

# **OPEN HOUSE SUMMARY REPORT**

**Meeting Held On:  
August 20, 2019**

**WIDEN & RESURFACE SH-51: FROM HULBERT, EAST  
APPROXIMATELY 8 MILES TO TAHLEQUAH**

**CHEROKEE COUNTY  
J/P No. 30553(04); Project No. J3-0553(004)**

Prepared for:



**OKLAHOMA DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION**

Prepared by:



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**DECEMBER 16, 2019**

## **1.0 PUBLIC OPEN HOUSE OVERVIEW**

As part of the Oklahoma Department of Transportation's (ODOT) efforts to keep the public informed and involved in the decision-making process, a public open house was held. The following is a generic summary of the information provided and the comments received. ODOT responses to comments are also presented in this document.

### **1.1 MEETING DATE & TIME**

Thursday, August 20, 2019  
5:00 pm to 7:00 pm

### **1.2 MEETING LOCATION**

Hulbert Community Public Library  
210 N. Broadway  
Hulbert, OK 74441

### **1.3 PURPOSE OF MEETING**

The purpose of the Open House meeting is to inform the public of the proposed improvements and answer questions regarding construction activities, sequencing, and scheduling.

### **1.4 PROJECT BACKGROUND**

The Oklahoma Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA), proposes to make safety improvements to SH-51 from Hulbert, extending east approximately 8 miles to Tahlequah in Cherokee County, Oklahoma. This segment of SH-51 is a two-lane, open section, minor arterial facility with 12-foot wide driving lanes and 4-foot shoulders. Current traffic volumes are estimated at 5,712 vehicles per day (VPD) and are projected to increase to 7,956 VPD by 2039. This portion of SH-51 has steep slopes, a substandard horizontal curve, limited sight distances, poor pavement, and narrow shoulders. Due to safety concerns, ODOT proposes to lessen the slopes, upgrade the substandard curve, reconfigure driveways and entrances, improve driving surfaces, and widen the shoulders. The purpose of the proposed improvements is to correct roadway deficiencies, enhance safety, and efficiently accommodate traffic.

### **1.5 PROJECT DESCRIPTION**

ODOT is developing design plans for improving this segment of SH-51 while taking into consideration the cost of construction, right-of-way and utilities impacts, and environmental constraints. The proposed improvements include widening and resurfacing the highway to create two, 12-foot wide, paved driving lanes with 8-foot wide shoulders on existing alignment. The proposed design will meet current standards. Highway access would remain open during construction, and access to residences would be maintained throughout the project duration.

### **1.6 PUBLIC NOTICES**

- ODOT mailed open house invitations to property owners on July 19, 2019.
- ODOT mailed solicitation letters to various agencies on August 27, 2019.
- Public meeting invitation letters were mailed to various political entities, interested parties and the public on July 19, 2019.
- ODOT sent out a press release and general media announcements on August 13, 2019.

- ODOT distributed flyers to interested parties near the project area on August 1, 2019.

## 1.7 MEETING FORMAT

An open house come-and-go format was utilized. At the meeting, attendees were asked to add their name and contact information to a sign-in sheet. A brochure/handout was available to everyone, which described the project and illustrated the proposed project alignment. Presentation boards were set up, and personnel from ODOT, including the engineering design team, ODOT Division 1, ODOT Right-of-Way, and ODOT Environmental Programs Division, were available to answer questions and take comments. Attendees were encouraged to write their specific questions or concerns related to the project on the available Comment Form.

Open House meeting materials are available at [https://www.ok.gov/odot/Programs\\_and\\_Projects/Public\\_Meetings\\_and\\_Hearings/20190820.html](https://www.ok.gov/odot/Programs_and_Projects/Public_Meetings_and_Hearings/20190820.html)

## 2.0 SUMMARY OF COMMENTS & RESPONSES

### 2.1 PUBLIC COMMENTS

#### 2.1.1 Pre-Meeting Public Comments

As part of the effort to increase awareness and to get the public involved with the process, individuals from CC Environmental went door-to-door and interacted with residents and left notification flyers. Flyers were also distributed at local gathering places and community facilities including convenient stores, places of worship, schools, etc. (when applicable).

During the flyer distribution effort, some property owners responded to the proposed project prior to the Open House. In general, individuals expressed concern about property impacts and construction timing, and some had concerns about the whether the project would address safety issues on the highway. The comments are summarized in Table 1.

Table 1: Property owners, local residents and citizens pre-meeting comments.

PRE-MEETING PUBLIC COMMENTS	
GENERAL COMMENT CONTEXT	INPUT
Grievances	<ul style="list-style-type: none"> <li>• One landowner expressed grievances regarding this project and the ongoing nearby bridge project. He is currently in litigation with ODOT.</li> </ul>
Property Impacts	<ul style="list-style-type: none"> <li>• Some businesses were concern about how much of entrance would be lost due to the project. A motorcycle business was concerned with the use of gravel entrance / exit; it might be hazardous to clients riding motorcycles.</li> <li>• There are concerns about how close the new right-of-way will be to homes, and what would have to be done about mail boxes.</li> </ul>
Timing & Scheduling	<ul style="list-style-type: none"> <li>• Many people expressed concern over the timeframe of construction. They pointed out that a nearby bridge project had been ongoing for “four years.”</li> </ul>
Suggestions	<ul style="list-style-type: none"> <li>• Several people have concerns about the CR NS443 intersection. (This is the county road in the curve at about Station 801.5.) There is concern about trailers and collisions on this stretch of road. It was suggested that a turn lane be added here.</li> </ul>

## 2.1.2 Oral Comments During Public Meeting

During the Open House meeting, the public had the opportunity to interact with ODOT staff and the design team. Several individuals asked questions, expressed concerns, and commented on the project. In general, there was no strong opposition to the project; however, many expressed concerns about impacts to their properties. Most individuals had questions about the improvements and the schedule for completion, and shared input regarding their experiences with the roadway deficiencies and what they would like to see done to correct them. The comments are summarized in Table 2.

Table 2: Property owners, local residents and citizens’ oral comments noted during public meeting

ORAL COMMENTS DURING PUBLIC MEETING	
GENERAL COMMENT CONTEXT	INPUT
Timing & Scheduling	<ul style="list-style-type: none"> <li>• There is currently a bridge project in the area that has been ongoing, and residents asked why it was taking so long to be completed?</li> <li>• How long will construction for this project take to complete?</li> <li>• When will construction begin?</li> </ul>
Land, Property Acquisitions, & Relocations	<ul style="list-style-type: none"> <li>• Will the fences be replaced? Who will pay for them?</li> <li>• Will driveways be reduced in length and width?</li> <li>• Will there be compensation for property acquired by ODOT?</li> <li>• Will there be compensation for pecan trees if they are cleared from personal property?</li> <li>• How and when will residents be contacted if land is to be acquired for the project, and what is the process for acquisition?</li> <li>• Is ODOT paying for utility re-locations?</li> </ul>
Construction Questions	<ul style="list-style-type: none"> <li>• Will the road be closed?</li> <li>• What improvements will be made to the highway?</li> <li>• Is the highway being re-aligned?</li> <li>• What improvements are being made at Bryant Road and east of Bryant Road?</li> <li>• How would someone go about getting a driveway added?</li> <li>• The driveway to storage units have in-ground sensor loops. If the area is impacted by construction, how will the loops and driveway access be maintained during construction?</li> <li>• Will driveways stay open and safe during construction?</li> <li>• What makes a building “historical?”</li> <li>• Will temporary fence for livestock be provided?</li> </ul>
Alternative Suggestions & Questions	<ul style="list-style-type: none"> <li>• Acceleration and left turn lane requested at the NS443 section line.</li> <li>• Why is a 4-lane highway not being considered?</li> <li>• Why is alignment not being shifted to the north, east of the bridge project currently under construction?</li> </ul>

### 2.1.3 Public Written Comments

After the Open House meeting, four property owners responded in writing to the proposed project. In general, there was no opposition to the project; however, individuals expressed concerns over the current road conditions and impacts to personal property in the area. The comments are summarized in Table 3.

Table 3: Property owners, local residents and citizens written comments and ODOT responses

<b>PUBLIC WRITTEN COMMENTS</b>	
The oral and written responses were summarized and generically grouped into categories; each of which are presented below. Next to each item is ODOT's response.	
ISSUE/COMMENT/CONCERN	ODOT RESPONSE
Private Property & Right-of-Way Impacts	<ul style="list-style-type: none"> <li>Adverse effects to property owners are weighed heavily by ODOT during the roadway design process. The designers look at options to minimize impacts and balanced that with the primary purpose of improving highway safety. Public comments are considered as part of the design and environmental process.</li> <li>Any properties impacted by the proposed right-of-way of this project may be eligible for compensation benefits. The eligibility of each property impacted will be determined through the right-of-way process. Any displaced residential occupants or personal property relocations identified will be given all applicable benefits according to the 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs as required by the Uniform Relocation Act of 1970.</li> </ul>
Timing & Scheduling	<ul style="list-style-type: none"> <li>Construction is currently scheduled to start mid-2023, but this date can vary from late 2022 to fall 2023 depending on timing of utility movement and negotiation of right-of-way acquisition. The right-of-way process begins in fall 2020, but may be advanced if funding becomes available. Since we have not had the right-of-way plans submitted, we cannot yet provide the final depiction of the property we are anticipating being acquired.</li> </ul>
Alternative Suggestions & Questions	<ul style="list-style-type: none"> <li>Public comments and suggests are considered by the design engineers, Project Management, and the Division. Changes to the design are incorporated when they conform with the overall purpose and need of the project; comply with design standards; meet the financial constraints of the project budget; and are deemed necessary for effective highway operations. Public suggestions and requests may not be incorporated into the final plans.</li> </ul>
Request for Additional Project Information	<ul style="list-style-type: none"> <li>The preliminary lines shown at the public meeting were not 100% final and are being adjusted as the design is finalized in reply to comments received at the public meeting. Once the Right of Way process has begun, someone will contact them in regards to the contract.</li> <li>Before construction can commence, there must be environmental clearances, right of way clearances, and utilities moved along the entire project extents. This project also has FAA clearances and construction timing will vary as we work to minimize the impacts to schools, tourism and the public.</li> </ul>

## 2.2 BUSINESS COMMENTS

No responses were received from businesses potentially affected by the project not previously addressed above.

## 2.3 AGENCY COMMENTS

After the Open House Meeting, several agencies were mailed solicitation letters requesting comments on the proposed project. Four agency comments were received. Individual comments are summarized in Table 4.

Table 4: Federal, state, & local agency written responses to the solicitation letter

AGENCY COMMENTS	
AGENCY	INPUT
<b>Oklahoma Aeronautics Commission</b> Aviation Program Manager	<ul style="list-style-type: none"> <li>• Would like a more precise timeline for the project. A major project for the Tahlequah Municipal Airport is scheduled for FY2021, and it would be convenient to align the projects so the airport will be closed during ODOT's construction.</li> <li>• The proposed improvements may pose a hazard to the safe and efficient use of navigable airspace. Due to the proximity of the Tahlequah Municipal Airport to SH-51, changes to the highway may create an obstruction to aircraft approaching the airport.</li> <li>• Recommends using the FAA's notice criteria tool to determine if a 7460-1 form needs to be filed with the FAA. A permit application is likely necessary under the rules of the Aircraft Pilot and Passenger Protection Act.</li> <li>• If a 7460-1 form is required for any permanent structure, please inform the Commission as soon as possible.</li> <li>• Requests all guidelines regarding proper lighting are followed due to the close proximity of the airport to the project area.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>• Construction should not include the use of cranes.</li> <li>• ODOT will contact the FAA at a later date to determine if Form 7460-1 needs to be completed.</li> </ul>
<b>Bureau of Land Management (BLM)</b> Realty Specialist	<ul style="list-style-type: none"> <li>• The BLM reviewed the project information and has no concerns or objections to the proposal.</li> <li>• File searches show no impact to federal minerals or federal lands managed by the BLM.</li> <li>• There are no BLM administered mineral interests near or within the project area.</li> </ul>
	<b>ODOT RESPONSE</b>
	<ul style="list-style-type: none"> <li>• Comments noted</li> </ul>

<p><b>Bureau of Indian Affairs (BIA)</b> Acting Regional Director</p>	<ul style="list-style-type: none"> <li>• Has no comments at this time.</li> <li>• Five Federally recognized tribes have been provided copies of the solicitation letter. As they may have environmental and/or cultural resources concerns relating to this action, it is recommended that ODOT coordinate directly with the Tribes on any of their concerns.</li> </ul> <p style="text-align: center;"><b>ODOT RESPONSE</b></p> <ul style="list-style-type: none"> <li>• ODOT coordinated with the following tribes: Caddo Nation, Cherokee Nation, Osage Nation, United Keetoowah Band of Cherokee, and Wichita &amp; Affiliated Tribes.</li> <li>• ODOT contacted the tribes on July 17, 2018 as part of the initial NEPA process to inform and solicit input.</li> <li>• After the cultural resources study was completed, ODOT will provide the final report.</li> </ul>
<p><b>Oklahoma Department of Environmental Quality (DEQ)</b> General Counsel</p>	<ul style="list-style-type: none"> <li>• No environmental concerns under DEQ jurisdiction are anticipated.</li> <li>• DEQ Recommended ODOT obtain a construction storm water permit (OKR10).</li> <li>• Any burning associated with land clearing operations must be conducted in accordance with OAC 252:100, Subchapter 13.</li> <li>• As environmental risks posed by the project are assessed, refer to DEQ Land Protection GIS data layers.</li> </ul> <p style="text-align: center;"><b>ODOT RESPONSE</b></p> <ul style="list-style-type: none"> <li>• The DEQ stated that ODOT should obtain a construction storm water permit authorization under OKR10. ODOT is aware of the permitting requirements and the process involved. ODOT requires construction contractors to obtain an OKR10 permit authorization (when applicable) prior to starting any construction activities.</li> </ul>