

VIRTUAL OPEN HOUSE EXECUTIVE SUMMARY REPORT

**Open House Dates:
October 2 - 19, 2020**

**SH-82 IMPROVEMENTS: FROM THE SH-100/SH-82 JUNCTION IN
BLACKGUM, OK, EXTENDING EAST & NORTH ~3 MILES**

**SEQUOYAH & CHEROKEE COUNTIES
J/P Nos. 30574(04) & 27116(04); Project Nos. J3-0574(004)PM & J2-7116(004)PM**

Prepared for:



**OKLAHOMA DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**

Prepared by:



**CC Environmental, LLC
PO Box 1292
Norman, OK 73070**

DECEMBER 28, 2020

1.0 VIRTUAL 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 Virtual Open House was held. Due to ongoing concerns over the spread of COVID-19, the Virtual Open House was hosted in a web-based format, and no in-person meeting was held. The following is a generalized summary of the public involvement effort, the information provided as part of the outreach, and the comments and input received. ODOT responses to comments are also presented in this document.

1.1 OPEN HOUSE DATES

October 2 through 19, 2020

1.2 MEETING WEBSITE

www.odot.org/SH82/Sequoyah

1.3 PURPOSE OF VIRTUAL OPEN HOUSE

The purpose of the Virtual Open House was to inform the public of the proposed improvements, solicit input, 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-82 from the SH-100/SH-82 Junction in Blackgum, OK and extending east and north approximately 3 miles, located in Sequoyah and Cherokee Counties. SH-82 is part of the Cherokee Hills Scenic Byway that begins near Gore, OK and ends near West Siloam Springs, OK. The existing highway is a two-lane, open section facility with 11-foot wide driving lanes and no shoulders. The bridge over Snake Creek is a 22-foot wide span bridge. Current traffic volumes are estimated at 1,600 vehicles per day (vpd) and are projected to increase to 2,250 vpd by 2040. This section of SH-82 has sharp curves, insufficient sight distances, steep side slopes, no shoulders, and a narrow bridge.

1.5 PROJECT DESCRIPTION

In an effort to increase safety, ODOT proposes to improve this segment of SH-82. Starting at McQuick's Grocery, and extending east to where the highway curves north, the roadway will be widened to create a curb and gutter section with two 12-foot wide driving lanes with 6-foot wide shoulders on existing alignment. At the point where SH-82 curves north, the highway will transition to an open section roadway (i.e., no curbs) with two 12-foot wide driving lanes with 8-foot wide paved shoulders on east offset alignment. Skewed side streets, county roads and drives will be reconfigured to create perpendicular intersections. The bridge over Snake Creek will be replaced on east offset alignment with a 40-foot wide clear roadway width span bridge. The highway will remain open during construction, and access to residences and businesses will be maintained throughout the project. The purpose of the proposed improvements is to correct highway deficiencies, enhance safety, and efficiently accommodate traffic.

1.6 PUBLIC NOTICES

- ODOT mailed Virtual Open House pamphlets via Direct Mail to property and business owners on three mailing routes along the project area on September 30, 2020.
- Virtual Open House pamphlets were mailed to various political entities, interested parties and public on September 30, 2020.

- ODOT mailed Virtual Open House pamphlets to property owners, utility owners, and other stakeholders on October 1, 2020.
- ODOT mailed solicitation letters to various state and federal agencies and Native American Tribes on October 2, 2020. These letters provided a short project description and included information about the Open House and requested that recipients provide input by October 12, 2020. Enclosed with the letter was a copy of the project location and overview maps.
- ODOT sent out a media advisory and general announcement on December 13, 2020, and also scheduled posts via social media channels.

1.7 VIRTUAL OPEN HOUSE FORMAT

The Virtual Open House was available for public access online at www.odot.org/SH82/Sequoyah between October 2 and 19, 2020. On the Virtual Open House home page, the user could select from the following pages for detailed information:

- Sign-In and Handout – This page included a PDF form for signing in and a PDF copy of the virtual Open House pamphlet.
- Project Presentation – This page contained a narrated video of the project presentation, as well as a PDF of the project presentation with a script.
- Project History – This page described the alternative alignments proposed for this project, and a link to the Open House materials from the informational meeting held in 2015.
- Interactive Project Map – This page contained an interactive online diagram that showed the proposed project in detail, and allowed users to comment on specific areas of the map.
- Right of Way Information – This page included a copy of the ODOT Relocation Brochure and the ODOT Property Rights Brochure to give users more information regarding relocations and right-of-way issues.
- Environmental Compliance – This page compiled the findings of the detailed environmental studies.
- Frequently Asked Questions – A list of frequently asked questions regarding the project and their answers.
- Comment Period – The public was encouraged to participate in the public outreach process, and were provided several methods for submitting comments regarding the project. This page provided the deadline and contact information for providing comments.

2.0 SUMMARY OF COMMENTS & RESPONSES

In total, one hundred eight-four (184) users visited the webpage as part of the Virtual Open House process, and ODOT received input from five (5) agencies and tribes, and comments/questions from twelve (12) responders, including four (4) phone calls, two (2) emailed comments, two (2) interactive mapper comments, one (1) website comment, and three (3) paper comment forms received by mail.

The comments and responses associated with each media are presented in the following sections.

2.1 WEBSITE ANALYTICS

VIRTUAL OPEN HOUSE WEBSITE ANALYTICS	
VIRTUAL OPEN HOUSE WEBSITE PAGE	TOTAL
Users / Visitors	184
Sign-In & Handout	39 views
Interactive Project Map	138 views
Comments on Interactive Map	2 commentors / 2 comments
Project Presentation	100 views
Project History	29 views
Environmental Compliance	25 views
Right of Way Information	44 views
Frequently Asked Questions	34 views
Submit a Comment	16 views
Attendees Who Filled Out Electronic Comment Form	1

2.2 PUBLIC COMMENTS

2.2.1 Phone Call Comments

Interested parties had the option to call ODOT with comments regarding the proposed project. Four calls were received. The comments are summarized in Table 2.

Table 2: Phone comments received.

PHONE CALL COMMENTS	
GENERAL COMMENT CONTEXT	INPUT
Responder 1	<ul style="list-style-type: none"> Lives close to STA 242 right. She is concerned, anxious and frustrated/irritated. She had reviewed the map and said her house is in the way of the project. Wanted to visit with someone from ODOT about her situation. She has two main questions: <ul style="list-style-type: none"> What is the impact to her house? What is the timeline for the project? She sees utilities in 2021 and construction in 2023, but wants to know how that translates in terms of effecting their life, home, planning, etc.
Responder 2	<ul style="list-style-type: none"> Owns the property that abuts the existing highway between ~STA 100 – 105. She wanted to know more about the potential right-of-way impact on her property. Wanted to visit with ODOT about her specific situation.
Responder 3	<ul style="list-style-type: none"> Concerned with deviations from the pavement north of Snake Creek. He owns around 130 feet of frontage road and did not want the road to be offset over his house. Said he had personally witnessed lethal accidents. Wanted a timeline for the project.
Responder 4	<ul style="list-style-type: none"> Has property on the east corner of S-4523 Rd. and SH-82. Had not noticed the website and did not receive the letter until six days after the Open House began. Alignment takes the road directly over his five acres and his mother's house/property on the SE corner. Was hopeful there was a chance to change the alignment to the west of his property. He is a truck driver and stated he is aware of the road slopes and offered to personally guide anyone from ODOT to a flat area for road construction that would eliminate the rock he expects ODOT to encounter with the chosen alignment. Does not want to be left with a small sliver of property split by the highway.

2.2.2 Email Comments

The public also emailed ODOT with comments and questions. Two property owners emailed comments on the project. In general, there was no opposition to the project, but concern about the speed limit along the highway was raised. The comments are summarized in Table 3.

Table 3: Email comments received.

EMAILED COMMENTS	
GENERAL COMMENT CONTEXT	INPUT
Responder 5	<ul style="list-style-type: none"> Cannot understand the map provided in the pamphlet mailing, and would like ODOT to follow up.

Responder 6	<ul style="list-style-type: none"> • His house is on EW-972, which is off S-4520 Rd. His biggest concern is that the road is extremely dangerous to turn on to SH-82 in either direction because vehicles coming around the curve north of S-4520 Rd. travel at high speeds and cross the center line into oncoming traffic. Or, if turning left onto SH-82 southbound, the high-speed vehicles come up so fast that you have to accelerate quickly or get run over. • Has lived off S-4520 for 32 years, and says every time a driver turns onto SH-82 off S-4520, they are taking a chance. • The improvements are long overdue. • With the proposed improvements, he is concerned that the wider road will cause vehicles to travel at even higher rates of speed. Would like to know if there will be any kind of speed bumps or a dip that would slow down vehicles. Speed limit signs do not work on this road, and that is why there are so many wrecks. • The line-of-sight is limited northbound on SH-82 from S-4520. • Improvements will be good, but the higher speed will not be good for the residents living down and off S-4520. His wife and he have both been run off the road and been involved in accidents, and he knows other people who have been in serious accidents in the area. • Really hopes ODOT does something to slow traffic going south around that curve north of S-4520.
-------------	---

2.2.3 Interactive Map Comments

Visitors to the Virtual Open House website could use the Interactive Map to leave comments on specific areas of the project. Two property owners made comments with questions about the impacts to their properties. The comments are presented in Table 4.

Table 4: Interactive Map comments.

INTERACTIVE MAP COMMENTS	
INDIVIDUAL	INPUT
Responder 7	<ul style="list-style-type: none"> • Owns the property on the west side of SH-82 between Cato Creek and Snake Creek. • Would like to know how far east of the current road the new road will be, and if he will have a frontage road in front of his property.
Responder 8	<ul style="list-style-type: none"> • Commented that he owns the house at the curve north of EW-097 Rd., and he has a lot of questions.

2.2.4 Comments Submitted Through ODOT’s Open House Website

Responders were also given the option to respond directly through ODOT’s Virtual Open House website. The comments are presented in Table 5.

Table 5: Table 5: Website comments.

WEBSITE COMMENTS	
INDIVIDUAL	INPUT
Responder 9	<ul style="list-style-type: none"> • Want to sell their property. Would like to know if they can appraise it or if ODOT will. • If they sell now, the new owners need to be aware of this and the proposed \$5,000 at least an acre. Would like to know if this is correct. • Have been in limbo about the issue for two years and would like an explanation.

2.2.5 Mailed Comments

Responders also commented on provided forms and mailed them to ODOT. Three property owners mailed in comments. Responders did not object to the project, but had questions about the timeline of the project and about safety issues regarding a specific intersection. One responder asked that part of his property be spared. The comments are presented in Table 6.

Table 6: Mailed-in comments.

MAILED COMMENTS	
INDIVIDUAL	INPUT
Responder 10	<ul style="list-style-type: none"> • Would like to know if there will be any improvements at the intersection of SH-82/SH-100 and EW-097 Rd. • The intersection is dangerous. Driver sight in either direction is bad when entering onto the highway going west or east/north. • There are two different approaches with two different stop signs, but no one stops. • The curve of the highway is often blind to oncoming highway traffic. • There are accidents almost daily. People in the area are not good drivers. • There has been recent damage to signage from drivers missing the curve on the highway. • Asks that ODOT look into this intersection.
Responder 11	<ul style="list-style-type: none"> • Has a cluster of lilac bushes and quince, both of which are about 100 years old. They are located close to the highway. He asks that ODOT do what can be done to spare them.
Responder 12	<ul style="list-style-type: none"> • Wants to know what the starting and finishing dates of the project will be. • Asked if there will be any road closures.

2.2.6 ODOT Responses to Public Comments

The responses received were summarized and generically grouped into categories, each of which are presented below. Next to each comment is ODOT’s response.

Table 7: Generalized Responses to Public Comments.

ODOT RESPONSES TO ALL PUBLIC COMMENTS	
ISSUE/COMMENT/CONCERN	RESPONSE
Property Impacts	<ul style="list-style-type: none"> • ODOT-PM and/or ODOT-RW Divisions contacted the callers regarding their individual concerns, comments and questions. • Adverse effects to property owners are weighed heavily by ODOT in the alternative selection and final design processes. Initially, the designers looked at several alternatives to minimize impacts and balanced that with the primary purpose of improving highway safety. • An agent from ODOT’s Right-of-Way Division will contact all affected landowners to specifically discuss their situation and affected property in the coming months. • More information regarding the right-of-way process, along with ODOT’s Property Rights Brochure, can be found at ODOT’s website. • Any properties being impacted by the proposed right-of-way on this project may be eligible for relocation benefits. The eligibility of each property impacted will be determined through the right-of-way process. Any displaced businesses, residential occupants, and 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.
Pamphlet Materials	<ul style="list-style-type: none"> • An email response was sent to the commenter directing them to the ODOT webpage (www.odot.org/SH82/Sequoyah) and where to go once they got to the main page. From there they were directed to the interactive map, which provided more detail. • A phone number was also provided for additional help. (No response was received, however.)
Dangerous intersection at SH-82/100 and S-4520 Rd.	<ul style="list-style-type: none"> • ODOT will improve the intersection at SH-82 and S-4520 Rd. SH-82 will gently curve through the intersection to the east at EW-097 Rd. which will improve the line-of-sight at S-4520 Rd. • The specific intersection with S-4520 Rd will be improved as part of the roadway upgrades.
Speed Limit Concerns	<ul style="list-style-type: none"> • The current design will enable a vehicle to safely travel the route safely at the proposed speed limits. The speed limits are considered safe given the new alignment, proposed improvements to vertical and horizontal curves, the addition of shoulders, and the reconfiguration of intersecting roads for improved sight distances.
Dangerous intersection at SH-82/100 and EW-970 Rd.	<ul style="list-style-type: none"> • ODOT will improve the intersection at SH-82 EW-097 Rd. SH-82 will gently curve through the intersection towards the new east-offset alignment—headed north towards the Cherokee County line. • The specific intersection with EW-097 will be reconfigured to create a perpendicular “T” intersection. There will only be one access point with SH-82. • Proposed improvements should make the intersection safer.
Project timeline	<ul style="list-style-type: none"> • Right-of-way acquisition will begin in 2021 • Construction is anticipated in 2023
Road closures	<ul style="list-style-type: none"> • The road will not be closed. • Access to all businesses, churches and homes will be maintained during and after construction.

2.3 AGENCY COMMENTS

After the start of the Virtual Open House, several agencies were mailed solicitation letters requesting comments on the proposed project. Four agency comments were received. Individual comments are summarized in Table 8.

Table 8: Agency Comments.

AGENCY COMMENTS	
AGENCY	INPUT
OK Aeronautics Commission	<ul style="list-style-type: none"> OAC wanted to remind ODOT of the obligation to comply with 14 CFR Part 77.13 regarding construction activity near federal airports. OAC did state that the potential project does not appear to pose a hazard to safe and efficient use of navigable airspace.
	<p style="text-align: center;">ODOT RESPONSE</p> <ul style="list-style-type: none"> Comments Noted. No FAA airports are located within 4 miles of the proposed project.
Oklahoma Corporation Commission	<ul style="list-style-type: none"> There are no wells in the Sequoyah County portion of the project area. The closest well is approximately three miles to the southwest in Section 29-14N-22E
	<p style="text-align: center;">ODOT RESPONSE</p> <ul style="list-style-type: none"> Comments Noted.
OK State Parks	<ul style="list-style-type: none"> The Cherokee Scenic Hills Byway was approved by ODOT around 2008. Based on the FHWA sponsored website, none of the resources would be adversely affected on the section of highway to be altered. There are no LWCF program funded parks in this section from Blackgum, OK in Sequoyah County for three miles and a few hundred feet into Cherokee County, along SH-82. A search for projects in the database determined the proposed project will have no significant adverse impacts on any federally funded park or recreation area or state park, regarding the LWCF Act 54 U.S.C. 200305(f)(3), no land may be permanently used for private or non-outdoor recreation purposes. It is preferred by this agency to construct the safest and most scenic route with wide vistas. Alternatives 1 and 2 are preferred. A slower speed limit is more conducive to scenic views, along with a route providing a variety of roadside attractions and ridge top routes. These alternatives follow the same route as the original highway in the north part of Sec 10-T13N-R22E. It is important these comments be weighed with community wishes, since the Scenic Byways program is based on community, with a variety of interests, contributions, and participation in order to organize and promote the scenic value along an existing and previously evaluated route contributing to scenic resources along America's highways.
	<p style="text-align: center;">ODOT RESPONSE</p>

	<ul style="list-style-type: none"> • Comments Noted. • Based on the completed alignment study, public participation, & state and federal agency input, ODOT selected Alternative 2 as the preferred alignment. • Alternative 2 would correct the sharp curves, poor sight distances, steep slopes, and the lack of shoulders. • Alternative 2 was the safest option, with relatively moderate environmental and community impacts, and has the lowest overall cost of construction.
<p>Oklahoma Department of Environmental Quality (DEQ)</p>	<ul style="list-style-type: none"> • No environmental concerns under DEQ jurisdiction are anticipated. • DEQ Recommended ODOT obtain a construction storm water permit (OKR10). • Any burning associated with land clearing operations must be conducted in accordance with OAC 252:100, Subchapter 13.
	<p>ODOT RESPONSE</p>
	<ul style="list-style-type: none"> • 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.
<p>Osage Nation</p>	<ul style="list-style-type: none"> • The Osage Nation has a vital interest in protecting its historic and ancestral cultural resources. The Osage Nation anticipates reviewing and commenting on the planned Phase I cultural resources survey report
	<p>ODOT RESPONSE</p>
	<ul style="list-style-type: none"> • ODOT's Tribal Liaison will coordinate with the Osage Tribe regarding the specific request. • ODOT provides cultural resources reports for all projects that ODOT determines to have the potential to affect historic properties. • The Osage Nation does not have "jurisdiction" to require that ODOT conduct a cultural resources survey for any project, unless it is on Osage Nation trust land, which is not the case for this project. However, ODOT will be accommodating to the extent practicable.

2.3.1 Comment Summary

All public comments (excluding Agency Solicitation responses) were summarized in the Table 9 below. The table is designed to provide an overall summary of the input received with respect to project approval and the major issues of concern.

Table 9: Comment summary.

SUMMARY OF ALL COMMENTS	
ISSUE / COMMENT / CONCERN	NUMBER OF COMMENTS/RESPONSES
Total Number of Commenters / Responders	17
Residential & Business Comments	12
Agency and/or Tribal Comments	5
Specifically Approve of Project / Provided Support for Project	1
Specifically Disapprove of Project	0
General Comment Categories	-
o Property Impacts / Right-of-Way Concerns	7
o Safety Concerns	2
o Speed Limits	1
o Intersection Improvement	1
o Road Closures	1
o Project Timeline	1
o Miscellaneous Comments	1

