

4.0 COMMENTS AND COORDINATION

This chapter includes a summary of agency coordination, public and stakeholder involvement, and tribal coordination that has occurred during the development of the EA.

4.1 Agency Coordination

During project initiation, FHWA and KDOT, acting as Federal and State lead agencies respectively, identified Federal, State, Tribal, Regional, and Local government agencies that may have an interest in the project to serve as participating agencies. The full list of identified agencies invited to coordinate is listed in the Project Coordination Plan in **Appendix I**.

4.1.1 Initial Coordination Packet

KDOT, in coordination with FHWA, prepared an initial coordination packet for distribution to officials and agencies at the initiation of the EA. This packet included a letter inviting the agency to coordinate on the project, a project description detailing the project and a project study area map. **Appendix I** contains copies of the invitation letters to participating agencies, which were included in the initial coordination packet sent November 2, 2020. **Table 4-1** shows the invited Participating Agencies for the project and the date of response to the invitation. Coordination with Native American Tribes is detailed in Section 4.3.

Table 4-1: Participating Agencies Identified from Initial Agency Coordination

Agency Type	Agency	Date of Response
Federal	U.S. Army Corp of Engineers (USACE)	11/24/2020
Federal	U.S. Fish and Wildlife Service (USFWS)	12/1/2020
Federal	U.S. Environmental Protection Agency (EPA)	11/25/2020
Federal	Federal Aviation Administration	11/6/2020
Federal	Federal Railroad Administration	No Response
Federal	U.S. Department of Interior, Office of Environmental Policy and Compliance	No Response
Federal	U.S. Department of Agriculture (USDA) Forest Service	No Response
Federal	Natural Resource Conservation Service (NRCS)	No Response
Federal	Federal Emergency Management Plan (FEMA)	No Response

Agency Type	Agency	Date of Response
Federal	Federal Transit Administration (FTA), Region 7	No Response
Federal	U.S. Department of the Interior, National Park Service, Midwest Region	No Response
Federal	Advisory Council on Historic Preservation	No Response
Federal	U.S. Department of the Interior, Bureau of Indian Education	No Response
Federal	U.S. Department of the Interior, Bureau of Indian Affairs	No Response
Federal	U.S. Department of the Interior, Office of the Regional Solicitor	No Response
Federal	U.S. Geologic Survey	No Response
Federal	U.S. Department of Housing and Urban Development (HUD)	No Response
Federal	U.S. Department of Commerce, Denver Regional Office	No Response
Federal	U.S. Department of Energy, Office of NEPA Policy and Compliance	No Response
Regional	Mid-America Regional Council	No Response
State	Kansas Department of Health and Environment	11/6/2020
State	Kansas Department of Agriculture	11/16/2020
State	Kansas Department of Wildlife, Parks and Tourism	11/23/2020
State	Kansas State Historical Society	11/17/2020
State	Kansas Turnpike Authority	No Response
State	Kansas Water Office	No Response
State	Kansas Biological Survey	No Response
State	Kansas Geological Survey	No Response
State	Kansas Forest Service	No Response
State	Kansas Department of Commerce	No Response
State	Kansas Corporation Commission	No Response
Local	City of Overland Park	No Response
Local	City of Overland Park Public Works	No Response
Local	City of Overland Park, Parks and Recreation Department	No Response

Agency Type	Agency	Date of Response
Local	Johnson County	No Response
Local	Johnson County Appraiser	No Response
Local	Blue Valley School District	No Response

The study team conducted a virtual Scoping Meeting with resource agencies on December 2, 2020 to overview the project and get early input on project social, economic and environmental constraints. In addition to KDOT and FHWA, representatives from the U.S. Fish and Wildlife Service and the Mid-America Regional Council attended the project Scoping Meeting.

4.1.2 Purpose and Need and Alternatives Analysis Agency Coordination

In addition to the Initial Agency Coordination outreach, two additional opportunities were provided for agencies to comment. Letters asking for comment on the purpose and need were sent February 1, 2021, and letters for the alternatives analysis, screening and selection were sent on October 4, 2021. The agencies contacted include those who responded to the Initial Agency Coordination and/or the purpose and need request and indicated a desire to participate throughout the EA process. Agency response dates regarding the purpose and need and alternatives analysis are found in **Table 4-2**.

Table 4-2: Purpose and Need and Alternatives Analysis Agency Coordination

Agency Type	Agency	Purpose and Need Date of Response	Alternatives Analysis Date of Response
Federal	U.S. Army Corp of Engineers (USACE)	2/3/2021	10/7/2021
Federal	U.S. Fish and Wildlife Service (USFWS)	No Response	No Response
Federal	U.S. Environmental Protection Agency (EPA)	No Response	No Response
Federal	Federal Aviation Administration	No Response	10/28/2021
State	Kansas Department of Health and Environment	2/24/2021	10/18/2021
State	Kansas Department of Agriculture	2/4/2021	10/18/2021
State	Kansas Department of Wildlife and Parks	3/1/2021	11/1/2021
State	Kansas Historical Society	2/12/21	No Response

Appendix I (Project Coordination Plan) contains the letters and individual agency responses regarding the purpose and need and for the alternatives screening process and selection.

4.2 Stakeholder Engagement

4.2.1 Overview

The goal of stakeholder engagement for the U.S. 69 Modernization and Expansion Project was to inform the public on the project and provide regular updates, receive feedback, and collect and review comments about concerns regarding the improvements proposed for U.S. 69. To accomplish the stakeholder engagement goals of the project, the project team performed the following tasks:

- Created and implemented a Project Communications Plan (**Appendix J**);
- Developed and implemented a project website, project specific [Facebook](#) and [Twitter](#) pages as well as utilized KDOT's [Next Door](#) page;
- Organized and conducted Advisory Group meetings;
- Provided engagement opportunities and places to comment via a project email and comment submission form on the project's website (<https://www.69express.org/>);
- Held four rounds of Virtual Public Meetings and Virtual Public Open Houses;
- Sent out regular electronic project newsletters;
- Gave community presentations to organizations in Overland Park and nearby communities; and
- Conducted surveys and focus groups to understand how people see the future of U.S. 69 and how they would use the roadway if Express Toll Lanes (ETLs) were implemented.
- Formation of a toll equity advisory group to provide input on potential strategies for mitigating the economic impacts of tolling on EJ populations and to better understand what types of toll equity programs, transit, rideshare, or other project enhancements would provide meaningful benefits to EJ populations that rely upon U.S. 69 for their access to jobs or other opportunities.

Table 4-3 shows the public outreach events schedule for the EA.

Table 4-3: Public Outreach Events Schedule

Date	Meeting
November 30, 2020	Advisory Group Meeting 1
December 2, 2020	Agency Coordination Meeting
January 20, 2021	Public Meeting #1: Purpose and Need
January 26, 2021	Advisory Group Meeting 2
February 15, 2021	City Council Presentation
February 23, 2021	Advisory Group Meeting 3
April 1, 2021	Advisory Group Meeting 4
April 13, 2021	Advisory Group Meeting 5
April 20, 2021	Public Meeting #2: Alternatives
April 12-28 2021	City Council Ward Briefings
May 4, 2021	Advisory Group Meeting 6
June 14, 2021	Public Hearing and Committee of the Whole Meeting
June 21, 2021	City Action on use of tolling
June 23, 2021	KTA Action on use of tolling
June 24, 2021	State Finance Council Action on use of tolling
December 2021	Public Meeting #3: EA public and agency comment period
February 2022	Anticipated Publication of Notice of Availability for Final EA/NEPA Decision
February 2022	Anticipated Publication of Approval of NEPA Decision and Final EA

4.2.2 Public Meetings

As part of the ongoing NEPA process, three opportunities for the public to view project progress and to provide input on the project were provided. With health and safety in mind, each of these Public Information Meetings and Informational Open Houses were held virtually with a “live” component so that the public could ask questions of the project team in real-time. Due to COVID restrictions in-person options were not offered for Public Meetings #1 and #2. An in-person option will be offered for Public Meeting #3 if allowed by COVID-19 regulations. All participants attending the meetings were asked to sign in through a Public Involvement Management Application (PIMA) system established for the project. Each meeting had a specific focus, which is described in the following sections for each meeting.

All meetings and open houses were recorded and posted to the project website so that participants could review during their preferred timeframe. In addition to those that attended and signed into the live component of the Virtual Public Meetings and Virtual Informational Open Houses, more than 1,750 people also signed up to receive newsletters and updates about the project.

4.2.2.1 Public Meeting #1

The first Public Meeting was held Wednesday, January 20, 2021, from 4:30 p.m. to 6:30 p.m. in a virtual format via KDOT's Public Information Management Application (PIMA) website. The meeting started with a presentation from the project team that covered the project background, the proposed purpose and need of the project, the new Kansas tolling legislation, the 2020 U.S. 69 pre-planning analysis findings, as well as an overview of the environmental process and the stakeholder engagement process.

Two-hundred nine (209) people signed into the meeting using the PIMA site. Meeting participants then were able to ask questions and provide input to the project team by submitting a question or comment on the meeting website. These questions were read aloud and answered by the project team during the live portion of the meeting. Additional questions requiring follow-up were later responded to and sent to the individuals who inquired directly.

The Virtual Informational Open House was held January 18, 2021 – February 1, 2021, also through PIMA, and posted to the project website. Four-hundred forty-three (443) participants signed in over the course of two weeks. The Virtual Open House used a story map approach to convey information about the U.S. 69 Modernization and Expansion Project. The interactive meeting allowed participants to leave comments about the Project through a comment form. In the comment form, participants could place markers on a map to indicate where they have specific concerns, such as congestion or safety issues, along the corridor.

4.2.2.2 Public Meeting #2

The second Public Informational Meeting was held Tuesday, April 20, 2021 from 5:00 p.m. to 7:00 p.m. in a virtual format via KDOT's PIMA website. The project team's presentation covered the alternatives being considered for improving U.S. 69, the environmental screening process for alternatives, a comparison between traditional widening (toll-free) and express toll lane (ETL) build alternatives, ETL pricing, and the stakeholder engagement process. Two-hundred thirty (230) participants signed into the meeting.

The second Virtual Informational Open House was held from April 16, 2021 – April 30, 2021, also hosted through PIMA. Two-hundred fourteen (214) participants signed in

over the course of two weeks. Similar procedures as described in Section 4.3.2.1 were followed for both the Public Meeting and Open House and included both a live portion and an online story map that participants could review during the two week period.

4.2.2.3 Public Meeting #3

The final Public Informational Meeting was held on Wednesday, December 8, 2021 from 5:30 p.m. to 7:30 p.m. via KDOT’s PIMA website. One hundred sixty-three (163) participants signed into the meeting. The meeting centered around presentation of the Draft EA document for public and agency review and comment, including the proposed Preferred Alternative recommendation, key findings and impacts of alternatives, 4(f) impacts, equity information, and summarized public feedback. Also highlighted was the 30-day public comment period beginning when the Draft EA was signed by FHWA and KDOT and posted for public and agency review. The public comment period for the Draft EA ended on January 22, 2022.

Similar procedures as described in Section 4.2.2 were followed for the Public Informational Meeting and corresponding Open House. The final Public Meeting included a virtual Open House serving as an active platform for the public to interact virtually. Questions and comments on information shared at the final Public Meeting were facilitated by the Open House along with its online story map component.

4.2.3 Advisory Group

An Advisory Group was created at the beginning of the EA process and consisted of 33 business, civic, and religious leaders in the Overland Park area that represent the community. The goal of the Advisory Group was for the project team to gain insight and feedback on the project. The Advisory Group established in the Fall 2020 was comprised of the members shown in **Table 4-4**.

Table 4-4: Advisory Group Roster

Organization	Name	Title/Role
Advent Health South Overland Park	Ashley McDonald	Campus Administrator
Asian American Chamber of Commerce of Kansas City	Sook Park	President
Bank of Blue Valley	Wendy Reynolds	President
Black & Veatch	Clint Robinson	Associate Vice President, Government Affairs
Blue Valley School District	Tom Mitchell	Board President
Church of the Resurrection	Rev. Adam Hamilton	Senior Pastor

Organization	Name	Title/Role
Corporate Woods	Brent Roberts	Senior Vice President
Coventry HOA	Kevin Cody	Representative
Doubletree Hotel	Darren Chadwick	General Manager
Greater Kansas City Chamber of Commerce	Joe Reardon	President and CEO
Hispanic Chamber of Commerce	Carlos Gomez	President and CEO
Homes Association of Shannon Valley	Dylan Stang	Representative
Islamic Center of Johnson County	Tariq Aziz	Secretary
Johnson County	Brian Pietig	Director of Public Works
Johnson County	Josh Powers	Business Liaison, KCATA Liaison
Johnson County Community College	Greg Musil	Board of Trustees
Johnson County NAACP	Fred Jones, Sr.	President
Kansas Turnpike Authority	Dave Lindstrom	KTA Chair
Kaw Valley Engineering	John Skubal	Business Development Chair
KU Edwards Campus	Dr. Stuart Day	Dean
Lathrop GPM	Vanessa Vaughn-West	Director Diversity and Inclusion
Lionsgate Homes Association	Dalton Malcom	Representative
NetSmart	Tom Herzog	Chief Operating Officer
O.P. Chamber of Commerce	Tracy Osborne Oltjen	President
O.P. City Council	Fred Spears	Councilman
O.P. Environmental Advisory Council	John Neuberger	Member
O.P. Fire	Bryan Dehner	Fire Chief
Occidental Management (campus)	Chad Stafford / Justin Strelow	President
Price Brothers	Bart Lowen	Vice President, Development
St. Michael's	David Sell	Advisor to the Pastor
T-Mobile	Patrick Fucik	National Director
United Community Services of Johnson County	Julie Brewer	Executive Director
Workforce Partnership	Keely Schneider	Executive Director

Each of the seven Advisory Group meetings were held virtually. The first meeting was held in Dec. 2020 and overviewed the project and its purpose and goals. Subsequent meetings were held January 2021 through November 2021 and covered all topics from the public meetings, as summarized in the list below. Meeting summaries and recordings for all Advisory Group meetings were posted to the project website.

- **Meeting 1:** Project purpose and need; overview of Public Meeting #1.
- **Meeting 2:** Project concepts and costs.
- **Meeting 3:** Express toll lane (ETL) alternatives and implications.
- **Meeting 4:** Preferred roadway configurations and potential impacts/considerations.
- **Meeting 5:** Preliminary traffic and revenue estimates for ETL alternatives.
- **Meeting 6:** Final traffic and revenue estimates; recommendations to City of Overland Park City Council.
- **Meeting 7:** Review proposed project scope, cost, funding, schedule and construction.

4.2.4 Community Surveys and Focus Groups

ETC Institute was contracted by KDOT to conduct two community surveys. For each, a survey packet containing a cover letter, a copy of the survey, and a postage-paid return envelope was sent to a random sample of households in eastern Johnson and Miami Counties. Residents who received the survey were also given the option of completing it online or via a follow up phone call. The first survey was administered in November 2020 and completed by 1,270 residents. The second survey was administered in May 2021 and completed by 1,257 residents. Both surveys exceeded the goal of 800 participant responses. Complete reports with the survey results can be found in **Appendix K**.

ETC Institute also conducted two sets of focus groups to gather additional information around perceptions of U.S. 69 improvements and potential tolling solutions. The first focus group was conducted in January 2021 and the second in May 2021. Both sets of focus groups were conducted via Zoom meetings. A detailed breakdown of focus groups demographics and findings are provided in **Appendix K**.

January 2021 focus groups had seven sessions with 76 participants; 54 from Overland Park, 10 from Miami County, and 12 from other parts of Johnson County.

Topics for the January meeting included:

- Usage and general perceptions of U.S. 69
- Perceptions of driver safety in the study area corridor
- Perceptions of traffic flow throughout the corridor

- Awareness of and/or willingness to believe information about U.S. 69
- Importance of improvements to U.S. 69
- Top priorities for improvement to the corridor
- Tradeoffs respondents were willing to accept in relation to cost/construction timelines
- Familiarity with ETLs
- Support for using ETLs to help fund improvements to U.S. 69

May 2021 focus groups had seven sessions with 60 participants. Focus groups consisted of 42 participants from Overland Park and 18 from Miami County and Johnson County areas outside of Overland Park with demographic attributes reflecting the Project Study Area. May focus groups covered five broad topic areas outlined below:

- Usage and General Perceptions of U.S. 69 Corridor
- Reactions to Two Options for Making Improvements to U.S. 69
- Introduction to ETLs and Potential Costs to Users
- Reactions to Local Contribution Funding Source Options
- Assessment of KDOT's Public Involvement Efforts for the U.S. 69 Improvements Project

4.2.5 Community Presentations

The project team presented to community organizations throughout the Overland Park area and region as requested. The purpose of the presentations was to provide information on the U.S. 69 improvement options and answer questions. Members of the public and community, civic or business organizations could request a community presentation by email, submitting a comment on the project website, or by filling out the 'Request a Presentation' form at the bottom of the project website. Twelve one-hour community presentations were given to the community. Reminders that presentations could be requested were given at all public and advisory group meetings. Presentations included:

- Overland Park Chamber of Commerce - 1/8/2021
- Northeast Johnson County Chamber - 1/21/2021
- Mid-America Regional Council: Total Transportation Planning Committee— 2/16/2021
- Lion's Club of Overland Park - 3/13/2021
- Advent Health in Overland Park - 4/1/2021
- Overland Park Chamber Public Policy & Advocacy Committee - 4/9/2021
- Overland Park Rotary - 4/19/2021
- Lenexa Rotary - 4/23/2021
- Overland Park Chamber's Economic Development Council - 5/6/2021

- Tallgrass Sr. Living Center – 5/10/2021
- Overland Park Chamber Board of Directors – 5/11/2021
- Nottingham Forest Homes Association – 5/18/2021
- Mid-America Regional Council: Total Transportation Planning Committee— 5/18/2021
- HOA Leadership Meeting: 9/22/2021
- South Overland Park Rotary Club – 10/13/2021

4.3 Tribal Coordination

Initial coordination with Native American Tribes in Johnson County was conducted as part of the project initiation in November 2020, this coordination is noted in section 4.1.1. During that initial project coordination, no responses were received from the identified Tribes. Additional coordination with Native American Tribes was conducted by KDOT on June 8, 2021 via consultation letter to get their input on the project, its EA process, and to initiate Section 106 Coordination for cultural and historical resources. General descriptions of the project location and modifications were provided along with notification of the 60-day comment period. A copy of the consultation letter sent by KDOT to Tribe representatives can be viewed in **Appendix G**. The Alternatives Analysis Memorandum was also shared with the Tribes for consideration and comment in October 2021. Notification of the Draft EA for comment was shared with the Tribes in December 2021. A copy of the letters and responses are included in **Appendix L**.

Tribes contacted in Johnson County, as well as any responses received, are noted in **Table 4-5**.

Table 4-5: Tribal Coordination

Tribe Contacted	Initial Coordination Date of Response	KDOT Section 106 Consultation Date of Response	Alternatives Analysis Date of Response	Draft EA Coordination Date of Response
Absentee Shawnee Tribe of Oklahoma	No Response	No Response	No Response	No Response
Delaware Tribe of Indians	No Response	7/9/2021	No Response	No Response
Eastern Shawnee Tribe of Oklahoma	No Response	8/4/2021	10/15/2021	1/10/2022
Osage Nation of Oklahoma	No Response	7/22/2021	No Response	No Response
Prairie Band Potawatomi Nation	No Response	No Response	No Response	No Response

Tribe Contacted	Initial Coordination Date of Response	KDOT Section 106 Consultation Date of Response	Alternatives Analysis Date of Response	Draft EA Coordination Date of Response
Wichita and Affiliated Tribes	No Response	No Response	No Response	No Response
Kaw Nation of Oklahoma	No Response	6/11/2021	No Response	No Response
Shawnee Tribe of Oklahoma	No Response*	9/22/2021	No Response	No Response

*Initial correspondence with the Shawnee Tribe of Oklahoma was submitted by KDOT on September 14, 2021, separately from the initial project initiation coordination. The comment period for the Shawnee Tribe of Oklahoma closes on November 13, 2021.

4.4 Public Review of the Draft EA

The Draft EA was made available for public review and comment during a 30-day review period between December 23, 2021 and January 22, 2022. Copies of the Draft EA were also distributed to participating agencies described in section 4.1.1. Notices of availability of the Draft EA were also sent to participating agencies, tribes and interested stakeholders.

Paper copies of the EA were available at the following locations:

- Overland Park City Hall – 8500 Santa Fe Drive
- Tomahawk Ridge Community Center – 11902 Lowell Avenue
- Blue Valley Library – 9000 W. 151st Street
- Oak Park Library – 9500 Bluejacket Street

Comments to the EA could be submitted by mail or via the project website by January 22, 2022. **Section 4.5** provides a summary of the comments received and **Appendix L** provides all comments and their responses.

4.5 Comments and Responses on the Draft EA

This section provides a summary of the public comments and the agency review responses on the Draft EA. Twenty-Six written public comments were received from 15 commenters that ranged from not in favor (3), less in favor (2), neutral (8), leaning in favor (1), and in favor (1) of the Preferred Alternative.

The comments received generally referred to temporary closures of Section 4(f) resources, noise impacts and noise walls, impacts to traffic patterns, traffic safety, and air quality. Comments received from the public as well as written responses can be viewed in **Appendix L**.

Agency Responses:

The following section provides the agency review comments received for the Draft EA. The agency comment period on the Draft EA ended on January 27, 2022.

Table 4-6 shows the dates of the agency responses to the Draft EA coordination.

Table 4-6: Draft EA Agency Coordination

Agency Type	Agency	Draft EA Date of Response
Federal	U.S. Army Corp of Engineers (USACE)	No Response
Federal	U.S. Fish and Wildlife Service (USFWS)	No Response
Federal	U.S. Environmental Protection Agency (EPA)	No Response
Federal	Federal Aviation Administration	12/29/2021
State	Kansas Department of Health and Environment	No Response
State	Kansas Department of Agriculture Division of Water Resources	12/30/2021
State	Kansas Department of Wildlife and Parks	1/3/2022
State	Kansas Historical Society	1/14/2022

The FAA had no comments on the Draft EA but reiterated the project would need to be checked through their online “Notice Criteria Tool” to determine if formal notice and review for airspace considerations would be required.

The DWR stated permitting will be required from the DWR Water Structures Program and that the Water Structures program looks forward to continued involvement as the project proceeds.

The KDWP stated that their review indicated “there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreation areas, nor could we document any potential impacts to currently-listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans.” KDWP also stated that if construction hasn’t started within one year (Jan 3, 2023), or if design changes are made in the project plans, KDWP must be contacted to verify continued applicability of their finding. KDWP considers construction started when advertisements for bids are distributed.

The KSHS stated that they have concluded that no historic structures are situated within the area of potential effect. Since this is a design-build project, KSHS requests that any changes be submitted for their comment and review.