Public Involvement in Access Management

Government actions that affect property access tend to be 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 control. Experience indicates that people will become involved in these decisions whether or not they are offered a formal opportunity.

Access management projects are frequently considered to be exempt from public involvement requirements. In addition, when public involvement is provided during the initial study phase, it is generally not required during the design phase, when many access decisions are made. As a result, public involvement has not been consistently provided for access management projects.

Access management projects have been impeded or derailed because the public was not involved in the decision-making process or was involved too late for meaningful discussion. Without a process for responding to public concern, public agencies may face intense pressure to concede to demands for unrestricted access. A lack of a good public involvement process increases the likelihood of administrative hearings and litigation, and reduces the potential for a successful outcome. The challenge, therefore, is to involve the public in a way that is productive and meaningful for them and the transportation agency.

This chapter discusses the challenges of designing a public involvement program for access management projects. As with any good public involvement program, strategies are designed to facilitate open communication with affected parties and adequate public involvement at key steps in the decision-making process. This will help minimize conflict, foster public trust, and safeguard projects against arbitrary or undesirable changes.

Sources of Conflict

Public agencies have encountered a variety of obstacles to working with the public on raised median projects and other access issues. Inadequate information and public involvement prior to the public hearing can give rise to rumors, misinformation, and heightened anxiety about the project or action.

This can be compounded by the difficulty project managers experience in communicating the concepts of access management and the technical basis for their decisions. The primary beneficiary of access improvements, the traveling public, is often a silent bystander. Research in Florida on public involvement in median projects indicates that conflict over median decisions is highest when the public is not fully involved in these projects.

Those persons who do get involved are typically those who feel they will be adversely affected. They tend to be less receptive to the potential public benefits and instead focus on how the project will affect them individually, including how it may affect the level of through traffic in their neighborhood, the development potential of their property, or the accessibility of their business. Therefore, it may appear to decision makers as if a project has little public support, even if it does. The result is pressure for major changes in the project as affected parties appeal their case to elected and agency officials.

When the public is not involved throughout the decision-making process, key issues may be overlooked until it is too late to provide the public with a reasonable opportunity for involvement. Specific changes may not be identified until the design phase, and affected parties may not be aware of these changes until the public hearing. This problem can be exacerbated by a lack of continuity and public follow-up as the project progresses from the study phase to design and production. The earlier you involve the public or affected property owners, the more likely you will be able to incorporate reasonable changes in response to their concerns. This reduces the potential for delays.

Benefits of Public Involvement

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
- makes it more likely that decision-makers will approve the project

Research in Florida indicates that agencies with a public involvement process for median projects report greater success in achieving their objectives and fewer appeals to management or requests for administrative hearings than those who relied on public hearings. An effective public involvement program can 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 can build trust and enhance relationships with the public, elected officials, and other agency staff. Public involvement increases the likelihood of public acceptance and leads to better project outcomes.

As presented in Chapter 3, research in Iowa found that access management may help to enhance general business activity in the project corridor. The Iowa research also found that most, but certainly not all, business owners and managers supported access management projects upon completion of the project. By working closely with business and property owners, agencies have a better opportunity to communicate the benefits of the project and tailor the design to meet specific needs.

Principles of Public Involvement

The following are principles of public involvement. They will help to minimize conflict, foster public trust, and achieve broad-based support from the public and policy makers for access management decisions.

Ensure a fair, reasonable and open process
Participants should agree that the decision-making process is fair and reasonable, they are being heard, and their concerns are being considered. 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. Furthermore, people may be more likely to accept some hardship if they have been treated fairly in the decision-making process.

Following are several techniques used to promote an open process:

- An *open house* meeting format may be less contentious and more conducive to constructive dialogue than a public hearing format. A public hearing gives an impression that a decision has already been made. Open houses are an informal, non-threatening format for presenting projects to the public and soliciting ideas, and can be used to gauge the public's opinion of the project.

- A *charette* is a useful meeting forum for resolving an impasse or focusing on a single issue with a range of potential solutions. Within a specified time limit, participants work together intensely to reach a resolution. The sponsoring agency usually sets the goals and time limit and announces them ahead of time. This allows citizens and interest groups opportunities to gain hands-on experience with the problem at hand, under the guidance of technical staff and a professional facilitator. A charette can generate enthusiasm toward a project, build public ownership in the solution, and educate both the public and the agency about the project and the trade-offs involved in selecting an appropriate alternative.

- A *local citizen task force* can be used to directly involve citizens, landowners, and business people in the design of a project. Although this approach may be more time consuming, it is useful for

encouraging collaboration and achieving resolution of complex or controversial issues. Task force members are responsible for deliberating key issues and formulating appropriate courses of action. This approach may be particularly useful for developing a comprehensive access improvement program for an existing corridor. A local citizen task force was used in the corridor improvement program described in Figure 59.

Involve 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. Never exclude anyone who wants to participate. Such exclusion creates suspicion of the agency's intentions and could transform potential participants into opponents.

The level of public involvement will vary according to the level of public interest. Those directly affected by the project or who attach a high significance to the outcome are the primary stakeholders.

Early and ongoing public involvement will be required for this group to build consensus and resolve disputes. Those who are interested, but less directly affected, will need to be involved and apprised of the outcome. Find out how they want to be involved and their preferred method of being informed. The general public can be kept apprised through public outreach and information. Press releases and radio announcements are examples.

Figure 59 illustrates a unique method used to involve stakeholders in an access project in Iowa. The figure shows one frame of an animation developed to illustrate proposed access improvements to an arterial roadway. The proposed improvements were comprehensive, including adding a TWLTL, consolidating driveways, and moving utilities farther from the roadway. Among other information, the animation was shown to stakeholders, including adjacent property owners and business people, to show the how the project would look when completed and demonstrate its benefits.

Figure 59—Frame of an animation showing proposed access improvements to an existing corridor in Iowa

Source: Endnote (13)

Begin early and parallel the decision process
Public involvement is not a discrete task, but rather an ongoing process that should parallel the technical decision-making process and be integrated into the entire work program. Provide for public involvement at each key decision point.

Maintain continuity of involvement as the project progresses
Continuity is crucial in the public involvement process because (1) different groups get involved at different stages of the project, (2) more people get involved as the project progresses, and (3) continuity helps keep the project on track. People tend not to get involved unless the issues are clear, they feel the issues are significant, and they feel they have a contribution to make. Therefore, more people will become involved as the project is defined and people can more clearly see how it will affect them. For a lengthy process, one option is to prepare a summary report of the decisions and commitments

that have been made and the process through which they were reached. This history of the public's influence on the project is an essential part of the project documents. It is important that commitments are carried through into construction. Affected parties will need to be apprised of any changes that are desired during the design, right-of-way acquisition, or construction phases.

Inform the public of the agency's basis for making decisions, including policies and guidelines
The public should be informed of the agency's access policies and guidelines, as these are important factors in the decision process. Concerns from elected officials may revolve around opposition to the access policy, rather than how the project is designed. If so, agency representatives must be prepared to explain in clear and persuasive terms the basis for the policy. A fair and objective review of alternatives proposed by the public is essential to maintaining credibility of the public involvement process.

Seek a clear understanding of public concerns
Create opportunities for people to express their concerns. Position statements, such as "I want a center turn lane and not a median," are not as effective as specific concerns, such as "I don't think I can get delivery trucks in and out of here." In discussions with property owners, talk them through how the project will affect traffic operations in their area. Demonstrate how they will get in and out of their property or neighborhood and how the project will improve safety and operations.

For major projects, consider translating specific interests and objectives into evaluation criteria, which can be used to rank alternatives. Criteria should include the objectives of the agency as well as affected parties. Objectives might include the following:

- Provide convenient access to businesses.
- Minimize through traffic in the neighborhood.
- Avoid median openings across turn or storage lanes.
- Improve pedestrian safety.
- Minimize exceptions from guidelines.
- Provide opportunities for landscaping.

Prove to the public that their concerns will be considered
Make it clear to participants that the project is open to new ideas and that there is a process for considering modifications. Acknowledge the public's role in the decision-making 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 when nothing should be done to change the project, it is important to let the public know that their concerns have been considered and the reasons why a better solution could not be found.

Never try to slip a controversial decision past the public
Affected parties will eventually find out about the agency's decisions. The damage to the agency's credibility will be difficult to reverse, and the potential for future retaliation will be high.

Achieve a 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, 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.