

CHAPTER 2 - PUBLIC HEARINGS

2.1 - HEARING REQUIREMENTS

A separate Location Public Hearing, a Design Public Hearing, a Combined Location and Design Public Hearing, or a Notice of Willingness for those hearings, are provided in accordance with **DPM 1-11**.

If the system is interstate, primary, urban or secondary and the:

Roadway corridor is predominantly or completely on new location requires a location public hearing followed by a design public hearing.

Projects on the existing roadway corridor but that have a significant social, economic or environmental impact require a design public hearing.

Projects with the majority of the proposed work within the existing corridor but with work on new location require a combined location and design public hearing.

Projects within the existing highway corridor where insignificant public interest and/or environmental impacts are anticipated require a combined location and design public hearing or a posting of willingness to hold a combined location and design public hearing.

On **Federal-aid projects**, one or more public hearings, or the willingness to hold a public hearing, are part of all [Class I](#) actions, almost all [Class III](#) actions, and most [Class II](#) actions.

If a substantial amount of time (three years or more) passes before project moves to the next major mile stone, the Environmental Manager must [re-evaluate](#) the adequacy of the previously prepared document and the project.

If determined by FHWA (Federal-aid projects) or the State Location and Design Engineer to be in the public interest, a new hearing is held or willingness provided to consider supplemental information relative to proposals presented at previous hearings or new alternatives to previous proposals. If a Location Hearing was held, a new Location Hearing may be combined with a Design Hearing whether or not a Design Hearing has been previously held. The result of a new hearing is considered, and a new location and/or design approval is processed.

For **State funded projects**, if a substantial amount of time (three years or more) passes before the next major mile stone in the project development process has begun, a Public Meeting may be held to provide the public with updated information about the location and/or design of the project. If there are significant changes in the impacts or environmental conditions of the project, the hearing requirements must be fulfilled again.

2.2 - PUBLIC HEARING PROCEDURES

To insure compliance with state and federal regulations, Reference 23 USC 128, 23 CFR Part 771, 40 CFR Parts 1500-1508, 33.1-18 and maintain uniformity in the handling of public hearings, the following steps have been established.

To begin the Willingness/Public Hearing process the Project Manager will prepare the request package which will be submitted to the district public affairs officer for processing. The submission package should include the request form **PM-120** (which will reflect project information consistent with iPM, PCES, the project plans, the environmental document description, and the approved project scope), a project narrative for use in the advertisement project description section, a project area location map. If a hearing is being requested the information required for the development of the public hearing brochure should be included.

Based on the information provided by the PM the District Public Affairs officer (DPA) will prepare the appropriate advertisement notice.

For a Public Hearing the advertisement will contain the following information:

- Date, time, and place of meeting and informal plan review (if appropriate).
- Description of project proposal.
- Statement that tentative schedules will be discussed.
- Statement that right-of-way relocation assistance information will be available.
- Statement of opportunity for public comment period at meeting.
- Statement of availability of project information 30 days prior to the hearing and the availability of the environmental documentation (time frame based on class of document) the environmental information is to include 106 and Agricultural Forrestral District statements if applicable.
- Procedure for submitting oral and written statements.
- Non-Discrimination notification and the procedure for individuals requiring special assistance to participate in the meeting.
- State and Federal project identification information.

For a notice of Willingness to hold a Public Hearing the advertisement will contain the following information:

- Description of project proposal.
- Statement of availability of project information and environmental information is to include 106 and Agricultural Forrestral District statements if applicable is available for review and where.
- Procedure for requesting a hearing be held.
- Non-Discrimination notification and the procedure for individuals requiring special assistance to participate in the meeting.
- State and Federal project identification information.

If a request for public hearing is received the process starts over for the posting of a public hearing notice.

The DPA will publish the notice for:

- **Public Hearing** at least twice in newspapers having general circulation in the vicinity of the project. It is suggested the notice also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority-based newspapers. The first notice should **appear 30 days prior to the hearing with the second notice appearing from 5 to 12 days before the hearing.**
- **Notice of willingness to hold a Public Hearing** at least twice in newspapers having general circulation in the vicinity of the project. It is suggested the notice also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority-based newspapers. The first notice should appear 15 days prior to the expiration date contained in the notice with the second notice appearing 5-7 days before the expiration date.

Care should be taken to identify low-income or minority populations located in the project study area, and an extra effort should be made to ensure that these populations are informed of and have access to public involvement opportunities.

Upon receipt the approved notice of advertisement from the DPA the Project Manager will provide copies of the advertisement and the area project location map for all public meetings or opportunities for public meetings to the:

- Clerk of the Court for the local government for posting on their public notice board;

- District and central office: right of way, environmental, and civil rights managers, public affairs officers, and the residency administrator, the district administrator, the Assistant Location and Design Engineer;
- Federal Highway Administration's Project Manager (if federally funded); For Location and Design project hearings and Design Project hearings, the Project Manager will notify the adjacent property owners by direct mailing of the public notice and project location map of the public meeting a minimum of 20 days prior to the meeting.

The central office Public Affairs Manager or designee will maintain a statewide listing of all public hearings or opportunities for public hearing on the public events calendar. The central office Public Affairs Manager or designee will publish a listing of all public meetings or opportunities for public meetings monthly to be provided to:

- Members of the General Assembly;
- Transportation Planning District Managers;
- News media, other state agencies, federal agencies, local public officials, and any other interested groups or individuals who, by nature of their function, interest, or responsibility, may be interested in or affected by the proposal.

The Residency Administrator or designee will provide notice of all public meetings or opportunities for public meetings to:

- Members of the Board of Supervisors of the county affected and/or to all members of the City or Town Council; to the County Administrator; City Manager; Mayor and other officials directly concerned.
- President of the Local Chamber of Commerce;
- Heads of Local Civic and Citizen Associations;
- Superintendent of Local Schools;
- President of Local Parent Teacher Associations, and other officials as deemed appropriate.
- Post signs on the terminus of the project notifying the public of the proposed project in accordance with Traffic Engineering Divisions, IIM, TE-303.
- For Location and Design project hearings and Design Project hearings, the Project Manager will notify the adjacent property owners by direct mailing of the public notice and project location map of the public meeting a minimum of 20 days prior to the meeting.

2.3 - DATA REQUIRED FOR A PUBLIC HEARING

The formal or open forum public hearing provides VDOT an opportunity to advise and educate the citizens relative to the scope of the project. The following items should be prepared with care and in a manner easily understood by the general public.

2.3.1 - Aerial Mosaic

An aerial mosaic of photos, preferably less than one year old, may be prepared and the proposed design shown at a convenient scale. Care should be taken to depict the corridor or design in colors and patterns, which will contrast best with the mosaic's background. The number of mosaics needed should be determined by the anticipated attendance.

2.3.2 - Shaded Alternatives or Plans

Prints of the alternatives shaded and exhibited in either a continuous roll and in sets of plan sheets are necessary for locating individual properties. A list of property owners and the sheet location of their property should also be available. This list should be in alphabetical order. The number of prints required should be determined by the anticipated attendance.

2.3.3 – Renderings - Photographs with existing and proposed development

One of the most effective ways to convey the effects of the proposal is through the use of renderings (before and after photographs of the project) on which the proposed alternative or design is shown. Excellent results can be obtained creating a three-dimensional effect that shows the proposal in its current setting. These services are available through the Location and Design Division.

2.3.4 - Traffic Display

On large projects, a display showing traffic volumes (current and future), density, and level of service should be shown. These displays are prepared and provided by the Transportation Planning Division as deemed appropriate by the State Transportation Planning Engineer.

2.3.5 – Environmental Documents

Environmental documents must be available at the public hearing in sufficient quantities for viewing by the public. These displays are prepared and provided by the Environmental Division as deemed appropriate by the State Environmental Engineer.

2.3.6 - Public Hearing Handout

The public hearing handout will be provided by the District Public Affairs Officer.

2.3.7 - Miscellaneous

Sufficient copies of the current Right of Way and Utilities booklet should be made available. Any current information deemed suitable for distribution, such as state maps and other pamphlets concerning VDOT programs, should also be available.

2.4 - CONDUCT OF PUBLIC HEARING

Meetings, whether one-on-one, in small groups or in public events are the dominant method used to engage communities/citizens in discussions about the issues they face with the proposed project.

Public hearings vary in size and content, but their purpose remains consistent - to present the proposal and to receive the citizens' comments. Listed below are general regulations that pertain to public hearings. Additional guidance is found in Appendix A-2.

Public hearings are held at a time and place convenient for persons affected by the proposal. The procedures used may differ according to the project, area, and the number of persons expected to attend.

Provisions are made to accept written statements and other exhibits in place of, or in addition to, oral statements made for the record, within 10 calendar days after the hearing. A statement concerning the 10-day time limit for submission of such data and the appropriate address to which it should be sent must be provided.

At a Location Hearing, information on any location alternatives studied should be available. At a Design Hearing, information on any design alternatives studied should be available, with an extensive project history.

On a Federal-aid project, VDOT brochure contains information relevant to federal participation in funding and decision-making.

VDOT explains right of way acquisition procedures, the relocation assistance program, when appropriate, and announces the availability of a right of way and utilities booklet explaining that process.

VDOT explains that at any time after the hearing and before the location and/or design approval, all available information relating to the proposal is made available, upon request, for public inspection, copying, and purchase (including the transcript described in Section 3.06 when it becomes available).

2.5 – TRADITIONAL PUBLIC HEARING with an INFORMAL PLAN REVIEW

A traditional hearing may be held if deemed appropriate by the designer or if a written request is received from the governing body of the county, city or town in which the route is proposed to be located or upon the written request of twenty-five citizens. The written request must be received within fourteen days following the first published notice of the hearing. If a traditional hearing is deemed appropriate, the information about the project is provided in a verbal format and in a visual format. A meeting room is set up to provide for the gathering of a full group meeting to provide and gather verbal information. It is desirable to have an informal plan review prior to the scheduled public hearing. These reviews should ideally be held immediately prior to the hearing and at hours convenient to the citizenry. This part of the process provides project information in a visual format and allows citizens to make written comments and suggestions on the proposed project.

The same data that is required for the informal plan review before the traditional public hearing as is required for the open forum public hearing and should be available for this meeting. This is shown in Section 3.02. The date, time and place for this informal plan review should be included in the public hearing notice. Staffing should consist of sufficient personnel from the various disciplines to adequately answer the citizens' questions.

2.6 – OPEN FORUM PUBLIC HEARING

An open forum public hearing (open house) encourages one-on-one discussions in an informal setting. This style of meeting has an easy, open and encouraging effect on citizens and can be very helpful in building a sense of consensus between the Department and citizens.

At the meeting, people familiar with all facets and features of the project visually display their information. The purpose of the open forum may be to suggest solutions or may simply be to give information and facts. The process is highly interactive with technical people presenting and fielding questions from communities, individual citizens, or small groups.

NEED TO INSERT THE FOLLOWING CHARTS:

- PH REQUEST PROCESS
- NOTICE OF WILLINGNESS REQUEST PROCESS
- CIM REQUEST PROCESS