

Public Involvement in Median Projects

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ABSTRACT

Transportation projects that affect property access tend to be controversial. This is true whether the impacts are temporary, such as access impacts during construction, or permanent, such as the construction of a raised median. With median projects, typical public concerns relate to economic impacts on businesses, access for delivery vehicles, safety of U-turns, circuitry of access, and neighborhood accessibility. Such concerns can escalate into active opposition where citizens are not kept adequately informed of project design decisions, or feel they have been excluded from the decision-making process. Agencies experienced with median projects find that techniques such as one on one briefings and open house meetings are more effective for addressing public concerns and less contentious than public hearings. This paper reviews the experiences of the Florida Department of Transportation (FDOT) in carrying out its statewide median program and provides strategies that other agencies may consider for involving the public in median projects.

INTRODUCTION

In 1993, the Florida Department of Transportation adopted a new policy calling for raised medians on all major multilane roadways with posted speeds of 45 mph or higher (1). This policy, which was to be implemented by the FDOT Office of Roadway Design, complemented the statewide access management program that established median opening spacing standards for the state highway system. In 1994, representatives of the FDOT Design Office met with each of the seven District offices to review access management issues that arose during the production process. Issues raised included a lack of consistency in access management decisions across the Districts and the need for additional training on the objectives of access management. Also mentioned were problems with public opposition to median projects and the need for more effective methods of public involvement.

In response to these and other issues, the FDOT Systems Planning Office established a statewide median task team and initiated a research effort to assess current practices of FDOT District Offices related to median decisions and public involvement. The Center for Urban Transportation Research conducted the assessment in May of 1994. The research considered practices related to new median projects, median reconstruction projects, and individual requests for median openings. A representative sample of District offices was selected for review based upon their experience in median opening decisions.

Each office was provided a set of questions related to technical, administrative, and public involvement considerations in median decisions. Specific topics included conditions for allowing deviation from median opening standards, the amount of deviation that may be acceptable, analyses that need to be conducted, considerations for allowing full versus directional median openings, conditions for not allowing U-turns at median openings, and public involvement issues and practices. This paper summarizes the results of the assessment as it relates to public involvement.

ISSUES IN CURRENT PRACTICE

In evaluating current practices, it was discovered that Districts varied widely on the level of public involvement provided for median projects. Some were proactive in addressing public concerns. Others relied primarily on public hearings or engaged in public involvement activities only after a project or median opening decision had become particularly controversial. At that point, project managers were often faced with an irate public and some median projects suffered as a result.

It was also discovered that the decision-making process for medians was not in sync with the typical public involvement process for a project. Although the project development and environmental (PD&E) public hearing is required for all new projects and road widenings (other than intersection widenings), median changes were not always addressed in detail during this hearing. In addition, some median changes were interpreted as a programmatic Categorical Exclusion (CE)—a category reserved for projects with minimal impacts, therefore requiring no public involvement. As a result, median changes occurred during various phases of project development without adequate public involvement or follow up—particularly during the design phase of production. In summary, specific problems were:

- Project development (PD&E) involved the conceptual design hearing, and design was not usually addressed in detail.
- Years could lapse between the project public hearing and production and affected parties often changed, yet not every District provided for follow-up with the public during design.
- Public hearings were often contentious and did not provide a constructive forum for addressing property owner concerns.
- Public involvement during design was required only for major design changes and was not automatic with median changes.
- Inconsistencies in applying median opening standards or overly strict interpretation of standards had reduced agency credibility in some cases and there was a need for clear guidelines regarding the appropriate level of flexibility.
- In some areas inadequate local government support for median projects and access management increased the difficulty of working with the public on these issues.

A PROACTIVE APPROACH

Although all Districts reported that median projects generated public controversy, some Districts had been more proactive in addressing these issues than others. Case studies

were conducted of these Districts to identify public involvement practices that could be readily adapted by other Districts. FDOT District 4 in Ft. Lauderdale was selected as a case example as the District had been engaged in community awareness planning for transportation improvement projects since the mid-1980s. At that time, the District had adopted community awareness plan (CAP) guidelines to address growing public opposition to transportation projects during the production process. Below is a brief summary of the typical public involvement process for median projects in FDOT District 4.

Under the CAP guidelines, a community awareness plan must be developed for each project in the work program. The stated objective is to notify local governments and the public of proposed construction and to resolve controversial issues that arise during the design phase of a project. Primary responsibility for developing and carrying out the community awareness plan rests with the project manager.

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 1). 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), these individuals 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

TABLE 1 FDOT District 4 Community Awareness Guidelines

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.

phone. Greater involvement may be scheduled, at the discretion of the project manager, depending upon the nature of the project.

For controversial corridor improvement projects, the public involvement process is more intensive (see Figure 1). 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.

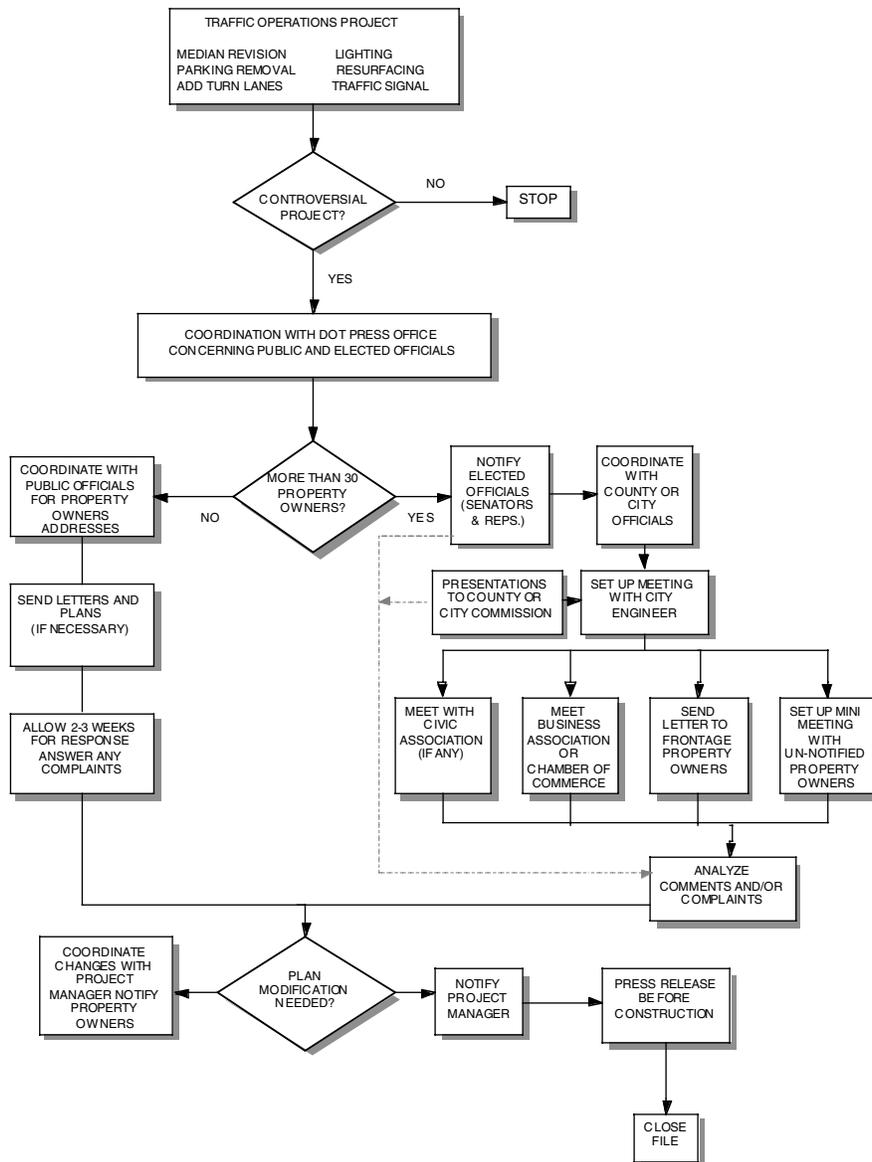


FIGURE 1 Public involvement process, FDOT District IV.

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 that 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 (2). The public prefers this approach as individuals can come and go at their convenience. In addition, the number of meetings is minimized by combining several meetings into one, and thus is less expensive in terms of staff time. The only problem noted was that some individuals have objected to the open house format as it does not provide them with a platform for presenting their concerns. For this reason, the Department has not moved to a pure open house format for the project public hearing.

RECOMMENDATIONS

This study culminated in the following general recommendations to the state agencies for working with the public on median projects. More specific guidelines and descriptions of techniques such as the open house meeting forum can be found in the *Public Involvement Handbook for Median Projects* on the access management home page at www.cutr.eng.usf.edu.

Median Decisions Are Controversial and Should Always Include Some Level of Public Involvement

Public opposition and appeals of agency decisions are common with median projects. Inadequate public involvement in median decisions exacerbates such opposition and increases the likelihood that projects will be delayed or derailed. Yet state transportation departments often do not require public involvement during the design phase of production when controversial median decisions are made. The project public hearing may occur years before production is initiated and some median reconstruction projects may be considered exempt from public hearing requirements. State agencies should revise their public involvement procedures to assure that median issues receive adequate attention at the appropriate phases of project development and production.

Public Involvement Related to Median Decisions Should Begin in Planning and Project Development and Occur Again Early in the Design Phase of 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 project development 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 reasonable project changes can be incorporated. Never make changes to median openings and access design during the design phase without providing an opportunity for public involvement. Efforts to push through last minute changes to avoid controversy tend to have the opposite effect. In turn, the result may be increasingly strong opposition to future projects.

Public Hearings Should Not Be the Sole Forum for Public Involvement in Median Decisions

Agencies 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, project 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, appeals are frequent and results have been unpredictable. In addition, the public hearing provides a forum for those opposed to the project to have their say but offers little opportunity for constructive interaction between concerned citizens and project specialists.

Coordination and Consistency in Median Decisions Are Crucial to Agency Credibility

Problems with implementing median changes are compounded by inconsistencies in decisions on median opening requests. Consistency of median decisions can be improved

through the development and adoption of a procedure for evaluating median opening requests. The procedure should address both technical and policy considerations.

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.

Provide Feedback on Key Issues and Document All Communications with the Public in the Project Files

Sometimes it will be necessary to assess potential impacts or alternatives in more detail in response to public concerns. If additional analysis is called for, then complete it as soon as possible after meeting with the affected parties. Follow up in writing with a summary of the key issues, the results of any analysis, and the official response. Even if the response is contrary to the position of some participants it is essential to strive for some resolution. Nothing is more damaging to the credibility of a public involvement process than failure to address issues and follow up with participants on decisions made in response to their concerns. Document all communications in the project files. This provides a written record of the agency's efforts to work with affected parties and other government agencies in the event of a dispute.

FDOT PUBLIC INVOLVEMENT MEASURES

Drawing from these research findings, the FDOT median task force discussed various alternatives for improving current practices related to median opening decisions and public involvement for median projects. From these discussions, a new procedure was developed to improve consistency of median opening decisions and to promote more effective public involvement. The new procedure established a committee process and specific criteria for review of requests for deviation from median opening standards.

It also called for initiating public involvement on median design during PD&E and carrying this through into production, with involvement to occur again by at least the 30% design phase (3).

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 one on one briefings with elected officials, and meetings with 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 lease holders of businesses and neighbors or users of the corridor), and internal coordination were also emphasized.

In 1997, the procedure was supplemented with a Departmental Directive on Community Awareness Plans (CAP) (4). The CAP Directive called for a documented public involvement strategy for access management, including median and access decisions, in planning, project development, design, right-of-way (ROW), and construction. Selected highlights of the directive include the following:

- A multidisciplinary team to follow the project from project development (preliminary engineering) through construction comprised of representatives from environmental management, access management, design, right-of-way, legal, and construction.
- Site visits in project scoping to identify access problems and impacts, and a full analysis of potential impacts.
- Documentation of comments and results of public meetings.
- Establishment of a single contact where feasible to minimize public confusion.
- Early public involvement and no last minute changes in design or ROW without public input.
- Community informational meeting in phase two of project design.
- Emphasis on importance of access and maintenance of traffic plans during construction.

CONCLUSION

This research found that FDOT Districts with a proactive approach to public involvement in median design reported greater success in achieving access management objectives and fewer appeals to management or requests for administrative hearings on access issues than Districts with a more reactive approach. Each District attributed their success in implementing median projects and managing political appeals to their fair and open process for responding to public concerns. This included early public involvement in design decisions, as well as an open house meeting format to diffuse conflict and promote a more personal atmosphere. These findings hold promise for the initiation of similar public involvement programs for median projects in other States.

ACKNOWLEDGMENTS

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NOTES

1. Florida Department of Transportation. Multilane Facility Median Policy, Topic No. 000-625-015-a, 1993.
2. See also, Freddie A. Vargas, Access Control and Irate Public—Community Awareness, *Proceedings of the First National Conference on Access Management*, 1993.
3. Florida Department of Transportation, Median Opening Decision Process, Topic No. 625-010-020-a, 1995.
4. Florida Department of Transportation, Community Awareness Plans Directive, Topic No. 625-010-022-a, 1997.