

VDOT GOVERNANCE DOCUMENT

Public Involvement Manual

Policy Manual for Public Participation In Transportation Projects



Location and Design Division

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TABLE OF CONTENTS

SECTION 1.00 - GENERAL	PAGE
Section 1.01 – Purpose	1-1
Section 1.02 – Overview of Citizen Involvement	1-1
Section 1.03 – Definitions	1-2
Section 1.04 – Non Discrimination under State Grants and Programs	1-7
SECTION 2.00 - INFORMATION/PARTICIPATION MEETINGS or WORKSHOPS	
Section 2.01 – Location Study Workshop – Initial Meeting	2-1
Section 2.02 – Government Workshop – Alternatives Development and Consensus Building	2-3
Section 2.03 – Community Workshops and Information Meetings	2-5
Section 2.04 – Coordination and Submission of Data Prior to Meetings	2-7
SECTION 3.00 - PUBLIC HEARINGS	
Section 3.01 – Hearing Requirements	3-1
Section 3.02 – Public Hearing Procedures	3-3
Section 3.03 – Data Required for a Public Hearing	3-6
Section 3.04 – Coordination and Submission of Data Prior to Hearing	3-8
Section 3.05 – Conduct of Public Hearing	3-9
Section 3.06 – Traditional Public Hearing with an Informal Plan Review	3-10
Section 3.07 – Open Forum Public Hearing	3-11
Section 3.08 – Notice of Willingness Posting Procedures	3-11
CIM Request Process Flow Chart	
Notice of Willingness Request Process Flow Chart	
Public Hearing Request Process Flow Chart	
SECTION 4.00 – PUBLIC HEARING EXCLUSIONS	
Section 4.01 – Exclusions from the Public Hearing Process	4-1
Public Involvement Requirement Flow Chart	

SECTION 5.00 – PUBLIC HEARING PROJECT APPROVAL

Section 5.01 – Location or Location and Design Approval for Projects with a Public Hearing	5-1
Section 5.02 – Design Approval for Projects with a Public Hearing or Posting of Notice of Willingness to Hold Hearing	5-2
Design Approval Process – Tier 1 (Public Hearing or Notice of Willingness) Flow Chart	
Design Approval Process – Tier 2 (Public Hearing or Notice of Willingness) Flow Chart	
Location and Design Approval Request Process Flow Chart – Tier 1 (Public Hearing Only)	
Location and Design Approval Request Process Flow Chart – Tier 2 (Public Hearing Only)	
Location Approval Process Flow Chart (Public Hearing Only)	

SECTION 6.00 – REHEARING

Section 6.01 – Rehearing Criteria	6-1
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SECTION 7.00 – MUNICIPALITY CONDUCTED PUBLIC HEARING GUIDANCE for inclusion in the SIX YEAR IMPROVEMENT PROGRAM

Section 7.01 – Purpose	7-1
Section 7.02 – Definition of SYIP Public Hearing	7-1
Section 7.03 – Non-discrimination	7-1
Section 7.04 – Public Hearing Notification	7-3
Section 7.05 – Conduct of Public Hearing	7-4
Section 7.06 – Traditional Style Public Hearing or as Part of City/Town Council Meeting	7-4
Section 7.07 – Open Forum Style Public Meeting	7-5
Section 7.08 – Transcript of Proceedings	7-5

APPENDIX A – Guidance

Guidance for the Public Hearing Handout	A-1
Guidance for Traditional – Public Hearing Presentation	A-3
Guidance on Items to Check when Setting Up	A-5
Setting Up and Conducting Public Meetings	
General Guidelines for Planning Meetings	A-8
Compliance for Public Hearing	A-12
Compliance for Willingness to hold a public hearing	A-16
Compliance for Exception for Public Hearing	A-18

APPENDIX B – Law

FHWA Regulations 23 CFR, 771	B-1
Environmental Justice in Minority Populations and Low-Income Populations	B-2
Code of Virginia 51.5-40	B-3
VR 602-01-2	B-4
Section 33.2-208 Subsection B of the Highway Laws of Virginia	B-5
DPM 1-11 (under revision 03/18/2004)	B-6

APPENDIX C - How to ...

How to Request a Public Meeting	C-1
How to Prepare a Project Brochure	C-3
How to Request a Mass Mailing of the Project Area	C-8
How to Prepare a Video	C-9
How to Request a Project Rendering	C-12
How to Prepare a Transcript for Submission	C-13

APPENDIX D – Use of Virtual Public Involvement

D-1

REVISIONS

Sheet

Date

3-9, 3-10	07/01/00
1-8, 3-4, 3-12, 3-14, 6-1, 7-1, 7-2, H-3, H-13 Index, L-41	05/31/02
1-2, 1-3, 1-6, 1-7, 1-8, 3-1, 3-14, 5-1, 5-2 and 5-3 H-11, H-12, deleted H-13 and H-14	02/13/03 06/02/03
3-1, 4-1, 5.01, Section 6.0 – Rehearing deleted	03/18/04
Added Section 7.00	09/23/04
Replaced Section 4 (page 33)	10/19/08
Table of Content, Appendixes A and B	01/22/10
Revised the following flow charts in Section 3; <i>CIM Request Process</i> <i>Public Hearing Request Process</i> <i>Willingness Request Process</i>	10/29/10
Inserted the following flow charts in Section 5; <i>Design Approval Process</i> <i>Location and Design Approval Process</i> <i>Location Approval Process</i>	
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Revised the following flow charts in Section 3; <i>CIM Request Process</i> <i>Public Hearing Request Process</i> <i>Willingness Request Process</i>	07/01/11
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Revised Section 4 to eliminate language about Code of Va.	

Revised the following flow charts in Section 5; <i>Design Approval Process Tier 1</i> <i>Design Approval Process Tier 2</i> <i>Location and Design Approval Process Tier 1</i> <i>Location and Design Approval Process Tier 2</i>	11/26/12
Revised the following flow charts in Section 3; <i>Public Hearing Request Process</i> <i>Willingness Request Process</i> Replaced Section 3 (page 6)	05/27/14
Revised the following to update the Code of Va. changes; 07/10/14 Appendix B, (page 5) Section 1 (page 1) Section 4 (page 1) with additional language Section 7 (page 1)	
Revised “Compliance for Exception for Public Hearing” form in Appendix A (Page A-17).	01/28/15
Revised the following to update the Code of Va. changes; Table of Contents (page 2) Section 3 (page 3)	02/09/15
Revised the following flow charts in Section 3; <i>CIM Request Process</i> <i>Willingness Request Process</i> <i>Public Hearing Request Process</i> <i>Application of the Public Involvement Process for Construction, Highway Maintenance, Operational and Emergency Projects</i>	
Revised the following in Section 3; Removed “Rehearing” information and relocated it to Section 6 Revised the following flow chart in Section 3; <i>Application of the Public Involvement Process for Construction, Highway Maintenance, Operational and Emergency Projects</i>	08/27/15
Revised the following flow charts in Section 3; <i>CIM Request Process</i> <i>Willingness Request Process</i> <i>Public Hearing Request Process</i>	09/28/15
Replaced web link in Appendix B, Page B-2	
Revised language in Section 3, page 1;	11/21/16
Revised Section 4 to add language on “Tier 2 projects”	07/06/18

Revised the following flow charts in Section 5; <i>Design Approval Process Tier 1</i> <i>Design Approval Process Tier 2</i> <i>Location and Design Approval Process Tier 1</i> <i>Location and Design Approval Process Tier 2</i>	07/06/18
Revised the following flow charts in Section 3; <i>CIM Request Process</i> <i>Public Hearing Request Process</i> <i>Willingness Request Process</i>	02/11/19
Revised the following flow chart in Section 5; <i>Location Approval Process (Public Hearing Only)</i>	10/25/19
Added Appendix D - Use of Virtual Public Involvement	07/30/20
Section 1- Deleted SEC. 1.03.8 – Social, Economic, and Environmental Effects and Deleted SEC. 1.03.8 – Environmental Document; Renumbered SEC. 1.03.11 to SEC. 1.03.08 – State Environmental Review Process; Renumbered SEC. 1.03.10 to 1.03.09– Location, Location and Design or Design Approval	11/08/21
Section 3 – Deleted the last paragraph under SEC. 3.01 - HEARING REQUIREMENTS; Revised SEC. 3.02 - PUBLIC HEARING PROCEDURES to add the following language on page 6 of 14: “These direct mailings shall be included in the Transcript and uploaded into ProjectWise.” Revised SEC. 3.03.5 – Environmental Documents; Revised SEC. 3.08 - NOTICE OF WILLINGNESS POSTING PROCEDURES to add the following language on page 11 of 14 and page 14 of 14: “Consult with the District Environmental Manager for additional information on requirements for making the environmental document available to the public.”	

Section 5 – Revised SEC. 5.01 and Sec. 5.02;

Revised the following Flow Charts:

*Design Approval Process – Tier 1 (Public Hearing or Notice of Willingness)
Flow Chart*

*Design Approval Process – Tier 2 (Public Hearing or Notice of Willingness)
Flow Chart*

*Location and Design Approval Request Process Flow Chart – Tier 1 (Public
Hearing Only)*

*Location and Design Approval Request Process Flow Chart – Tier 2 (Public
Hearing Only)*

Location Approval Process Flow Chart (Public Hearing Only)

SECTION 1.00 - GENERAL

SEC. 1.01 - PURPOSE

This policy statement ensures that highway locations and designs are consistent with federal and state laws and local goals and objectives. The policies and procedures explained are intended to give full opportunity for coordination and participation by the public before the final approval of highway locations and designs. A procedure for one or more public hearings is designed to provide for free and open discussion of controversial issues and concerns before development of the final design has reached a point that it is impractical to make extensive modifications.

This statement also confirms the policy of the Virginia Department of Transportation (VDOT) to consider a wide range of factors, including possible adverse economic, social, and environmental effects, in the development of a project.

It is VDOT's desire that final decisions on any project be in the best overall public interest, taking into consideration the need for safe and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

This policy is in accordance with Federal Regulation 23 CFR 771.111(h) and 23 USC 128, Section [33.2-208](#) of the Highway Laws of Virginia, Virginia Department of Transportation Policy Memorandum DPM 1-11 and shall apply to all proposed highway projects of VDOT, regardless of the system or funding involved. The Federal Highway Administration (FHWA) has endorsed this policy for use on all Federal-aid highway projects.

Projects administered/developed by others that will be funded by federal and/or state funds must meet the Department's guidelines for public participation.

SEC. 1.02 - OVERVIEW OF CITIZEN INVOLVEMENT

Citizens have numerous opportunities to express their viewpoints during the course of a project's development. They may voice their opinions and suggestions on a specific project at the District Pre-allocation Hearings and at the Tentative Allocation Hearings before a project is initiated. These views affect the Virginia Department of Transportation's (VDOT) decision on whether or not to proceed with a project and in the establishment of project priorities.



Citizens who are affected by a public decision should:

- *Be given accurate information,*
- *Have a voice in the decision,*
- *Be involved in the implementation of the decision!*

In addition to the citizen participation process provided by VDOT, local governing bodies provide citizens numerous opportunities to participate in the development of transportation programs. These local governing bodies, such as counties and cities, offer opportunities for citizen input through their recommendations and approvals on highway projects.

For projects with apparent major impact or public interest, VDOT solicits citizens' views through informal Citizen Participation Meetings, plus household and business surveys conducted through the agency's Environmental and Engineering sections. The views obtained influence the course of preliminary studies.

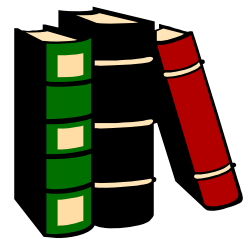
After sufficient data has been gathered and evaluated to allow development of feasible alternatives, a public hearing or an opportunity for a public hearing is provided. Depending on the magnitude of the project, the level of action may range from comprehensive advertising of meetings and displays of the proposals in several locations prior to the hearing to simple public notices with plans available for review and discussion at the local VDOT offices.

When a public hearing is held, the meeting may range from a series of large gatherings in a public auditorium, to a few persons gathered in a city, county, or local facility. If no hearing is held, the public participation may consist of a single citizen reviewing the plans with a department representative. Regardless of the amount of public input, all views are considered by VDOT. The approving authorities also consider citizens' views before a decision is made for a project location. On major projects citizens often have two formal opportunities for input into the project development process, once prior to deciding the location of a route and again prior to a commitment to specific design features.

SEC. 1.03 - DEFINITIONS

SEC. 1.03.1 – Citizen Informational Meeting

A Citizen Informational Meeting is an opportunity for the public to review, in an informal setting, the ongoing development of project information.



Which type of meeting will accomplish the needs for this stage of the project?



SEC. 1.03.2 – Citizens Participation Meeting/Workshop

A Community-based planning session, a collaborative effort between governments and the communities, serves to identify problems and involve all elements of the community. This session searches for the implementation of solutions to transportation issues.

SEC. 1.03.3 – Public Hearing

A public hearing is a well-publicized opportunity for the VDOT to present its studies and policies while receiving and documenting comments from the public on each proposal concerning engineering, social, economic, and environmental factors and effects resulting from each possible course of action.

SEC. 1.03.4 – Location Public Hearing

A Location Public Hearing is held before VDOT is committed to a specific route. This allows the Community to be included in the decision on the new location for projects that are determined to have different alternatives. This includes their general location, the type of facility necessary, or the transportation mode under consideration. The final determination of need for a Location Public Hearing is made by the State Location and Design Engineer upon careful evaluation of public interest and the concurrence of FHWA on Federal-aid projects. This type of hearing is held when preliminary engineering studies are of sufficient detail to indicate relative cost differences between the alternatives and the feasibility of their construction based on environmental studies and general engineering practices.

SEC. 1.03.5 – Design Public Hearing

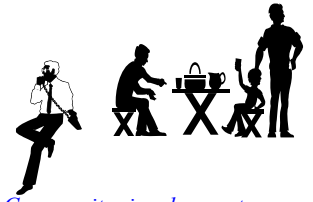
A Design Public Hearing is held after the Commonwealth Transportation Board approves a route location or for projects that do not require extensive relocation but before VDOT is committed to a specific design. A Design Public Hearing is also held for projects being developed on existing alignment. This type of hearing is held after a project field inspection is held and plans are completed to a stage that all right of way limits/lines (including easements), storm water management basins, noise wall locations, retaining wall locations and construction limits, and major design features are delineated on the plans and identified clearly, within the parameters of the information known to date. Existing property lines, property owners, buildings, and other topographical data allow easy identification of impacts to properties. Alternate proposals on major design features may be presented.

SEC. 1.03.6 – Combined Location and Design Hearing

A Combined Location and Design Public Hearing is held for a project that is determined not to have feasible alternative solutions for the general location, type of facility necessary, transportation mode, and where there is no major concern about the need for the project. Project plans are normally at the same stage of completion as for a Design Public Hearing. Alternative design features may be presented at this type of hearing.

SEC. 1.03.7 – Notice of Willingness to Hold a Public Hearing

Requirements for a public hearing may be satisfied by a well-publicized Notice of Willingness to hold a public hearing. The status of the project is in accordance with the opportunity being given (location, design, or combined location and design). An opportunity to review the project plans and other information is given in this procedure. A public hearing is held if a written request is made and contact by VDOT cannot resolve the questions and concerns.



Community involvement can help expand our resources.



SEC. 1.03.08 – State Environmental Review Process

During initial consideration of a transportation improvement, VDOT contacts local, state, and federal agencies and officials. Public advisory groups are also notified during these initial studies.

If a proposed project affects another state, views are solicited from the appropriate agencies within that state. All written views received during this coordination are made available to the public. Meetings other than the required public hearing(s) may be held at any time they would serve the public interest or when information from the public may affect the scope of the study or the choice of alternatives to be considered and may aid in identification of social, economic, and environmental effects. These meetings are normally conducted to permit maximum input and exchange of information.

SEC. 1.03.09 – Location, Location and Design or Design Approval

Location Approval or Location and Design Approval refers to the action by which the Commonwealth Transportation Board, (and FHWA on Federal-aid projects) indicate that the essential elements of public involvement for a highway project are satisfactory and acceptable for proceeding to the next appropriate step in project development.



Citizens who are involved in the decision will support the outcome.

Design Approval refers to the action by which the Chief Engineer for Project Development (and FHWA on Federal-aid projects) indicates that the essential elements of public involvement for highway projects are satisfactory and acceptable for proceeding to the next appropriate step in project development.

SEC. 1.04 - NON-DISCRIMINATION UNDER STATE GRANTS AND PROGRAMS

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

Effective October 1, 1991, VR 602-01-2 (Appendix B) 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:

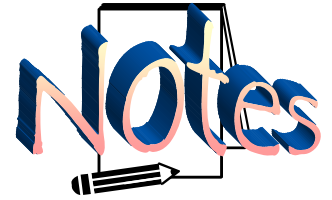
1. Take appropriate steps to ensure that public meetings/hearings are held at facilities that provide accessibility to persons with a disability.
2. Take the appropriate steps to ensure that notice of public meetings/hearings are made available to individuals with impaired vision and hearing through means such as telecommunications devices, braille or typed material (open captioned) televised information, qualified sign language interpreters, other material or media.
3. 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 ensure compliance with the act, the following actions are required. Public notices placed in daily and weekly newspapers alerting the public to upcoming meetings or public hearings to discuss proposed highway projects or changes in VDOT policy will state:



Facilities must be accessible to all Citizens so all may participate comfortably.

Non-Discrimination - VDOT 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 resident engineer, or in the Northern Virginia District, the administrator for construction or division head, when applicable.



1. Whenever possible, meetings will be held in schools or other public buildings where persons using wheelchairs, walkers, crutches or canes can attend. If a person with a mobility disability notifies VDOT 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 being information to the interested person and receive his/her testimony.
2. In a formal hearing setting, wireless microphones should be provided for use by persons who cannot easily get to the speakers microphone. An audio tape (reading of brochure and comments) of the meeting can be made available for persons who could not attend the meeting. Written testimony can be given up to ten days after the meeting is held, for inclusion in the hearing record. When necessary, arrangements will be made to go to a citizen to receive his/her testimony for inclusion in the hearing record.
3. 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.

SECTION 2.00 - INFORMATION/ PARTICIPATION MEETINGS or WORKSHOPS

SEC. 2.01 Location Study Workshop – Initial Meeting

On all location studies, it is desirable to have a Public Scoping Meeting as soon as possible after a project is assigned. This type of meeting allows the citizen to be involved at the beginning of the process. From a list of attendees, a mailing list can be initiated, contacts for future interactions are made, and facts of local interest are obtained.

Contact should be made with local governmental officials prior to scheduling a meeting of this type to determine if studies or ideas for development are available and to inform these officials of VDOT impending actions. In most cases, the District Administrator or his representative will do this. This would also hold true for arrangements for a suitable meeting place. See Appendix G-4 for general guidelines when securing a location and arranging a meeting.

Location studies are prepared utilizing the best available database, and are the result of a concept that is conceived to alleviate a major need for improvement to the transportation system. Visual aids listed are not intended to be all-inclusive nor applicable to all projects but are representative of a "best case" situation needs for these and other displays and related requirements. The number of each type of visual aid is dependent upon the anticipated attendance and should be coordinated with the appropriate district/residency.

SEC. 2.01.1 - Study Window

A display showing the area to be studied, or study window, should be prepared utilizing a U.S.G.S. quadrangle sheet or mosaic with the extreme boundaries delineated. If there are well-known previously studied corridors in existence, these should also be shown in a corridor band.

SEC. 2.01.2 - Purpose Of The Study

A general outline of the study and why it is being made, the citizens' part in the process, and the intended results should be prepared and utilized to inform the citizens of the purpose of the meeting. This information is generally placed at the entrance of the meeting room - far enough away from the actual displays to allow citizens to take time to read it.

SEC. 2.01.3 - Photos Of Interest In The Study Area

Enlarged, color photos of traffic congestion, historic sites, prominent businesses, and municipal buildings, and other sites as appropriate can be mounted to form an attractive display which will convey to the citizen features they are familiar with in the study area and any potential problem areas.

SEC. 2.01.4 - Traffic Projections

In some cases, traffic studies of a preliminary nature are available to support discussion about the need for a new location/improvement in the area. The existing level of traffic service is also helpful, if available.

SEC. 2.01.5 - Remaining Actions

A tentative schedule of remaining actions on the project should be provided, giving general dates such as "Early 2000", if this information is available.

SEC. 2.01.6 – Meeting Handout

A handout is desirable at a meeting of this type; it should contain as a minimum:

- The purpose of the location study,
- The purpose of the workshop and the citizens' involvement,
- A map showing the study window,
- A tentative schedule of remaining actions, and
- The name of a contact person should more information be desired.

SEC. 2.01.7 - Comment Sheet

Along with the handout a comment sheet should be provided whereby the citizenry can provide their thoughts in writing. This sheet should indicate:

- The project number,
- To whom it should be mailed,
- A block which can be checked if they wish to be put on a mailing list to be notified of upcoming events, and
- Questions relevant to the information being sought about the study area. This comment sheet is the Project Managers' tool for gathering the information necessary to move in the correct direction with the project.

SEC. 2.01.8 - Miscellaneous

Have state maps and other Department publications available at the meeting. Also, it may be advisable to have copies of the VDOT Right of Way and Utilities booklet available.

SEC. 2.02 – Government Workshop – (Alternatives Development and Consensus Building)

As the study progresses, alternatives are evaluated, additional support data is obtained, and ultimately, the candidate build alternatives are chosen. At this stage, a meeting coordinated with local officials should take place. This will ensure close coordination between all involved and will eliminate confusion or misunderstanding as to which alternatives will be presented at the next public meeting.

A second location workshop may be held if further information is needed to narrow the selection of the candidate build alternatives.

SEC. 2.02.1 - Study Window

The study window display should now show all alternatives initially considered and those now being considered as candidate build alternatives. It is desirable to have two separate displays showing these two distinct sets of alternatives. This should be shown on an aerial mosaic if at all possible to permit the citizenry to easily orient themselves.

SEC. 2.02.2 - Purpose of the Study

A display showing the basic information as outlined in Section 2.01 and welcoming the citizens to this information meeting should be prepared.

SEC. 2.02.3 - Photos of Interest in the Study Area

The same display as previously used or updated to show growth or change in the area should be available.

SEC. 2.02.4 - Traffic Projections

At this stage of the study, traffic projections should be available and displayed in an effective manner.

SEC. 2.02.5 - Remaining Actions

A tentative schedule of remaining actions giving a general time frame such as "Early 2000" should be displayed.

SEC. 2.02.6 - Video Presentation

At this point in the study, enough data will be available to provide a video presentation. The program need not be lengthy, approximately 4-5 minutes is the ideal time. It should give a brief history of the project, all alternatives considered, the candidate build alternative, traffic projections, and remaining action. Additional layouts showing problem areas, points of interest, and anything else deemed important should be included. A program of this type, viewed prior to studying the displays, will answer a large number of the questions that arise at these meetings.

SEC. 2.02.7 - Information Meeting Handout

In addition to the information outlined in Section 2.01.6, the handout should contain a history of the previous meetings, proposed typical section, and a map providing the same candidate build alternatives as shown on the displays. See Appendix G-1 for further guidance.

SEC. 2.02.8 - Comment Sheet

The same type sheet described in Section 2.01.7 should be used.

SEC. 2.02.9 - Miscellaneous

State maps and other Department publications along with Right of Way and Utility booklets should be available at this meeting.

SEC. 2.03 - COMMUNITY WORKSHOPS AND INFORMATION MEETINGS

Held prior to COMBINED LOCATION AND DESIGN/ DESIGN HEARING

In the same manner and for the same reasons as stated in Sections 2.01 and 2.02, it is desirable to have a Community workshop for location and design projects - both to receive and provide information. Usually one method of development has been selected and this meeting is to advise the citizenry of this and provide the opportunity to gather ideas as to the effects this design will have on the area. Occasionally, alternate methods of development are also presented at these meetings.

SEC. 2.03.1 - Purpose of Meeting

Section 2.01.2 is applicable.

SEC. 2.03.2 - Photos of Interest on the Project

Section 2.01.3 is applicable.

SEC. 2.03.3 - Aerial Mosaic or Continuous Roll of Plans

Either a mosaic and/or a shaded continuous roll of plan sheets should be available for review. In addition, several sets of the plans, profiles, and cross-sections should be strategically placed in the review area. An alphabetized list of all landowners and the plan sheet location of their property should be prepared and available to those greeting the public.

SEC. 2.03.4 - Traffic Projections

Section 2.02.4 is applicable.

SEC. 2.03.5 - Remaining Actions

This display should show the tentative schedule of remaining actions giving a general time frame such as "Advertisement for construction is anticipated in "Early 2000"".

SEC. 2.03.6 – Video Presentation

Section 2.02.6 is applicable.

SEC. 2.03.7 – Public Meeting Handout

The handout should contain, as a minimum, a brief history of the project, a map showing the project, project purpose, storm water management basins (location and type), typical section, traffic data, right of way impacts, environmental review, remaining actions, cost (preliminary engineering, right of way acquisition, utility relocation, and construction cost), type of financing for the project, and the name of a contact person. See Appendix G-1 for further guidance.

SEC. 2.03.8 - Comment Sheet

Section 2.01.7 is applicable.

SEC. 2.03.9 - Miscellaneous

State maps and other Department publications along with the Right of Way and Utility booklet should be available at this meeting.

SEC. 2.04 - COORDINATION AND SUBMISSION OF DATA PRIOR TO MEETINGS

Coordination of effort is essential in the assembly of necessary data for the successful execution of a public meeting. The Public Involvement Section must receive, in writing, the Public Hearing Request Form (Appendix H-1) with all appropriate data from whoever has scheduled the meeting. This form must contain the date, time, place, and type of meeting in order that the proper advertisement can be prepared. Section 3.02 offers guidance as to the procedures that the Public Involvement Coordinator follows in advertising a public meeting/hearing. The following actions, review procedures, and time frames must be adhered to in order for the process to proceed smoothly:

Prior to Meeting	Review of Material	Final Review
Rough draft of booklets pre-recorded presentations	Project Manager 60 Days	Public Involvement speech, and/or script for
Rough drawings of visual on display or in booklet	Project Manager 60 Days	Public Involvement aides, maps, etc., to be
Typed draft of Urban, District, script	Project Manager 45 Days Residency & Others as Necessary	Public Involvement booklet and video
Rework of any material as necessary with major changes	ASAP	ASAP
Distribution of booklets must be available when advertisement is published	Send to: District Residency City or Town Central Office	30 Days
Completed speeches, slides, and displays	Project Manager Public Involvement District	20 days

SECTION 3.00 - PUBLIC HEARINGS

SEC. 3.01 - 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 when their need is determined in accordance with DPM 1-119 (Appendix B) or deemed appropriate by the Project Manager 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 the following types of hearings will be held for the following project categories:

Projects on proposed roadway corridors, which are completely on new location, require a location public hearing followed by a design public hearing.
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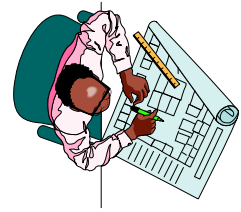
Projects within the existing roadway corridor with a majority of the work on new location require a combined location and design public hearing.
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Projects within the existing roadway corridor that have a significant social, economic or environmental impact require a design public hearing (i.e. – widen 2 lanes to 4 lanes).

Projects within the existing roadway corridor where insignificant public interest or environmental impacts or both, are anticipated require publication of a notice of willingness to hold a design public hearing. VDOT will hold a design public hearing if a request for such a hearing is made, and the issues raised in relation to the request cannot be resolved through any other means.
--

For additional information, see 24VAC30-380-10

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+24VAC30-380-10>



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 guideline provided in DPM-1-11 (Appendix B) that a Public Hearing is not beneficial to the public.



SEC. 3.02 - PUBLIC HEARING PROCEDURES

To ensure compliance with state and federal regulations, Reference [23 USC 128](#), [23 CFR Part 771.111](#), [40 CFR Parts 1500-1508](#), [33.2-208 subsection B](#) 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 Federal funded) at specified location 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 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. 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 ensure 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 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 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, Location and Design and Design project hearings, the Project Manager shall notify all adjacent property owners as well as those property owners within such project study corridors by direct mailing of the public notice and project location map of the public meeting a minimum of 30 days prior to the meeting. For all hearings types a direct post card mailing to the community/individuals affected by the project may be distributed. **These direct mailings shall be included in the Transcript and uploaded into ProjectWise.**

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 to the public in sufficient quantities. Likewise, sensitive environmental concerns should be depicted for public viewing (Noise Wall Study information, Historic Property impacts, Wetland Mitigation sites, etc...). These displays are prepared and provided by the design team in coordination with and approval by the District Environmental Manager.



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



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 A. 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 A.

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.

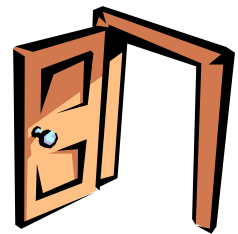
Provisions are made to accept written statements and other exhibits in place of, or in addition to, oral statements made for the record, within 10 calendar days after the hearing. A statement concerning the 10-day time limit for submission of such data and the appropriate address to which it should be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

An informational booklet should be provided to assure a basic understanding of the proposal (see Appendix A 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.

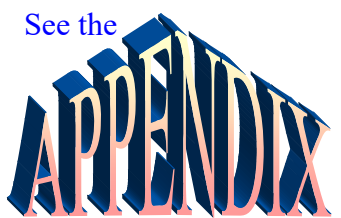
At the meeting, people familiar with all facets and features of the project visually display their information. The purpose of the open forum may be to suggest solutions or may simply be to give information and facts. The process is highly interactive with technical people presenting and fielding questions 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 **Categorical Exclusion** is applicable. Consult with the District Environmental Manager for additional information on requirements for making the environmental document available to the public.

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 ensure 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...

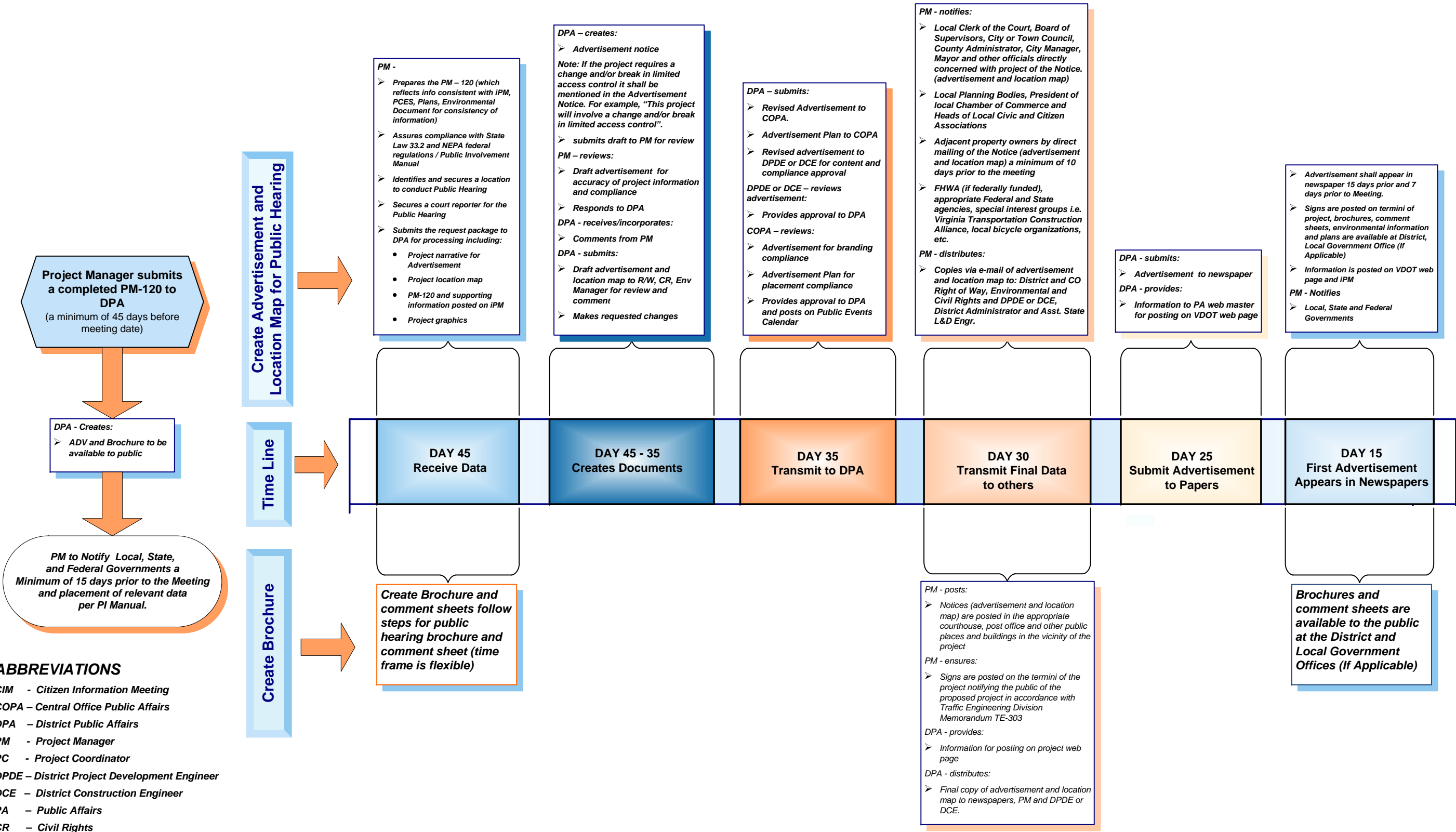
- The Resident Engineer will post signs on the terminus of the project notifying the public of the proposed project in accordance with IIM, TE-303.
- The Project Manager in charge of the project will notify the adjacent property owners by direct mailing of the public notice and project location map of 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. Consult with the District Environmental Manager for additional information on requirements for making the environmental document available to the public.

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.



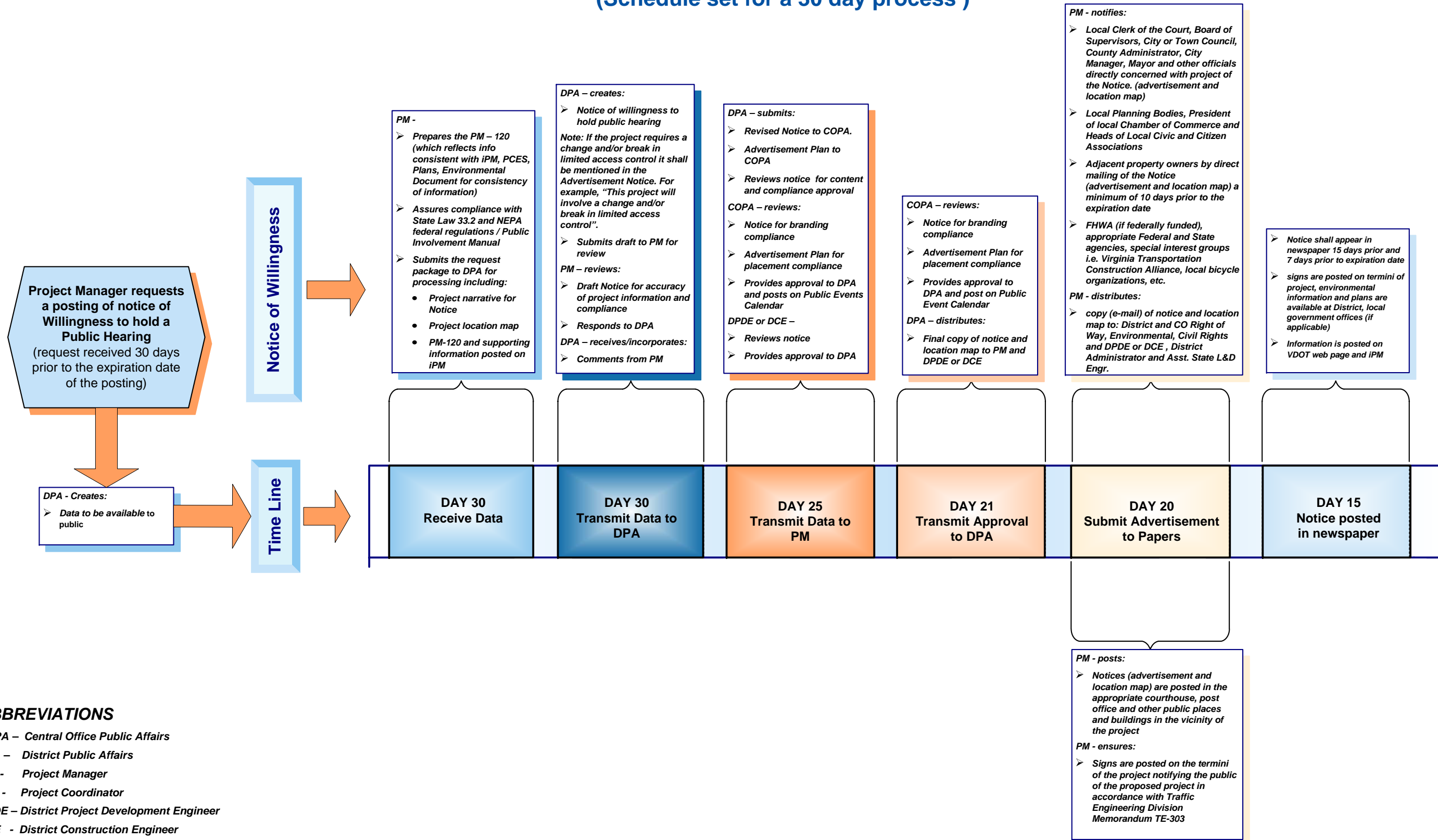
(Schedule set for a 45 day process – no legal requirements for this type of meeting)



ABBREVIATIONS

- CIM - Citizen Information Meeting
- COPA – Central Office Public Affairs
- DPA – District Public Affairs
- PM - Project Manager
- PC - Project Coordinator
- DPDE – District Project Development Engineer
- DCE – District Construction Engineer
- PA – Public Affairs
- CR – Civil Rights

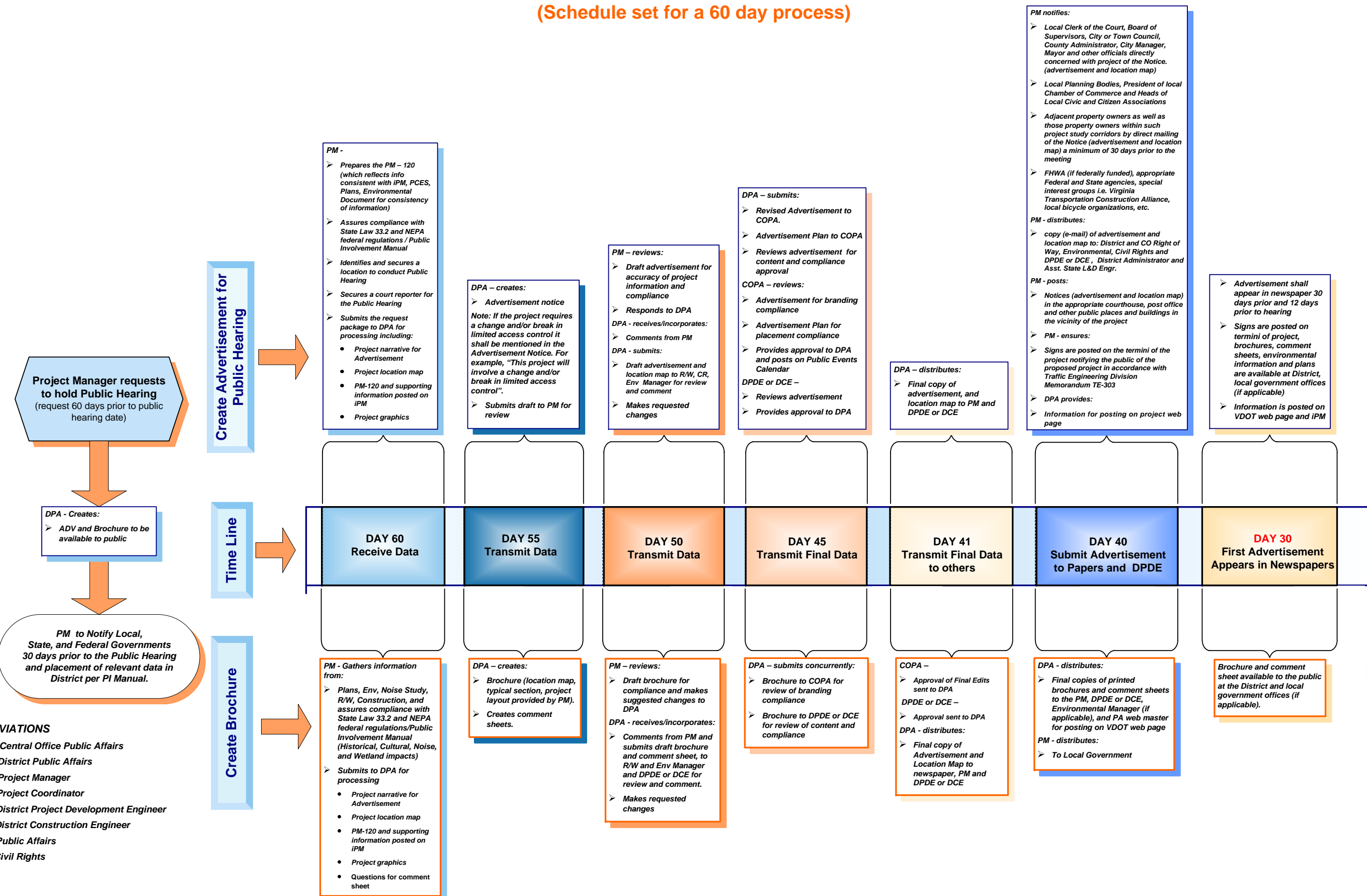
(Schedule set for a 30 day process)



ABBREVIATIONS

- COPA – Central Office Public Affairs
- DPA – District Public Affairs
- PM - Project Manager
- PC - Project Coordinator
- DPDE – District Project Development Engineer
- DCE - District Construction Engineer
- PA – Public Affairs
- CR – Civil Rights

(Schedule set for a 60 day process)



PM -

- Prepares the PM – 120 (which reflects info consistent with IPM, PCES, Plans, Environmental Document for consistency of information)
- Assures compliance with State Law 33.2 and NEPA federal regulations / Public Involvement Manual
- Identifies and secures a location to conduct Public Hearing
- Secures a court reporter for the Public Hearing
- Submits the request package to DPA for processing including:
 - Project narrative for Advertisement
 - Project location map
 - PM-120 and supporting information posted on IPM
 - Project graphics

DPA – creates:

- Advertisement notice
- Note: If the project requires a change and/or break in limited access control it shall be mentioned in the Advertisement Notice. For example, "This project will involve a change and/or break in limited access control".
- Submits draft to PM for review

PM – reviews:

- Draft advertisement for accuracy of project information and compliance
- Responds to DPA

DPA - receives/incorporates:

- Comments from PM

DPA - submits:

- Draft advertisement and location map to R/W, CR, Env Manager for review and comment
- Makes requested changes

DPA – submits:

- Revised Advertisement to COPA.
- Advertisement Plan to COPA

Reviews advertisement for content and compliance approval

COPA – reviews:

- Advertisement for branding compliance
- Advertisement Plan for placement compliance
- Provides approval to DPA and posts on Public Events Calendar

DPDE or DCE –

- Reviews advertisement
- Provides approval to DPA

DPA – distributes:

- Final copy of advertisement, and location map to PM and DPDE or DCE

PM notifies:

- Local Clerk of the Court, Board of Supervisors, City or Town Council, County Administrator, City Manager, Mayor and other officials directly concerned with project of the Notice. (advertisement and location map)
- Local Planning Bodies, President of local Chamber of Commerce and Heads of Local Civic and Citizen Associations
- Adjacent property owners as well as those property owners within such project study corridors by direct mailing of the Notice (advertisement and location map) a minimum of 30 days prior to the meeting
- FHWA (if federally funded), appropriate Federal and State agencies, special interest groups i.e. Virginia Transportation Construction Alliance, local bicycle organizations, etc.

PM - distributes:

- copy (e-mail) of advertisement and location map to: District and CO Right of Way, Environmental, Civil Rights and DPDE or DCE, District Administrator and Asst. State L&D Engr.

PM - posts:

- Notices (advertisement and location map) in the appropriate courthouse, post office and other public places and buildings in the vicinity of the project
- PM - ensures:
 - Signs are posted on the termini of the proposed project in accordance with Traffic Engineering Division Memorandum TE-303
- DPA provides:
 - Information for posting on project web page

- Advertisement shall appear in newspaper 30 days prior and 12 days prior to hearing
- Signs are posted on termini of project, brochures, comment sheets, environmental information and plans are available at District, local government offices (if applicable)
- Information is posted on VDOT web page and IPM

PM - Gathers information from:

- Plans, Env, Noise Study, R/W, Construction, and assures compliance with State Law 33.2 and NEPA federal regulations/Public Involvement Manual (Historical, Cultural, Noise, and Wetland impacts)
- Submits to DPA for processing
 - Project narrative for Advertisement
 - Project location map
 - PM-120 and supporting information posted on IPM
 - Project graphics
 - Questions for comment sheet

DPA – creates:

- Brochure (location map, typical section, project layout provided by PM).
- Creates comment sheets.

PM – reviews:

- Draft brochure for compliance and makes suggested changes to DPA

DPA - receives/incorporates:

- Comments from PM and submits draft brochure and comment sheet, to R/W and Env Manager and DPDE or DCE for review and comment.
- Makes requested changes

DPA – submits concurrently:

- Brochure to COPA for review of branding compliance
- Brochure to DPDE or DCE for review of content and compliance

COPA –

- Approval of Final Edits sent to DPA
- DPDE or DCE –
- Approval sent to DPA

DPA - distributes:

- Final copy of Advertisement and Location Map to newspaper, PM and DPDE or DCE

DPA - distributes:

- Final copies of printed brochures and comment sheets to the PM, DPDE or DCE, Environmental Manager (if applicable), and PA web master for posting on VDOT web page

PM - distributes:

- To Local Government

Brochure and comment sheet available to the public at the District and local government offices (if applicable).

SEC. 4.00 – EXCEPTIONS FROM THE PUBLIC HEARING PROCESS

A Hearing process (Public Hearing or Notice of Willingness to Hold a Public Hearing) is not required for emergency projects, as well as those that are solely for highway maintenance, or operational improvements, or both, except when they:

- Require the acquisition of right of way
- Changes the layout or function of connecting roadways or of the facility being improved
- Have an unfavorable effect upon abutting real property
- Otherwise have a significant adverse social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest

Tier 1 Projects:

Upon determination by the Project Manager that a project meets the criteria for Exceptions from the Public Hearing Process, a letter shall be drafted by the Project Manager for Approval by the District Engineer/Administrator (or designee). Upon Approval by the District Engineer/Administrator (or designee), the Project Manager shall secure Design Approval of the major design features of the project from the District Engineer/Administrator (or designee), notify the Project Team, and post the concurrence letter in the Project Documents section of IPM. The development of the project may then proceed to the next step in the project development process.

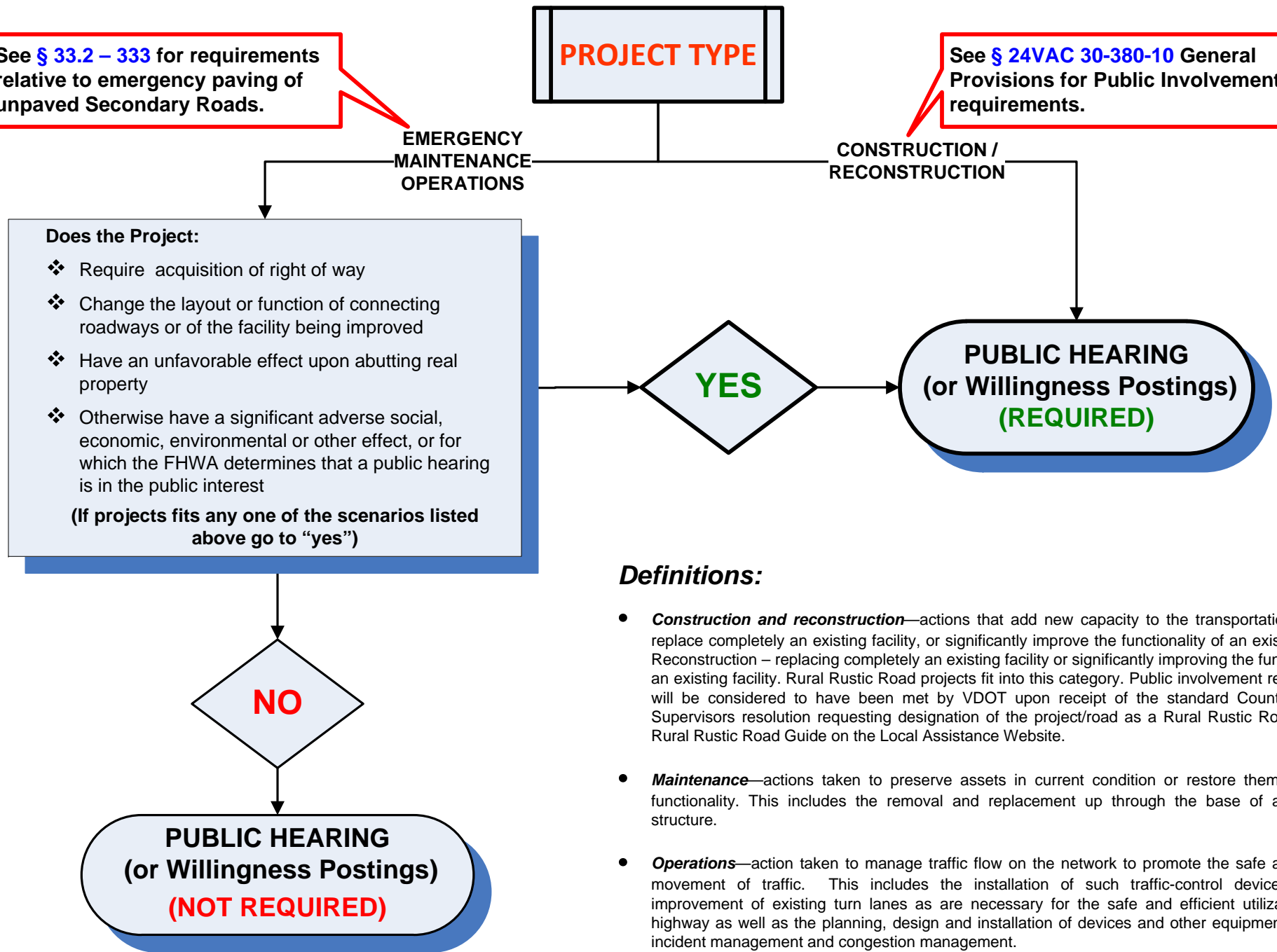
Tier 2 Projects:

Upon determination by the Project Manager that a project meets the criteria for Exceptions from the Public Hearing Process, a letter shall be drafted by the Project Manager for concurrence in this determination by the District Engineer/Administrator (or designee). Upon concurrence by the District Engineer/Administrator (or designee), the letter shall be submitted to the appropriate Assistant State Location and Design Engineer for Approval. The appropriate Assistant State Location and Design Engineer will also grant Design Approval of the major design features of the project. Upon Design Approval the Project Manager shall notify the Project Team, and post the Approval letter in the Project Documents section of IPM. The development of the project may then proceed to the next step in the project development process.

Note: This process is similar to the Willingness Design Approval process.

See § 33.2 – 333 for requirements relative to emergency paving of unpaved Secondary Roads.

See § 24VAC 30-380-10 General Provisions for Public Involvement requirements.



Definitions:

- **Construction and reconstruction**—actions that add new capacity to the transportation network, replace completely an existing facility, or significantly improve the functionality of an existing facility. Reconstruction – replacing completely an existing facility or significantly improving the functionality of an existing facility. Rural Rustic Road projects fit into this category. Public involvement requirements will be considered to have been met by VDOT upon receipt of the standard County Board of Supervisors resolution requesting designation of the project/road as a Rural Rustic Road See the Rural Rustic Road Guide on the Local Assistance Website.
- **Maintenance**—actions taken to preserve assets in current condition or restore them to original functionality. This includes the removal and replacement up through the base of a pavement structure.
- **Operations**—action taken to manage traffic flow on the network to promote the safe and efficient movement of traffic. This includes the installation of such traffic-control devices and the improvement of existing turn lanes as are necessary for the safe and efficient utilization of the highway as well as the planning, design and installation of devices and other equipment related to incident management and congestion management.

SECTION 5.00 – PUBLIC HEARING PROJECT APPROVAL

SEC. 5.01 - LOCATION OR LOCATION AND DESIGN APPROVAL

For projects on which a public hearing is held, the following procedure will apply:

After study of the comments received from the public, environmental considerations, costs, design standards, and the evaluations of any studies completed as a result of the public involvement procedures, the transcript will be compiled. The transcript will be summarized and issues addressed.

See the Location or Location and Design Approval Process - Tier 1 and Tier 2 Flow Charts on the following pages.

1. On Federal-aid projects, final approval is obtained when:
 - a) For Location or Location and Design Hearings, FHWA approves the Draft Environmental Document, when the FHWA Division Administrator has received and accepted the public hearing transcripts, reports, and certifications required by Federal Codes.
 - b) For Design Hearings on interstate projects, FHWA approves the major design features after receipt of the design study report, the hearing transcript, and the formal request for approval (certification acceptance procedures are followed for non-interstate projects).
 - c) Project plans may be signed for right of way and utilities 15 days after the record of decision has been posted.

SEC. 5.02 –DESIGN APPROVAL

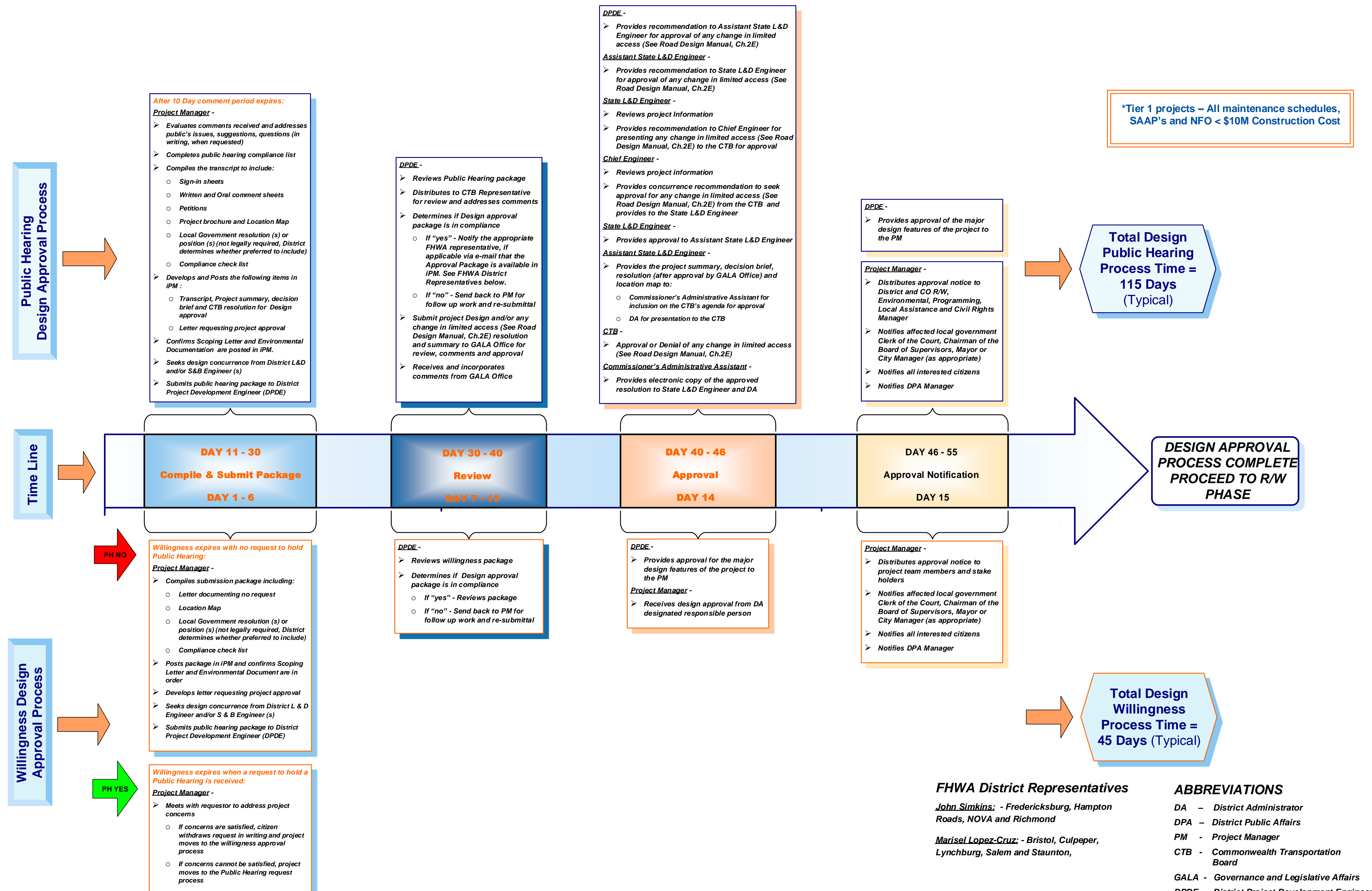
For projects with a public hearing or the posting of notice of willingness to hold hearing:

Approval for projects on which Notice of Willingness procedures have been sufficient to satisfy the public involvement requirements, the following procedures will apply:

See the Design Approval Process - Tier 1 and Tier 2 Flow Charts on the following pages.

1. For state funded projects, approval is obtained when, all appropriate approving authorities (Structure and Bridge representative, Local Assistance representative, etc.) has reviewed and signed off on the project. This includes the Chief Engineer through his delegated representative.
2. For federal-aid projects, final approval is obtained when:
 - a) For Design Hearings, FHWA Division Administrator has received and accepted the certifications required by Federal Codes. When the steps outlined in EM NEPA 700 are met.
 - b) For Notice of Willingness on interstate projects, FHWA approves the major design features after receipt of the design study report and the formal request for approval (certification acceptance procedures are followed for non-interstate projects).
3. Project plans may be signed for Right of Way and Utilities 15 days after the record of decision has been posted.

(Schedule set for a 55 day process for Public Hearing and a 15 day process for Willingness Held with no Public Hearing Required)



*Tier 1 projects – All maintenance schedules, SAAP's and NFO < \$10M Construction Cost

Total Design Public Hearing Process Time = 115 Days (Typical)

DESIGN APPROVAL PROCESS COMPLETE PROCEED TO R/W PHASE

Total Design Willingness Process Time = 45 Days (Typical)

FHWA District Representatives

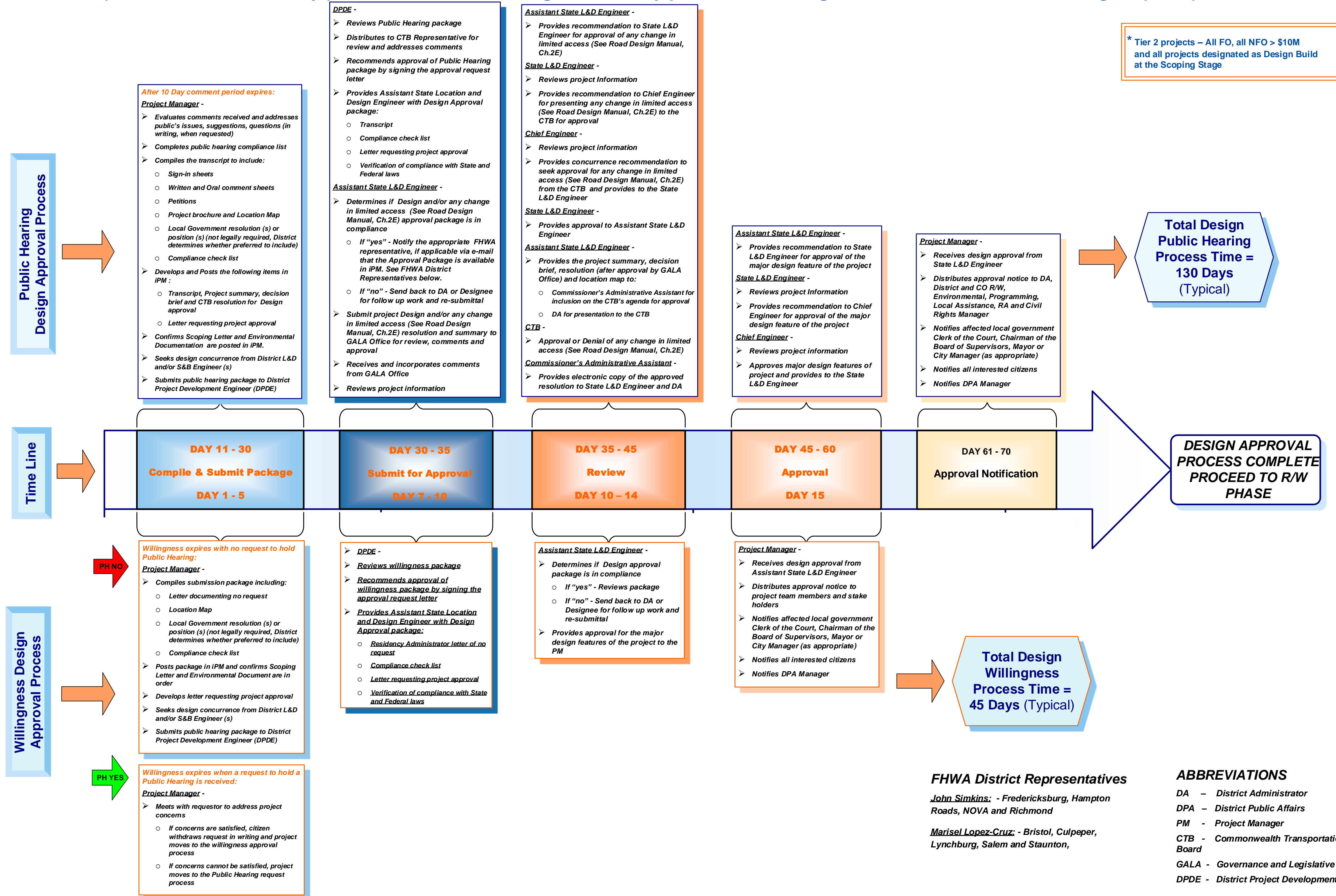
- John Simkins** - Fredericksburg, Hampton Roads, NOVA and Richmond
- Marisel Lopez-Cruz** - Bristol, Culpeper, Lynchburg, Salem and Staunton,

ABBREVIATIONS

- DA - District Administrator
- DPA - District Public Affairs
- PM - Project Manager
- CTB - Commonwealth Transportation Board
- GALA - Governance and Legislative Affairs
- DPDE - District Project Development Engineer

(Schedule set for a 70 day process for Public Hearing and a 15 day process for Willingness Held with no Public Hearing Required)

* Tier 2 projects – All FO, all NFO > \$10M and all projects designated as Design Build at the Scoping Stage



FHWA District Representatives

John Simkins: - Fredericksburg, Hampton Roads, NOVA and Richmond

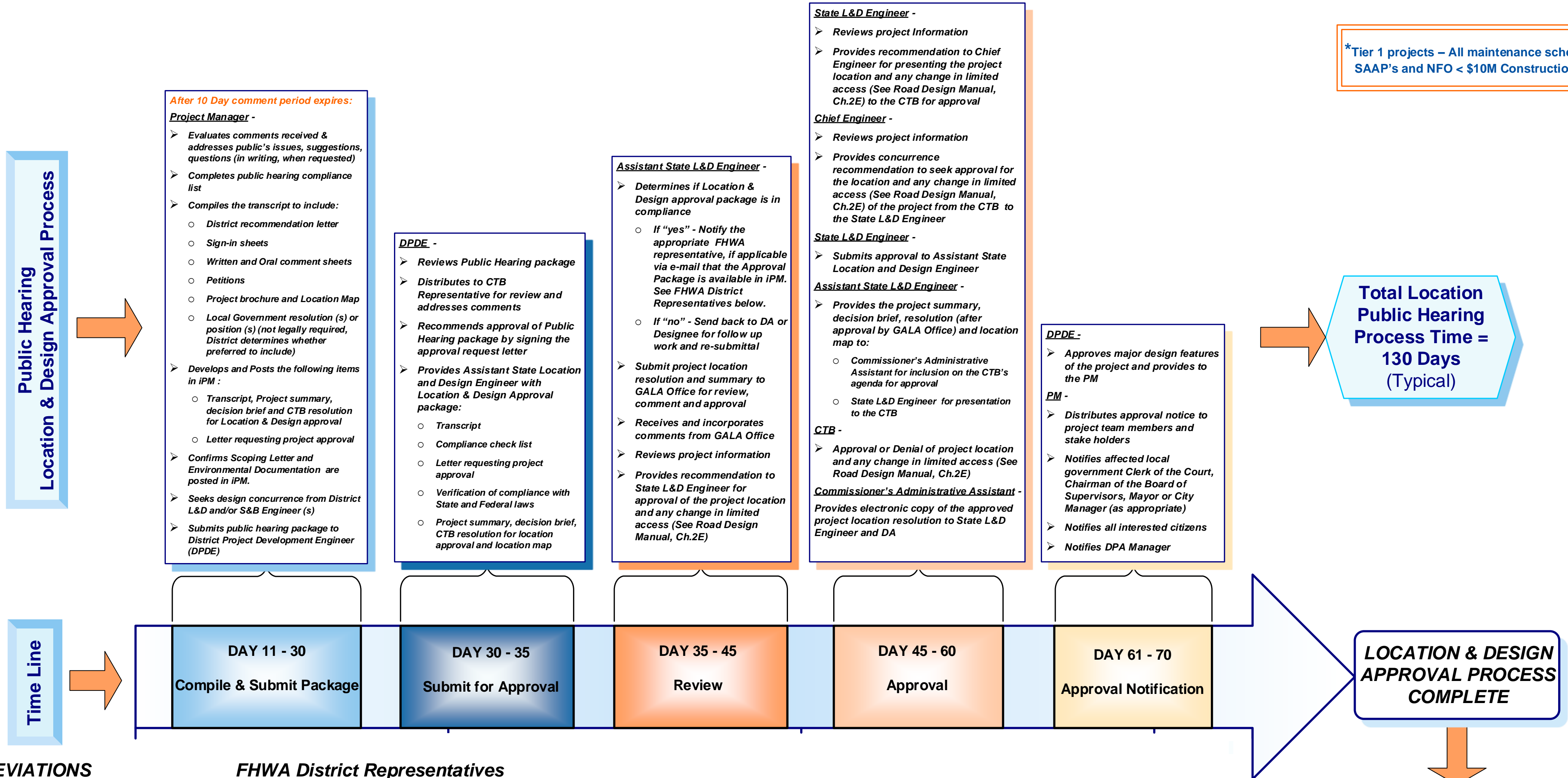
Marisel Lopez-Cruz: - Bristol, Culpeper, Lynchburg, Salem and Staunton,

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(Schedule set for a 70 day process for Public Hearing and a 45 day process for Willingness Held with no Public Hearing Required)

*Tier 1 projects – All maintenance schedules, SAAP's and NFO < \$10M Construction Cost



ABBREVIATIONS

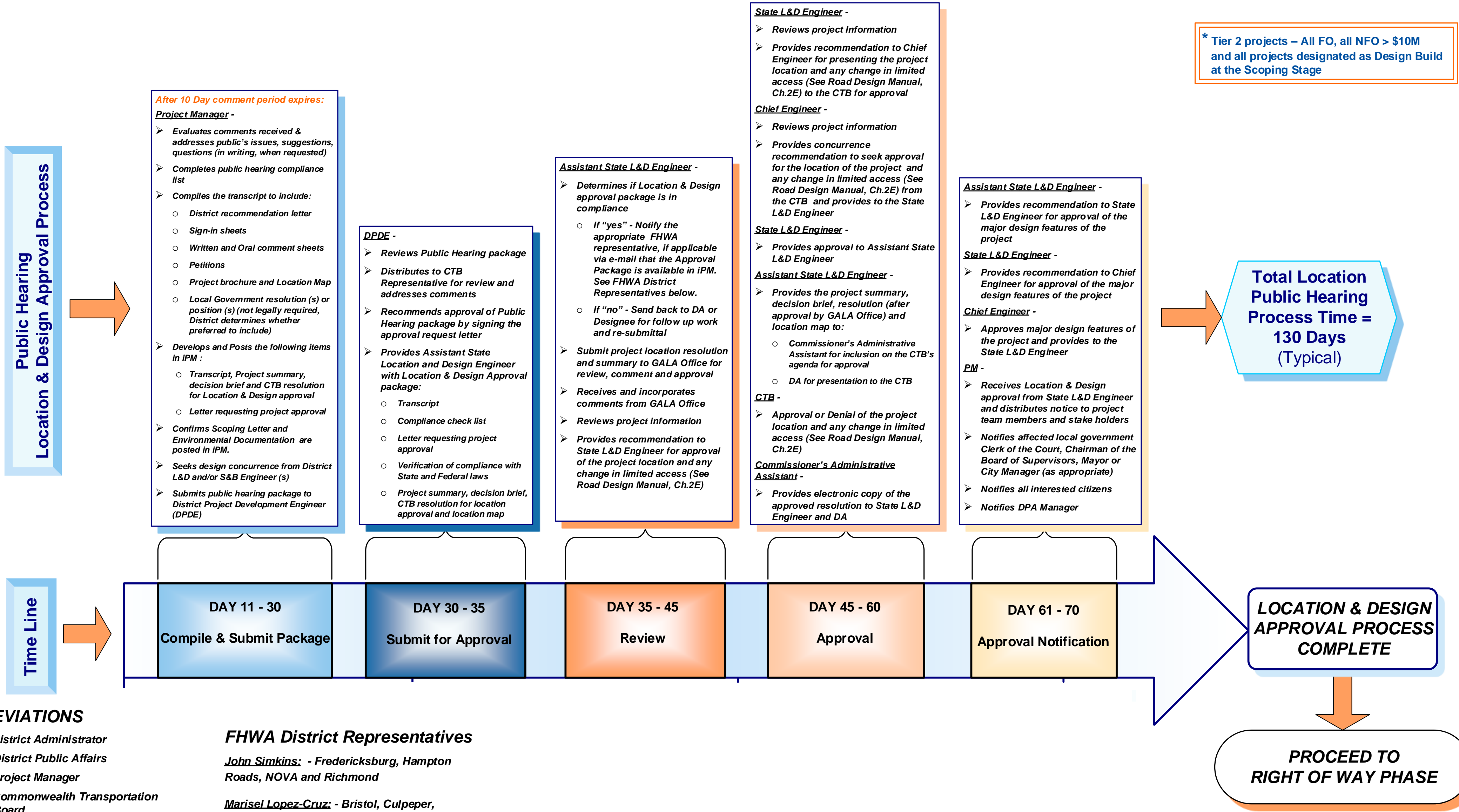
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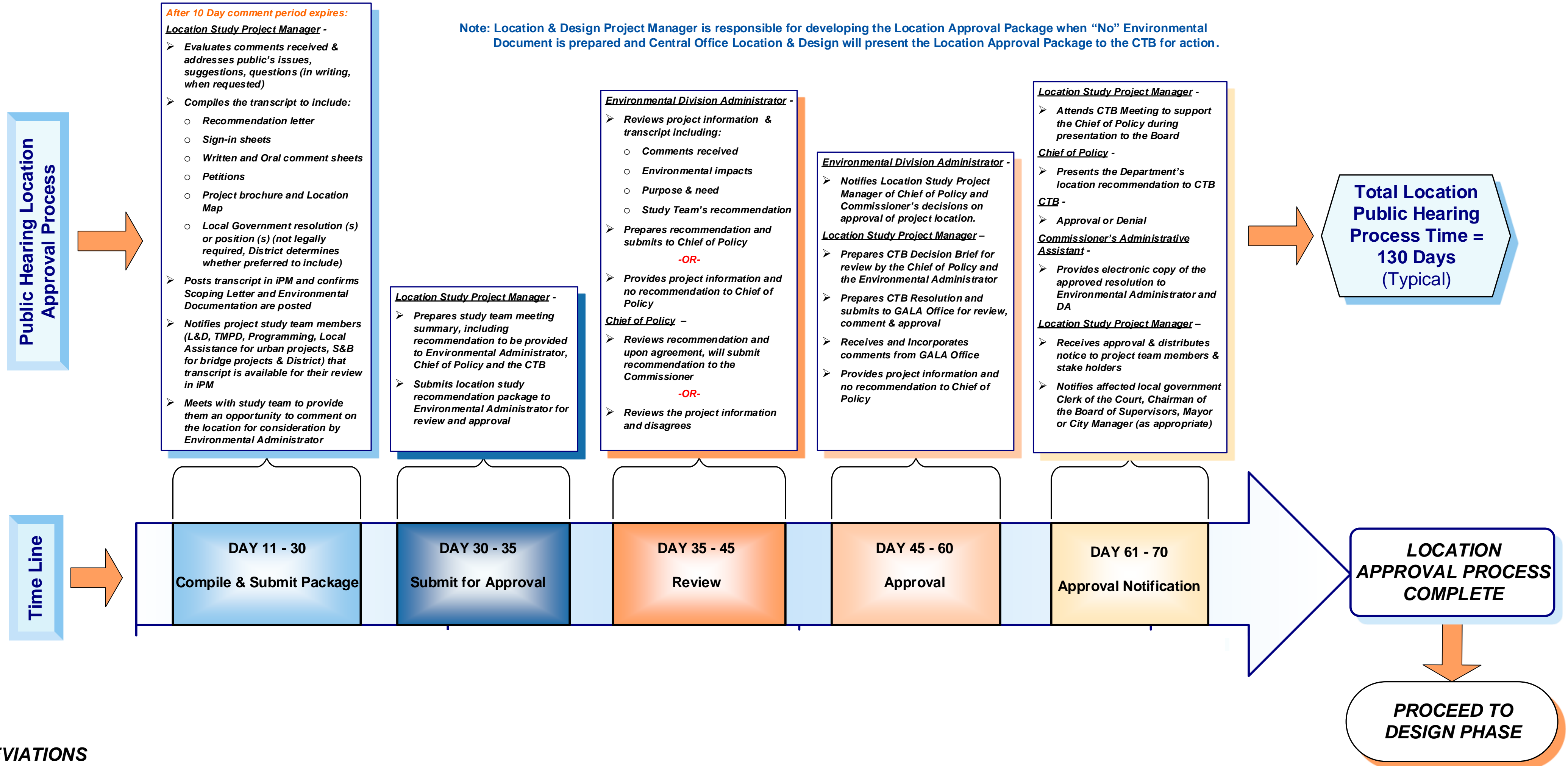
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(Schedule set for a 70 day process for Public Hearing)

Note: Location & Design Project Manager is responsible for developing the Location Approval Package when "No" Environmental Document is prepared and Central Office Location & Design will present the Location Approval Package to the CTB for action.



ABBREVIATIONS

- DA - District Administrator
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- PM - Project Manger
- CTB - Commonwealth Transportation Board
- GALA - Governance and Legislative Affairs

SECTION 6.00 – REHEARING

SEC. 6.01 REHEARING CRITERIA

Criteria for rehearing projects;

Substantial amount of time has passed regardless of funding

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.

Federal-Aid Projects

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.

State Funded Projects

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.

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 §[33.2-208](#) 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 B) prohibits discrimination on the basis of disability in state assisted programs and activities.

Effective October 1, 1991, VR §602-01-2 (Appendix B) 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 ensure 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 ensure 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 ensure 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.

APPENDIX A
GUIDANCE FOR THE PUBLIC HEARING HANDOUT

A public hearing handout should contain sufficient information to provide a clear, understandable explanation of the project. Handouts should be prepared with the understanding that many are distributed prior to the hearing and are read by people who may not attend the hearing.

Contents should include:

1. Date, time and location of hearing, and plan review.
2. Project numbers and description.
3. Length of project.
4. Type of hearing (location, design, location and design).
5. Contact person and location of additional information.
6. Contact person for right of way information and relocation assistance.
7. Statement concerning any special arrangements for conduct of hearing (reserved speaker times, time limits, etc.).
8. Non-discrimination notification statement. (Added 05/31/2002)
9. Procedure for submitting written statements and exhibits for the hearing record.
 - a) For Interstate, Primary, and Arterial projects, all comments oral and written will be returned to the District Administrator. A printed postage paid comment sheet will be provided on all projects.
 - b) For Secondary projects all comments oral and written will be returned to the Resident Engineer. A printed postage paid comment sheet will be provided on all projects.
10. Map or maps as necessary for explaining project.
11. Project history (need for project, consistency with area planning, previous meetings, existing road system and problems, etc.).
12. Description of project, location and design features.
13. Explanation of special construction details (detours, maintenance of traffic, etc.).

14. Description of alternatives studied (not in detail unless viable).
15. If appropriate, a statement that an environmental document has been prepared and is available for review.
16. If appropriate, a summary of environmental impacts and mitigation measures (this may consist of a statement that there are no significant impacts).
17. A statement on flood plain involvement (if involved, try to explain briefly).
18. A statement on number of families, etc., to be displaced.
19. Cost figures and funding responsibilities.
20. Discussion on remaining actions necessary and schedule for right of way acquisition and construction activities.
21. A statement on maintenance responsibilities after completion.
22. A statement that all information, including the transcript, will be available for review and copying and the location where it will be available.
23. If a federal-aid project, explain federal-state relationship.

Example Statement for Federal-aid Project:

The Federal Highway Administration must approve the need for the proposed highway improvement, as well as the environmental document, plans, specifications, cost estimates, right of way acquisitions, and construction procedures.

This federal participation in the decision-making process provides an additional check to assure that federal, state, and local goals and objectives are met and that opportunity for public participation is provided. Federal and state regulations require that a wide range of factors and impacts are considered and that the final decisions are made in the best overall public interest.

APPENDIX A

GUIDANCE FOR TRADITIONAL PUBLIC HEARING PRESENTATION

A public hearing presentation by VDOT should last no longer than 25 minutes. There are usually three VDOT representatives (moderator, engineer, right of way and utilities) giving presentations. Special presentations may be made when necessary (environmental landscaping, traffic, etc). All presentations should be coordinated to avoid repetition or leaving out necessary data.

While the moderator and right of way and utilities presentations are generally the same format for each hearing, care should be taken to assure that all items are consistent with a particular hearing and project.

The moderator generally covers:

- The call to order and introduction.
- The project description and type of hearing.
- Introduction of local officials (if the officials desire to be introduced).
- Explanations of conduct of the meeting with special care to adjust to specific attendance and speaker registration procedures.
- Statement concerning submission of written comments and preparation of transcription.
- Availability of information (including transcript) in the future.
- Remaining actions prior to final approval of the project.
- Any project related data he/she feels should be a part of the general comments.
- Introduction of speakers including making sure all persons wanting to speak are accommodated (even if they did not pre-register).
- Maintain control of a meeting, including setting time limits if necessary and obtaining clear statements of name, address, and comments regarding the project.
- Closing the meeting.

The Engineering Presentation

An engineering presentation should contain the same basic engineering information contained in the handout. It should be more general in content because the listeners do not have an opportunity to study maps and digest the information, as they would while reading a booklet. If there will be no special environmental presentation, the engineering should cover the environmental impacts and studies and should indicate availability of the environmental document if a Federal-aid project is being presented (coordination with the environmental section is necessary).

Slides or other special display materials should be used at all public hearings.

The Right of Way and Utilities Presentation

VDOT's Right of Way and Utilities Division in the Central Office keeps current an example of a complete right of way presentation. Each presenter should adjust this presentation to meet his or her own speaking tone and style, as well as adjusting it to meet the requirements of a specific project. A Right of Way and Utilities representative will be available to discuss acquisition and relocation procedures after the formal presentation.

There is a slide presentation available to accompany this speech that should be used at all public hearings.

APPENDIX A
GUIDANCE ON ITEMS TO CHECK WHEN SETTING UP
AND CONDUCTING PUBLIC MEETINGS

MAKING THE ARRANGMENTS –

The District Administrator or his appointed representative is responsible for making all arrangements for and conducting the hearing. Careful thought should be given to the details of any public hearing, from making arrangements for a meeting time and place to final submission of transcripts. Responses to public comments and recommendations on project action should be carefully considered to indicate a willingness to respond to concerned citizenry input.

As a general rule, all public hearings will be held at night. Exceptions to this rule will be considered if there is good reason to believe that a day hearing will best serve the interests of local citizens.

PROJECT INFORMATION AVAILABLE FOR REVIEW -

Maps, drawings, and other information must be available for public inspection and copying in appropriate local highway offices, city and county offices, and public libraries as the need may dictate when the hearing advertised (30 days prior to meeting date) or willingness to conduct a hearing is advertised (15 days prior to expiration date). The information shall include a Location, Location and Design, or Design Study Report which will be made available to the public as interest is shown and distributed to all who attend the public hearing. The information for review and copying shall include, among other items, the Environmental Impact Statement (including Section 4(f) statement when applicable) or environmental assessment on all Federal Aid projects.

MEETING WITH LOCAL CITIZENS BEFORE HEARING -

On all projects in urban areas or other areas of unusual public interest, at least one meeting should be scheduled before the public hearing to informally review the project with local citizens and answer questions.

The District Administrator should notify all local civic and citizens' associations advising them of scheduled public hearings in their area. The District Administrator or VDOT engineers should arrange to meet with organizations that have a strong interest in the project, at their invitation, to informally discuss the proposed project prior to the scheduled hearing.

ADDITIONAL/ALTERNATIVE ADVERTISEMENT OF MEETINGS -

Advantage should be taken of any available opportunity for public service spot announcements on radio and TV just prior to the public hearings. This opportunity should be used to encourage people to attend the hearing who have interest in the traffic service of the road, as well as those who may live adjacent to the project.

REGISTRATION -

OPEN FORUM HEARINGS - Registration cards or sheets, which will provide as a minimum, the person's name, mailing address, will be provided to all who attend a public hearing.

FORMAL HEARINGS - Registration cards or sheets, should include as a minimum, the person's name, mailing address, an area to indicate if a Citizen wishes to speak. These cards should be turned in to the moderator.

PUBLIC TESTIMONY –

OPEN FORUM HEARINGS – A Verbatim Reporter should be available to receive public comment and should be placed in a location easily seen by those attending the meeting. An employee may take verbal comments via a tape recorder if it is deemed to be more physically responsible for small projects. However the recorder should never be left unattended.

FORMAL HEARINGS - Microphones for receiving public testimony should be conveniently placed near the front. Wireless microphones should be available for those individuals who cannot easily get to the speakers microphone. Arrangements should never be in a way that would intimidate the public. Arrangements should also be such that participants from the audience address the hearing officer rather than the audience.

Some ways of avoiding problems are:

- Make your best estimate of expected attendance, then prepare for twice that number (size of facility, number of handouts, number of Department representatives, number and type of displays, length of time needed for plan reviews, type of attendance and speaker registration to be used, etc.).
- Check for other activities scheduled for the same time at or near the facility as they would relate to noise, parking, and crowd control (basketball, baseball, football, bingo, classes, band practice, etc.).
- Make sure that the facility will have air conditioning or heating (whichever is necessary). Some newer buildings have computer systems that cut off systems after normal hours and facility managers are unable (or reluctant) to change the system. Also, check to see if the building must be emptied at a certain time.

- Check with the facility manager prior (one to two days) to any meeting to assure that the necessary people will be available to unlock the building, set up tables and chairs, indicate light switches, etc..
- Check parking area to make sure that all prime spaces are not filled with state vehicles, particularly if spaces close to the entrance are limited.
- Check to see if signs will be necessary to direct the public to the meeting area.
- Check with the representatives to assure they are prepared, that they know what time to arrive, that presentations have been coordinated and practiced, and that all displays and equipment will arrive on time. Representatives should be present from the engineering, environmental, right of way and utilities sections for most projects. Specialists may be requested to participate whenever necessary, and may include highway and traffic safety, transportation planning, landscaping, noise, water quality, bridge, drainage, etc., sections.
- If special displays are to be used, those representatives using them should set them up and review prior to the start of any meeting.
- Set up displays and registration material in as wide an area as is practical to spread the people out, avoiding confusion and a crowded appearance.
- Have pre-addressed comment sheets or envelopes available for submittal of written comments after the meeting.
- If practical, provide handouts, registration material, and displays outside the formal meeting room. This allows conversations with late arrivals without disrupting the meeting.

Assistance may be obtained from the Public Involvement Section of the Location and Design Division. Different registration and hearing formats may be desirable in certain cases and may be discussed with this section. Additional display equipment, directional signs, informational signs, and personnel may be obtained through this section.

APPENDIX A
GENERAL GUIDELINES FOR PLANNING MEETINGS

1. PUBLICITY/PROMOTION/NOTIFYING

- notices - to whom
- letters of invitation
- directions to meeting place
- phone calls
- news releases
- contact with the media
- copies of speeches
- copies of meeting plan
- pictures/photographs
- bulletin boards
- personal contacts

2. AGENDA AND RESOURCE MATERIALS

- copies of agenda
- contact people on the agenda
- materials needed (e.g., reprints)
- committee reports
- previous agreement and time commitments

3. RESPONSIBILITIES BEFORE THE MEETING

- leadership assignments
- documentation or recording
- assignments
- resource persons
- observers
- "hosting" roles
- making reports
- trying out equipment
- test whether charts and posters are readable
- test electrical outlets
- preview films for timing and content

4. SPACE CHECK

size and shape of space room (when, how)
electrical outlets
mike outlets
engineering, where to be reached
acoustics
doors, bathrooms, and stairs (handicap accessibility)
elevators
heat/cold regulation/ventilation
parking facilities (number and access)
registration area/location
transportation, access to facility (by buses)
room set up arrangements
access to meeting
name of custodian
telephone access
exhibit space wall space for displays, etc.
emotional impact (color, aesthetics)

5. EQUIPMENT FOR MEETING

tables (number, size, shape)
chairs (comfort, number)
microphones
audio tape recorder
audio tape cassettes
video tape recorder
video tape cassettes
extension cords
overhead projector
chalkboard, chalk, eraser
bulletin boards
projection table (s)
flannel board
easels (number)
slide projector, screen, platform
camera, film
transparencies & appropriate pens & grease pencils
TV and VCR

6. MATERIALS AND SUPPLIES FOR THE MEETING

- name tags
- pamphlets
- small tip felt pens, display materials
- large tip felt pens
- decorations
- masking tape
- posters
- paper clips
- instruction sheets
- pins/thumb tacks
- directional signs (to meeting)
- scissors, stapler, glue
- note pads
- pencils
- visual aids
- plans/mosaic
- renderings/photographs
- copies of study reports
- copies of environmental document

7. JUST BEFORE THE MEETING

- seating arrangements
- extra chairs
- extra tables
- P.A. system checkout
- equipment (easels, screens, etc.)
- materials (paper, pens, etc.)
- ash trays
- thermostat
- opening and closing of windows
- registration set-up
- check that charts, boards, screens can be seen from everywhere
- agendas available
- other materials available: handouts, name tags, tables (number) and audio-visual equipment ready

8. AT THE MEETING

- meeting, greeting, seating of participants and guests
- documentation - recording
- evaluation activity
- handing out materials
- operation of equipment
- process, review, stop sessions, etc.
- announcements

9. END OF MEETING AND AFTER

- hold post meeting debriefing (what everyone gathered from comments from the meeting)
- collect unused materials
- return borrowed equipment
- clean up
- thank helpers
- read and analyze feed-back, prepare feedback and mail follow-up materials to remind people of their commitments (telephone and written)

APPENDIX A
Compliance for Public Hearing
(provide supporting documentation if available)

State Project #:
Federal Project #:
County:
UPC:
From:
To:

Public Notification of Hearing -

1. Public Notice content:
 - a. Date, time, place and type of meeting
 - b. Description of project (iPM)
 - c. Statement of tentative schedules
 - d. Statement of right-of-way relocation and assistance information
 - e. Statement of opportunity for written and oral comment
 - f. Procedure for submitting written statements (10-day comment period)
 - g. Project identification information
 - h. Availability of project material (plans, brochure, and environmental documentation)
 - i. Non-Discrimination notification with working phone number for public inquiries

2. Certification of publication in newspapers (Copy of Advertisement from Daily Newspaper):
 - a. 30 days ahead
 - b. Second posting within 15 days of project

3. Notification of Local, State and Federal officials:
 - a. Clerk of Court or Town/City Clerk
 - b. Other Local Officials
 - c. FHWA
 - d. Other State Agencies

4. Public Notification:

- a. Letters to adjacent property owners
- b. Highway signs on termini of project
- c. Posting in local businesses and public facilities
- d. Notification of special interest groups

5. Data available to Public 30 days prior –

1. Public Hearing plans in:

- a. Residency
- b. District
- c. City or Town
- d. Central Office
- e. Public Hearing plans .tiff (post on iPM)

2. Environmental

- a. Copies of environmental document
- b. Noise Wall information

3. Brochure or information to support project

- a. Title VI
- b. Project description
- c. Traffic data
- d. Environmental data
- e. Right of way impacts
- f. Tentative schedule
- g. Procedures for submission of comments
- h. Availability of public hearing comments to public

4. Comment Sheet

- a. Project identification information
- b. Comment period information

5. Plans in place, residency, district, falcon, city, town etc.

6. Conduct of meeting:

1. Project information:

- a. Plans
- b. Brochure
- c. Comment sheet
- d. Environmental data

2. Court Reporter

3. Comment table

4. Right of Way

5. Environmental

6. Residency

7. Reception desk

8. EEO data

7. Transcript submission:

- 1. Cover with hearing and project information
 - a. Project description

- b. Type of hearing
 - c. Project limits
 - d. UPC code
2. Index of content
 - a. Sign in sheets
 - b. Oral comment
 - c. Written comment
 - d. County/Town/City recommendation
 3. Sign in sheets
 - a. Copies of original
 4. Local government recommendation
 5. Cover letter that addresses the citizens' comments, the Residency recommendation and the Districts recommendation.
 6. One set of prints (half size ok)

APPENDIX A

Compliance for **Willingness** to hold a Public Hearing (provide supporting documentation if available)

State Project #:
Federal Project #:
County:
UPC:
Fr:
To:

Public Notification of Willingness to hold a Public Hearing -

1. Public Notice content:
 - a. Date, type of meeting
 - b. Description of project (iPM)
 - c. Procedure for requesting a hearing
 - d. Project identification information
 - e. Availability of project material (plans and environmental documentation)
 - f. Non-Discrimination notification with working phone number for public inquiries
2. Certification of publication in newspapers (Copy of Advertisement from Daily Newspaper):
 - a. 15 days ahead
 - b. Second posting within 7 days of project
3. Notification of Local, State and Federal officials:
 - a. Clerk of Court or Town/City Clerk
 - b. Other Local Officials
 - c. FHWA
 - d. Other State Agencies
4. Public Notification:
 - a. Letters to adjacent property owners
 - b. Highway signs on termini of project
 - c. Posting in local businesses and public facilities
 - d. Notification of special interest groups
5. Data available to Public 15 days prior –
 1. Plans in:
 - a. Residency
 - b. District
 - c. Plans .tiff - posted on iPM
6. Environmental
 - a. Copies of environmental document
 - b. Noise Wall information
7. Plans attached

APPENDIX A

Compliance for **Exception** for Public Hearing

See Section 4.00 – Exceptions From the Public Hearing Process.

APPENDIX B
Region 3's Environmental Guidebook
23 CFR 771

PART 771 - ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

To access 23 CFR 771 – Environmental Impact and related procedures website click on the link below.

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=0342effde9eee877884a54f81c87dafc;rgn=div5;view=text;node=23%3A1.0.1.8.4;idno=23;cc=ecfr>

APPENDIX B

Environmental Justice in Minority Populations and Low-Income Populations Executive Order #12898

To access Environmental Justice in Minority Populations and Low-Income Populations website click on the link below.

<http://www2.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

APPENDIX B

Code of Virginia 51.5-40

To access the Code of Virginia 51.5-40 website click on the link below.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+51.5-40>

APPENDIX B

VR 602-01-2

AMERICANS WITH DISABILITIES ACT of 1990

To access the AMERICANS WITH DISABILITIES ACT of 1990 website click on the link below.

<http://www.ada.gov/>

APPENDIX B

Section 33.2-208 of the Highway Laws of Virginia

To access the Code of Virginia 33.2-208 website click on the link below.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+33.2-208>

APPENDIX B

(DPM-1-11 – Filed – November 10, 2008) VDOT DEPARTMENT POLICY MEMORANDA (DPM) MANUAL

PUBLIC HEARINGS FOR THE LOCATION AND DESIGN OF HIGHWAY CONSTRUCTION PROJECTS

Status of Policy

This policy, classified as a regulation subject to the *Virginia Register Act* (§ [2.2-4100 through 2.2-4104](#) of the Code of Virginia), but exempt from the provisions of the *Administrative Process Act* (§ [2.2-4000 through 2.2-4032](#) of the Code of Virginia), was filed with the State Registrar of Regulations under the title *Public Hearings for the Location and Design of Highway Construction Projects* ([24 VAC 30-380-10](#)), with the latest revision effective October 22, 2008. The text of the regulation can be accessed via the Internet at one or more of the following addresses:

- Registrar of Regulations site: (*The Virginia Register, Volume 25, Issue 5, page 1130*)
<http://register.dls.virginia.gov/vol25/iss05/v25i05.pdf>
 - Virginia Administrative Code, Legislative Information System:
<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+24VAC30-380-10>
- Alternatively, paper copies of the regulation may be obtained from the Policy Division.

APPENDIX C

HOW TO REQUEST A PUBLIC MEETING

To request a public meeting be advertised the following form should be completed with the requested information (LD-434). This form, 8 ½ "X 11" project locations map and a set of project plans (title, location, typical, plan and profile) should be forwarded to the Public Involvement Section (this is a minimum).

VIRGINIA DEPARTMENT OF TRANSPORTATION
LOCATION AND DESIGN DIVISION
OFFICE OF PUBLIC INVOLVEMENT
PUBLIC HEARING/MEETING REQUEST FORM

DATE OF REQUEST: ____/____/____

FROM: _____ PHONE: _____

ROUTE: _____ PROJECT #: _____

FROM: _____

TO: _____

LENGTH: _____ COUNTY/CITY: _____

PPMS #: _____ FEDERAL PROJECT #: _____

DISTRICT: _____ RESIDENCY: _____

CHARGE CODE: UPC _____, Act. Code___ IMPERIAL METRIC

TYPE: LOCATION _____ DESIGN _____ COMBINED LOC & DES _____

WILLINGNESS POSTING _____ CITIZEN INFORMATION _____

DAY AND DATE SCHEDULED: _____, ____/____/____

STYLE: OPEN FORUM: FROM ____:____ p.m. TO ____:____ p.m.

FORMAL: PRE-HEARING PLAN REVIEW AT ____:____ p.m.

HEARING AT ____:____ p.m.

LOCATION: _____

(Letter of confirmation of date, time and place required)

ENVIRONMENTAL DOCUMENT REQUIRED? YES ___ NO ___

IF YES, WHAT TYPE? _____

DATE OF APPROVAL: ____/____/____ (Submit approved document to PI)

(PI must have title sheet, public hearing plans, letter size map)

APPENDIX C

***** DATA REQUESTED FROM PUBLIC INVOLVEMENT SECTION *****
(Items you would like PI to prepare)

+++++

ITEMS FOR BROCHURE/HANDOUT:

COVER: YES ___ NO ___

LOCATION MAP: YES ___ NO ___

TYPICAL SECTION: YES ___ NO ___
(If yes, copy of typical section plan sheet required)

COMMENT SHEET: YES ___ NO ___
(If yes, provide questions)

PRINTING: YES ___ NO ___

IF YES, NUMBER OF COPIES: _____

+++++

OTHER SUPPORT ITEMS:

VIDEO: YES ___ NO ___
(If yes, photos/material and script shall be submitted)

RENDERINGS: YES ___ NO ___
(If yes, call coordinator for information that's required)

MASS MAILING LABELS _____ MASS MAIL POST CARDS _____
(If yes, attach a map showing area to be covered)

+++++

NOTE: (Revised 9/04)
ALL INFORMATION SHALL BE SUBMITTED TO THE OFFICE OF PUBLIC
INVOLVEMENT NO LESS THAN 60 DAYS PRIOR TO HEARING DATE.

APPENDIX C

HOW TO PREPARE A PROJECT BROCHURE

The following information contains a sample of all the standard sections to be included in each project booklet. These sections are representative and do not have to be used word for word, but can be if it fits your needs. Each project is unique; therefore, your project may require some additional information.

INFORMATION MEETING BOOKLET-

Provide a description of the information you wish to gather comment for.

LOCATION PUBLIC HEARING BOOKLET –

Provide a description of each Alternative presented and a comparison of the pros and cons of each including but not limited to environmental, right of way, construction, permits and cost.

DESIGN PUBLIC HEARING BOOKLET-

Provide a description of the proposed major design features and their impact on the surrounding area.

LOCATION AND DESIGN PUBLIC HEARING BOOKLET –

Provide a description of the location changes and the major design features and their impact on the surrounding area.

INTRODUCTION

The purpose of this Design Public Hearing is to provide a public opportunity for any person, acting on his/her own behalf or representing a group or governing body, the opportunity to offer comments or submit written material or other displays concerning the proposed improvements to Route 000 (Project Information).

VDOT ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. For further information, contact the Virginia Department of Transportation, Office of Civil located at ?? in ??, Virginia 2? or telephone 804???-???? or TDD 711.

All comments received both oral and written, will be included in a transcript for review by Department personnel, citizens and all other interested parties. Questions and concerns raised as a result of this meeting will be addressed by the Project Designer prior to consideration of the project by the Chief Engineer (Commonwealth Transportation Board).

REASON FOR METRIC PLANS

The plans have been developed in metric units for all projects such as the ones being discussed at this meeting. In order to aid in the understanding of our proposed project, all

APPENDIX C

information provided at this meeting will be given in both metric and imperial units. A disposable scale is available to measure dimensions in feet from our metric plans.

DESIGN CRITERIA

The purpose of this project is to eliminate substandard horizontal alignment curves and poor stopping sight distances at vertical crests along segments of the road. This project will also provide a wider shoulder for addition recovery space for errant vehicles. These improvements will dramatically increase safety along Duncan Road.

STATEMENT FOR STORMWATER MANAGEMENT

During construction, all reasonable efforts will be made to protect the environment with respect to dust control, siltation and erosion. Stormwater management facilities will be incorporated into this project. Construction will conform to the nationwide best management practices, VDOT specification and special provisions and the Virginia Department of Soil and Water Conservation regulations.

"or"

Potential impacts to flood plains and wetlands were evaluated. To minimize potential impacts on water quality and adjacent wetlands and comply with regulations five stormwater management ponds are proposed. The ponds have been located where necessary to reduce increases in run-off and pollutants leaving the roadway while minimizing impacts to existing residential neighborhoods.

Basin #	Location (station)	Property owner	Fenced (only is some areas)	Comment
---------	-----------------------	-------------------	--------------------------------	---------

FLOOD PLAIN IMPACTS

This project is not expected to generate any negative flood plain impacts.

"or"

The flood plain impacts that will result from this project will be addressed at the public hearing.

TRAFFIC DATA

The average daily volume of traffic on Route 000 is 000 vehicles per day (based on 1998 data). This volume is expected to increase to 000 vehicles per day by the design year 2010.

RIGHT OF WAY

The improvements to Duncan Road (Route 670) will require minimum additional right of way. No families, businesses or non-profit organizations will be relocated as a result of this project.

(CHECK IIM 203 FOR CORRECT SECTION)

APPENDIX C

Easements are required for construction of slopes and maintenance of drainage facilities. As we further coordinate and finalize project development, preliminary utility easement locations shown on the public hearing plans may change. The property owner will be informed of the exact location of the easements during the right of way acquisition process and prior to construction.

ENVIRONMENTAL REVIEW (IF A FEDERAL PROJECT)

A Draft Environmental Assessment was submitted to and approved by the Federal Highway Administration on May 5, 1995. All pertinent environmental issues relative to the National Environmental Policy Act of 1969 were discussed. A Memorandum of Agreement addressing impacts to the ----- was submitted to and approved by the Department, the Federal Highway Administration, the Department of Historic Resources, and Advisory Council. The Council signed this under the conditions of the Agreement. All pertinent comments made at the formal public hearing will be addressed and incorporated where prudent in the Final Environmental Assessment.

APPENDIX C

ENVIRONMENTAL/NOISE WALL STATEMENT

A review of the project corridor was made to determine the social, economic, and environmental impact of the proposed project upon the community and surrounding area. It has been determined that no significant impact will result from the construction of this project. On "July 7, 1994 a "Draft" Environmental Impact Statement was approved by the Federal Highway Administration and is available for your review here tonight or at the Virginia Department of Transportation offices located at (district and residency office.) A study of the noise impacts to the adjacent properties has been conducted. Thirty-seven locations were identified for evaluation. The results of the study is included below for your review:

LOCATION	LENGTH	HEIGHT	COST
----------	--------	--------	------

Those receptors that are noted as not meeting the criteria for construction may be constructed with third party funding and the consent of the local governing body. The funding decisions and agreement of the local governing body for the construction of noise abatement measures will be included as a part of the public hearing transcript and therefore must be submitted before the project is presented to the Commonwealth Transportation Board for consideration.

MAJOR INVESTMENT STUDY

As a part of this public involvement process for the Major Metropolitan Transportation Investment we are seeking your comments on alternatives and will provide an opportunity for you to receive information and express your views. The Major Investment Study (MIS) and Congestion Management Study (CMS) elements will also be presented for your consideration.

ANTICIPATED IMPACTS

During construction, every reasonable effort will be made to protect the environment with respect to dust control and erosion control. Access to all properties will be maintained during construction.

ESTIMATED COST

The 1995 project cost for preliminary engineering is \$500,000, for utility relocation is 500,000, for right of way is \$ 500,000 and \$ 700,000 for construction the total is estimated to be \$1.2 million.

REMAINING ACTION

The following tentative schedule has been proposed:

Review and evaluation of information received at the Location and Design Public Hearing Mid-1995;
Consideration by the Commonwealth Transportation Board Mid-1995;
Begin acquisition of Right of Way Late-1995;
Advertise for construction Early-1996.

APPENDIX C

ADDITIONAL INFORMATION

Project information, including comments made at the Public Hearing, will be available for review at the following Virginia Department Of Transportation's offices:

Richmond District Office
2400 Pine Forest Drive
Colonial Heights, Virginia
Telephone ()
TTY (800) 307-4630

Petersburg Residency Office
4608 Boydton Plank Road
Petersburg, Virginia
Telephone ()

WRITTEN COMMENTS

In order to be made a part of the official transcript of the public hearing, written comments or questions should be submitted within 10 days after the public hearing to:

Richmond District Administrator
Virginia Department of Transportation
P. O. Box 3402
Colonial Heights, Virginia 23834

Information regarding right of way may be obtained from:

District Right of Way and Utilities Manager
Virginia Department of Transportation
2400 Pine Forest Drive
P. O. Box 3402
Colonial Heights, Virginia 23834
Telephone () 000-0000

The booklet should also include a typical section graphic and a project location map.

APPENDIX C

HOW TO REQUEST A MASS MAILING of the PROJECT AREA

The Resident Engineer, who is closest to those effected by the project design, can request it; the Resident Engineer will know if there is an active local interest in the project. So in addition to posting signs on both ends of the project, the Resident Engineer can request a mass mailing of the zip code area be included as a part of the public hearing process.

The Project Designer, who knows the existing and proposed traffic patterns and the number of adjacent property owners that is effected by the project. On normal projects the Designer sends out copies of the notice that's put in the newspaper and the project location map to each person located on the project. If the Designer feels that the whole area around the project will be effected by the changes in the roadway or the construction of the project, they can decide it would be in the best interest of the public to notify everyone in that zip code area.

The Construction Engineer, who is aware of the politically sensitive projects, can also request that a mass mailing of the zip code area be done.

Each District has its own process for approval to request a mass mailing be done so you will need to discuss this with your management.

The Public Involvement Representative can suggest to the District that a mass mailing be done on a project based on area population, results of prior hearings, and requests received from the public, or at the request of Central Office management. If this is the case, we will coordinate this with the District Location & Design Engineer.

HOW TO REQUEST A MASS MAILING BE DONE...

The Project Designer can request as a part of the Public Hearing Request form to schedule a public meeting. The Project Designer will use this form to indicate other public hearing information they would like the Public Involvement Section to provide such as brochures, videos, typical sections, mosaics, rendering etc..

When a mass mailing is requested, the Project Designer will provide a map indicating the area (radius around the project or a zip code number) they would like to have notified and if they would like the Public Involvement Section to prepare a post card to be used or if the Designer will provide one.

NOTE: If a prepaid permit number is not provided, postage will have to be applied in the District OR the return address must be Central Office.

APPENDIX C



HOW TO PREPARE A VIDEO The following is a sample of the video script (to be provide 60 days before meeting) and how to insert project photos. The project designer may take the photos or may request the Public Involvement Section to provide project photos.

PUBLIC MEETING VIDEO SCRIPT
ROUTE
COUNTY

VIDEO	AUDIO
VDOT SLATE CG file: OPENER H (for Hearing), or OPENER M (for Meeting). Add specifics.	Music up
Hold VDOT SLATE and specifics	WELCOME AND THANK YOU FOR PARTICIPATING IN A VIRGINIA DEPARTMENT OF TRANSPORTATION [LOCATION, DESIGN, LOCATION AND DESIGN] PUBLIC HEARING [CITIZEN PARTICIPATION MEETING]. THIS [HEARING] [MEETING] IS BEING HELD TO CONSIDER PROPOSED IMPROVEMENTS TO _____ IN _____ (COUNTY, CITY).
Reel 0001: Open Forum CG file: FORUM. CG up at "in an open..."	THIS IS AN OPPORTUNITY TO EXPRESS YOUR COMMENTS AND RECOMMENDATIONS, IN AN OPEN FORUM,
Reel 0002: Open Forum 2 CG file: FORUM.	AND TO HAVE THEM BECOME A PART OF THE OFFICIAL RECORD OF THIS [HEARING] [MEETING].
Reel 0001: VDOT Rep A & VDOT Rep B CG file: VDOTREP.	VIRGINIA DEPARTMENT OF TRANSPORTATION REPRESENTATIVES ARE AVAILABLE IN THE DISPLAY AREA TO ANSWER ANY QUESTIONS YOU MAY HAVE CONCERNING THE PROJECT.
Reel 0002: Comments CG file: COMMENT. CG up at "provide us... "	ONCE YOUR QUESTIONS HAVE BEEN ADDRESSED, PROVIDE US WITH YOUR COMMENTS WHILE YOU ARE HERE TODAY.
Reel 0001: Writing Comments	SHOULD YOU DECIDE NOT TO PROVIDE YOUR COMMENTS AT THIS TIME,
Reel 0001: Fold & Click CG file: SUBMIT (for standard ten day period), or SUBMITD (for a specific date)	COMMENT SHEETS MUST BE COMPLETED AND SUBMITTED WITHIN TEN DAYS OF THIS [HEARING] [MEETING] TO BECOME A PART OF THE OFFICIAL RECORD OF THIS [HEARING] [MEETING].
Reel 0003: Comment Box CG file: REVIEW.	ALL COMMENTS WILL BE THOROUGHLY REVIEWED BY DEPARTMENT PERSONNEL BEFORE THE PROJECT IS SUBMITTED TO THE COMMONWEALTH TRANSPORTATION BOARD FOR CONSIDERATION.
Reel 0002: Key Element CG file: YOURPART.	YOUR PARTICIPATION IS A KEY ELEMENT OF THIS [HEARING] [MEETING].
Reel 0004: Stream CU	Music Out DURING ANY CONSTRUCTION OPERATION

APPENDIX C

	VDOT IS COMMITTED TO SAFEGUARDING THE ENVIRONMENT.
Reel 0005: Const Shot	GOOD CONSTRUCTION METHODS AND PRACTICES WILL BE FOLLOWED,
Reel 0006: Silt Fence	AND CAREFUL ATTENTION WILL BE GIVEN TO EROSION AND SEDIMENT CONTROL.
Reel 0007: CAD CU CG file: METRIC1.	THIS PROJECT IS BEING DEVELOPED IN METRIC UNITS.
Reel 0001: Metric Hearing	FOR YOUR CONVENIENCE, THE INFORMATION AT THIS HEARING IS PRESENTED IN BOTH METRIC AND IMPERIAL UNITS.
Reel 0008: Conv Scale CG file: METRIC2.	TO HELP YOU UNDERSTAND THE PLANS, A SCALE IS AVAILABLE TO CONVERT METERS TO FEET.
Location Map. Use arrows to denote termini as spoken	THE PROPOSED PROJECT BEGINS _____ AND ENDS _____, A DISTANCE OF _____.
Insert specific project information here	Insert specific project information here
Reel 0009: Traffic Count CG file: TRAFNOW, add count	CURRENTLY, THE AVERAGE TRAFFIC VOLUME ON _____ IS ABOUT _ VEHICLES PER DAY.
RB5FRZ: Trf Count CG file: TRAFPROJ, add year and count.	THE AVERAGE TRAFFIC VOLUME IS PROJECTED TO BE _ VEHICLES PER DAY BY THE YEAR 20__.
RB5FRZ: Dollar CG file: ESTCOST, add numbers.	THE TOTAL ESTIMATED PROJECT COST IS ___ DOLLARS.
Reel 0010: ROW CG file: ROWDIS, add numbers.	THE RIGHT OF WAY REQUIRED FOR THIS PROJECT WILL DISPLACE _____ RESIDENCES, _____ BUSINESS(ES) AND _____ NON-PROFIT ORGANIZATIONS.
Reel 0010: ROW CG file: ROWUTILA: "Preliminary utility easement locations shown on the public hearing plans may change." OR OR OR OR OR OR CG file: ROWUTILB: "Additional easements for utility relocations may be required beyond the proposed right-of-way shown on the public hearing plans."	AS WE CONTINUE TO COORDINATE AND FINALIZE PROJECT DEVELOPMENT, [PRELIMINARY UTILITY EASEMENT LOCATIONS SHOWN ON THE PUBLIC HEARING PLANS MAY CHANGE] [ADDITIONAL EASEMENTS FOR UTILITY RELOCATIONS MAY BE REQUIRED BEYOND THE PROPOSED RIGHT OF WAY SHOWN ON THE PUBLIC HEARING PLANS.] THE PROPERTY OWNER WILL BE INFORMED OF THE EXACT LOCATION OF THE EASEMENTS DURING THE RIGHT OF WAY ACQUISITION PROCESS AND PRIOR TO CONSTRUCTION.
RB5FRZ: Actions CG file: REVIEW.	FOLLOWING THE REVIEW AND EVALUATION OF THE COMMENTS FROM TODAY'S MEETING, IT IS ANTICIPATED THAT
RB5FRZ: Actions CG file: OTHER.	Insert here any actions before CTB approval, such as locality approval or a public hearing.

APPENDIX C

RB5FRZ: Actions CG file: TOCTB, add date.	THE PROJECT WILL BE PRESENTED TO THE VIRGINIA COMMONWEALTH TRANSPORTATION BOARD FOR CONSIDERATION IN _____.
RB5FRZ: Actions CG file: ROWACQ, add date.	FOLLOWING BOARD APPROVAL, RIGHT OF WAY ACQUISITION COULD BEGIN IN _____.
RB5FRZ: Actions CG file: ADVDATE, add date.	ADVERTISEMENT FOR CONSTRUCTION IS EXPECTED IN _____. Music Up
Reel 0002: Dept Rep CG: VDOTREP.	DEPARTMENT REPRESENTATIVES ARE AVAILABLE IN THE DISPLAY AREA TO ANSWER ANY QUESTIONS YOU MAY HAVE
Reel 0001: ROW Acq	CONCERNING THE PROJECT, RIGHT OF WAY ACQUISITION AND RELOCATION ASSISTANCE.
VDOT SLATE CG: OPENER H or OPENER M. Add specifics.	WE, AT THE VIRGINIA DEPARTMENT OF TRANSPORTATION, THANK YOU FOR PARTICIPATING IN THIS VERY IMPORTANT DECISION MAKING PROCESS.
FADE TO BLACK FADE FROM BLACK TO CG: CREDIT file	Music Out.

This information should be tailored to represent the issues of your individual project. The information provided is only a guide. This script will result in a video of about 5 minutes.

APPENDIX C

HOW TO REQUEST A PROJECT RENDERING

The Project Designer can request a rendering be produced as a part of the Public Hearing Request form to schedule a public meeting. The Project Designer will use this form to indicated other public hearing information they would like the Public Involvement Section to provide brochures, videos, typical sections, mosaics, mass mailings etc.. **Please indicate on the form the number of renderings required and the date completed photos are needed.**

DATA NEEDED – photographic

- Plan sheet indicating the site for the rendering
- Topographic map of the area with site marked on map
- Project location map

DATA NEEDED – project design

- Plans, profiles and typical sections
- Electronic files – Microstation (DGN) or AutoCAD – (DWG)
 - Contour data, topographical data (3D is ideal) (2D is okay)
 - Signaling, signage, pavement delineation/stripping plans
 - Landscaping plans if applicable and available
- Hard copy (full set of plans at ½ typical sheet size)
- If electronic files do not exist, please send full set of plans at full size

PROJECT DESIGN FILES may be provided in any of the following formats –

Floppy disk 2.0 MEG

Iomega ZIP disk – 100MEG, PC or Macintosh

Iomega Jaz disk- 1 GIG (Mac only)

APPENDIX C

HOW TO PREPARE A TRANSCRIPT FOR SUBMISSION and an example of the process for projects managed by the District

January 2 - Public Hearing held;

January 2 - Public comments to be returned to District Location and Design Engineer for urban, primary or interstate projects and to the Resident Engineer for secondary projects;

January 12 – Close of comment period for written comments and other submissions (10 day comment period is 10 calendar days NOT business days);

January 26 - Appointed person (District Location and Design Engineer) compiles transcripts, reviews comments and makes a recommendation to District Construction Engineer;

INFORMATION to be included in the TRANSCRIPT
Project Transcripts submitted for presentation to the Board should include the following information in this format.

COVER SHEET – first sheet

Location and Design Public Hearing Transcript
Route 000 Project 0000-000-000... County Date of Hearing Location of Hearing Time of Hearing

INDEX OF SHEETS – second sheet

Index of Sheets	
	Page
Sign-In Sheet	3
Public Hearing Brochure	4-7
Oral Comments	8-10
Written Comments	11-15
2	

Submit the original of the information, the District recommendation letter, and a memorandum indicating the electronic copy (.pdf file) has been posted on the Project Cost Estimating System by the Project Designer.

January 29 – Copies of transcript and other information sent to State Location and Design Engineer (Attention: Public Involvement Section) with the recommendation of District Construction Engineer.

APPENDIX C

January 31 - Distribute the transcript to appropriate reviewers for recommendation:

- Assistant State Location and Design Engineer
- State Local Assistance Director (if urban)
- State Transportation Planning Engineer (if bike lanes included)
- State Environmental Engineer (if federal project)
- State Structures and Bridge Engineer (if bridge included)
- FHWA (if federal project)

February 12 - Recommendations made by appropriate reviewers for consideration by State Location and Design Engineer for inclusion in recommendation to the Chief Engineer for presentation to Commonwealth Transportation Board for approval of the location or location and major design features or presentation of recommendation to the Chief Engineer for Program Development for approval of the major design features.

February 26 – Public Involvement Section provides public hearing package (letter of recommendation to Chief Engineer, Project Summary, and Resolution if going to CTB) to State Location and Design Engineer for review;

March 3 – Package provided to Chief Engineer for signature or presentation to the Commonwealth Transportation Board for approval;

March 19 – Commonwealth Transportation Board Meeting for project review (the CTB meets the third Thursday of the month).

March 23 – Notification of involved personnel of action taken on project.

March 27 – Notification of persons who participated in the public hearing process of the action taken on the project by the District Administrator (or his designee).

APPENDIX D

USE OF VIRTUAL PUBLIC INVOLVEMENT

Request to Supplement FHWA Approved Public Involvement Procedures to Address Virtual Public Involvement when needed, especially in emergency situations (as declared by the President, the Governor, the VDOT Commissioner of Highways, or the VDOT District Engineer or Administrator). The following pages contain the FHWA / VDOT Memorandum dated July 27, 2020.

Review VDOT Guidance for Public Involvement under COVID-19 Stage 2 and Stage 3 Reopening Plan during Governor Declared State of Emergency.

https://www.virginiadot.org/business/resources/LocDes/VDOT_Guidance_for_Public_Involvement_under_COVID-19_Stage_2_and_Stage_3_Reopening_Plan.pdf



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

July 27, 2020

Mr. Thomas Nelson, Jr., P.E.
FHWA Virginia Division Administrator
Federal Highway Administration
400 North 8th Street, Room 750
Richmond, Virginia 23219-4825

Attention: John Simkins

RE: Request to Supplement FHWA Approved Public Involvement Procedures to Address Virtual Public Involvement

Dear Mr. Nelson:

Following discussion and consultation with the Federal Highway Administration (FHWA), the Virginia Department of Transportation (VDOT) requests FHWA concurrence with its virtual public involvement procedures effective immediately. The purpose of this document is to evidence FHWA concurrence with virtual public involvement procedures to:

1. Provide an ongoing method of public outreach; and
2. Encourage public participation during emergencies declared by the President, Governor, Commissioner of Highways, or a VDOT District Engineer or Administrator.

The information below will be incorporated into VDOT's FHWA approved public involvement procedures as an appendix, directed to VDOT employees engaged in public involvement.

VDOT Virtual Public Involvement Guidance

Virtual public involvement is an ongoing method for stakeholder outreach, input and inclusion. It will continue to be used depending on the scope, location and stakeholder composition associated with the project.

Local governments are required to comply with the same public involvement procedures as VDOT. Federal public involvement laws and regulations do not distinguish between VDOT administered and locally administered projects.

1. Federally Eligible Projects:

On every project, but especially in emergency situations (as declared by the President, the Governor, the VDOT Commissioner of Highways, or the VDOT District Engineer or Administrator), flexibility inherent in federal public involvement requirements should be considered and used to the extent allowed by federal law and regulation. Federal law and regulation require that a public hearing be held when a project meets certain conditions, and FHWA has determined that an in-person public hearing is required for such projects to comply with federal law and regulation. The conditions are described in the following law and regulation:

Section 128 of Title 23 of the U.S. Code states that

- (a) Any State transportation department which submits plans for a Federal-aid highway project involving the bypassing of or, going through any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community...*
- (b) When hearings have been held under subsection (a), the State transportation department shall submit a copy of the transcript of said hearings to the Secretary, together with the certification and report.*

The Code of Federal Regulations in 23 CFR 771.111(h)(2)(iii) states that

One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project that requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest;

The above conditions are assumed for all projects requiring an Environmental Impact Statement, but in general, are not assumed for those projects subject to other NEPA classes of action.

If FHWA concurs that a project does not necessitate a public hearing or an opportunity for a public hearing as outlined in 23 U.S.C. 128 and 23 CFR 771.111 above, then VDOT may use Virtual Public Involvement to expedite the NEPA process and satisfy the requirements for public involvement under the Virginia Administrative Code 24VAC30-380-10. VDOT may post a willingness to conduct a

public hearing (before considering a notice for a public hearing) for all federally eligible projects that FHWA concurs do not meet the above conditions.

Items to consider for a willingness and the method of distribution, as described in VDOT's approved public involvement procedures, will vary depending on the impacted stakeholders and the project context. If a willingness results in the need for a public hearing, virtual public involvement, as noted below, should be considered. All VDOT Location and/or Design Public Hearings must consider the accessibility of the traveling public and property owners impacted to determine the applicable outreach for the hearing. The Project Manager shall work with District Environmental, Communications, and Civil Rights staff as well as Regional Right of Way staff to develop an appropriate communication and outreach plan. Consideration should be given to the accessibility of the virtual public involvement tools listed in Attachment A.

Virtual Public Involvement as a Supplement to Public Hearings:

If a project meets the conditions listed above as outlined in 23 U.S.C. 128 and 23 CFR 771.111, virtual public involvement may be used to supplement, but not as a substitute for, providing an opportunity for a public hearing. VDOT may post a willingness to conduct a public hearing in order to provide the opportunity for a public hearing. The willingness posting, as described in VDOT's approved public involvement procedures, will vary depending on the impacted stakeholders and the project context. If a willingness posting results in the need for a public hearing, virtual public involvement, as noted below, should be considered as a supplement to the public hearing. Acceptable virtual public involvement methods are listed in, but are not limited to, Attachment A. Project specific tools, based on the attached menu of tools, will be tailored based on the context of the project, stakeholder composition, the project scope, location, and emergency situation if applicable. Consideration should be given to the accessibility of the virtual public involvement tools listed in Attachment A.

Public hearing locations should also be tailored based on the context of the project, stakeholder composition, project scope, location, facility availability, and emergency situation, if applicable. Items to consider including in a hearing notice and the method of distribution, as described in VDOT's approved public involvement procedures, will vary based on the impacted stakeholders and project context. Consult with FHWA as necessary.

2. Federally Eligible with Exception Projects:

When the project manager requested and has received approval (See IIM-IID-5.0) to develop a State funded project as Federally Eligible with Exception, a Virtual VDOT Location and/or Design Public Hearing may be conducted to satisfy the requirements for public involvement under the Virginia Administrative Code 24VAC30-380-10.

Thank you for your continued partnership with the Department and working with us to resolve these important issues to keep our transportation project and Virginia moving. If you have any questions or comments, please contact me 804.786.2507 (804.931.0201 cell) or susan.keen@vdot.virginia.gov.

Sincerely,

Signature on file Susan H Keen
2020.07.27
06:20:52-04'00'

Susan H. Keen, P.E.
State Location and Design Engineer

THOMAS L NELSON JR Digitally signed by THOMAS L NELSON JR
Date: 2020.07.27 09:35:51 -04'00'

FHWA Concurrence

Date

cc: Angel Deem
Cooper Wamsley
Emmett Heltzel, P.E.

Attachment

Attachment A Public Involvement Toolbox

Social Media/Online Tools

- Study website
- Pre-recorded voiceover presentation with captioning available in multiple languages
- PDF of public hearing brochure and all other study materials
- Virtual meetings using internet-based communication (WebEx, Google, Facebook Live, etc.)
- Podcasts
- Press release
- Distribution of newsletters, etc. via email

Print Tools

- Newspaper notice
- Yard signs
- Media briefings
- Billboards
- Postcard mailers
- Providing presentation transcripts and comment sheets by mail

Phone/Radio/TV Tools

- Text messages
- Pre-movie advertisements
- Radio broadcast of presentation and Q&A
- Call-in event with presentation and Q&A
- TV broadcast of pre-recorded presentation
- Voicemail repository for verbal comments

In-Person Tools

- Limited in-person interaction using appointment-based PI or large venue Use of public drive-thru where project information could be distributed and comments received
- Use of temporary mobile structures to house project documents for public review and comment
- Fairs/community gatherings to distribute print materials/provide information and receive comments
- Limited study team representation (one person acceptable per FHWA) to provide the in-person element of a public hearing and receive comments; technical representatives available via phone or live stream