

AASHTO PRACTITIONER'S HANDBOOK

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UTILIZING COMMUNITY ADVISORY COMMITTEES FOR NEPA STUDIES

A Community Advisory Committee (CAC) is a public participation technique that can be employed to gain stakeholder feedback, identify and resolve local concerns, and build community support during the National Environmental Policy Act (NEPA) decision-making process. Although not required, a CAC can be an effective means of addressing specific issues and hearing a variety of stakeholder views. A CAC can also be used in pre-NEPA planning studies.

Issues covered in this Handbook include:

- Deciding whether to establish a CAC
- Defining the role of the CAC
- Selecting CAC members and organizing the CAC
- Preparing for and facilitating CAC meetings
- Providing for public access to CAC meetings and meeting materials

The Practitioner's Handbooks are produced by the AASHTO Center for Environmental Excellence. The Handbooks provide practical advice on a range of environmental issues that arise during the planning, development, and operation of transportation projects.

The Handbooks are primarily intended for use by project managers and others who are responsible for coordinating compliance with a wide range of regulatory requirements. With their needs in mind, each Handbook includes:

- key issues to consider;
- a background briefing;
- practical tips for achieving compliance.

In addition, key regulations, guidance materials, and sample documents for each Handbook is posted on the Center's web site at <http://environment.transportation.org>



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Overview



A CAC is a group of stakeholders that meets regularly to discuss study-related issues or concerns during project development. CAC members serve as liaisons between the community they represent and the study team. A CAC can take many forms and may be designed for a variety of purposes. CACs may be organized for a group of projects, long-range plans, policy initiatives, or other programs.

This Handbook outlines the role of a CAC in the NEPA decision-making process and provides recommendations for a successful CAC. The recommendations in this Handbook may also be helpful for CACs that are used in pre-NEPA planning studies, such as a corridor study. For advice regarding the implementation of a CAC for a specific study, agency officials are encouraged to consult with a trained facilitator or public involvement specialist.

Key Issues to Consider

Determining Whether to Establish a CAC

- What can a CAC contribute that cannot be accomplished any other way?
- What makes a CAC a good fit with this study?
- At what point in the study will a CAC be beneficial?

Defining the CAC's Role

- What is the CAC's role in the overall public involvement process, including any public involvement required under Section 6002 of SAFETEA-LU?
- What responsibilities are expected of CAC members?
- How long will the CAC continue to meet?
- Are there any Context-Sensitive Solutions (CSS) initiatives or policies that need to be taken into account in defining the role of the CAC?

Selecting CAC Members

- What interests need to be represented on the CAC?
- How large should the committee be?
- How will CAC members be selected and/or replaced?

Organizing the CAC

- Who will organize and run meetings?
- How often should meetings be held?
- How will the study team interact with the CAC?

Preparing for CAC Meetings

- What preparation is needed for a successful first meeting?

- How will study information be provided to CAC members?
- What meeting format will be used to ensure that all CAC members have an opportunity for meaningful participation?
- What logistical issues need to be addressed?

Following Up on CAC Meetings

- How will CAC meeting discussions be documented?
- Has enough time been budgeted to respond to requests from the CAC?

Public Access to the CAC

- How will CAC meeting materials be made available to the public?
- What are the ground rules for attendance by non-members at CAC meetings?

Background Briefing

Role of Public Involvement in the NEPA Process. Public involvement is the process of communicating with the public early and continuously throughout a NEPA study in order to understand local conditions and community values that contribute to effective and sustainable project decisions. A variety of public involvement techniques may be used to inform and involve project stakeholders during the NEPA process. In this Handbook, stakeholder refers to any individual or group who may be affected by, or has interest in, the NEPA decision-making process or outcome.

Role of a CAC. A CAC is typically organized by a NEPA study team as a method to gain stakeholder input to the NEPA process. A CAC may operate under different names and may fulfill different purposes based on study needs and how the CAC fits into the overall public involvement plan. Other commonly used names include Civic Advisory Committee, Stakeholder Working Group, Public Information Committee, Stakeholder Task Force and other variations that best capture the purpose and membership of the specific CAC. The defining feature of a CAC (or similar group) is that it involves a representative group of project stakeholders from the community who meet regularly with the study team in a forum that allows for interactive discussions.

Potential Benefits of a CAC. A CAC is only one of a variety of public involvement techniques to gain stakeholder input and build community support during the NEPA process. A CAC provides a forum for educating stakeholders, building understanding, and engaging in discussion of study issues with a variety of stakeholders, which in turn builds project credibility. A CAC can also be a conduit for getting information out to the community. Potential benefits of a CAC include:

- **Continuity.** A CAC provides the opportunity to meet with the same group of people over time. This consistency enables the study team to build relationships with stakeholder representatives and understand stakeholder issues and concerns in greater detail.
- **Detailed discussion of key issues.** The continuity of a CAC provides the opportunity to invest in training and education that will equip CAC members to engage in meaningful discussion and provide valuable feedback to the study team.
- **Opportunity for participants to hear differing views.** A CAC can help stakeholders recognize the variety of viewpoints within the community.
- **Opportunity for collaborative problem solving.** A CAC provides a forum for community members to work together and, in some cases, to come up with new ideas or to resolve differences. CACs are often used as part of a State's effort to develop Context-Sensitive Solutions (CSS).

Keys to Success. For a successful CAC, the study team should work to:

- **Clearly define the CAC's purpose and the project sponsor's commitment to fulfill that purpose.** The study team should be in agreement about the purpose of the CAC and how CAC input will be used. The team should

clarify the CAC's role in the NEPA process and outline procedures for implementing CAC input. CAC members should clearly understand their role in the NEPA decision-making process. Agreed-upon CAC responsibilities and expected outcomes may be documented in meeting notes, committee by-laws, or a CAC charter.

- **Adapt the CAC to the community.** The CAC should reflect the range of views from various stakeholder groups within the community. The membership, meeting times, meeting locations, presentation formats, and other features of a CAC should be tailored to the needs of the community. For example, if a community includes a substantial number of residents with limited English proficiency, it may be necessary to accommodate those residents at CAC meetings.
- **Provide alternative opportunities for involvement.** Regardless of the CAC approach used, some community members may feel that their interests are not well represented. For this reason, it is often helpful to provide alternative avenues for public input to the study team, such as public workshops, open houses, and websites.
- **Provide regular updates to the CAC on the overall NEPA decision-making process.** The study team should show CAC members that their input is being seriously considered and let them know how their ideas have contributed to decisions. Communication may occur via e-mail, letter, website, or newsletter directed to CAC members or during CAC meetings. "Closing the loop" in this manner is important to ensure that CAC members continue to feel their time is well spent.

Legal Requirements. While the study team has substantial flexibility in setting up a CAC, the following legal requirements should be considered:

- **NEPA.** The NEPA process does not require the use of a CAC. If a CAC is used, it should be conducted in a manner consistent with basic NEPA principles. This means that CAC meetings should be open to the public; materials from the CAC process should be available to non-CAC members; input received from the CAC should be documented in the project file; and substantive issues raised by CAC members should be addressed in the NEPA document or elsewhere in the project file. It is important to make clear to all CAC members that the CAC itself is not a decision-making body: project decisions are made within the NEPA process by the FHWA, the project sponsor, and regulatory agencies with jurisdiction over the project. However, CAC discussions are brought forth to team meetings as citizen input and thus aid in the decision-making process.
- **SAFETEA-LU.** Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) established an environmental review process that is required for any environmental impact statement (EIS) that is initiated by FHWA or FTA after August 10, 2005. Section 6002 requires an "opportunity for involvement" by the public in developing purpose and need and in determining the range of alternatives for a project. Section 6002 also requires preparation of a coordination plan that describes the process for agency and public involvement in a project. A CAC can be used as one element of a State's efforts to meet the public involvement requirements of Section 6002.
- **Title VI/Environmental Justice.** Title VI of the Civil Rights Act prohibits discrimination by the recipients of federal funding on grounds of race, color, or national origin. Executive Order 12898 requires federal agencies to promote environmental justice by taking into account impacts on minority and low-income communities. These requirements should be considered in all aspects of the NEPA process, including the use of CACs. For example, environmental justice considerations will help determine the membership, meeting locations and formats, and other aspects of a CAC.
- **Public Records and Open Meetings Laws.** The federal Freedom of Information Act requires federal agencies to disclose public records; states have similar public records disclosure laws. These laws apply to most materials generated as part of a CAC process, such as meeting summaries. In addition, many states have "open meetings" laws that may apply to a CAC. If applicable, these laws may affect the procedures used for announcing and conducting CAC meetings.
- **Federal Advisory Committee Act (FACA).** The FACA establishes requirements that apply to some advisory committees established by federal agencies. If a committee is subject to FACA, the committee must comply with requirements that can limit the flexibility and effectiveness of a CAC. Therefore, the potential applicability of FACA is an important issue to consider when establishing a CAC. A CAC is unlikely to be subject to FACA if the CAC is created by, and provides advice to, a non-federal agency, such as a state or local transportation agency.