good example is the effort underway by the Capitol Region Council of Governments (CRCOG)—the metropolitan planning organization for the Hartford, Connecticut metropolitan area. CRCOG is currently engaged in corridor studies that will culminate in corridor management and improvement plans for four key routes.

Objectives are to prepare a transportation master plan for each corridor that defines transportation management strategies and needed improvement projects. The plans will also establish a congestion management system and strategies for each corridor, including access management and growth management and activity center strategies. All corridor studies will also involve the preparation of an access management plan for each town on the affected corridors.

The project will include extensive public involvement activities. Special corridor committees will be formed to guide the study. These will include

a technical committee of planners and engineers from each town, and an advisory committee composed of planning and elected officials as well as business representatives and residents. These committees will address development trends and regulations, assess the viability of alternatives, and provide guidance on key policy issues.

The Connecticut DOT will actively participate and special meetings will also be held with each affected town council and planning commission, as well as separate meetings with the public, at appropriate points in the planning process. At a minimum, special meetings will be held during analyses of existing and future conditions, analysis of alternatives, and development of the corridor plan. Newsletters will be prepared and distributed to keep citizens and local officials informed along the way.

The access management plans will address traffic signal location, median improvements, and problems with existing curb cuts. The study will review and evaluate development regulations in each town and identify options for integrating access management into local regulatory practice. Curb cut and median design plans will be prepared that address needed improvements from a regulatory and design perspective. An access management report will be prepared for each town that sets forth the results of these analyses and study recommendations. Collaborative efforts such as this will be essential to achieving greater local participation in managing access to high priority corridors.

NOTES:

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## BIBLIOGRAPHY

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Bowler, Printer L., *Readable Writing Handbook for Management and Staff*, Dept. of Highways, State of Montana, Department of Highways, 1990.

Creighton, James L. *The Public Involvement Manual*. Cambridge: ABT Books, 1981.

Federal Highway Administration, Federal Transit Administration, *Innovations in Public Involvement for Transportation Planning*, U.S. Department of Transportation, January 1994.

Gandrud, Crystal, and Terry Murray, *Massachusetts Department of Public Works Community Liaison Handbook*, MDPW, Boston, MA, 1987.

Godschalk, David R., David W. Parham, Douglas R. Porter, William R. Potapchuk and Steven W. Schukraft, *Pulling Together: A Planning and Development Consensus-Building Manual*, Urban Land Institute in cooperation with the Program for Community Problem Solving, 1994.

Illinois Department of Conservation and the natural resources planning firm of Hoffman Williams Lafen and Fletcher, *Public Involvement Plan for Illinois Rail-Trails, Illinois Railbanking Study*, September 1990.

Institute for Participatory Planning, *Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public*, Fourth Edition, 1981.

Ithaca-Tompkins County Transportation Council, *Public Involvement Procedures*, 1993.

MDT, *Public Involvement Handbook*, Public Affairs Bureau, Montana Department of Transportation, August 1994.

McClendon, Bruce W., and Ray Quay. *Mastering Change: Winning Strategies for Effective City Planning*. American Planning Association, Chicago: Planners Press, 1988.

Potgieter, L.J., and Dr. J. Van Rooyen, *Handling of Conflict*, ORMET Town Council of Springs, National Institute for Personnel Research.

ODOT Statewide Transportation Improvement Program 1995-1998, *Public Involvement Plan*, Oregon Transportation Commission, 1993.

Regional Transit Authority, *Public Input on Phase I Options: Summary*, June 1, 1994.

Susskind, Lawrence and Jeffery Cruikshank, *Breaking the Impasse Consensual Approaches to Resolving Public Disputes*, Basic Books., Inc., Publishers, New York, 1987.

Texas Transportation Institute, *Increasing the Effectiveness of Public Hearings*, Research Report 185-1F, Study 2-8-74-185, Public Hearings, Texas A & M University, March 1976.

Torrey, W., and Florence Mills. "Selecting Effective Citizen Participation Techniques." Federal Highway Administration, *Proceedings of the 56th Annual Meeting of the Transportation Research Board*, Washington D.C., January 1977.

Vargas, Freddie A. "Access Control and Irate Public-Community Awareness," *Conference Proceedings*, First National Conference on Access Management, 1993.

Wilson, Frank & Associates, Inc. *Public Outreach Handbook for Departments of Transportation*, NCHRP Report 364, Washington, D.C., 1994.