

## SECTION 3.00 - PUBLIC HEARINGS

### SEC. 3.01 - HEARING REQUIREMENTS (revised 03/19/04)

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 when their need is determined in accordance with DPM 1-11 (Appendix L-6) or deemed appropriate by the Project Designer with approval of the State Location and Design Engineer. This determination is made after review with appropriate VDOT divisions, local and state government entities, and federal agencies taking into account the general complexity of the project and anticipated public interest.

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.



*Provide accurate unbiased information...*  
*Listen to the voice of the community ...*  
*Consider the information received in future decisions about the project...*

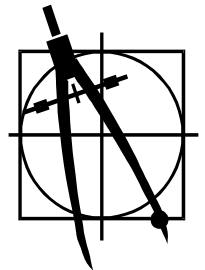
**Notice Of Willingness To Hold Hearing** (revised 3/19/04)

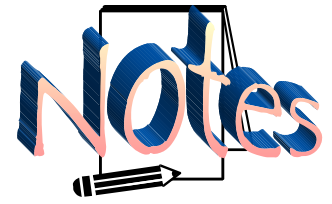
The publication of a notice of willingness to hold a Location, Design, or Combined Location and Design, public hearing will satisfy any public hearing requirement. This determination should be made using the guidelines provided in DPM-1-11 (Appendix L-6) that a Public Hearing is not beneficial to the public.

On Federal-aid projects, one or more public hearings, or the willingness for hearing(s), are part of all Class I actions, almost all Class III actions, and most Class II actions. Class I actions normally involve the two-hearing process but may be handled with one combined hearing (or willingness) if the project is not controversial, or as determined by the State Location and Design Engineer and the Federal Highway Division Administrator. Hearings or the willingness for hearings for Class II and III actions are provided when the conditions in the preceding paragraphs of section 3.01 are met or when the State Location and Design Engineer or the FHWA's Division Administrator determines it to be in the public interest.

If a substantial amount of time (three years or more) passes before the appropriate location, design, or location and design approval is obtained, the Environmental Manager must review the adequacy of the previously prepared document and a review of the project is made. If there are significant changes in the population of the area, the land use regulations or impacts to environmental conditions of the project, the hearing requirements shall be fulfilled again.

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 step (acquisition of right of way) in the project development process has begun, a Public Meeting may be held to provide the public with updated information about location, design, or location and design. If there are significant changes in the impacts or environmental conditions of the project, the hearing requirements must be fulfilled again.

### **SEC. 3.02 - 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 are necessary to schedule the hearing.

Essential information as outlined in this section must be sent to the Public Involvement Section 60 days prior to the scheduled meeting.

Upon notification of the type, date, time, and place of the public hearing to be held, the Public Involvement Manager will prepare the public notice and cover letter to the District Administrator which will include instructions to the District Administrator and others receiving copies of said memorandum concerning the conducting of the hearing and distribution of the hearing notice.

Each notice of public hearing shall contain:

- Date, time, and place of meeting and informal plan review (if appropriate).
- Description of project proposal.
- 8 1/2" x 11" project location map (to be included in all distributions and postings).
- 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.
- Project identification information.

- Statement of availability of project information 30 days prior to the hearing and the availability of the environmental assessment (if Federally funded) at specified locations 30 days prior (minimum of 15 days) to the hearing. Environmental information is to include 106 and Agricultural Forestal District statements.
- Procedure for submitting written statements.
- Other statements concerning special arrangements for open forum, conduct of meeting, informal plan review meetings, etc, when necessary.
- Non-Discrimination notification and the procedure for individuals requiring special assistance to attend and participate in the meeting. (Revised 05/31/02)
- Project identification information.

The Public Hearing Notice will be published at least twice in newspapers having general circulation in the vicinity of the project. The notice is also 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. For Federal-aid projects identified as Class I actions, the Draft Environmental Impact Statement must be available to the public 30 days prior to the hearing and 15 days after the hearing is held. 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.

VDOT will publish a listing of all public meetings to be made available to other 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. A list is maintained by VDOT of persons, groups, agencies, etc., which express an interest in certain projects or specified areas.



*Public Hearing notices must appear in the newspaper 30 days prior to the scheduled hearing date...*

The following are responsible for specific tasks to insure compliance with notification of scheduled meetings.

- Upon notification the Public Involvement Manager will prepare the public notice and cover letter to the District Administrator and others receiving copies of the said notice.
- The Public Involvement Manager will notify the Clerk of the Court of the appropriate county, city, or town in which the proposed action is to occur and provide the Clerk of the Court a copy of the notice and project map for posting.
- The Public Involvement Manager will notify the Federal Highway Administration (if federally funded), appropriate federal and state agencies and special interest groups such as the Virginia Road and Transportation Builders Association, local Highway Commissions, and Bicycle organizations by its inclusion in the Monthly Public Meetings' Listing.
- The Office of Public Affairs will publish the notice at least twice in newspapers having general circulation in the vicinity of the project. The notice will also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority based newspapers. Public Hearing Notices must appear 30 days prior to the hearing and 5 to 12 days before the hearing. For Federal-aid projects identified as Class I actions, the notice must state that the Draft EIS is available for review or the date it will become available.
- The District Administrator or appointee will send the notice to all members of the Board of Supervisors of the county affected and to all members of the City or Town Council; to the County Administrator; City Manager; Mayor and other officials directly concerned.



*Sharing the responsibilities  
makes the task easier for  
everyone...*

- The District Administrator or appointee should in addition send copies to the appropriate Chairman of the Local Planning Bodies; 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.
- The District Administrator or appointee should also post the notice in the appropriate courthouse, post office, and other public places and buildings in the vicinity of the project.
- The Resident Engineer will 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 Engineer in charge of the project 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. For all hearing types a direct post card mailing to the community/individuals affected by the proposal may be distributed.

### **SEC. 3.03 - 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.

#### **SEC. 3.03.1 - 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 select the scale that best depicts the type project being presented 1"=1,000' (1:10000 plus/minus) may be satisfactory for location studies and 1"=25' (1:250 plus/minus) for small design projects. 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.



*Any questions call your coordinator for more information...*

### **SEC. 3.03.2 - 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. To further facilitate the ease of property owners in locating their property, individual photographs should be taken of prominent structures on each of the adjacent properties and 2"x 3" photos should be displayed on the shaded plans. These should be mounted for ease of displaying and viewing. In addition, several sets of the completed plans including profiles and entrances should be available for viewing in the display area. Several sets of cross sections should also be available for use. 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.

### **SEC. 3.03.3 – 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's Public Involvement Section.

### **SEC. 3.03.4 - 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.

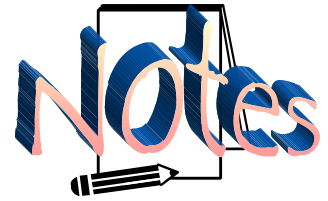
### **SEC. 3.03.5 – Environmental Documents**

Environmental documents must be available at the public hearing in sufficient quantities for viewing by the public. Likewise, sensitive environmental concerns should be depicted for public viewing (Noise Wall Study information, Historic Property impacts, Wetland Mitigation sites, etc...) with photos and written text. These displays are prepared and provided by the Environmental Division as deemed appropriate by the State Environmental Engineer.



*Displays should be developed in a manner that non-engineering Citizens can readily understand...*

If the Environmental Division does not display this information separately it will be included in the Location and Design displays by the Project Manager.



**SEC. 3.03.6 - Public Hearing Handout**

The public hearing handout should be of good quality, since it is VDOT's explanation of what we hope to accomplish. For guidance in preparing the handout, see Appendix G-1. The number required should be based on the anticipated attendance.

The Local Assistance Coordinator will provide verbiage for the handout for urban projects to the designer 60 days prior to the scheduled hearing date.

**SEC. 3.03.7 - Video Presentation**

At public hearings, videos are provided to augment both the engineering design and right of way displays. The engineering video presentation should include location maps, photos showing existing and projected design, typical sections, traffic volumes, environmental considerations, costs, and a tentative schedule of events are necessary, plus any other information deemed appropriate. The right of way information may be included in the project video if deemed appropriate by the Right of Way and Utilities Agent in charge of this project.

This video presentation provides an excellent way for VDOT to convey the proposed alternatives or design, and care should be taken to prepare these in a professional manner for maximum effectiveness.

**SEC. 3.03.8 - 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.

**SEC. 3.04 - COORDINATION AND SUBMISSION OF DATA PRIOR TO HEARING**

As has been stated previously, coordination and submission of data prior to the hearing is essential. Section 2.04 lists time frames and review procedures applicable to all public meetings.



### **SEC. 3.05 - 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 G-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.

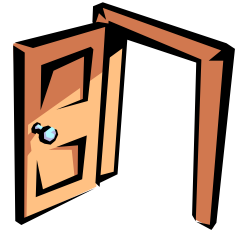
Provisions are made to accept written statements and other exhibits in place of, or in addition to, oral statements made for the record, within 10 calendar days after the hearing. A statement concerning the 10-day time limit for submission of such data and the appropriate address to which it should be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

An informational booklet should be provided to assure a basic understanding of the proposal (see Appendix G-1 for contents).

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.

VDOT provides as many responsible representatives as necessary to conduct the hearing and respond to questions. These representatives should always remain as long as necessary after the hearing to discuss individual concerns and questions relative to the project.

VDOT may arrange for local public officials or other responsible persons to conduct a hearing. However, it is the responsibility of VDOT to meet hearing requirements and to provide proper representation.



*Types of public hearings:  
Open Forum Hearing  
Traditional Hearing*

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).

**SEC. 3.06 – 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.



*Traditional public hearings are probably the least effective way to discuss issues, offer alternatives and gain consensus on matters of public/community interest.*

**SEC. 3.07 – OPEN FORUM PUBLIC HEARING**

A 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.

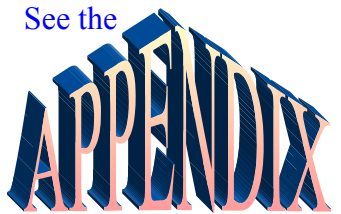
At the meeting, people familiar with all facets and features of the project visually display their information. The purpose of the open forum may be to suggest solutions or may simply be to give information and facts. The process is highly interactive with technical people presenting and fielding questions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

**Sec. 3.08 - NOTICE OF WILLINGNESS POSTING PROCEDURES**

The requirements (definition section 3.00) for a public hearing may be satisfied by the publishing of a Notice of Willingness to hold a Public Hearing. The Willingness can be posted at the Location, Design, or Combined Location and Design stage, if the project meets the specifications for posting a notice of willingness. The Department may proceed with the posting of a notice of willingness without a completed environmental document, provided our Environmental Division determines that a Class II (categorical exclusion) level of environmental documentation is applicable and will be completed within forty-five days of the execution (expiration date) of the willingness.

Essential information as outlined in this section must be sent to the Public Involvement Section at least 25 days prior to the desired deadline for the expiration of the notice.

Upon notification of the Public Involvement Manager by the Project Manager of the desire to post a notice of willingness to hold a public hearing, the Public Involvement Manager will prepare the public notice and cover letter to the District Administrator which will include instructions to the District Administrator and others receiving copies of said memorandum concerning the notification of willingness to hold a public hearing and distribution of the notice and project location map.



for HOW TO GUIDE

Each notice of willingness to hold a public hearing shall contain:

- Description of proposal
- Locations with availability of maps, drawings and other information concerning the project proposal.
- Statement of willingness to hold a public hearing, procedure for submitting written request to hold a public hearing.
- Non-Discrimination notification. *(Added 05/31/2002)*
- Project identification information.

The notice of willingness to hold a public hearing will be published at least twice in newspapers having general circulation in the vicinity of the project. The notice is also 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 established expiration date with the second notice appearing from 5 to 7 days before the expiration date.

VDOT will publish a listing of all public meetings and willingness to hold public meetings to be made available to other 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. A list is maintained by VDOT's persons, groups, agencies, etc., that express an interest in certain projects or specified areas.

The following are responsible for specific tasks to insure compliance with the posting of the Notice of Willingness.

- Upon notification the Public Involvement Manager will prepare the public notice and cover letter to the District Administrator and others receiving copies of the said notice.

*A Notice to show a willingness to hold a public hearing must appear 15 days before the expiration date...*



- The Public Involvement Manager will notify the Clerk of the Court of the appropriate county, city, or town in which the proposed action is to occur and provide the Clerk of the Court a copy of the notice and project map.
- The Public Involvement Manager will notify the Federal Highway Administration, (if federally funded), appropriate federal and state agencies and special interest groups such as the Virginia Road Builders Association, local Highway Commissions, and bicycle organizations by its inclusion in the monthly public meetings' listing.
- The Office of Public Affairs will publish the notice at least twice in newspapers having general circulation in the vicinity of the project. The notice will also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority based newspapers. Notice of Willingness to hold a Public Hearing Notice must appear 15 days prior to the expiration date and 5 to 7 days before the expiration date.
- The District Administrator will send the notice to all members of the Board of Supervisors of the county effected and to all members of the City or Town Council; to the County Administrator; City Manager; Mayor and other officials directly concerned.
- The District Administrator should in addition send copies to the appropriate Chairman of the Local Planning Bodies; 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.
- The District Administrator should also post the notice in the appropriate courthouse, post office, and other public places and buildings in the vicinity of the project.



*Coordination is the key to success...*

- The Resident Engineer will post signs on the terminus of the project notifying the public of the proposed project in accordance with IIM, TE-303.
- The Project Manager in charge of the project will notify the adjacent property owners by direct mailing of the public notice and project location map of the public meeting a minimum of 10 days prior to the expiration date.



If a request for a public hearing is received, the Public Hearing Notice will be posted in accordance with normal public hearing procedures. The notice cannot be posted until the environmental document is completed and available for public review.

If no request is received to hold a hearing or the request is rescinded, the Resident Engineer will notify the District to continue with the project location and/or design approval. The District Location and Design Engineer then notifies the State Location and Design Engineer and all other appropriate Divisions by memorandum to proceed with the location and/or design approval for the project. After location and/or design approval has been obtained from the State Location and Design Engineer the Project Manager will notify the Division responsible for the financial programming of the project (Local Assistance Representative). The development of the project will proceed forward to right of way negotiations and acquisitions. If the project is federally funded, right of way approval cannot be obtained until the requirements of NEPA are satisfied.