

SECTION 2D – 13 - CONDUCTING THE PUBLIC HEARING

THE PRE-HEARING MEETING

Prior to the scheduled hearing, it may be desirable to hold an open forum meeting. This meeting will permit the public to review and discuss with Department and Municipal (or other) engineers and officials, particular points of concern to them and to become generally familiar with the project to be presented. Mosaics, typical sections and other displays to be presented at the public hearing should be available at this meeting, along with unapproved detailed plans. A properly conducted pre-hearing meeting may eliminate a great number of questions which would otherwise be asked at the formal hearing and will convey a sense of mutual concern between the Department and the public.

As many public hearings are held at night, a period of approximately two hours prior to the formal hearing should normally be provided for this discussion prior to the formal hearing.

If sufficient interest is anticipated, consideration should be given to holding the pre-hearing meeting on the night preceding the hearing; or, if the projects are controversial or of great magnitude, consideration should be given to holding one or more meetings approximately a week in advance of the formal hearing.

PROCEDURE FOR THE PUBLIC HEARING

The District Administrator, or a designated representative, moderates all public hearings except in rare circumstances when the Chief Engineer determines otherwise.

At the appropriate time, the engineering commentary (as described in Section 2D-7-**PREPARATION OF ENGINEERING COMMENTARY***) is presented. This presentation is made by a representative of the Location and Design Division, District Administrator's office or the Local Assistance Division (on applicable projects). It is desirable to have the project designer, project manager, or a representative, assist in this presentation.

At the conclusion of the presentation, those present are afforded an opportunity to provide comments. Department representatives with expertise in the fields of right of way, environmental quality, etc. should be present and may be called upon by the moderator to answer general questions which may arise. Department representatives should remain as long as necessary at the conclusion of the hearing to discuss individual problems and questions relative to the project.

* Rev. 7/06

The moderator is to advise those attending the hearing that ten calendar days will be allowed from the date of the hearing for the submission of written statements to the Department for inclusion in the public hearing record. It is the District Administrator's responsibility to transcribe the proceedings and post the transcript on **IPM (Integrated Project Management)***, along with his/her comments and recommendations, to the State Location and Design Engineer.

When the public hearing package (design or location and design) is ready for submission to the Chief Engineer for approval of the public hearing, Form [LD-441](#) must be completed and distributed to the Right of Way and Utilities Division and/or the Environmental Division as appropriate. This should occur approximately 45 to 60 days ahead of the Right of Way submission date. This form will initiate the Right of Way Quality Control and/or the Environmental Re-evaluation process. The **Project Manager** will be notified by email upon completion of the review. Upon receipt of the email, the Location and Design Project Manager will finalize the plans for Right of Way submittal.

* Rev. 1/07

SECTION 2D – 14 - RESOLUTION OF PUBLIC HEARING QUESTIONS

REVIEW OF PUBLIC HEARING TRANSCRIPT AND POST-HEARING CORRESPONDENCE

When the transcript of the public hearing is received, it is first reviewed by the [Public Involvement Section](#) for their determination of areas of concern which may require further investigation. It is then forwarded to the appropriate Assistant [State](#) Location and Design Engineer, the Environmental Engineer, the Local Assistance Director for review, comments and recommendations. The FHWA is furnished a copy of the transcript for informational purposes on all Federal-Aid projects. Appropriate members of the Commonwealth Transportation Board are furnished copies of the transcript on all projects.

STUDY OF ALTERNATE SOLUTIONS

Any item of concern requiring further investigation is to be studied by the designer or project manager and discussed with the localities (if appropriate) for possible solutions. All feasible solutions are to be explored, taking into consideration engineering judgment, economics, standard policies, etc.

RECOMMENDING A SOLUTION

Upon reaching a conclusion as to the most feasible solution to an area of concern, the designer or project manager will furnish his/her recommendation to the appropriate Assistant [State](#)* Location and Design Engineer, Urban Engineer or Secondary Roads Engineer for a decision. If further public involvement programs are necessary, the Public Involvement Section is to be contacted for assistance.

PROCESSING DATA TO PUBLIC INVOLVEMENT SECTION

When all areas of concern requiring further investigation have been explored, the designer or project manager will prepare a report for the signature of the State Location and Design Engineer to the Public Involvement Section (with a copy to the Environmental Division) outlining the proposed resolution of the questions. Secondary and Urban Projects are the responsibility of the Local Assistance Division.

* Rev. 7/06

SECTION 2D-15 PROJECT APPROVAL

DESIGN* APPROVAL

On projects where Federal Funds are used to purchase ROW, when the Public Hearing package (Design or Combined Location and Design) is ready for submission to the Chief Engineer for approval, the [LD-441](#) Form must be completed and distributed by the L&D Project Manager to the District Right of Way Manager. This should occur approximately 45 to 60 days prior to the Right of Way submission date. This Form initiates the Right of Way Re-evaluation process for Right of Way Authorization. The L&D Project Manager will be notified by the District Right of Way Manager with an email that includes the RW-300 and 301 upon completion of the review. Upon receipt of this email, the L&D Project Manager will make any necessary modifications, and finalize the plans for Right of Way authorization and notify the District Environmental Manager with the [LD-441](#) Form that the plans are available for the Environmental Re-evaluation. Once the Environmental Re-evaluation has been completed the Right of Way Re-evaluation for Right of Way authorization process is complete. See Right of Way Re-evaluation Flow Chart: <http://www.virginiadot.org/business/resources/RWReevaluationFlowChart.pdf> .

DISTRIBUTION OF PRINTS

Distribution of prints is to be made in accordance with [IIM LD-68](#) and the procedure to inform everyone where the plans are located in Falcon.

* Rev. 7/06

FINAL ENVIRONMENTAL DOCUMENT

On Federal-Aid projects, the final environmental document must be completed before [location and/or design approval is granted by the FHWA](#). If the document was approved at the [Location Public Hearing stage](#), environmental requirements will have been satisfied (except as noted below in FHWA Approval) and no further action need be taken on the environmental document. If a Combined Location and Design Public Hearing was held, the Public Involvement Section will advise the Environmental Engineer of the Board Action and request that the final environmental document be completed. The designer is to furnish the Environmental Division with updated plans that reflect all modifications resulting from the public hearing process for their use in completing the environmental document.

FHWA APPROVAL

Approval of the Final Environmental Document is the FHWA's concurrence with the project. If this was done at the [Location Public Hearing stage](#) for a Certification Acceptance Project, and following [adoption of the major design features](#), the project may now be advanced to the Right of Way Acquisition Stage.

An update of the environmental document is required if significant changes in the project have taken place.

If a Combined Location and Design Hearing was held, the Public Involvement Section will forward the hearing transcript and report (as noted in Section 2D-13- Processing Data to Public Involvement Section) to the FHWA for their review prior to approving the Final Environmental Document. Following [approval](#) of the Final Environmental Document by the FHWA, the public is notified and the project may be advanced to the Right of Way Acquisition Stage.

REQUEST FOR APPROVAL OF MAJOR DESIGN FEATURES (FOR NON-CERTIFICATION ACCEPTANCE PROJECTS WHERE ENVIRONMENTAL DOCUMENT WAS APPROVED AT LOCATION PUBLIC HEARING STAGE)

Following [approval](#), the updated Final Environmental Document (if updating is necessary) is forwarded by the Environmental Division to the FHWA.

Public Hearing Certification, the study report and report (as noted in Section 2D-13- Processing Data to Public Involvement Section) are forwarded to the FHWA along with the request for approval of major design features. The public is notified through the office of Public Affairs of the Department's request for approval and is also notified of the FHWA's response to the request*.

* Rev 7/06

Following approval of the major design features by FHWA, the project may be advanced to the Right of Way Acquisition Stage.

FINAL SCOPING CERTIFICATION

Prior to the plans being signed for right of way (or construction when no right of way is needed), the **Project Manager*** fills out a certification form stating the project is within original scope or documentation as to deviations.

The State Location and Design Engineer will use Form [LD-404](#) for this purpose.

* Rev. 1/07