

Key Findings of the Financial Management Audit

2011-2012

Management Audit Committee

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Notice on Auditing Standards: Scoping papers are not an auditing standards-based research product. Scoping papers are intended to provide the Management Audit Committee with a summary on a potential evaluation topic (including descriptions of basic agency, program, or procedural functions) on which to decide if a full program evaluation is required. This scoping paper was prepared with information obtained from the agency and staff listed. The information was not independently verified according to governmental auditing and evaluation standards.

If this topic moves forward to a full evaluation, the evaluation will be conducted as much as practicable according to generally accepted governmental auditing standards promulgated by the Comptroller General of the United States, as required by W.S. 28-8-107(e). Information contained in this paper, as well as all subsequent information gathered during the evaluation will be independently verified and reported according to the auditing standards.

Introduction

During the December 5-6, 2016 Management Audit Committee meeting, the Program Evaluation Division was directed to provide a scoping paper of the Wyoming Department of Transportation's (WYDOT) project development and design process. Specifically, the Committee wanted to know whether Context Sensitive Solutions (also referred to as Context Sensitive Designs) are utilized during the project development and design process to create a consistent forum for the consideration of stakeholder feedback.

As many of the State's highway and road design projects are federally funded, WYDOT must adhere to federal requirements regarding public involvement, which are based in the Code of Federal Regulations (CFR) 450.210 related to Statewide and Nonmetropolitan Transportation Planning and Programming under the Federal Highway Administration (FHWA). See **Appendix A**. This CFR focuses on interested parties and public involvement at key decision points in the project planning and development process. According to WYDOT, the stakeholder feedback process is extensive as feedback is received on all projects, and WYDOT often exceeds federal requirements. The types of feedback and documentation are customized to the type of project and its specific impacts.

Background

The FHWA, along with other federal agencies, provides oversight regarding WYDOT's programs and projects. However, WYDOT does not currently administer projects on behalf of the federal government. According to WYDOT, states are not currently required to use specific public involvement processes or techniques on projects that use federal funds, although public involvement is required to occur, as defined by each state. Many additional requirements, including components of the National Environmental Policy Act (NEPA), are requirements that must be adhered to when using federal funds.

State and Federal Relationship

The WYDOT works with many state and federal agencies in order to obtain various permits and clearances to complete projects. According to WYDOT, the agency's relationship with FHWA is extremely good, and through a formal stewardship agreement, WYDOT has assumed many FHWA responsibilities in the State, as allowed by 23 U.S.C. 106. The WYDOT officials indicate that

many internal processes have been streamlined where state-level decisions and deadlines have been strengthened. The agency prides itself on its relationships and holds regular meetings with many federal and state agencies.

However, all projects using federal funds are required to adhere to federal regulations, which impact how WYDOT directs the entire project process, from planning and design, to contracts and rates for contract payment, to financial oversight and the environmental review process, and the extent of public involvement. Agency officials state that the size and scope of a project as well as the requirements for environmental review can affect project schedules.

Officials from WYDOT note continuous improvements have been made to its design processes within the past ten years. One example is revising its focus toward to sustaining current assets rather than focusing on expanded infrastructure needs. In addition, WYDOT has stated that a performance management system is used to annually report goals and results to the public, the Wyoming Legislature, the Transportation Commission, and the Governor's Office. Federal law also requires states to set uniform measures and performance targets for tracking project goals, except for interstate pavement conditions and bridges, which are established by federal law. This reporting helps to increase public involvement in the development and implementation of design projects.

The National Environmental Policy Act Applies to WYDOT Projects

The FHWA is the central federal agency which oversees NEPA requirements for transportation projects. According to the FHWA, the National Environmental Policy Act of 1969 (NEPA) was developed in order to establish criteria for environmental planning and decision-making to be used by Federal agencies to enhance interagency cooperation and increase public participation in project development. In order to comply with these and other requirements, under U.S. federal-aid highways law, 23 U.S.C. 109(h) was developed to:

“...promulgate guidelines designed to assure the possible adverse economic, social and environmental effects relating to any proposed project on any Federal –aid system have been fully considered and the final decisions made in the best overall public interest, taking into consideration the need for fast, safe and

efficient transportation, public services, and costs of eliminating or minimizing such adverse effects and the following:

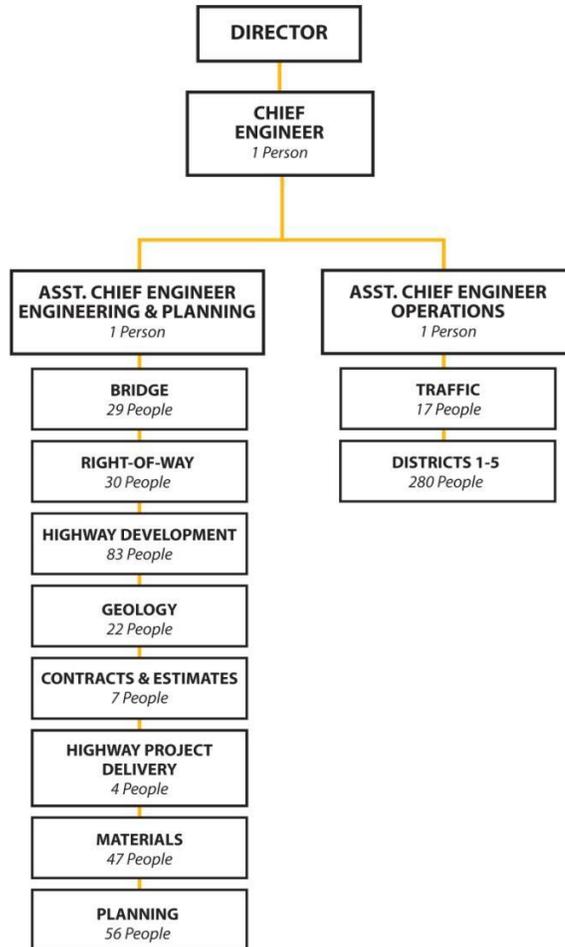
- (1) Air, noise, and water pollution;
- (2) Destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and availability of public facilities and services;
- (3) Adverse employment effects, and tax and property value losses;
- (4) Injurious displacement of people, businesses and farms; and
- (5) Disruption of desirable community and regional growth...”

According to WYDOT, more than 90% of its projects involve the use of federal funds, and over 98% of projects require adherence to NEPA standards and “involve relatively simple categorical inclusions.” The WYDOT did not provide examples of these categorical inclusions. According to WYDOT’s Road Design Manual, “the design and environmental processes are two separate elements that proceed along the same general time line and interact with one another to coordinate environmental needs, studies, public input, and mitigation requirements.”

WYDOT Structure

WYDOT’s Chief Engineer oversees the planning, design and construction processes carried out by the Engineering and Planning and Operations Sections of WYDOT. There is a total of 578 employees within the sections across the State that are involved in these functions. Figure 1, on the next page, provides an overview of WYDOT’s structure under the Chief Engineer, who directly oversees the Assistant Chief Engineer of Engineering and Planning, as well as the Assistant Chief Engineer of Operations. The Assistant Chief Engineer of Engineering and Planning oversees multiple programs, including Bridges, Rights-of-Way, Highway Development, Geology, Contracts and Estimates, Highway Project Delivery, Materials and Planning. The Assistant Chief Engineer of Operations oversees the Traffic program, Construction staff, and Districts 1 through 5 operations and activities.

**Figure 1
WYDOT Engineering Organization
Structure**



Source: Wyoming Department of Transportation

According to WYDOT, the number of staff directly involved in a project will vary greatly, depending upon the project type and complexity, according to WYDOT officials. For example, WYDOT stated that an overlay or reconstruction project may have 20 to 35 employees tasked with project completion, whereas a smaller project involving maintenance tasks may have only 3 to 10 employees staffed. At present, 151 projects are currently under construction, 176 projects are within the design process, and 93 are in the planning process.

WYDOT Funding

The Wyoming Legislature discontinued WYDOT's use of general funds for the 2017 biennium and increased the State portion of driver's license fees and vehicle registration fees in order to partially offset these general funds. Additionally, WYDOT's budget was decreased by \$2 million on an annual basis during the same process. The agency further asserts that federal funds are predominantly from formula apportionments from the Federal Highway Trust Fund, and Congress sets the levels of funding through the annual appropriations process.

Multiple federal funding program categories are utilized by WYDOT to support its programs, including highway design and construction. The percentage of federal program funds allocated to projects generally includes:

- The National Highway Performance Program (58%)
- Surface Transportation Block Grant Program (27%)
- Highway Safety Improvement Program (6%)
- Congestion Mitigation and Air quality Improvement Program (4%)
- National Highway Freight Program (3%)
- Metropolitan Planning, Recreational Trails, and Highway Rail Crossing (2%).

What is Context Sensitive Solutions?

While not mandated, many state-level transportation agencies, including WYDOT, have implemented standards within their own design processes, including the utilization of Context Sensitive Solutions (CSS), which attempts to provide consistent and project responsive stakeholder involvement throughout the design process. According to the FHWA, about half of all states have adopted CSS policies through executive orders, agency policies/practices, or legislative changes. The development of CSS has evolved since the 1970s with significant actions at the federal level in the 1990s to improve public involvement in project development.

The FHWA identifies CSS as a "collaborative, interdisciplinary, and holistic approach to the development of transportation projects." Furthermore, the FHWA defines CSS by stating, "It is an approach that leads to preserving and enhancing scenic, aesthetic, historic, community, and environmental resources, while

improving or maintaining safety, mobility, and infrastructure conditions.” The CSS approach considers both the needs of the community and the agency viewpoints within the decision-making process. The core principles of CSS include:

- 1.) Shared stakeholder vision as the basis for decision-making.
- 2.) Understanding all contexts in the development of a project.
- 3.) Ongoing communication and collaboration in order to develop consensus.
- 4.) Remaining flexible and creative in the development of solutions, while enhancing community and natural environments.

FHWA maintains that the use of CSS helps to make projects more cost effective with increased community partnerships. The CSS process also helps to ensure that projects’ size and scale are appropriate and the process may aid in reducing opposition that can lead to delays and potential litigation. Federal, state, and local agencies use CSS to save both time and resources.

How Does WYDOT Utilize CSS?

There is no specific Wyoming statute that requires WYDOT to use the CSS process, and there is no mandate by FHWA that state-level transportation agencies use CSS on federally funded transportation projects. However, there are other federal requirements WYDOT must adhere to on projects that use federal funds.

Officials at WYDOT state that the agency does incorporate the principles of CSS in many of its projects. Officials stated CSS is used to understand the complete nature of a project through public involvement, which is predominantly through public meetings and discussions. Additionally, WYDOT created a public involvement handbook, which is available online for community use. There is also a context sensitive amenities policy employed by WYDOT. See **Appendix B** for this amenities policy.

Officials with WYDOT indicated they work to ensure decisions regarding the implementation of CSS are balanced between community needs and funding availability. On occasion, according to WYDOT, there are instances in which community members feel that their solutions or ideas have not been heard, especially if these ideas are not specifically incorporated into the final project design. However, WYDOT states that all pertinent factors are evaluated to develop the appropriate approach for each project.

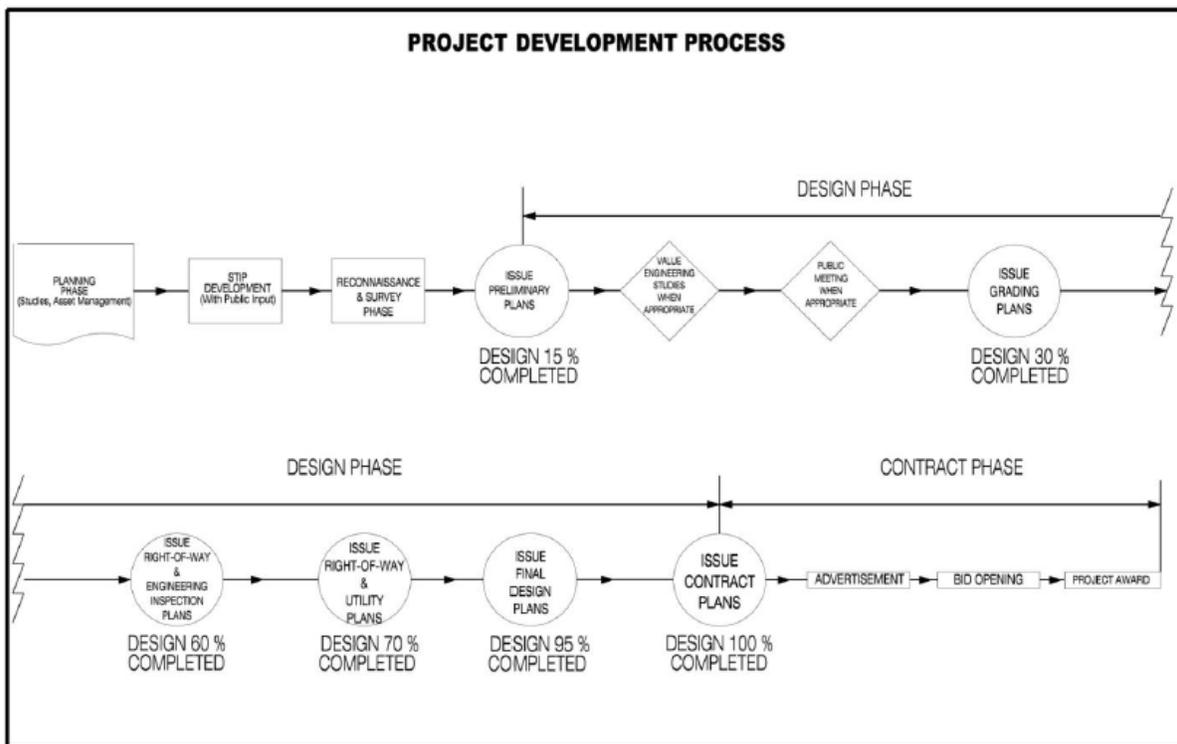
Transportation Project Development

Design Process

According to WYDOT, there are several steps that are required for the design process for all projects. Figure 2, below, provides WYDOT’s flowchart of its design process, which highlights the steps to completion from the planning phase to the project award.

Figure 2

WYDOT’s Project Planning and Design (Development) Process



Source: Wyoming Department of Transportation

The process begins with the development of statewide plans that take in to account the transportation needs around the State and then WYDOT identifies and compiles a “fiscally constrained” list of statewide projects (i.e. fitting projects into available funding). These plans are updated regularly. For example, WYDOT develops both a 20-year outlook plan, which is updated every five years, and a 6-year State Transportation Improvement Program (STIP), which is updated annually and must be approved by the Transportation Commission. The development of these plans offer opportunities for public meetings, local government workshops, meetings with non-governmental organizations, and notice in local newspapers. Plans are also posted to WYDOT’s website. Any

additional documents that are compiled in order to clarify the project's needs and potential future conditions are also made available on the website for review.

Finally, individual projects enter the project design phase. Project schedules are created and the project is reviewed to ensure that each project is ready to bid in accordance with its position in the STIP. Public outreach and environmental requirements are documented and accommodated based upon the project's complexity and WYDOT's experience working through issues on each project. The design process may take several months to several years to complete. Additionally, not all projects require the same sets of plans for completion.

Project Completion and Review

Projects can occasionally be reordered based upon changing priorities while higher priority projects are completed. Officials for WYDOT state that the agency takes steps to ensure that the public and landowners are kept informed if there is a project delay through the distribution of status reports, and additional meetings may be considered.

Additionally, internal reviews (IRs) are voluntarily conducted on an annual basis in order to confirm compliance and ensure that WYDOT is providing effective stewardship of resources. According to WYDOT, this can be accomplished through a variety of performance audits and procedural reviews as well as other additional measures, such as research, analysis and training.

The agency notes that it voluntarily participates in many internal reviews and audits per year and utilizes an outside consultant to conduct reviews on multiple projects in various stages of development. According to WYDOT officials, 56 project development plans have been reviewed since 2012, and there are four additional plans expected to be reviewed during the summer 2017. Lastly, WYDOT states that the FHWA has performed several external peer reviews for WYDOT using their subject matter experts on applicable processes.

Public Involvement

Stakeholder participation is an important step in the project development and design process in an effort to establish consensus regarding design implementation. Frequent discussion with stakeholders and incorporation of stakeholder feedback into designs and the decision-making process is encouraged by both the FHWA and WYDOT. The FHWA encourages customized approaches to designs that incorporate stakeholder feedback in the decision-making process.

WYDOT posts relevant project documents to the agency website so the public can stay informed about upcoming and ongoing projects. Stakeholder feedback is taken into consideration throughout the lifecycle of each project, beginning with statewide planning documents through to completion of the design and construction process. Officials from WYDOT also noted that its staff participates regularly in meetings with the Wyoming County Commissioners Association and the Wyoming Association of Municipalities. These events provide various educational opportunities, technical assistance, grants and compliance support to cities and counties throughout Wyoming. Local city and county meetings are also attended by WYDOT staff in order to address processes and concerns on specific projects. Finally, WYDOT provides some funds to communities to investigate transportation issues for specific projects or area plans.

Project Types and Public Involvement

According to WYDOT, not all types of projects require public meetings, such as chip seals or crack seals. WYDOT may hold open houses regarding other minor and small context projects or other forms of public outreach regarding construction related schedules. According to WYDOT Operating Policy 17-8, entitled, *Public Involvement Policy* there are four project levels for public involvement, which depend upon the size and scope of the project:

- **Level A:** These projects are predominantly “maintenance projects, contract maintenance projects” and projects with “programmatically categorical exclusions.”
 - *Public Involvement Required:* This level of project requires a news release regarding the project and includes WYDOT contact information.

- **Level B:** These projects are typically “minor urban projects, projects with categorical exclusions, and some reconstruction projects.”
 - *Public Involvement Required:* This level of project requires a news release regarding the project, WYDOT contact information, local newspaper or other media contacts, contacts with “local government officials, interest groups, and other organizations,” contacts with landowners impacted by the project, and public notification of project construction and other relevant schedules.
- **Level C:** These projects may require environmental assessments, corridor assessments or improvements, as well as minor realignment projects.
 - *Public Involvement Required:* This level of project requires a news release regarding the project, WYDOT contact information, local newspaper or other media contact, contact with impacted landowners, as well as “local officials, interest groups, and other organizations.” Level C projects also require a scoping meeting where the basic information regarding the project may be presented and feedback is received. Drafts of environmental documents are distributed, and a news release is created regarding the public meeting. In addition, there is “an opportunity to hold a public meeting or hearing to receive comments on the decisions.” Lastly, prior to and during construction, media is utilized in order to distribute information regarding the project.
- **Level D:** These projects typically include “environmental impact statements (EIS’s), major realignment, new highway corridor projects, and major urban projects”.
 - *Public Involvement Required:* This level also requires all of the steps previously mentioned in Level C, but also requires a notice of intent along with the news release. Further, this level requires the establishment of an advisory committee of “diverse stakeholders,” the possible establishment of an interdisciplinary team for technical expertise, public scoping meetings, identification of possible alternatives, and follow-up public meetings. This level also specifies that impacted landowners, government officials and other interest groups

be contacted during the preparation of the EIS. Additional public meetings are to be established as needed.

See **Attachment C** for the Public Involvement Policy.

Although projects involved in Level's A and B are often excluded from federal rules, WYDOT continues to solicit public and stakeholder involvement for these project levels. Levels C and D are projects with larger scopes and often involve more extensive analysis, such as an environmental assessment or environmental impact statement (EIS). These project levels provide for multiple opportunities for public and stakeholder involvement and feedback. The WYDOT indicates that the level of impact largely determines the level of public outreach for a project.

Project Bidding Processes

Construction Bidding Process

Projects from WYDOT are exempt from the Department of Administration and Information, State Procurement Office's processes and standards to set bids, as established in W.S. 9-2-1027 through 9-2-1033. However, WYDOT has statutory authority through W.S. 24-2-108 to establish its own rules and regulations regarding the construction project bidding process. The agency indicates this process includes notice to bidders, awarding contracts, and determining bidder qualifications and responsibilities. The specific rules and regulations are established in Chapter 1 of WYDOT's Rules and Regulations, *Procedures for Public Notice of Call for Bids* Chapter 6, *Bidder Prequalification Procedures for Transportation Projects* and Chapter 8, *Award and Execution of Contract*.

According to WYDOT, its procurement process is considered the benchmark for other state and local agencies and that other agencies often request WYDOT's assistance through education programs and consultations in the construction of their own procurement processes. Functionally, WYDOT's bidding process is as follows:

“Upon finalizing the plans and bid package, the agency estimates the construction costs to determine reasonable bid prices that will serve as the basis for award consideration. Each project is advertised for four weeks, and any pre-qualified contractor may purchase and download the electronic bid package. Although contractors use electronic bid software, a notarized paper copy is also submitted the morning of the bid

letting. The bids received are opened and reviewed for irregularities and completeness. Bids are read to the public, and an apparent low bidder is announced. WYDOT personnel review all bids and prepare a recommendation of award, which is given to the Transportation Commission for consideration.”

Procuring Professional Engineering Services

In addition, there are specific federal and state statutory requirements administered through WYDOT’s policies and procedures regarding the utilization of outside engineering services. The agency uses a qualification-based selection process as required by federal law. Specifically, informal selection can be performed for consultant services that will not exceed \$150,000, and at least three qualified firms must be considered from the WYDOT registry. In instances where the consultant services will exceed \$150,000, a selection committee of three individuals is appointed to establish criteria and factors for consideration.

According to WYDOT:

“WYDOT starts with a sizable list of firms who have submitted a general statement of interest for the chosen work type and solicits everyone on the list to submit a letter of interest. The letter of interest request is also posted on the WYDOT web page, after which a formal selection meeting is held to consider all letters of interest. If federal funds are not involved, the selection committee evaluates and ranks the firms based their statements of interest. If federal funds are involved, then a minimum of 5 firms are given a request for proposal, and the selection committee evaluates and ranks the firms based on the returned proposal...Once a consultant has been selected, negotiations are completed to determine the final scope of work and cost.”

Contract awards

Due to current department staffing levels, WYDOT is often required to hire consultants to assist in the design process. Contractors may be hired to work on a single project or as a part of a master agreement with WYDOT, which allows the agency to assign work quickly based upon the types of activities that are previously agreed upon by both the contractor and the department. Larger firms may also subcontract to other local firms for specific aspects of the design process.

Potential Evaluation Questions

If the Committee decides to move forward with a full evaluation of WYDOT Engineering's public involvement and project design process, the scope of the evaluation could include the following areas of study:

- 1.) What additional agencies aside from the Federal Highway Administration provide oversight to WYDOT projects and do these other agencies' requirements impact context sensitive solution adoption for more projects?
- 2.) How do WYDOT's funding levels affect its ability to implement community solutions and enhancements into project design?
- 3.) How does consideration of context sensitive solutions impact project planning timelines, preparations, and individual project costs?
- 4.) How do WYDOT's design planning and bidding processes vary from private transportation engineering firms and/or WYDOT contractors?
- 5.) How do WYDOT's current public and stakeholder involvement practices align with industry best practices for individual project planning and design development?

Appendix A

CFR 450.210

Title 23 Highways

Chapter I Federal Highway Administration, Department of Transportation

Subchapter E Planning and Research (Parts 420 – 490)

Part 450 Planning Assistance and Standards (§§ 450.100 – 450.340)

Subpart B Statewide and Nonmetropolitan Transportation Planning and Programming ((§§ 450.200 – 450.226)

Section 450.210

§ 450.210 Interested parties, public involvement, and consultation.

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the STIP, the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(1) The State's public involvement process at a minimum shall:

- (i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision-making processes to individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, private providers of transportation (including intercity bus operators), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;
- (ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;
- (iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;
- (iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;
- (v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

(vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

(vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;

(viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and

(ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

(3) With respect to the setting of targets, nothing in this part precludes a State from considering comments made as part of the State's public involvement process.

(b) The State shall provide for nonmetropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for cooperating with nonmetropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this cooperative process(es), the State shall provide copies of the process document(s) to the FHWA and the FTA for informational purposes.

(1) At least once every 5 years, the State shall review and solicit comments from nonmetropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the cooperative process and any proposed changes. The State shall direct a specific request for comments to the State association of counties, State municipal league, regional planning agencies, or directly to nonmetropolitan local officials.

(2) The State, at its discretion, is responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly

available its reasons for not accepting the proposed change, including notification to nonmetropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide transportation plan and STIP in consultation with the Tribal government and the Secretary of the Interior. States shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and Department of the Interior in the development of the long-range statewide transportation plan and the STIP.

(d) To carry out the transportation planning process required by this section, a Governor may establish and designate RTPOs to enhance the planning, coordination, and implementation of the long-range statewide transportation plan and STIP, with an emphasis on addressing the needs of nonmetropolitan areas of the State. In order to be treated as an RTPO for purposes of this Part, any existing regional planning organization must be established and designated as an RTPO under this section.

(1) Where established, an RTPO shall be a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

(2) An RTPO shall establish, at a minimum:

(i) A policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

(ii) A fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

(3) The duties of an RTPO shall include:

(i) Developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

(ii) Developing a regional TIP for consideration by the State;

(iii) Fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

(iv) Providing technical assistance to local officials;

(v) Participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

- (vi) Providing a forum for public participation in the statewide and regional transportation planning processes;
 - (vii) Considering and sharing plans and programs with neighboring RTPOs, MPOs, and, where appropriate, Indian Tribal Governments; and
 - (viii) Conducting other duties, as necessary, to support and enhance the statewide planning process under § 450.206.
- (4) If a State chooses not to establish or designate an RTPO, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

Appendix B

WYDOT Context Sensitive Amenities Policy 18-14

WYOMING DEPARTMENT OF TRANSPORTATION		OPERATING POLICY
ISSUED: May 9, 2014	POLICY NUMBER:	18-14
	AUTHORITY: Director	

SUBJECT: Context Sensitive Amenities

I. Purpose

This policy provides guidelines for incorporating context sensitive design solutions for funding and physical work to be included in the scope of work on some Wyoming Department of Transportation (WYDOT) highway reconstruction projects. The public, cities and towns, and legislative bodies have strongly requested that highway projects be more visually appealing. This policy will provide additional resources for beautification and encourage cooperation on politically or environmentally sensitive projects. Urban reconstruction projects are prime candidates for context sensitive amenities and should be seriously considered for work as outlined in this policy.

II. Urban District

For purposes of this policy, “urban district” means territory contiguous to and including any public street or highway built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 500 feet for a distance of a quarter of a mile or more. At the discretion of the district engineer, the 500-foot requirement may be modified to include smaller incorporated towns that exceed the 500-foot spacing. In such cases, the district engineer will designate the appropriate urban district limit, which need not coincide with either the legal town limits or corporate limits boundaries. However, the boundaries used must allow jurisdiction by a responsible party capable of maintaining the amenities as outlined in Section V of this policy.

III. Eligible Activities and Funding Provisions

- A. Eligible work includes landscaping and associated irrigation systems; bridge aesthetics; gateway signing; decorative lighting; pedestrian or bicycle pathways and amenities; historical enhancements and interpretive sites; and patterned or colored concrete appurtenances, decorative fences, street furniture, or visual screening.
- B. Up to 3 percent of reconnaissance report construction costs will be added to the project construction cost to fund additional beautification efforts. This 3 percent amount excludes costs for Transportation Enhancement Activities-Local (TEAL) or on-system enhancements, Authority for Rendering Special Service (ARS), or state-funded work. No matching funds will be required of any community or other participating governmental entity. This funding will be in addition to any TEAL or on-system enhancement work or ARS beautification work already included in the project.
- C. Beautification work to be done under this policy will be determined as soon as possible after the entity is notified (by WYDOT) of funding amounts it will

receive. The work will be detailed in an agreement to be executed as soon as possible and definitely before grading plan issuance (as some enhancements may affect the grading plans). The cost of the enhancements will be reflected in the grading plan project cost estimate. The district engineer will approve the scope of work.

- D. Once the cost estimate and scope of work are approved by agreement, items and quantities will be locked. The Department will fund approved items regardless of cost due to inflation. No additional work will be added or undertaken at the Department's expense.

IV. Project Eligibility

- A. Contract Maintenance Program (CMP), State Safety Project (SSP), ARS, Bridge Replacement and Rehabilitation–Off-system (BROS), Industrial Road Program (IRP), urban systems, traffic operations, hazard elimination, emergency, safety, or building projects will **not** be considered for additional beautification funding as defined by this policy.
- B. State Construction Projects (SCPs) may be considered for funding if the project mainly involves reconstruction and is conducive to beautification work as determined by the district engineer. Examples of such SCPs may include urban or intersection reconstruction and urban bridge replacement or rehabilitation.

V. Project Location

Additional beautification will be limited to one-half mile beyond the urban district of any community. All work will be inside the right-of-way, or, if necessary, contiguous to a state or federal highway in those special cases in which the work is better situated outside the right-of-way fence (such as with statues or large gateway signing). In any case, all work will conform to all applicable safety and crash standards and will not be situated to interfere with maintenance operations or stopping sight distance. The work will comply with all clear zone safety requirements as defined by the applicable American Association of State Highway and Transportation Officials (AASHTO) *Roadside Design Guide* or WYDOT policies.

VI. Maintenance

Prior to design, the participating community or government entity must agree to provide maintenance for any beautification in exchange for not having to furnish matching funds. Agreements will also designate responsibility for utility costs and utility maintenance, especially for lighting and irrigation systems (see Operating Policy 25-1, Traffic Control and Roadway Lighting Devices). WYDOT may retain all or a portion of required maintenance wherever the district engineer so designates.

VII. Design

Design will be done by WYDOT or a consultant selected by WYDOT. In some cases, design by the municipality may be prudent if the work includes utilities or lighting, or if a

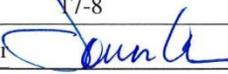
previous design has been completed or a complementary project is underway or imminent. Appropriate personnel from outside WYDOT should be included in design decisions concerning the beautification portions of the project. These persons may include community elected officials, community technical staff, recreational contacts, historical societies, city planners, public works supervisors, parks supervisors, citizen advisory groups, or others. It is also recommended that work under this policy conform to the public involvement process as set forth in Operating Policy 17-8. Work under this policy also should conform to applicable community master plans (such as bike plans, landscaping theme plans, pathway plans, recreational plans, and so forth) when possible.

References: Operating Policy 17-8, Public Involvement Policy.
Operating Policy 25-1, Traffic Control and Roadway Lighting Devices.
American Association of State Highway and Transportation Officials
(AASHTO), *Roadside Design Guide*.



Appendix C

WYDOT Public Involvement Policy 17-8

WYOMING DEPARTMENT OF TRANSPORTATION		OPERATING POLICY
ISSUED: May 13, 2011	POLICY NUMBER:	17-8
	AUTHORITY: Director	

SUBJECT: Public Involvement Policy

I. Purpose

The goal of the Wyoming Department of Transportation (WYDOT) is to proactively involve the public in addressing transportation issues. The Department will communicate the agency's mission and goals to the widest audience possible and consider feedback received from outside organizations and the public.

II. Specific Goals

WYDOT aims to achieve the following:

- A. Incorporate public input into transportation decision-making by maintaining open and continuous communication designed to facilitate public involvement opportunities and to inform the public of planning, program functions, project activities, designs, and construction.
- B. Implement a public involvement strategy to identify and use Department resources to inform the public of WYDOT's activities and receive public input. The plan will establish levels (depending on the nature and complexity of the activity) for communicating with local governments, state and federal agencies, businesses, tribal governments, interest groups, and the public.
- C. Consult with local governments in identifying transportation needs, coordinating projects, and selecting viable solutions.
- D. Extend WYDOT's outreach efforts by consulting with and soliciting input from individuals and groups with interests related to transportation.
- E. Provide opportunities for individuals and groups to participate in developing the State Long Range Transportation Plan and the State Transportation Improvement Program (STIP).
- F. Respond in a timely and open manner to concerns expressed about WYDOT activities and conduct continuing efforts to educate the public about transportation programs and issues.
- G. Review and update the public involvement plan and process as needed, and continuously evaluate the effectiveness of public outreach activities and use the results to improve the program.

- H. Foster internal communication and training to promote understanding, implementation, and consistency throughout the public involvement process.

III. Criteria for Establishing Public Involvement Levels for Transportation Projects

Using the following guidelines, program managers and district engineers will promptly determine the appropriate and practical level of public involvement for activities. This level is subject to change as a project or activity evolves. Levels B through D projects are deemed regionally significant when evaluated for admission into the STIP. Level A projects are not classified as regionally significant. Reference the *Public Involvement Handbook and Resource Guide* for discussions on public input opportunities and stakeholder involvement at key decision points in the STIP generation.

IV. Project Levels and Public Involvement Actions

- A. Level A projects will usually include activities such as maintenance projects, contract maintenance projects, and projects with programmatic categorical exclusions. Level A public involvement will typically require the following:
 - 1. A news release explaining the project, including a WYDOT contact.
- B. Level B projects will usually include activities such as minor urban projects, projects with categorical exclusions, and some reconstruction projects. Level B public involvement will typically require the following:
 - 1. A news release explaining the project and including a WYDOT contact. Alternatively or additionally, contact with newspapers serving the area to develop a story and graphics that explain and illustrate the proposal may be used. Other applicable media, such as radio, television, and the Internet may be utilized.
 - 2. Contacts with local government officials, interest groups, and other organizations.
 - 3. Contacts with affected landowners explaining design and activities.
 - 4. Public notification of construction-related schedules, detours, and so forth.
- C. Level C projects will usually include activities such as environmental assessments, corridor studies or improvements, and minor realignment projects. Level C public involvement will typically require the following:
 - 1. A news release explaining the project and including a WYDOT contact. Contact will be made with newspapers serving the area to develop a story and graphics that explain and illustrate the proposal. Other applicable media contacts will also be used.

2. Personal contacts with adjacent landowners as determined by the district engineer or designee.
 3. Contacts with local officials, interest groups, and other organizations.
 4. A scoping meeting to present basic concepts or information and to seek input.
 5. Distribution of the draft environmental document and a news release about the public meeting or hearing.
 6. An opportunity to hold a public meeting or hearing to receive comments on the decisions.
 7. Before or during construction, applicable media should be used to disseminate information.
- D. Level D projects will usually include activities such as environmental impact statements (EIS's), major realignment, new highway corridor projects, and major urban projects. Level D public involvement will typically require the following:
1. A notice of intent and a news release explaining the project and including a WYDOT contact. Contacts with newspapers serving the area will be scheduled to develop a story and graphics explaining and illustrating the proposal. Other applicable media contacts will also be used.
 2. Establishing an advisory committee of diverse stakeholders for the project.
 3. Possibly establishing an interdisciplinary (ID) team of technical expertise for the project.
 4. Personal contacts with adjacent landowners.
 5. Contacts with local government officials, interest groups, and civic organizations.
 6. Scoping meetings, to include:
 - A public meeting to determine the scope of the issues.
 - A public meeting to identify possible alternatives.
 - Public meetings on findings and significant issues.
 7. Contacts with landowners, government officials, and interest groups during EIS preparation.

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8. Distribution of the draft environmental document and a news release about the public hearing.
9. A public hearing.
10. Before or during construction, applicable media should be used to disseminate information.
11. As determined, public meetings should be conducted.

V. Emergency Maintenance or Construction

Projects undertaken as emergency work are exempt from the provisions of this policy.

Reference: Wyoming Department of Transportation *Public Involvement Handbook and Resource Guide*.