

Public Meeting Summary

**SH-11 From West of Rocky Ridge Road, Extend East
3.91 Miles to Grandview Drive in Kaw City
Kay County, JP 33351(04)**



**OKLAHOMA
Transportation**

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Garver Project No.: 20T25090



Virtual Public Open House: 11/15/2022 through 12/20/2022
In-Person Public Meeting: 12/06/2022

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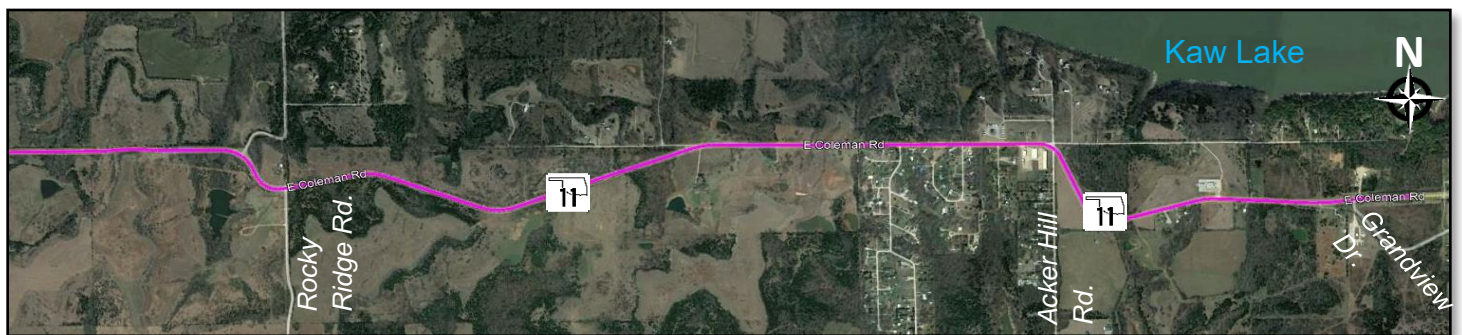
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1.0 Introduction

This document summarizes the in-person public meeting and virtual public open house conducted for the SH-11 project west of Kaw City in Kay County [JP 33351(04)] (Figure 1). ODOT completed a study of five alternatives (Alternatives 1, 2, and 3 in the west portion and Alternatives A and B in the east portion). A virtual public open house was held on-line at www.odot.org/SH11KawCity and an in-person public meeting was held on December 6, 2022. The purpose of the meetings was to inform the public of the alternatives under consideration and receive public input. The purpose of this project is to improve safety on this section of SH-11 which has numerous deficient curves and an elevated collision history.

Figure 1: SH-11 Project Extents



2.0 Agency Solicitation

Initial agency solicitation letters were mailed on November 14, 2022. These letters provided a short project description, the purpose of the project, and a brief description of the proposed alternatives under consideration along with an enclosed project location map. The letter requested recipients provide input by December 20, 2022, and included an invitation to the public meeting held on December 6, 2022 as well as a link to the virtual public open house. This letter was sent to federal and state resource agencies and Indian Tribes.

3.0 Public Meeting

3.1 Public Involvement Plan

Public involvement for this project followed ODOT's Public Involvement Plan (February 2022) available at [Public Meetings and Hearings \(oklahoma.gov\)](http://PublicMeetingsandHearings.oklahoma.gov). Review of the 2020 American Community Survey data for the study area did not indicate the presence of significant low-income or minority populations in the project vicinity. Low-income and minority populations are present, but in lower percentages than Kay County or the state as a whole. However, these populations were still considered in outreach methods for the public meetings. See **Section 3.2** below.



3.2 Meeting Notification

In addition to the notification provided via the agency solicitation letters (see above), notice of the public meeting was provided by several other methods. A letter was sent to the Governor's office, elected officials (federal and state), Kay County Commissioners, officials of the city of Kaw City, local school districts, emergency service providers, and medical facilities in the study area. The letter provided a brief description of the purpose and need for the project and an invitation to the in-person and virtual public meetings. The letter was accompanied by a project location map. Letters were mailed on November 14, 2022.

Notice of the public meeting was also sent by letter to all property and utility owners in the study area on November 14, 2022. In an effort to provide maximum notification, especially to rented and leased properties, postcards with information about the in-person and virtual public meetings were delivered by USPS Every Day Direct Mail (EDDM) to all addresses on postal routes 74604-R002, 74604-R005, and 74641-R001. In total, 1,282 postcards were delivered.

3.3 Meeting Information and Formats

The virtual public open house was held on-line at www.odot.org/SH11KawCity from November 15 through December 20, 2022. Note that at the time of the preparation of this summary, the project site is inactive, and materials have been archived at www.odot.org/publicmeetings. The virtual public open house included an introduction to the project and the following pages:

- Project Presentation (in PDF format with written script and MP4 video formats with audio)
 - Copy of the presentation given at the in-person public meeting (see below)
- Stakeholder Meeting
 - Meeting minutes from the Stakeholder Meeting held 8/8/2022.
- Interactive Maps
 - ArcGIS on-line maps of Alternatives 1 and 2 (including Alternative A on the east end) with an option to leave comments on the maps.
- Right-of-Way Information
 - ODOT's property owner rights and relocation brochures
- Frequent Questions
 - Common questions and answers about the project
- Submit a Comment
 - On-line comment form and PDF comment form with instructions

The in-person public meeting was held on December 6, 2022, at 6:00 PM at the Kaw City Community Building at 701 E. Morgan, Kaw City, OK. Eighty-four (84) people signed in for the meeting, including Kaw City Mayor Karla Hunsaker, representatives from the Kaw Nation, U.S. Army Corps of Engineers, Kay County Sheriff's Office, Northern Oklahoma Development Authority, ODOT, Garver, area businesses, and members of the public.

Matt Mitchell, ODOT District 4 Construction Engineer, opened the meeting and welcomed the attendees. Mr. Mitchell briefly described the project. Garver then gave a presentation about the project, followed by an open question and answer period facilitated by Mr. Mitchell. The presentation covered:



- Purpose of the Meeting
- Stakeholder Meeting
- Purpose of the Project
- Existing Conditions
- Development of Alternatives
- Comparison of Alternatives
- Next Steps
- How to Submit Comments

ODOT and Garver staff were available both before and after the formal presentation for one-on-one and small group discussions with the public. Display boards showing the proposed design were available for public viewing in two locations. A handout including a description of the project, the purpose of the study, the proposed alternatives, and the alternatives impact matrix was provided. The public and agency comment period was open until December 20, 2022.

3.4 Questions/Comments Received at Meeting

Comments and questions from the meeting covered several topics, listed below. Responses provided by ODOT at the meeting, if applicable, are listed in italics.

- Will turn lanes and acceleration and deceleration lanes be provided?
 - *These will be considered at intersections as the project progresses. These are typically not provided at driveways.*
- What about maintenance prior to project (programmed for 2028)?
 - *ODOT will continue to perform routine maintenance until the project is constructed. If there is a specific issue, please reach out to District 4.*
- The website was informative and useful.
 - *Thank you for your comment.*
- Concerns about property impacts
 - *Impacts to properties shown are conservative. As the design progresses these impacts are expected to be reduced.*
- Concerns about impacts to Travel Center (convenience store)
 - *Alternative A will not impact the Travel Center. Access to the Travel Center would be moved north to the new highway.*
- Concerns about raising the speed limit. Did you consider 45 mph?
 - *Roadway will be designed for 65 mph in the west portion for corridor consistency. Speed will be reduced approaching Kaw City. Posted speed can be evaluated, but roadway will be designed to safely accommodate higher speeds.*
- What will happen to the horse statue? It belongs to Kaw Nation. It is designed to be viewed from below.
 - *If the statue will be affected, ODOT will work with the Kaw Nation and the property owner to relocate it.*
- Who were the stakeholders that participated in the Stakeholder Meeting? Why weren't property owners invited?
 - *ODOT consulted with the Kaw Nation, as well as City of Kaw City, the US Army Corps of Engineers, and Kay County, on August 8, 2022, at a stakeholder meeting. These*



stakeholders represented governments and agencies with a particular interest in the project. The purpose of the meeting was to allow governments and land-managing Federal agencies the opportunity to discuss the effects that the proposed alternatives may have on properties that they oversee. As governments and land-managing agencies, their participation and input is important to the outcome of the project, and the effect of the proposed undertaking on their properties must be evaluated.

- The Stakeholder Meeting was just a different format meeting to obtain input from entities with jurisdiction or approval authority over the project. The public are also stakeholders and the input received at the public meeting will be equally considered.
- Why was Alternative B eliminated? Kaw Nation property is not trust land nor is it more important than private property. Would like to see Alternative B reconsidered.
 - The land in question is owned by the Kaw Nation as fee simple and is not currently held in trust by the US government. However, as a Federally recognized Tribal Nation, the Federal Highway Administration (FHWA), and subsequently ODOT, must consult with the Kaw Nation on a government-to-government basis in respect of their inherent tribal sovereignty. This obligation is specified in treaties, Federal regulations, Executive Orders, and Presidential Memoranda, and is affirmed by Supreme Court decisions.
 - While particular consideration is given to governments, including Federally recognized Tribal Nations, and land-managing agencies, we must also consider the effect of any proposed alternative on a given property. Alternative B effectively quarters the parcel under discussion, breaking a single contiguous parcel into four parcels. This would adversely affect the current and proposed uses of the property, including agricultural activities and economic endeavors currently under development by the Kaw Nation.
 - All input on the effects of the proposed project is appreciated and will be considered. The Kaw Nation was not given the option of stopping any proposed alignment, only the opportunity to specify their preference and offer their input. While that input weighs heavily against Alternative B, it does not fully eliminate it from consideration, which is why Alternative B was still mentioned at the public meeting on December 6, 2022.
- Would like to keep the roadway as is – it is scenic, and the curves prevent people from going too fast
 - This portion of SH-11 has a significant collision history which is related to the curves on the roadway. ODOT's purpose is to improve the safety of the roadway. Improvements would also be consistent with other projects on SH-11.
- How is the project funded?
 - There are two separate projects programmed in ODOT's 8-Year Construction Work Plan. There is a right-of-way and utilities project programmed in 2025 (which is when right-of-way acquisition and utility relocation is anticipated to begin), and a construction project programmed in 2028. Funding for the two projects is separate.
- What will the roadway slope be?
 - The cross slope of the road will be normally crowned at 2% and will be banked at a maximum of 6% through some of the new highway curves. Beyond the shoulder pavement, the grading will be sloped at a 1V:6H for approximately 30-ft, and then will



break at either 1V:4H or 1V:3H based on the total vertical distance needed to tie back into the existing ground.

- How long will construction last?
 - *It's difficult to say with certainty this early in the process, but ODOT anticipates between 1-1/2 and 2 years.*

3.5 Summary of Written Comments

Four (4) written comments from agencies and local governments, and twenty-seven (27) written comments from members of the public were received both during and after the public meeting. ODOT responses to the comments are shown in italics after each comment.

3.5.1 Agency Comments

The **Kaw Nation** provided comments on 8/22/2022 in response to the alternatives presented at the Stakeholder Meeting. Additional comments were received on 12/20/2022 after the public meeting. The Kaw Nation restated their previous comments that the project is needed from a safety perspective, the Kaw Nation prefers Alternative 1 on the west side to minimize environmental impacts and prefers Alternative A on the east side to minimize impacts to Kaw Nation property. In addition, the Kaw Nation discussed the economic impact of the tribe's activities in Kaw City and the impact of Alternative B on the Southwind Travel Center, the impact that Alternative B would have on Kaw Nation citizens, and the disproportionate taking of land that has historically affected the Kaw Nation. *Response: Thank you for your comments. ODOT recognizes the status of the Kaw Nation as a Federally-recognized Tribal Nation, and respects their inherent tribal sovereignty. The Kaw Nation's preference of Alternative A will be considered along with other public and stakeholder input in the selection of a preferred alternative for the project.*

The **Oklahoma Department of Tourism and Recreation, State Parks** did not identify any parks funded with Land and Water Conservation Funds in the study area. Public parks should be addressed with the Section 4(f) process *Response: Thank you for your comment. There are no known parks in the study area subject to protection under Section 4(f).*

The **Oklahoma Aeronautics Commission (OAC)** reviewed the project and noted that it does not appear to pose a hazard to the safe and efficient use of navigable air space. The OAC recommends that ODOT use the Federal Aviation Administration (FAA) notice criteria tool to determine if a 7460-1 form needs to be filed with FAA. *Response: Once a construction project is defined, ODOT will determine the need for the 7460-1 form and file with the FAA if required.*

The **Oklahoma Conservation Commission (OCC)** reviewed soils and wetlands within the project area. Intermittent streams were identified. OCC requests that construction practices minimize erosion and runoff, and that adequate drainage and streambed gradients be maintained. No preference for alternative was stated. *Response: Thank you for your comment. Construction will be required to comply with provisions of the OKR10 stormwater construction permit issued by Oklahoma Department of Environmental Quality.*

3.5.2 Public Comments

Thirty (30) written comment forms/letters from the public were received, including comments on the interactive maps on the virtual open house website. Most letters included more than one comment. Comments from the public are summarized in Table 1 and in the paragraphs below.

Table 1: Public Comment Summary

Comments in Support of Alternative B/Concerns about Kaw Nation preference	13
Alt B was not shown, and people felt the Kaw Nation was given preferential treatment	
Alt A impacts multiple residents and businesses along Eagle Rd.	
The Kaw Nation land is not sovereign/tribal trust land	
Comments Regarding Maintaining the Scenic Beauty and Natural Landscape	8
Heavy machinery will impact wildlife	
Natural habitat will be affected	
Wet season springs/seeps are located on both sides of Eagle Dr.	
The area is scenic, would like it to stay that way	
Keep the Indian/horse on the hill, it's loved by the community	
Comments Regarding Speed Reduction	7
Does not want higher speed limits, will lead to more accidents	
Speeds should be lower than 55 mph	
Consider leaving SH-11 in place for east portion, improve with a lesser speed	
Keep speed limit at 45 within city limits (East of Acker Hill Rd.)	
Would like speed reduced from 65 to 55 starting at houses west of Hidden Cove Rd.	
Reduce speed to 35 at Kaw City limits	
Comments in Support of Alternative 2	6
Alt 1 is too disruptive east of Rocky Ridge Rd.	
Alt 2 provides clearer line of sight	
Sensible and addresses the problems	
Comments in Support of Keeping SH-11 on the Existing Alignment	4
Would like minor improvements made to the highway and keep it where it is	
The drive is considered scenic and residents like the beauty	
The curves naturally reduce the speed of drivers	
Comments in Support of Alternative 1	4
Alt 1 would preserve land and be less disruptive	
Alt 1 includes limited entrances; Alt 2 includes multiple driveways	
Comments in Support of Alternative A	3
Good design for large vehicles	



Summary of General Comments	24
Continue Alternative A down Eagle Drive, then to Grandview	
Turn lanes, stop lights, and passing zones should be considered	
The project is needed for safety	
Considerations regarding property impacts, family history, and historical aspects	
Considerations regarding property access, businesses, fencing	
Concern about the horse statue on the hill	
Cost concerns	
Considerations regarding noise	
Detour length was misleading	
Summary of Questions	20
What will happen to the old highway corridor and who maintain control?	
When and how will property owners be notified of the final decisions regarding the project?	
Questions about collision data – source, contributing factors, numbers of vehicles, etc.	
Where will the speed limit changes of 65/55/45 be posted along the new corridor of SH-11?	
How will city and co-op utilities be managed during the construction activities?	
Have state and local law enforcement agencies been asked to participate?	
Have the posted speed limits ever been changed prior to or during the study?	
Will one-lane stop lights be used?	

The most frequent comment received was related to Alternative B and a desire to have the design reconsidered. Commenters generally felt the Kaw Tribe was given special consideration compared to other landowners. Several comments regarding Alternative B also expressed various concerns for residents and businesses along Eagle Drive. Another topic that received multiple comments was the desire to reduce speeds entering Kaw City limits, particularly starting near the houses to the west of Acker Hill Dr. The scenic beauty of the area/current alignment was also mentioned prominently. Commenters noted that they enjoyed the beauty of the area as it is today, and many wanted to keep it that way. Comments regarding the natural beauty included disturbance to wildlife, springs/seeps, and the natural landscape. Questions focused on two main topics. The first was questioning the data that was presented regarding the number of accidents. Many questions were about the source of the data and other items including if single/multiple vehicles were involved and if various contributing factors were looked at. The second topic dealt with what will become of the old highway once construction is complete.

3.5.3 Responses to Public Comments

This section includes ODOT's responses to the questions and comments received. Italics indicate ODOT's response.

Comments in support of Alternative B and concerns about Kaw Nation input: *ODOT consulted with the Kaw Nation, as well as other stakeholders (City of Kaw City, US Army Corps of Engineers, and Kay County) on August 8, 2022, at a stakeholder meeting. These stakeholders represent governments and agencies with specific jurisdiction or authority over land and resources in the project area. The purpose of*



the meeting was to allow governments and land-managing Federal agencies the opportunity to discuss the effects that the proposed alternatives may have on properties that they oversee. As governments and land-managing agencies, their participation and input and the effect of the proposed undertaking on their properties must be evaluated.

The Kaw Nation land affected by Alternative B is owned by the Kaw Nation as fee simple and is not currently held in trust by the US government. However, as a Federally-recognized Tribal Nation, FHWA, and subsequently ODOT, must consult with the Kaw Nation on a government-to-government basis in respect of their inherent tribal sovereignty. This obligation is specified in treaties, Federal regulations, Executive Orders, Presidential Memoranda, and is affirmed by Supreme Court decisions.

While particular consideration is given to governments, including Federally recognized Tribal Nations, and land-managing agencies, we must also consider the effect of any proposed alternative on private property. Individual owners were provided the opportunity to comment on these impacts at the public meeting held December 6, 2022, as well as on-line between November 15 and December 20, 2022. All input on the effects of the proposed project is appreciated and will be considered. The Kaw Nation was not given the option of stopping any proposed alignment, only the opportunity to specify their preference and offer their input. While that input weighs against Alternative B, the public's concerns about Alternative A were heard at the public meeting. All input received will factor into ODOT's decisions about this corridor.

Comments on scenic beauty and leaving the highway where it is: ODOT has many roads throughout the state that pass through scenic areas, so concerns about the beauty of the area and the natural buffer of the curves will be a priority. Due to the terrain, the new highway will require some large cuts and fills that will affect adjacent property and cause a visual change in the area. These impacts will be minimized as much as possible based on additional geotechnical (soil and rock) investigations but are a result of the need to improve the safety of the highway. ODOT is open to discussing possible aesthetic treatments that could enhance the visual appearance of the new highway.

As discussed in the presentation, ODOT began by investigating whether the deficient curves and lack of shoulders on the existing highway could be corrected on the existing alignment. That analysis showed that in order to widen the highway and correct the curves, the majority of the existing highway would have to be rebuilt, so the decision was made to reconstruct the entire segment. ODOT also considered reconstructing the highway using as much of the existing alignment as possible. However, this would require closing the highway during construction, resulting in a 56-mile detour. This detour was not considered feasible for the traveling public, so ODOT moved forward with alternatives on a new alignment so that traffic could continue to use the existing highway during construction.

Comments on speed reduction: The proposed design speed of the new SH-11 highway (65 mph west of Acker Hill Road and 55 mph east of Acker Hill Road) were chosen to match improvements planned for the entire SH-11 corridor. As a state highway, SH-11 is expected to carry more traffic at higher speeds than local city streets. While many local residents use the highway to access homes and businesses in the area, the highway is also used by trucks carrying goods and vehicles making longer distance trips. Design speeds for both 55 mph and 65 mph were investigated during the study. Impacts of the two design speed options were very similar.



Virtual Public Open House: 11/15/2022 through 12/20/2022
In-Person Public Meeting: 12/06/2022

Preference for Alternative 1, 2, or A: *Your preference is noted, thank you.*

Requests for turn lanes, passing zones, etc.: *ODOT will evaluate the need for turn lanes at intersections as the design moves forward. Typically turn lanes are not provided for individual driveways due to their high cost. It is not anticipated that a passing zone would be needed in the approximately 3.5-mile length of the project. West of this project the roadway is considerably straighter and flatter, offering more passing opportunity.*

Project is Needed: *Thank you for your comment.*

Property Concerns (acquisition, access, family history, fences, driveways, etc.): *ODOT's Right of Way agents will notify and meet with all affected property owners. Issues such as fences and driveways will be negotiated on a case-by-case basis. Generally, if the project will affect an existing fence or other asset, the owner will be compensated. Driveways are typically replaced with like materials within the new right-of-way. Impacts to private property will be minimized as much as possible.*

Concerns about cost: *ODOT maintains an 8-Year Construction Work Plan ([ODOT Construction Projects](#)) to assist with the planning and programming of projects across the state. The SH-11 project has been included in this Plan because of the need to improve safety along this highway. Costs are scrutinized closely and are modified and refined as the design moves forward. The current cost estimates contain a 20% contingency due to the early stage of this project.*

Concerns about noise: *ODOT will complete a detailed noise study of the preferred alignment when more detailed design is available. This study will follow FHWA regulations and ODOT policy. If that study finds that noise walls are feasible and reasonable (as defined in the policy), they will be included in the project.*

Questions about detour length: *The 56-mile detour presented at the meeting was measured from one end of the project to the other, using the shortest distance on state or federal highways. Local roads are typically not included in ODOT detours. The distance is used for evaluating potential road closures along the necessary detour route. Not all traffic would require traveling the full detour route to reach their destinations.*

What will happen to the old highway?: *The portions of SH-11 required to maintain access to properties will be transferred to Kay County for future maintenance. The portions not required for property access will be removed.*

How will property owners be notified of the final decision?: *ODOT is still weighing the pros and cons of the various alternatives under consideration. This summary will be posted prior to that decision in order to provide a response to the questions and comments received. After ODOT identifies the preferred alternative, letters will be mailed to all property owners, public meeting attendees, and individuals that submitted comments, assuming a mailing address was provided. The decision will also be posted to the ODOT website at www.odot.org/publicmeetings under the SH-11 Kaw City project.*





Virtual Public Open House: 11/15/2022 through 12/20/2022
In-Person Public Meeting: 12/06/2022

Questions about collision data: *ODOT maintains collision data for its statewide network. The data is compiled based on reports received from Oklahoma Highway Patrol and local law enforcement. Depending on the data documented by the responding agency, ODOT's data includes things such as collision severity, number of individuals and vehicles involved, and contributing factors. ODOT only compiles and reports on the data, it does not generate it. A detailed breakdown of the collision data is provided on the next page.*

Where will the speed limit changes be posted? Have these speed limits changed in the past or during the study?: *In general, the speed transition from 65 mph to 55 mph and vice versa is anticipated in the vicinity of Acker Hill Road. The exact sign location will be determined during final design of the project.*

How will utilities be managed during the project? *If there are existing utilities within the proposed construction limits of the project, they will be moved prior to roadway construction starting. There should be no impacts to utility services during construction.*

Have law enforcement agencies been invited to participate? *Yes, the Oklahoma Highway Patrol, Kay County Sheriff's Office, and Kaw City Police were all informed of the project and invited to the public meetings.*

Will a temporary one-lane traffic signal be used? *As designed, the project will not require any single lane, temporary signal forms of traffic control. However, it is up to the contractor to determine the final traffic control plan. ODOT will review the contractor's proposed changes to the traffic control plan prior to implementation.*

