

SECTION 7.00 –MUNICIPALITY CONDUCTED PUBLIC HEARING GUIDANCE for inclusion in the SIX YEAR IMPROVEMENT PROGRAM

SEC. 7.01 – PURPOSE

This policy statement ensures that new projects to be included in the Six Year Improvement Program (SYIP) meet federal and state laws relevant to public involvement. This statement also confirms the policy of the Virginia Department of Transportation (VDOT) to consider public input in all projects before inclusion in the SYIP.

This policy is in accordance with Federal Regulation 23 CFR §77; 23 CFR §450.212 and Section §33.1-18 of the Highway Laws of Virginia.

SEC. 7.02 – DEFINITION OF PUBLIC HEARING

The policies and procedures explained here are intended to give full opportunity for participation by the public before a new project is included in VDOT's SYIP. The conduct of a Public Hearing provides an opportunity for citizens to gather information, review proposals and provide comment on city/town proposals before they are included in the SYIP.

SEC. 7.03 - NON-DISCRIMINATION

The Code of Virginia §51.5-40 (Appendix L-3) prohibits discrimination on the basis of disability in state assisted programs and activities.

Effective October 1, 1991, VR §602-01-2 (Appendix L-4) further specified that no qualified person with a disability shall on the basis of that disability be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under any program or activity which receives or benefits from state financial assistance or under any program or activity conducted by or on behalf of any state agency. It further states, no qualified person with a disability shall, because a program or activity facilities are inaccessible, be excluded from participation in public hearings or public communications of any programs or activities governed by these regulations.

To comply such programs and activities shall:

Take appropriate steps to insure that public hearings are held at facilities that provide accessibility to persons with a disability.

Take the appropriate steps to ensure that notice of public hearings are made available to individuals with impaired vision and hearing through means such as telecommunications devices, braille or typed material (open captioned) televised information, qualified sign language interpreters, other material or media.

Any program or activity governed by the regulations shall administer programs and activities in the most integrated setting feasible to meet the needs of qualified persons with a disability.

To further insure compliance with the act, all public notices will state:

Individuals requiring special assistance to participate in the meeting should contact, title and phone number of responsible person.

Municipality ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. For information call, phone number of responsible person.

Whenever possible, meetings will be held in public buildings where persons using wheelchairs, walkers, crutches or canes can attend. If a person with a mobility disability notifies the city/town of his/her desire to attend the meeting, and it has been scheduled to be held in a building that was not readily accessible, either the meeting site should be changed, arrangements made to accommodate the individual, or arrangements made to bring information to the interested person and receive his/her testimony.

In a formal hearing setting, wireless microphones should be provided for use by persons who cannot easily get to the speakers microphone. An audiotape (reading of project information and comments) of the meeting can be made available for persons who could not attend the meeting. When necessary, arrangements will be made to go to a citizen to receive his/her testimony for inclusion in the hearing record.

The Department of Deaf and Hard of Hearing has a statewide listing of persons qualified as signers. These persons can be hired to attend meetings when necessary and interpret for persons with hearing disabilities.

SEC. 7.04 - PUBLIC HEARING NOTIFICATION

To insure compliance with state and federal regulations, and maintain uniformity in the handling of public hearings, the following steps are necessary to schedule the hearing.

The notification of the public hearing should include the following:

- Date, time, and place of meeting and informal plan review (if appropriate)
- Description of the new projects that are proposed
- Statement of opportunity for public comment period at meeting
- Project identification information (Municipality tracking number)
- Procedure for submitting written statements
- Other statements concerning special arrangements for meeting (example: speak registration, speaker time limits, etc.) when necessary
- Non-Discrimination notification and the procedure for individuals requiring special assistance to attend and participate in the meeting.
- If desired, the municipality can submit a draft Public Hearing Notice to the Local Assistance Division (LAD) for review and comment prior to publication. Please allow 2 weeks.

The Public Hearing Notice should be published at least twice in newspapers having general circulation in the vicinity of the project. The notice should 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. Care should be taken to identify low-income or minority populations located in the project areas, and an extra effort should be made to ensure that these populations are informed of and have access to public involvement opportunities.

The Clerk of the Court should post a copy of the project notification and area map on the public notices board at each of the city/town buildings; post offices and other public places and buildings in the vicinity of the projects thirty days prior to the hearing.

Copies of the public notification should be sent to the appropriate Heads of Local Civic and Citizen Associations; Superintendent of Local Schools; President of Local Parent Teacher Associations, and other officials as deemed appropriate.

SEC. 7.05 – CONDUCT OF THE PUBLIC HEARING

The formal or open forum public hearing provides an opportunity to advise and educate the citizens relative to the need for the additional projects.

The presentation material for either style of hearing should include the locations of the new projects, the existing conditions (photo or description), plus any other information deemed appropriate. Provisions should be made to accept written statements and other exhibits in place of, or in addition to, oral statements made for the record.

The meeting room should be of a size to allow for the gathering of all citizens to gather the information simultaneously for the traditional hearing and for the comfort of individuals for the open forum hearing. Staffing should consist of sufficient personnel from the various disciplines to adequately answer the citizens' questions.

SEC. 7.06 – TRADITIONAL STYLE PUBLIC HEARING OR AS PART OF CITY/TOWN COUNCIL MEETING

For a traditional hearing the information about the new projects would be provided in a verbal format and in a visual format usually from a podium. A video presentation provides an excellent way to convey the relevant information to the public.

SEC. 7.07 – OPEN FORUM STYLE PUBLIC HEARING

An open forum public hearing (open house) encourages one-on-one discussions in an informal setting, the information about the new projects would be provided in a written format. The process is highly interactive with technical people presenting and fielding questions from individual citizens or interested groups.

SEC. 7.08 – TRANSCRIPT OF PROCEEDINGS

A transcription of the verbal and written comments relevant to the new proposals, copies of the public notices and copies of the data provided to the citizens, should be submitted along with the municipality's Project Programming Resolution to LAD for inclusion in VDOT's SYIP.