

CITIZEN PARTICIPATION IN LOCATION AND DESIGN PUBLIC  
HEARINGS OF THE KANSAS DEPARTMENT OF TRANSPORTATION:  
A CASE STUDY

by

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## INTRODUCTION

A persistent concern of most planners is the subject of citizen participation. This is especially true in the case of transportation planning, where the Federal Highway Administration has made citizen participation a requirement before federal funds may be received. It is important, though, that the participation go beyond a token public hearing. Ineffective citizen involvement can create as many problems as no citizen involvement at all.

It is essential that citizen participation be an integral part of each aspect of the transportation planning process (Kinstlinger and Keefer: 1973). This would include everything from formulation of local, regional, and statewide goals and objectives, to the formulation of future projections and to the evaluation of alternate project locations. Participation such as this is not intended to usurp the role of the elected and appointed officials, it is merely an attempt to give the citizen a voice in the development process of projects which may directly affect him. Therefore, it is the intention of this paper to examine citizen participation as it occurs at the Location and Design Public Hearing level.

The case study which has been undertaken covers the partial development of two actual highway projects. Because of the bulk of information which is generated by a highway project, it was the intention to provide as wide a scope of circumstances as possible while examining a manageable number of projects. The needed variety was provided by considering a project which is located in the quickly urbanizing outskirts of Wichita, and a project

located in rural Brown County in the vicinity of Hiawatha.

The two projects formally entered the planning stage at approximately the same time. This consideration was necessary to insure that the general state-wide political attitudes were the same and that the same legal requirements were in effect concerning the participation process. Even though the projects began in the same time frame, the Brown County project is presently well along in the construction phase, while the Wichita project is just now proceeding into the design phase. This again reveals a distinction in the two projects. The two projects will be examined separately to reveal the participation which occurred among the interested parties above that which is merely required by law. The considerations which are given to the involved parties by the Kansas Highway Department, as the state agency for highway development was then called, will also be examined. Because of the fact that these two projects are so varied in nature, they will be analyzed so as to reveal the variation in approaches used in each project.

The need for citizen participation in the transportation planning process has been receiving an increasing amount of consideration in federal regulations. Because these regulations become necessary directives for state highway departments for developments utilizing federal monies, these must be examined to fully understand the state level process. Chapter one provides a basic analysis of citizen participation in general and describes the participation that presently occurs. It then traces the development of federal citizen participation requirements during their past twenty years of existence.

Further information concerning the Kansas Department of Trans-

portation, as it is now designated, is included in the appendix.

While this information did not directly relate to the objective of the paper, it provides information concerning the transportation planning institution which might result in a clearer understanding of the federal, state, and local relationships. These relationships have a very definite effect on the planning processes throughout the highway institution.

## CITIZEN PARTICIPATION AND FEDERAL REQUIREMENTS

### Citizen Participation and Public Hearing.

A general definition of citizen participation, according to Sherry Arnstein (1969) is that "It is the redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes to be deliberately included in the future." A more specific definition was developed at a conference on citizen participation in transportation planning. It defined citizen participation as, "An open process in which the rights of the community to be informed, to influence, and to get a response from government are reflected and in which a representative cross section of affected citizens interact with appointed and elected officials on issues of transportation supply at all stages of planning and development." (Highway Research Board: 1973) This second definition is also rather broad but it describes very well, within the scope of transportation planning, the process of participation which may vary from the level of interaction involved with a study concerning transportation needs twenty years in the future to the level of interaction involving the placement of a culvert in a highway about to be constructed. This is the scope of participation involved in the complete transportation planning process. This paper, though, only deals with one aspect of the participation process, that involved with determining the exact location and design of a transportation route.

The location and design level in the transportation planning process provides one of the highest levels of direct citizen participation within the total planning process. It has often been

the experience that when a citizen sees his immediate personal interests in jeopardy he participates. At the level being considered this is very much the case. The participation which might go into the development of a twenty year transportation plan, though, concerns a different, more general level of involvement for the citizen.

The location and design planning process receives the majority of its required citizen participation in the form of public hearings. These public hearings, as such, "Probably have the longest history of any participatory method, since they have been required in governmental decision-making at all levels for many years." (Department of Transportation: 1976) The public hearing is a legal procedure with an officer of the interested agency in charge. The agency representative presents its proposal and then testimony by individuals are received. These hearings are open to the general public and all the proceedings are recorded for the official record.

There are several positive and negative features concerning the public hearing. The basic design of the hearing is to allow every person an opportunity to be officially heard before a final decision is made. The major drawback with this process is that the communication is one-way, from the citizens to the agency representatives, with no feedback. This information transfer process is often further impeded because the citizenry often is not well informed and does not understand or know the full range of alternatives available to them.

The public hearing process according to Sherry Arnstein could be considered as consultation, which, on the "ladder of citizen

participation" would be classified as tokenism. At the consultation level an agency "invites citizen's opinions....But it offers no assurance that citizen concerns and ideas will be taken into account."

(Arnstein: 1969)

The public hearing process can also be used as a form of cooptation of citizens. This, according to Edmund Burke (1968) in "Citizen Participation Strategies," involves citizens in an organization in order to prevent anticipated obstructions. Again it allows participation but without the assurance of effectiveness.

Therefore, the process of a public hearing does not in itself meet the requirements of citizen participation as set out by the definitions. The hearing meets the requirement of an open process but is limited in its ability to insure influence of governmental agencies, or in other words, to include the have-not citizens in the future. The following describes the evolution of federal regulations to the present requirements for citizen participation in transportation planning specifically in the location and design processes.

#### Federal Requirements.

Twenty years ago, in 1956, the largest construction project in the history of the United States was begun. This was the National Defense and Interstate Highway System. The object of this program was to connect the majority of the nation's larger cities with a four-lane, restricted access, high-speed freeway system. It is probably this system, with its multiple intrusions on densely settled urban land, which has brought out the greatest public interaction or reaction to highway development. It has been during the period of the interstate system construction that the citizen participation regulations have grown from almost nil in 1956 to

today's present stage of complexity for highway projects which use federal monies.

The federal regulations that were in force in 1956 contained few specifications regarding social considerations which were to be made. Section 128 of Title 23 of the United States Code of 1956 required simply that a public hearing, or the opportunity for one, be held for any federal-aid project in the vicinity of a city, and the economic effects of this project should be considered. At this time the input from the public was restricted at best, owing to the one time input at the optional public hearing, and any environmental factors which might be important were not required to be considered.

The first step toward improving citizen participation came in the Federal-Aid Highway Act of 1958. In this Act, Section 128 was expanded to include a public hearing to allow for objections to the location of interstate highways in rural areas. This was to allow increased participation concerning the disruption of farm land and access to the interstate, which is even more restrictive in rural areas.

The next step with the intention of ensuring more social considerations in the planning process came with Section 134(a) of the Federal-Aid Highway Act of 1962 and Policy and Procedure Memorandum (PPM) 50-9 which implements this section. This section was of specific concern to urban areas of more than 50,000 population or Standard Metropolitan Statistical Areas (SMSA).

This section required that a continuing comprehensive transportation planning process be carried on cooperatively with local communities and the highway department. The planning process

was to be carried on with agreement from the local communities involved. It was to be updated at least every five years, and a comprehensive analysis was to be made of a basic set of important elements made up of social, economic, community, and environmental factors.

This PPM became even more important with the addition of Section 6 in 1969. This section stated that "lines of communication should be established and maintained which will not only seek the view of those affected by proposed programs, but demonstrate to them in ways they understand that their views receive full and sincere consideration." (U.S. Department of Transportation: 1969) The intention of this statement, if implemented fully, would allow for the more complete participation of concerned groups and reveal to some degree their effectiveness.

*social impact* { The first instance in which the need to examine not only the social impact but also the environmental impact of a project was directly stated was in 1968 with a revision of Section 128 of Title 23. This section was rewritten to state that in a public hearing not only the economic effects of a project were to be considered, but also, "social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community." (U.S. Code of Federal Regulations: 1968) This section removed the burden of examining and publicising the impacts of a project from concerned private interest groups to the highway department itself, and also required conformity or consistency with local plans. This information was to be made available to the public through the public hearing process. *public hearing begin after this.*



The greatest improvement in required environmental considerations occurred in 1969 and 1970 through the Environmental Policy Act of 1969 and the 1970 Executive Order 11514 "Protection and Enhancement of Environmental Quality." These two statements describe more exactly the consideration to be given to the development of a project. The purpose of the 1969 Act was "To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the nation; and to establish a council on environmental quality." (U.S. Code of Federal Regulations: 1969) The intent of these acts were to develop a more objective basis on which to analyze a project effecting the environment.

To ensure that these objectives are achieved in highway development an environmental impact statement is required for any project using federal funds. Each of the impact statements is to include a detailed statement on the following: 1) the environmental impact of the proposed action; 2) any adverse environmental effects which cannot be avoided; 3) alternatives to the proposed action; 4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and; 5) any irreversible and irretrievable commitments of resources which would be involved. (U.S. Code of Federal Regulations: 1975) The U.S. Department of Transportation determined the need for each of these aspects which are required.

Executive Order 11514 follows very closely the Environmental

Policy Act. This order established the federal policy that governmental institutions would act as leaders in protecting and enhancing the environment. These agencies were to develop programs to monitor and control activities affecting the environment. Another important aspect of this order concerning citizen involvement was in the area of providing information concerning actions that are taken. The agencies were to "develop procedures to ensure the fullest practical provision of timely public information and understanding of federal plans and programs with environmental impact in order to obtain the views of interested parties." (Code of Federal Regulations: 1970) Also to be provided was information on alternative actions. These two actions in late 1969 and early 1970 gave the federal government a basic standing concerning the environment and citizen input into these issues. The 1969 Act dealt more with special issues which were to be considered within the required environmental impact statements. Executive Order 11514 placed less emphasis on specific information on detailed statements but stressed the need for agencies to inform the public about all environmental actions. It was anticipated that this would better achieve the goal of serving the people by giving them the necessary information for effective participation. These two actions provided the basis for the Federal Highway Administration directives to state highway departments regarding environmental considerations in project development. It is because of these environmental impact statements, and the pertinent information they contain, that a large amount of public interaction and objections have occurred concerning highways and their impact

Policy and Procedure Memorandum 20-8 which was transmitted

in 1969 has had a very direct effect on the Kansas highway planning process, as well as the rest of the nation. This memorandum required the use of a revised public hearing process requiring two public hearings. It is within these public hearings that the social and environmental impacts of the project are revealed to the public and their comments are solicited and recorded, and then later analyzed and reacted toward.

The intended purpose of this PPM was to insure that highway projects reflect local, state, and federal goals and objectives. It was to "provide a medium for free and open discussion," and to encourage early and amicable resolutions of controversial issues that may arise." (U.S. Department of Transportation: 1969) This PPM also "provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists." (U.S. Department of Transportation: 1969)

The two hearings are a Highway Corridor and a Design Public Hearing. The corridor hearing is held before the highway department is committed to a specific proposal to allow for citizen involvement in determining the need and location of a highway through their comments. It was in this hearing that the PPM required the environmental impact information to be made available to the public. The highway design hearing is held after the route location is determined and approved by the Federal Highway Administration. It allows for participation in determining the specific location and major and minor design features.

Consideration of the human environment and the need for providing public information is contained in Policy and procedure Memorandum 90-1. It requires that social and environmental information be made available to the public before the first public hearing to allow the public to be more knowledgeable about the proposal and its effects. This PPM is important in that it allows anyone to examine the social and environmental effects of the proposal so they can make a more educated response at the public hearing. This is especially important since these responses are all contained in the official environmental impact statement which is published and sent to the Federal Highway Administration for approval.

The next major development in legislation concerns the Federal-Aid Highway Act of 1970. Section 136(h) of Title 23 requires that by no later than July 1, 1972 the Secretary of Transportation shall submit to Congress, "guidelines designed to assure that possible adverse economic, social and environmental effects relating to any proposed project on any Federal-Aid System have been fully considered in developing such project." (U.S. Code of Federal Regulations: 1970) Specifically these guidelines were to eliminate or minimize air, noise, and water pollution; adverse effects on man-made and natural resources, aesthetic values, community cohesion, employment and property values; and displacement or disruption of people, businesses, farms, and desirable community and regional growth. Section 128 also provided the basis for the development of Environmental Action Plans which were required to be in effect in all state highway agencies by November 1, 1974. Policy and Procedure Memorandum 90-4 of June 1, 1973 provided the

exact specification of these requirements. The Action Plan guidelines have been codefied and are contained in Section 795 of Title 23 of the Code of Federal Regulations for 1975.

The Environmental Action Plan serves as a summary of the process which a highway department will follow in developing projects from the system level through the final design. In fulfilling this it is also to show that full consideration has been given to social, economic, and environmental effects and that the projects are made in the best overall public interest. It also contains guidelines for consideration of alternative courses of action, involvement of other agencies and the public, and the decision making process.

This requirement for the development of Action Plans and the codefication of these requirements have been the last federal legislations of significance to state highway departments regarding citizen participation. The federal government is beginning to allow more local development of guidelines. This is revealed by the fact that the two public hearing process will no longer be required if the state highway agency has a process of its own which is as effective, as determined by the U.S. Department of Transportation. At the present time the Kansas Department of Transportation intends to continue with the two hearing process.

## SEDGWICK COUNTY PROJECT

General Description of Project.

One of the projects to be discussed is a highway that will run along the northeast circumference of Wichita. This project illustrates citizen participation in an urban setting. The background of the northeast circumferential route, in some form, has been a matter of discussion for more than fifty years. A form of it was included in the 1923 Master Plan for the city of Wichita. In the subsequent years a number of similiar proposals were also made. A comprehensive plan for transportation facilities which included a northeast route was officially adopted in 1966 by the city of Wichita and by Sedgwick County. In 1968 a detailed study of possible routes was made but the city and county governments could not agree on a corridor. The present corridor was developed by the Wichita-Sedgwick Planning Commission and was accepted by both the Wichita City and Sedgwick County Commissions (State Highway Commission of Kansas:1975a).

The route to be examined is located in the outskirts of the city of Wichita, the largest urbanized area in Kansas. The route, which is approximately ten miles long, begins in the city's northern sector and proceeds east and south and is known as the northeast circumferential. The project will be limited access with a minimum of two lanes in each direction.

The majority of land in the study corridor, through which the highway will run, is used for agricultural purposes. Much of this land is held by non-resident owners and it is expected

that it is merely awaiting future development. The urbanizing development is occurring primarily in the south and west sectors of the corridor. The developments in this area include several heavy industries such as Beech Aircraft, Phillips Petroleum, Coleman Company, and Koch Industries. Commercial development is mostly strip-type along a major highway. There are several residential developments with urban densities and also a large country club in the corridor.

As revealed by the history of the project, discussion of the need for a northeast circumferential has existed for many years. Because of the low density in the area, though, the immediacy of need has not appeared as to be of great importance. No emphasis was placed on making an immediate decision on location or construction. The major consideration came with the inclusion of the project in the transportation plan. Even after the city and county commissions agreed on a study corridor there was little overall reaction. The general public reaction was a rather apathetic "approval."

#### Preparation Before Required Hearing.

The pre-public hearing, meetings, discussions, correspondence, and informal public meetings were very numerous for the project located on the outskirts of Wichita. This was necessary due to the considerable development which is located in and around the proposed project corridor and because of the failure to obtain approval for the project in previous years. There were ten categories of groups of agencies with which preliminary meetings and discussions were held and from which preferences for alternates were obtained. The number and time frame of these meetings is illustrated in Diagram 1. These groups were contracting agencies, state

legislatures, advisory boards and committees, school districts and park boards, organizations, industries, businesses and developers, utilities, and individuals. Each of these groups will be discussed as to their respective inputs.

#### Contracting Agencies.

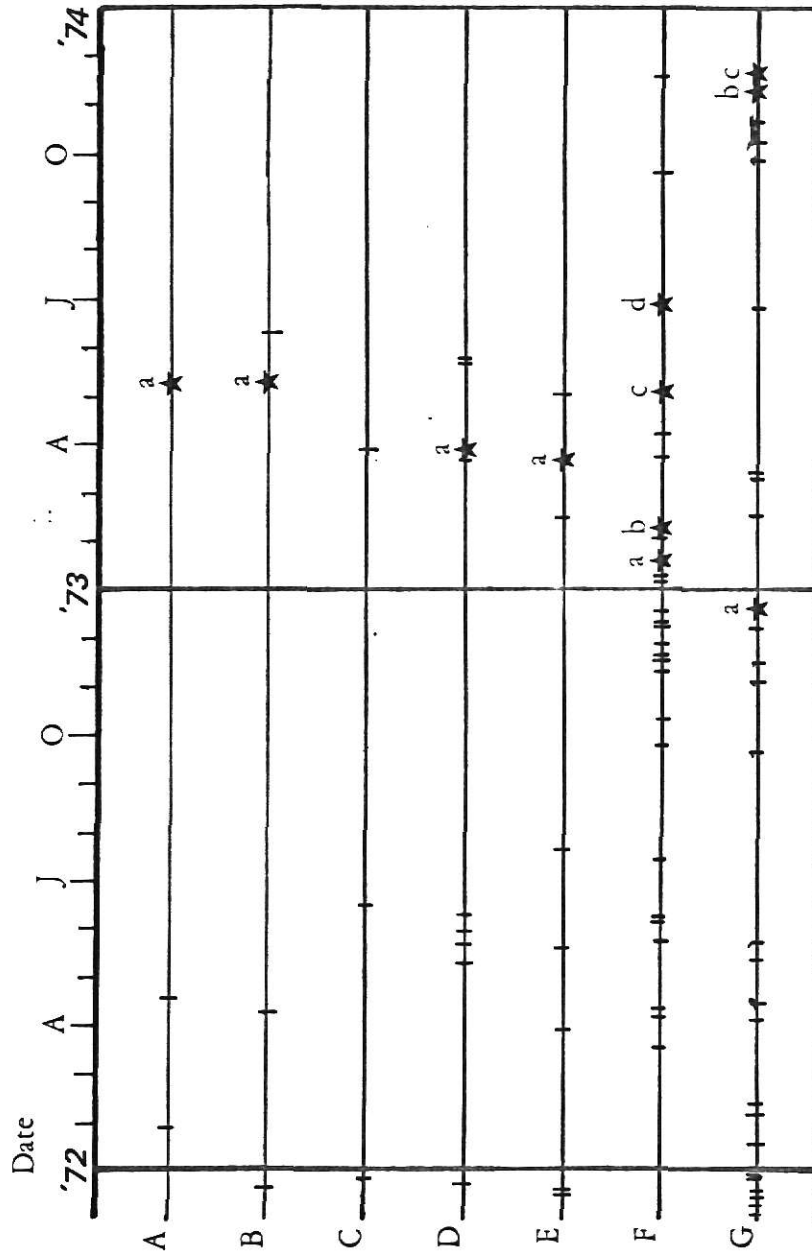
The greatest volume or amount of interaction, mainly consisting of informal conferences, occurred between the local governmental organizations, which were the contracting agencies, and the state highway department and their consultant. (See Diagram 1) The local organizations consisted of the Board of Commissioners of Sedgwick County and the Board of Commissioners for the City of Wichita. These two bodies were represented by the Wichita-Sedgwick County Metropolitan Area Planning Commission (W-SCMAPC).

The consultant, which was a local engineering firm, developed the project in three phases. In each of these cases the concurrence of the contracting agencies was obtained before additional phases were begun or before the information was circulated to the public or concerned individuals. This included approval of land use projections, proposed alternate alignments, and the preliminary reconnaissance report and environmental impact statement. All these reports, though, were approved when they were presented.

In a joint meeting of the city, county, and planning commissions on December 19, 1972 an informal vote was taken regarding preference of the alternate routes. At this time nine of the eleven commissioners present favored Route A, 28, 11, 22, 41, P. (See Illustration 1.) A similiar meeting was held after the draft environmental impact statement had been prepared. This meeting



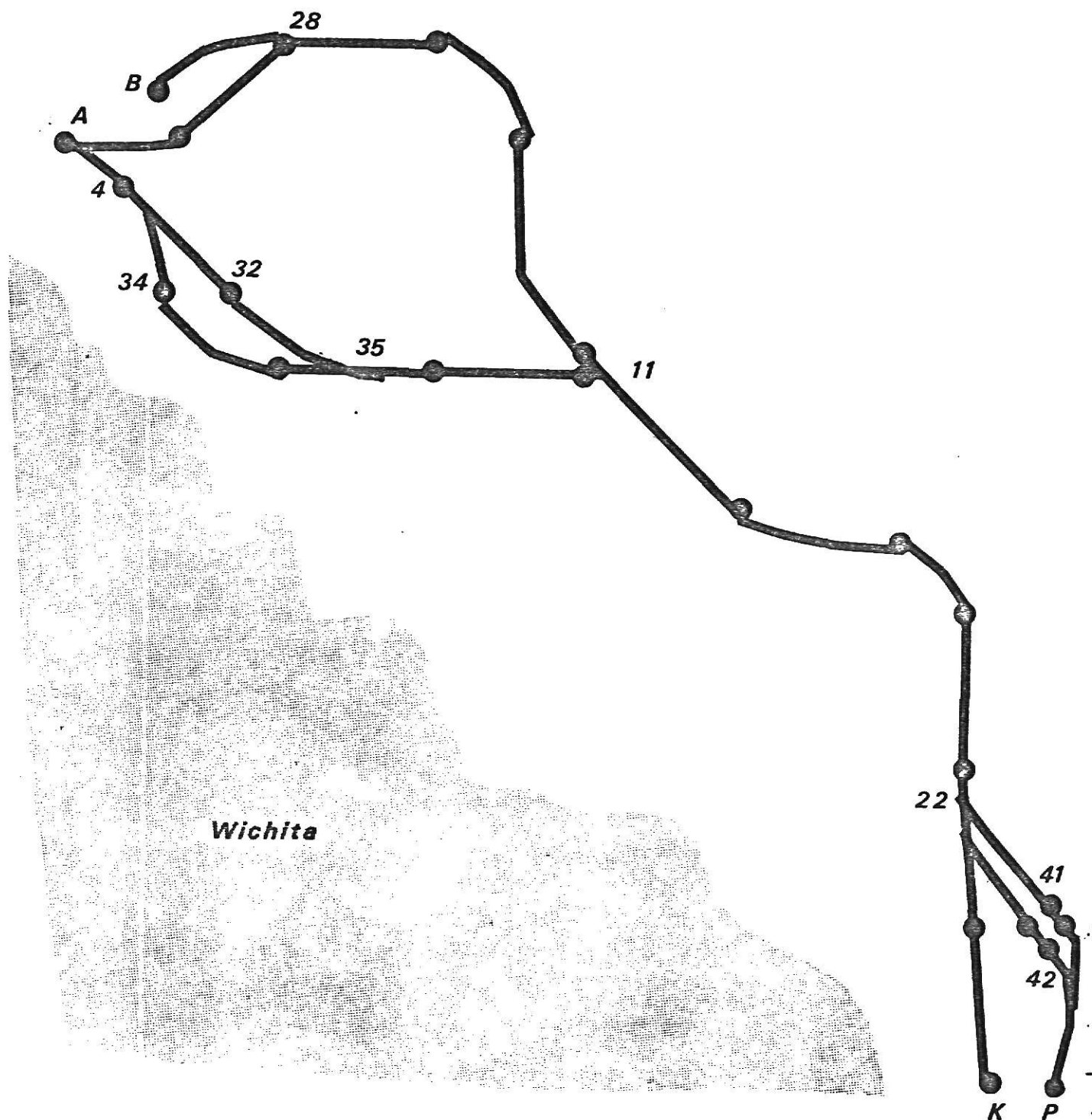
DIAGRAM 1  
Interaction between local organizations and KHD



| Meeting with High-way Department representative  
★ Final Decision made

- A Advisory Boards and Committees  
a. no preference
- B Schools  
a. oppose A, 4, 32, 35
- C Parks- no decision
- D Organizations  
a. property owners assoc. favor 22, 41, P
- E. Industries  
a. Beech, any route; Koch, favors 28, 11
- F Businesses  
a., b., & c. are developers which oppose 34, 35; and favor 22,k; and 28.  
d. A country club opposes 22, 41, P.
- G. Contracting Agencies  
a. city commissioners favor A, 28,29, 11,22,41,P  
b.&c. city & county comm. favor proposed route

ILLUSTRATION 1  
Proposed Alternates



was held on November 20, 1973, less than three weeks before the location public hearing. With the same groups represented it was decided to officially give unanimous support to route A, 4, 34, 35, 11, 22, 41, P. These groups continue to work closely with the highway department in the development of the design of the approved alternate.

State Legislators.

A very limited amount of interaction occurred with state legislators concerning the project. Of the three representatives who made comments, one expressed interest as to the project alignment since he owned land in the area, one wanted information on the project for a speech he was giving, and one merely advised by letter his preference for the project location.

Advisory Boards and Committees.

The advisory boards and committees and the school district and park board groups also had limited interaction concerning the proposal. The advisory boards of the W-SCMAPC were kept informed as the project developed but expressed no preference of specific alignments. The schools and parks were contacted to determine possible affects of the alternates. It was determined that none would be affected.

Organizations.

Six area organizations interacted as a group with the project development. Two of the more influential or politically powerful of these organizations were the Wichita Area Chamber of Commerce and the Northeast Property Owners Association. On June 8, 1973, the Chamber of Commerce voted to recommend route A, 4, 34, 35, 11, 22, 41, P. The Property Owners Association represented the

owners of 2400 acres of land in the project area and they actively opposed the proposal made in 1968. The KHD therefore attempted to keep this group informed. The final results were that the owners opposed the segment A, 4, 34, 35, approved segment 11, 22, and, had 22, 41, P as a second choice.

Industries.

Industries were another group which were specifically contacted for input concerning the alternates. Three major industries which gave their preferences for the route location were Beech Aircraft Corporation, Coleman Company, and Koch Industries. Mrs. Beech, Mr. Coleman, and Mr. Koch all personally attended meetings at which the project was discussed. A spokesman for Beech Aircraft stated that all alternates would be satisfactory but segment 22, k was the most preferred. The Coleman Company spokesman stated that route segment A, 4, 34, 35 appeared most suitable considering the existing industries in the area. In July, 1972, Mr. Koch advised that segment A, 4, 34, 35 would be acceptable if certain adjustments were made in the route where it was located on their property. In April, 1973 the general council for Koch Industries said the previous alignment was the most objectionable. This statement was made without the knowledge of the previous statement made by Mr. Koch and it was therefore withdrawn. Koch Industries was the only industry of those named above that made comments at the location public hearing; but, it was also the most directly affected.

Businesses and Developers.

A great deal of interaction occurred with businesses and and developers. The greatest number of entities with interests

in the project area were grouped within this category. The greatest interaction occurred with the Comotara Development. This development occupied approximately three square miles, all of which was located within the study corridor. Because of the size of this development, close coordination between the developers and the State Highway Department was necessary to insure accurate land use, population, and traffic projections for the area. All alternates passed through the Comotara Project but any one of these would be more acceptable than the do-nothing alternative. The developers worked directly with the highway department in arranging their development in the most feasible manner with the possible alternates.

One developer and one business were opposed to the southern route, which was endorsed by the commissioners and was also finally approved as the accepted route. The developer felt the aesthetic beauty of the location would be destroyed by the southern route and the business felt it would be adversely affected. Other small developers and businesses replied but with opposition to other alternates.

Individuals.

There were several informal public meetings held during the development of the project. These meetings were open to the public but were not subject to the formal procedural or recording requirements that applied to the public hearings. November, 1973, less than a month before the location public hearing, was the date of the first informal hearing. This informational session lasted five hours, during which time a total of 36 persons registered as having attended. This meeting received publicity from all radio

and television stations in the area.

Less than a week after the first public meeting, a one hour television program was aired. One-half hour of the program reviewed the project and discussed alternate alignments. The final thirty minutes were devoted to answering telephone questions from the viewing audience. The location public hearing was also announced at this time.

A final informal public meeting was held the night before the formal public hearing. It was held in the same room as the hearing scheduled for the next day and provided informal interaction between citizens and the highway department.

#### Public Hearing

The formal location public hearing for the proposed freeway in northeast Wichita was held at an auditorium at 10 A.M., December 7, 1973. There were 117 persons registered as attending. Corresponding to the appropriate federal regulations, legal notice of this hearing was advertised in a Wichita newspaper one month and also one week previous to the hearing. It was also announced during a television program concerning the project, which has been previously mentioned.

Comments were received from twelve persons during the hearing. The first three responses represented city and county governments and a group of business associations. The governmental groups favored the segments A, 4, 34, 35, 11, 22, 41, P, which was eventually accepted as the preferred route. The business groups endorsed the project concept and recommended prompt action. A major land development through which the highway would pass also favored the route recommended by the government groups.

Three oral comments were made which opposed route segment 22, K and all were for various reasons. Two of these also endorsed the route which was finally chosen. Three other responses consisted of one person favoring a route which was not chosen, another opposing an expressway proposal which was unrelated to this project, and another who opposed building any highways at all.

A minority member responded and was opposed to the route segment A, 4, 34, 35. Due to this response and that of a neighbor who also felt the project was too close to their homes, the project was altered to allow less intrusion on these properties.

Written comments relative to the public hearing were received from 21 persons. Of these, seven unequivocally stated that they were in favor of the project which was finally selected. Two large industries also favored segment A, 4, 34, 35 if certain conditions existed. National Cash Register wanted good freeway access as was proposed, and Koch Industries wanted the segment modified as far away from its offices as possible. Both these requests were satisfied as no changes were made affecting access for National Cash Register, and the route was modified away from the Koch offices, since the route was already located on the latter industry's land.

Three persons wrote opposing the project because, though it did not take their houses, it would adversely affect them. Two of these, as mentioned earlier, received favorable design modifications. The remaining landowner had all their property taken, even though they were out of the proposed right-of-way, because of possible interference by noise and lights which could not be avoided. Two other persons opposed the route which was selected

because in was located on land that they owned.

The remaining comments consisted of persons that favored other routes, persons who were opposed to any development, and persons whose comments were unrelated to the project or were irrelevant.

#### Kansas Highway Department Reaction

The official decision by the Kansas Highway Department was that the route consisting of the segments A, 4, 34, 35, 11, 22, 41, P was the most feasible. This route was also unanimously agreed upon by the city and county decision making bodies and their supporting planning bodies. Because disagreement among these groups had caused the failure of a similar project a few years earlier, agreement was essential.

The city and county commissioners placed the most concern on the study corridor itself. This corridor was selected by the Wichita-Sedgwick County Planning Commission and was accepted by both groups of commissioners. The major concern after this was to provide the most service or greatest vehicle use rate and lowest cost. The route these groups selected had the lowest cost per projected vehicle use, therefore, the commissioners and highway department concurred.

Every person or group which asked for a design modification, which did not significantly change the selected route location, was granted a modification. This included not only two persons who owned only a single family residence, but also one of the largest industrial developments in the area. The home owners had an interchange modified to use less land which would affect the houses less. The route affecting the industry was adjusted to be farther away from an office building so as to create less dis-



turbance. This modification occurred entirely on the land owned by the industry which would then be acquired by the highway department.

The protests to the project which were not dealt with according to the requests of the affected persons were those asking that their land not be taken. These requests, of course, could not be met. Large corporations as well as small landowners had land taken as the route location demanded. Those persons that did protest were assured that they would receive a fair market value for their property.

The project seemed to be very well publicized by the highway department. This included informal meetings, television programs, newspaper articles, and official hearings. Public reactions, though, even with the described publicity, seemed to be restrained. The reasons behind this seem to be that a relatively small group of individuals were directly affected by the project, clear and effective pre-hearing presentations by the highway department personnel, and apathy.

Generally the public seemed to have only limited concern for the project, and there was definitely no organized protest of the project. The objective of the highway department was to determine the most feasible alternate which also met the approval of the public. According to the response, apparently this was achieved.

#### Summary of Citizen Participation Methods.

The citizen participation methods in the Sedgwick study went beyond the minimum federal requirements of merely a location public hearing which would then be followed by a design public

hearing. There was one general informal meeting, a television program, and an informal pre-hearing meeting preceeding the hearing. The latter two meetings were little more than information sessions. The major intent was to answer questions the public might have concerning the improvement. The remaining meeting was held to discuss the alternates available. Therefore, no general public input was solicited before a large amount of information necessary for the development of certain specific alternates had been gathered and decisions made.

A large number of meetings were held between the highway department and the city and county representatives and private interests. The planning commissions were kept informed of all developments in the highway and gave their approval concerning which alternates were to be developed more thoroughly. Public hearings or informal public meetings, though, were not held by the commissions before the decisions were made. The alternates were, to a large degree, determined by the planning commissions with the advise of the highway department. At times, though, it seemed the commissions were a "rubber stamp" for the highway department decisions.

A major industry and a large private land development received a great deal of consideration. This is a legitimate form of participation but the possibility of a significant amount of pressure being placed on an alternate which is more favorable to the private interest is always possible. In this case the two private interests were opposed to the alternate which was chosen as it was located upon their land. Acceptable realignments, though, were made entirely on the property of the private interests. It was not possible to

determine what considerations may have been given to industries before the study corridor or alternates were selected.

All those that were adversely affected by the selected alternate were individually dealt with and an effort was made to alleviate the inconveniences which might have been caused by the alternate. The major deficiency appears to be the lack of participation in the early stages of developing a study corridor or developing the alternate routes. There are no federal requirements concerning this type of interaction and all other requirements appear to have been met.

## BROWN COUNTY PROJECT

General Description of Project.

The second route to be examined is located in Brown County, south of Hiawatha, Kansas. The study corridor extended from one and one-half miles west of Hiawatha to one mile east of the Brown-Doniphan County line, for a total length of approximately eleven and one-half miles. The facility to be constructed will be a two lane highway, but with sufficient right-of-way to allow for an additional two lanes. It will be designated as Highway 36.

The land through which the study corridor runs is almost entirely used for agriculture. The corridor includes the entire town of Hiawatha but the actual road itself would only pass on the outskirts. The developments affected would be limited to those on the north or south edge of town and scattered farm buildings. Clearly, the major complaints would arise from the loss or division of farm properties.

The development of Highway 36 was first officially considered in the 1963 Highway Needs Study, and was officially designated a freeway corridor in 1969. (State Highway Commission of Kansas: 1974b) The first meeting to discuss the location study was held in November, 1969, and the final approval of the environmental statement detailing the location of the route was made in October, 1972. Major consideration is given to the corridor public hearings held in November, 1970 and April 1972.

Before the public hearing, the general opinion toward Highway 36 was that it was very inadequate. According to sufficiency ratings, a level of below sixty means a highway is very inadequate according to prevailing design standards. The ratings in this corridor were as low as 34. Generally, the need for improvement was clear, both to Highway Department engineers and to the citizens.

#### Preparation Before Hearings.

The methods of interaction between the Kansas Highway Department (KHD) and the residents and officials in the Brown County area were rather limited. The interaction consisted almost entirely of a few informational updates between public and highway officials.

The first interaction occurred one and one-half years before the first corridor public hearing. This meeting involved discussing possible alignments within the study corridor and determining the preferences of the officials of Fairview and Hiawatha. The next meeting, which updated public officials on the status of the study and determined their preferences for alternatives was held ten days before the first hearing. The only other recorded distribution of information was through letters to officials giving notice of the corridor study and through news releases in area newspapers.

Only one corridor hearing is held normally but in this case, because of an additional route proposal by a private citizen during the hearing, two were held. One informational meeting was held with local officials three weeks before the second corridor hearing and their preferences for an alternate were determined.

The meetings between highway department officials and local citizens only involved local public officials. The only interaction occurring between Highway officials and the public, other than the hearings, was an informal prehearing meeting immediately before the second public hearing. Other than this, the interaction was limited to a presentation made by a highway official at a local club meeting, and visits to the KHD by interested private citizens.

The general attitude of the citizenry was that the highway was definitely needed and there was no opposition raised by any of the prehearing publicity. It is assumed that because of the general approval of the citizens for a new highway, that the limited amount of public interaction which occurred was deemed sufficient to achieve an informed public.

#### Public Hearing.

The process for the development of Highway 36 through Brown County contained three public hearings. These were a corridor public hearing on November 19, 1970, a second corridor hearing on May 11, 1972, and a design hearing on May 9, 1974. The second corridor hearing, which is not held in most cases, was to allow public input to an alternate route which was developed and presented by a private citizen at the first hearing. The Highway Department felt that this alternate had merit, and with some modifications this alternate was ultimately selected as the most appropriate.

The first corridor public hearing received 12 responses before the hearing. These responses were requested by the KHD from the agencies which are involved in this area. These agencies consisted of power and telephone companies, watershed districts, and other similar interests. The returns revealed that 9 agencies were for

the proposed improvement in general and 3 were for a location south of Fairview and Hiawatha.

The hearing itself drew an audience of over 200 persons but only 6 individuals made statements. Of these individuals, 4 were for the proposed improvement, one was against it, and one proposed his own alternate.

The majority of response came after the hearing. Those responding consisted of 39 individuals, 8 agencies or officials, and one petition. The breakdown of responses revealed that: 13 agencies or individuals were for any proposed improvement; one each were against any improvement and for an alignment following existing US-35; 18 agencies and individuals were for the north route; 7 individuals and agencies and the 46 petition signees were for the south location; and 7 individuals were for the private citizen's proposal, which eventually became the official route. Of the agencies that responded, only 3 gave a preference of a particular alternate. The Hiawatha Kiwanis Club and Elks Lodge favored the north route while the Horton Chamber of Commerce favored the south route.

The hearing revealed an almost unanimous approval of the project. The only person who objected had an alternate proposal located on his property at this early stage. Therefore, the major decision to be made was for either a north or south route. The most significant input proved to be that of an alternative southern route which was proposed. The revised proposal made by a citizen proved to have a less adverse effect on property owners than the other routes, and it had a southern location which was preferred by

the majority. This also proved to be the most significant input by any citizen in either of the projects examined.

The second corridor public hearing was necessary because the KHD felt that the citizen proposed alternate was the most feasible. Public input was needed on the alternate the KHD favored. This hearing was again held in Hiawatha on May 11, 1972 with approximately 200 persons in attendance. 70 persons attended the informal pre-hearing discussion session.

A slight increase in oral presentations occurred at the second hearing with a total of 11. Four of these represented local city groups, with the Hiawatha City Planning Commission, Chamber of Commerce and City Commissioners both for the north alternate, and the Horton Chamber of Commerce for S-1, the proposal made by the private citizen. The Brown County Commissioners were for any proposed improvement. The remainder of the respondees were landowners and were for or against a proposal depending upon which one encroached upon his land.

The majority of responses again occurred after the hearing with 196 responses received. This is more than double that of the first hearing. The Hiawatha Chamber of Commerce, City Planning Commission, Mayor, Kiwanis Club, and Brown County Commissioners indicated they were for any proposed alternates. The Mayors of Horton and Robinson, whose towns are located south of Hiawatha, were for the new south alternate, and the Brown County Planning Commission was for the north route. The breakdown for individual responses revealed 5 for any proposed alternative, 33 against proposed alternatives, 24 for the north alternate, 37 against the north alternate, 46 for the new south alternate and 43 for "Baker" Road, another south alternate.



One of the most interesting trends revealed is the differences in opinion over the most appropriate route. At the first hearing the Hiawatha officials backed the north route but later they decided to back any route the KHD decided was most feasible. Other trends reveal that the great majority of respondees were for an improvement, and of these, the majority were for a southern route or against the north proposal. Therefore, it would appear that the citizenry was generally in favor of a southern route.

The final public hearing was a combination design and corridor hearing held on May 7, 1974 in Hiawatha. The corridor hearing was necessary because of the inclusion of an additional two miles at the eastern end of the project. The addition would continue its present path along the section road but would make a better connection with existing Highway 36. Therefore, this hearing consisted of a corridor hearing for the two mile section and a design hearing for both segments.

The design and corridor hearing was attended by 63 persons. At this time three persons made oral comments. These were all generally favoring the project and asking for rapid progress after the hearing. Four letters were received which expressed the same opinion. There were five letters received regarding four design modifications and four alterations in the design resulted. The only objections to the project received specific design modifications to the benefit of those involved and these modifications also did not adversely effect others.

Kansas Highway Department Reaction.

The official decision was to route the highway along the modified alternate which a private citizen proposed. This proposal would disrupt fewer residences and would also cost less. This route also had a better connection with succeeding sections which were yet to be built.

The public was allowed input at three public hearings. It was from these hearings that essentially all interaction between the residents of Brown County and the KHD occurred. No other significant attempts at determining the views of the public were made. The first hearing received responses which revealed that the project had general approval of the entire citizenry. The major concern was whether the route would be located north of Hiawatha where the Hiawatha business district would greatly benefit, or whether it would be located in a more southern part of the county where more of the total population would be benefited. The total number of responses favored the southern location.

The second hearing was held only because an additional route was proposed at the first hearing. This consideration of the additional proposal resulted in at least an 18 month delay in the highway project. The response at the second hearing was approximately double that of the first. Since no additional publicity was generated by the KHD for the second hearing over the first, the additional concern could possibly have resulted in some degree from the knowledge of the benefit of participation achieved at the first hearing. Also, because of the delay of the proposal a more organized protest to the north route could be arranged. The number of persons approving

a particular project did not increase significantly while those opposing a particular project increased a great deal.

The third hearing received a turnout similar to those of the first two. The citizen participation decreased significantly and the participation that did occur encouraged the swift completion of the project. Other inputs requested design modifications which would decrease the adverse impacts on those citizens affected by the project. All these requests were made in written correspondence after the final hearing. This could reveal to some degree the citizen's attitude toward the reliability of oral responses.

The reaction of the KHD to the citizen input was of a very responsive nature. The best example is that of the decision to investigate the alternative proposed by the private citizen. Though a great deal of time was involved in this investigation, the proposal received its due consideration and it was revealed that this was indeed a viable proposal, as the results indicate. This southern route proposal was also favored by the majority of citizens responding which reveals another favorable reaction to citizen input. Of course, due to the extended consideration given to this alternate the KHD apparently favored it at an early stage.

The KHD also reacted favorably to the design modification requests. These requests for change were very minor as compared to the alternate proposal, but each of the four requests were specifically dealt with. In the case of Brown County the KHD gave individual attention to citizen inputs whether they were of major or minor significance. Except for the one additional public hearing, though, little more than the minimum participation required by law was sought.

Summary of Citizen Participation.

The citizen participation which was solicited for the Brown County project was little beyond the minimum required. An additional location public hearing was held, but this was due to the development of an unanticipated alternate which the highway department determined was more feasible than its previous selections. Eighteen months passed between the two public hearings because of the additional information which had to be obtained.

The first location public hearing resulted in a rather modest turnout. A major factor in this undoubtedly was the bad weather which occurred before the meeting. (State Highway Department of Kansas: 1973a) The written response after the hearing was also rather sparse. Other than the suggested alternate the public revealed little additional information and no distinct preference of location.

The second hearing produced double the response of the first. This, though, was not due to any increased activity by the highway department. Apparently the delay allowed persons opposed to the north proposal to organize and this majority was clearly expressed at the hearing. The citizens were more opposed to a possible north route than they were for a particular south route. The citizen participation which did occur was apparently taken very seriously by the highway department. The alternate proposal was determined as the most feasible and all requests for design modifications were dealt with very acceptably. The southern route chosen travels through the more populated areas of the county, but it is away from the county seat and its more powerful business interests.

The major problem in this project, therefore, was the eighteen month delay caused by the original lack of consideration given to the southern route. The responsibility for this lies in the fact that the citizens were not consulted earlier concerning their opinions for alternates, or more specifically, one knowledgeable citizen was not contacted. Therefore, the complex and time consuming process of gathering appropriate data had to be repeated.

## CONCLUSION

The two projects which have been examined were quite varied in nature. This variation in project environment was necessary to achieve the broad overview of the citizen participation process in location and design public hearings. In this way, the inadequacies and inefficiencies which exist in this hearing process, though applied in varied environments, can be examined and a more satisfactory solution proposed.

The analysis of citizen participation which was included in the examination of each project, revealed two factors which were felt to be of major importance. These were that both projects met the minimum federal requirements concerning citizen participation, and also that there was a lack of citizen participation in the early development of both projects.

The significance in the factor concerning the satisfaction of the minimum federal citizen participation requirements is that little additional citizen participation was solicited. This could have several implications, two of which are that the Kansas Highway Department feels the minimum federal regulations provide for all necessary inputs, or it feels that citizen participation is not of major importance. Either or both of these factors could have a major effect on the acceptance of the following proposal. It also becomes obvious that a method for implementing the following proposal would be thorough its inclusion in federal requirements since compliance with these is assured.

The proposal which follows is directed toward the later of the

two major factors as stated above, namely the lack of citizen participation which occurred in the early development of both projects. This proposal will be developed by first discussing the concept of political-technical decision-making processes, which is a basic factor in the problem of early citizen participation. Then, a description of a process by which effective citizen participation can be achieved earlier in the project development is proposed.

Walter Hanson and Alan Voorhees(1975) state in "Metropolitan Transportation Planning: Reforming the Process", that the decision process in transportation planning is "First, a political decision-making process concerned with trade-offs among the conflicting values of different groups in society and, second, a technical process concerned with the generation of information of the consequences of alternative courses of action." It is also in these two areas that it is most important for citizen participation to occur, in decision-making.

At the present time in the Kansas planning process, a great deal of the technical process is occurring before the political or citizen interaction and decision-making occurs. Therefore, a great deal of momentum for an alternate can develop, because of the time and expense of technical investigations, which might give it more political consideration than it is due. If the alternate is still rejected then this can cause a considerable delay due to the need for more technical investigations. This is illustrated very well by the Brown County Project. The redistribution of the political-technical decision making process is the essence of the following proposal.

The process of political trade-offs was very evident in the

Sedgwick project. All groups which made a formal response at a hearing definitely received consideration. This included large industries as well as individual home owners. The documented information which was examined revealed that the "political clout" which the large firms would muster was apparently not given greater consideration than the less powerful individuals. This was true at least after the alternates to be considered had been chosen and the actions of all groups were documented. Modifications were made which would provide less adverse effects on several residences and on the offices of a major industry. All these modifications were considered as being equal simply because a more satisfactory location of the highway was achieved. It was not felt that the amount or degree of change which was achieved in this case corresponded to the amount of consideration an individual or industry received. Considering the entire project, the adverse effects of the project were not more severe for any one group than for another. Therefore, the political trade-offs of the different social groups were judged approximately the same in this study.

The influence which major industries might have had in the early development of the project, such as in the study corridor, is not officially recorded and is therefore not a consideration in the above observed equalities of "political clout." The political trade-offs which could, and the author assumes did occur in the early development of the study corridor can provide great advantages to the individuals or firms involved. This is because only a few individuals are involved, each has relatively greater influence, the individual inputs are not made public, and the decision which



is reached concerning the study corridor ultimately determines the route location of the development itself.

The trade-offs among the conflicting values of different groups was also evident in the Brown County project. The conflict surrounded the preference of the businesses and residents of Hiawatha for the northern route close to their city, and the farmers, landowners, and residents of surrounding towns preferring the southern route which would be more appropriate for them. When considering only the social conflict, then the more numerous southern route advocates won out over the northern route advocates.

The technical process of generating information was the same for both projects. The only difference was that the Sedgwick project needed a greater amount of data because of its urban context. There were more factors involved than in the rural Brown County project. First, technical information was gathered as background for the proposed alternates. Input was then received from citizens at the location public hearing, and these two sets of information were analyzed to arrive at a selection of an alternate. As the process continues, information was developed concerning the design of the proposed alternate. A design public hearing was then held to allow citizen input concerning the design of the selected alternate. When the citizen input was incorporated in the overall design then the technical process was complete.

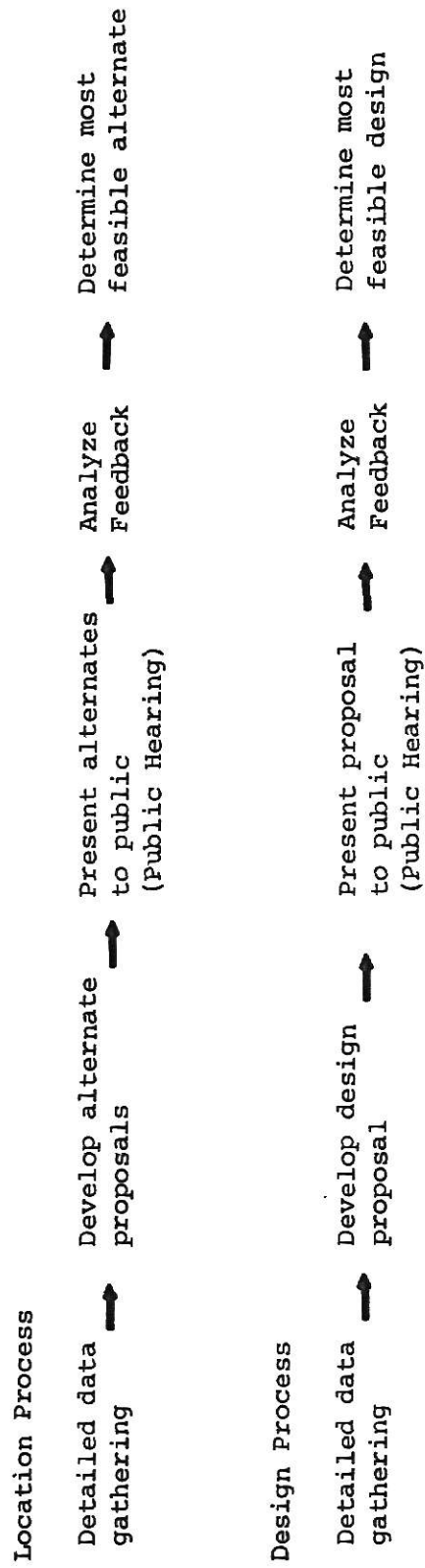
In the political and technical decision-making process of the Kansas Department of Transportation, official or required interaction between all social groups and the decision-makers only occurs twice, at the two public hearings. This is revealed in Diagram (2). One effect of this on the political decision-making is that the

total interaction between the interested social groups is limited. The groups have one opportunity to officially present their opinions to the highway department decision-makers and the other interest groups. Thus the inputs that are made may come as a surprise to both the other interest groups and the highway department. It is also from this one hearing that an official decision is expected to be expeditiously arrived. A good example of the unexpected interest group input occurred in the Sedgwick project location hearing. The city and county planning commissions stated their approval of one particular alternate. Therefore, because citizens were not made aware of the preference at an earlier time many were not able to question this or adjust their responses accordingly. Official interaction only occurs at one point, the public hearing, and is limited to trade-offs only between the highway department decision-makers and interest groups.

The political decision-making which occurs at informal public meetings is, because of its lack of official records, very hard to assess. Because of this fact, investigations into this area were not undertaken. Therefore, the suggestions for possible improvements in the present system are directed toward the "official" decision-making process.

The opportunities for technical interaction between the public and the decision-makers is also limited by the two formal public hearings. The present system allows the highway department to make a great deal of decisions before public input is solicited. An in-depth analysis is involved in developing the proposed alternates which means investment of time and money. A good illustration of the possible problems that this may cause is given by the Brown

DIAGRAM 2  
 Kansas Highway Planning Process  
 Location and Design Levels  
 (Diagram of Major Activities)



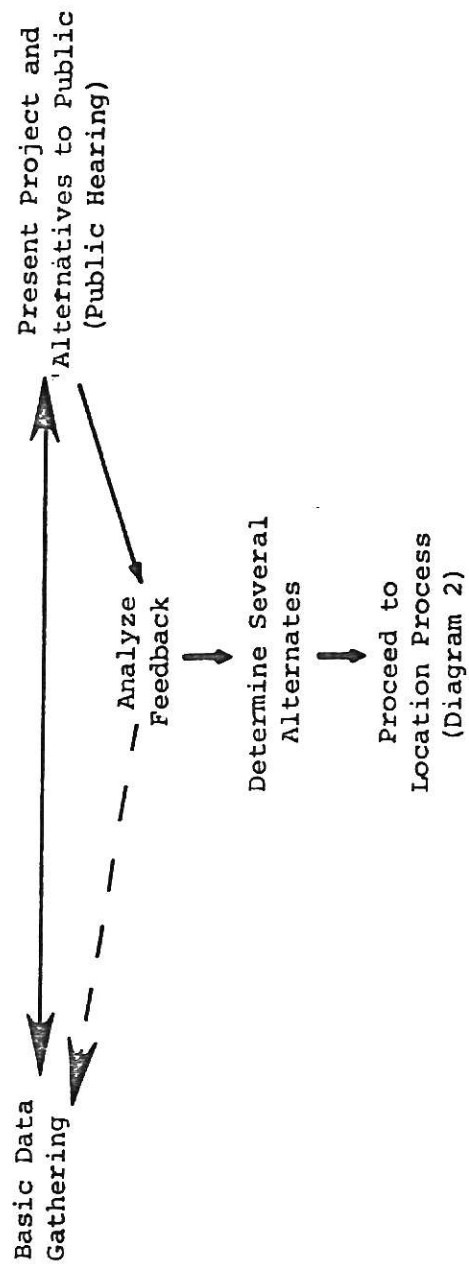
County project. At the location public hearing a citizen proposed an alternate route which the highway department had failed to discover. Upon examination it was determined that this route deserved full consideration as an alternate; therefore, another year was devoted to data gathering, resulting in the need of another location public hearing. It is innate in this process that if significant public input is made a considerable delay will result as the new information is analyzed. The end result is increased costs to taxpayers and a possible excuse for a lack of adequate consideration of citizen inputs.

The major deficiency of the present location and design development process, as revealed by the case studies, is a lack of early decision making by the public. If the input is unexpected, a significant delay in development might occur. The proposed solution to this problem is the development of a three cycle process (diagram 3). This process would contain three decision making opportunities following interaction by the citizens and the highway department.

The first cycle is focused toward achieving a broad array of development possibilities. This cycle will occur prior to what is now the location hearing process and will allow citizen input into the selection of specific study corridor boundaries and to determine a set of the most feasible alternates. Basic background data would be necessary for both decision areas.

The highway department would develop a general data base concerning major factors which may be of importance in determining a specific study corridor. This would include land-use socio-economic, and similar types of data. This would reveal major

DIAGRAM 3  
Three Cycle Process  
(First Cycle)



population concentrations, industrial location, open spaces, and other factors which could easily be evaluated by citizens and their preferences regarding the exact study corridor boundary locations could then be noted.

The data base concerning possible alternates in a study corridor would include information at a smaller or more local scale, but still without great detail. This would provide a general knowledge of the alternates but would not create a pressure concerning the acceptance of an alternate due to the time and money spent in its investigation. The highway department would suggest a number of alternates with the general data base concerning each. The citizen reactions to these suggestions would be obtained and citizen proposals concerning additional alternates would be solicited.

The first cycle, as described above is illustrated in Diagram 3. The first step would be basic data gathering. This would consist of the data in the various categories as described above. The process then proceeds to a public hearing where citizen input concerning the study corridor and possible alternates within this corridor is solicited and recorded. The next step consists of analysis of citizen inputs, or feedback, by the highway department. At this point the highway department makes a decision upon whether to select several alternates, which will then be forwarded to the second cycle, or to develop more data concerning additional alternates and proceed with the first cycle again.

The second cycle would be focused on the development of a limited number of the most feasible of the possible alternates. During this cycle would occur the development of benefit-cost analysis of the proposed alternates, the determination of environ-

mental impacts, and the compilation of other detailed data bases. The interaction between the decision-makers and citizens would result in the determination of one specific alternate. Because of the previous cycle the public could develop a better, more informed opinion, and could express their opinion concerning the proposed alternates with greater assurance. Also, because of the previous interaction, the highway department could develop a more complete data base to answer questions which might have arisen during the first cycle.

The third and final cycle would be directed specifically toward the development of the design of the specific alternate. This data gathering process would be the same as that occurring in the present process except that a greater awareness of public attitudes would exist. The end result of this cycle would be the development of the alternate's design. It is expected that, with the increased participation that occurs earlier in the process, the design modifications requested by the public might be fewer. This would result because of the greater understanding by the decision-makers of the citizen's needs. If many modification requests did occur, though, this would not necessarily mean that the process was at fault, but that the citizens felt a greater freedom to participate with more definite results.

The three stage process as proposed above, would provide a greater assurance that citizens would be included in the "future." The possibility of cooptation would be decreased because citizens would be involved at a level at which change can occur with greater ease. The major objective of this proposal would be to allow

citizen input at a time in the process when concerns of the community could be more easily implemented. This would result in a more expedient project completion, thus providing a direct savings of both time and money, which along with the increased participation opportunity, works to the advantage of the general public.



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APPENDIX

INSTITUTIONAL STRUCTURE OF THE KANSAS  
DEPARTMENT OF TRANSPORTATION

## I. Goals and Objectives

The goals and objectives of the Kansas Department of Transportation are originally determined through the actions of publically elected legislative bodies. These include the United States Congress, the State Legislature, the Boards of County Commissioners, and the City Commissions. The Acts of the United States Congress, which are promulgated into rules and regulations by the Federal Highway Administration, have the most effect upon these goals and objectives. This is due to the large majority of projects which use federal funds, and must, therefore, conform to the required federal regulations as specified in the authorizing and funding legislation.

According to the Action Plan of 1973 of the Kansas State Highway Commission, "The basic goals and objectives, whether formally stated or not, which apply to all governmental units having responsibility for the various portions of the transportation network are to provide a safe, fast, efficient and convenient transportation network with adequate consideration being given to the social, economic and environmental aspects of developing and maintaining the network and with thorough consideration being given to the transportation goals and objectives of the public and of the users." (State Highway Commission of Kansas:1973c) The additional objective of the newly formed department of transportation is to provide coordination of planning, development, and operation of the transportation systems and modes within the state.

There are several small systems within the overall Kansas system which must develop goals and objectives. Systems which are essentially of local concern are as follows: counties; small

incorporated cities, defined as having a population of less than 5,000; small urban areas, defined as having a population of more than 5,000 and less than 50,000; and urbanized areas, defined as having a population of more than 50,000. The City Connecting Links of the State Highway System must have a cooperative agreement between the cities and the state in determining goals and objectives. The legislature has established the goals and objectives for the State Highway System and the corridors of the State System of Express Highways and Freeways, and any City Connecting Links within the corridors. The goals and objectives of the Interstate System are established on the national level.

The total systems goals and objectives largely remain the same for long periods of time, but as the system progresses it must be reviewed periodically. This evaluation examines the change in user demands on the system, the social, economic, and environmental aspects of the system, the public goals and objectives for the system, and public priorities in general. Any change that has been determined to be necessary then requires legislative action. Therefore, to be performed correctly, any transportation system project must recognize all legislatively established and implied goals and objectives, consider the social, economic, and environmental aspects, and assess the desires of the public and the users.

## II. Organization

The Kansas State Legislature created the Kansas Department of Transportation on August 15, 1975. This replaced the State Highway Commission which had been in existence since 1917. This legislation dissolved the Commission and the positions of Director and Assistant Director of Highways.

Chapter 426 of the Kansas Statutes of 1975 states that the Kansas Department of Transportation is to be administered by the Secretary of Transportation. This Secretary is to be appointed by the Governor with the consent of the Senate and is to serve at the pleasure of the Governor. The statute also established the State Highway Advisory Commission which is to be within the Department of Transportation. The Governor appoints the twelve members of the Commission with each of the six highway districts being represented by two residents. Each member has a term of four years.

The Commission is organized annually with the election of a chairman. A quorum of the Commission is seven and there must be seven affirmative votes for an action to be taken. The duties of the Commission are, "To review the status of the highways of this state and to propose and recommend to the Secretary of Transportation plans for the improvement of the entire system of roads and highways in this state." (State Highway Commission of Kansas:1973c) Any decision by the Secretary of Transportation as to the location of a highway or any authorization for the construction or reconstruction of a highway may be disapproved by the Advisory Commission by a two-thirds vote of the members.

The legislature also authorized the establishment of five divisions and six officials to be appointed by the Secretary of Transportation. A State Transportation Engineer is appointed and serves within the office of the Secretary. He is to act for and exercise the powers of the Secretary to the extent delegated by the Secretary. There is established a Division of Transportation Administration, a Division of Transportation Operations, a Division of Engineering and Design and a Division of Planning and Development.

Each division has a director who serves at the pleasure of the Secretary. There is also created the Division of Aviation. This Division, under the Director of Aviation, as appointed by the Secretary, has transferred to it all the powers, duties, and functions of the Aviation Division of the Kansas Department of Economic Development.

The Secretary of Transportation may structure the Department of Transportation in the manner he feels is most efficient and is within the law. He may adopt rules regarding the transaction of business and the administration of each Division. The administrators of each division perform the duties and powers as prescribed by the Secretary and the law.

The organizational structure of the Department remains very similar to the Commission form. The Governor, as Chief of State, is the ultimate head. The Secretary of Transportation replaces the Commission as the Director of the Department. The State Highway Advisory Commission is in the position of advisor to the Secretary concerning highways, and has a veto power in this area only and may not restrict the Secretary in any other way. The State Transportation Engineer is within the Secretary's office and performs duties as requested. The Department is then divided into the five divisions, with each administered by its Director.

There are also two basic types of local organizations which must undertake transportation planning in Kansas. There are the three urbanized areas within Kansas and each County Board of Commissioners. The Federal-Aid Highway Act of 1962 created the requirement that the state and local communities must undertake a continuing, comprehensive, and cooperative (3C) planning process in each area



designated as an urbanized area. According to Section 134 of Title 23 of the U.S. Code, this 3C planning should result "in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas." (State Highway Commission of Kansas:1973c) The three organizations which cooperate with the Department in 3C planning are the Mid-America Regional Council for the Kansas City Urbanized Area, the Topeka-Shawnee County Regional Planning Commission for the Topeka Urbanized Area, and the Wichita-Sedgwick County Metropolitan Area Planning Commission for the Wichita Urbanized Area.

The final planning organization is the Board of County Commissioners. The highway planning is achieved through the counties five-year construction program. The county commissioners are responsible for having the construction plans prepared and obtaining the right-of-way. The commissioners then coordinate their highway activities with the Department.

### III. Agency Involvement

Agencies which have legal authority to affect the highway planning process in Kansas extend from the Congress of the United States to the local officials of small incorporated cities. Between these two extremes, the majority of the influence originates from the Federal Highway Administration (FHWA), the State Legislature, and the Kansas Department of Transportation (KDOT). Congress and FHWA have basically the same relationship as the State Legislature and KDOT.

The majority of the effect that Congress has on Kansas transportation is through its allocation of funds. This is because the

majority of highways receive federal funding. This money is allocated through the Federal Highway Acts, which are usually enacted every two years. The Congress also passes legislation which directly affects the procedures for planning and developing projects which make use of federal funds. Some of the most important and extensive legislation which affects highway development is the requirement for environmental considerations. The highway environmental impact statement is a direct result of this requirement.

FHWA forms the legislation passed by Congress into directives. These are passed on to the state highway departments through Policy and Procedure Memorandums and Instructional Memorandums. The highway departments must develop federal projects according to these minimum specifications. FHWA then reviews the projects to determine if the requirements have been met. Therefore, FHWA is the agency with the greatest direct effect on the KDOT.

The Urban Mass Transit Authority (UMTA) is another federal agency within the Federal Department of Transportation which affects Kansas. This Authority provided grants with the intent to provide increased mobility for urban residents, relief of congestion, and improvement of the urban environment. Of the six funding programs of UMTA, only three, Capital Facilities Grants, and Research, Development, and Demonstration Grants, and Capital Facilities Loans, can provide actual transit facilities to the grantee. This authority can provide funds directly to local governments and public organizations, but in Kansas these are coordinated through KDOT, according to the Catalog of Federal Assistance Programs.

The next level of influence is the state. The State Legislature controls the Department through rules and regulations and

funding. The Governor has an area of direct control through the appointment of the Secretary and the Advisory Commissioners.

The legislature has created three systems through which highway projects are funded within the state. They are the State Freeway Construction Fund, the Highway Fund, and the City and County Highway Fund. The legislature specifically determines the sources, the amounts, interest rates, and other aspects of these funds.

Another major area of influence is in designation of road systems. The legislature has set a maximum mileage for the State Highway System of 10,000 miles (Kansas Statutes Annotated:1968). The state system within each county must not be less than the sum of the north to south and east to west diameter. These roads must also connect the county seats and principle cities of each county. The legislature has also specified a general corridor for each segment of the State System of Express Highways and Freeways. There has also been action at the county level. Definitions of County Primary and Secondary Roads and Township Roads are provided. The legislature also set a limit of 25,000 miles for County Secondary Roads, and has set up procedures for allocating these roads among the counties.

The next level of involvement in highway planning is the county. The county is responsible for the non-state rural road system. This includes the more important roads comprising the Federal-Aid Secondary System and the remaining local highways and roads. This is a total of 92,261 miles. If the counties do not have a County Unit Road System, any roads not designated County Primary or Secondary are considered Township or Local Service Roads. These are under the supervision of the township and mainly consist

of sectionline roads. The Board of County Commissioners work with the County Engineer in developing the five year improvement program which included proposed highway and road developments. The KDOT then works in cooperation with the county to provide the necessary expertise and insure that the state and federal requirements have been met.

The final level of involvement is the city. The Federal-Aid Highway Act of 1962 created the requirement that all urbanized areas conduct a 3C planning process. The objective of this process is to develop long-range highway plans which are coordinated with plans for other modes and will serve the local communities efficiently and effectively. To insure that the 3C process is carried out cooperatively, the KDOT makes an agreement directly with the local governing bodies or with an agency embracing the urbanized area and qualified to act for the area.

The planning activities involving the small incorporated and small urban areas are conducted in several different ways. In the majority of cases, the project is an individual project with little impact on the community. In this case the planning is conducted by the local elected and administrative officials and sometimes with assistance by a consultant.

The local and administrative officials may also conduct their own study or hire a consultant. These special purpose studies for local use may be conducted without state or federal knowledge or involvement. In some of the larger small urban areas, the local elected and administrative officials have established permanent planning organizations. In this case the KDOT will cooperate fully in transportation planning studies.

#### IV. Funding

Funding for transportation projects is authorized when a system is created by legislative action. Funds for these systems are provided from the federal, state, and local level and are allocated by system and/or their rural or urban location. The Congress authorizes annual apportionments to the states through the biennial Federal-Aid Highway Acts. These funds are then apportioned to the states by the Department of Transportation. These apportionment ratios include such items as "Area of the state, rural and urban population, miles of rural mail delivery and intercity mail routes, and the amount of funds needed to complete a federal system." (State Highway Commission of Kansas:1973c) These funds, along with state or local matching funds, are used in all aspects of the planning and development process.

At the state level, monies are collected from the Highway User Taxes and are distributed to the State Freeway Fund, and State Highway General Fund, the City and County Highway Fund and the County Equalization Fund. By statute, the City and County Highway Fund is distributed according to motor vehicle registration fees, the average daily vehicle miles, and each area's population. Highway Bonds are used for the State System of expressways and Freeways. This is to be paid off by the State Freeway Fund. Another method of financing was the Turnpike Authority which could sell Revenue Bonds and collect tolls for payment. The total amount of funds available is a result of actions by Congress, the State Legislature, and local governing units, and to a limited degree, the KDOT.

At the local level, various funding agreements and distributions

have to be made. A city street which is a connecting link of the state system may be improved with local funds by that city. The city may also make an agreement with the KDOT for an apportionment of state funds between the two. In small incorporated cities, an agreement must be made with the County, which controls Federal-Aid Secondary Funds, for funding of city street development which is not part of the state system. Each incorporated city receives a portion of the Highway Users Tax on motor fuel from the Special City and County Highway Fund. These are distributed according to city population. Cities in a county of greater than 150,000 population receive fifty percent of the county's share of the Special City and County Highway Fund and the County Equalization Fund. In counties of greater than 34,000 population, the cities receive ten percent but below this population the cities receive none.

The final method of receiving funds can be through assessments on property and from sale of bonds. The bonds can be General Obligation or Revenue Bonds. The assessments can be a General, a Special, or a Benefit District Assessment. The use of bonds is limited by the maximum amount of bonded indebtedness allowable.

#### V. Project Development Process

The development of a project progresses through a three level hierarchy. This proceeds from periodic systems planning, which is network planning or planning of the system itself, to continuous systems planning which consists of planning for the system, and usually occurs within the governmental organization having jurisdiction and financial responsibility. Finally project development includes the actual physical planning and construction of projects.

The first three steps in project development are very general.

This includes system establishment and designation, goals and objectives determination, and funding level determination. Generally these three steps create the systems, determine what the system will attempt to accomplish, and designate how the system will be funded. Federal, state, and local governments each may take an active part in these three steps, depending upon the system created.

The next three steps in the Periodic Systems Planning segment are more specific. The systems inventory segment examines specifically each highway segment which makes up a network. This takes into account every physical element which is a part of or effects the highway, and also includes social, economic, and environmental aspects. This provides a clear picture of exactly what exists and its condition.

The network evaluation and long range plan development is the next step. There are three methods of network evaluation. The sufficiency rating approach is used on most rural state highways. This applies a numerical rating to elements of the highway as compared to a standard. The second approach, needs determination, consists of determining the type and cost of the needed improvement on a network to bring it up to an accepted standard. Level of service determination is used in small urban and urbanized areas. The KDOT has no long range (20-30 year) plan. Each district has an informal long range development plan. Congress provides the plan for Interstates and the State Legislature for the Express Highways and Freeways.

The final periodic planning element is project identification. "On the basis of present and future geometric, condition and service demand deficiencies and high frequency accident experiences, the

needs determination processes identify and group the needed improvement projects into several time-frame categories and numerous improvement type categories." (State Highway Commission of Kansas:1973 c)

Three activities occur in continuous systems planning. Priority determination for state highways is mainly up to each division engineer and the commission representatives. Some of the considerations are engineering judgement, sufficiency ratings, relative route importance, social, economic and environmental inputs, local government and citizen inputs. The legislature determines the priorities of the State Freeways and Expressways.

Program development and surveillance is the second step. Program development provides the guidelines for the expenditure of the total capital outlay and provides the framework for scheduling and directing pre-construction activities. Each governmental unit with responsibility for a highway network must provide the development, surveillance and updating of the improvement programs. In this way, even with use of federal funds, there is still local control of state programs.

The third aspect is project authorization and scheduling. A form is used to record six preliminary activities which must occur before a program is officially undertaken. These steps range from the request for action by a division engineer, to approval by the Secretary. When this is completed the project goes into the project development phase.

The project development phase is made up of four phases. These are the location phase, which develops the location of the project; the design phase, which includes developing the structural and site plans; the right-of-way phase, which includes securing all



the necessary right-of-way; and, the construction phase, which includes all construction aspects.

CITIZEN PARTICIPATION IN LOCATION AND DESIGN PUBLIC  
HEARINGS OF THE KANSAS DEPARTMENT OF TRANSPORTATION:  
A CASE STUDY

by

DWIGHT NELSON PATTISON

B.A., University of Arkansas, 1974

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AN ABSTRACT OF A MASTER'S REPORT

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## ABSTRACT

The objective of this paper was to examine the citizen participation which occurs at the location and design public hearing stages and to determine possible faults in the system and then propose a possible solution. An examination of the federal requirements concerning citizen participation was a basic starting point to reach this objective. If deviations from the requirements were determined at this level then the question would be moot as the basic requirements for the process would not have been met. The development of the federal regulations was discussed in chapter one and it was determined that the federal regulations as they now stand are being complied with.

Chapters two and three examined in detail the process of developing a location and design public hearing for the Brown County project and a location public hearing for the Wichita area project. Through these two projects the scope of developing a project from a rural to an urban situation could be examined.

During the examination of these two projects it was possible to determine some of the inefficiencies and inadequacies of the location and design development process. These problems were discussed in the final chapter and a three cycle process for solving these problems was developed and explained.