

PUBLIC INVOLVEMENT



- 11.1 Summary of Key Legislation, Regulations, and Guidance
- 11.2 Requirements for Stakeholder Collaboration
- 11.3 Public Involvement Plans
- 11.4 Public Involvement Tools and Techniques
- 11.5 Public Meetings
- 11.6 Limited English Proficient Population
- 11.7 Documenting the Public Involvement Process
- 11.8 Additional information

PUBLIC INVOLVEMENT

The Federal Highway Administration (FHWA) and the District of Columbia Department of Transportation (DDOT) support proactive public involvement at all stages of planning and project development. The performance standards for proactive public involvement processes include early and continuous involvement; reasonable public availability of technical and other information; collaborative input on alternatives, evaluation criteria, and mitigation needs; open public meetings where matters related to federal-aid highway programs are being considered; and open access to the decision-making process prior to closure.

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 required states to involve the public in transportation decision making to a much greater extent than previously. ISTEA was replaced by the Transportation Equity Act for the 21st Century (TEA-21) in 1998. TEA 21 continued to place strong emphasis on public involvement. The emphasis on public involvement has continued with the passage in 2005 of the Safe, Accountable, Flexible, Efficient

Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

SAFETEA-LU retains all of the public involvement language from the previous acts and adds new requirements, including early outreach to governmental agencies that might become participating agencies, the addition of bicycle and pedestrian facility users and the disabled as interested parties, public meetings held at convenient times and accessible locations, and the use of electronic methods and visualization techniques to provide information to the public.

There is no standardized approach to informing, educating, and involving the public. Every project is different and will require the use of different public involvement strategies. Each public involvement program will incorporate a variety of techniques, some more than others. But every project has one thing in common: there will be some level of public involvement.

The DDOT Policy, Planning, and Sustainability Administration (PPSA) is primarily responsible for identifying the level of public involvement necessary

for highway proposals, while the DDOT Infrastructure Project Management Administration (IPMA) is primarily responsible for supplying the technical information necessary to carry out the proposals. With the project manager, PDE and IPMA are responsible for implementing the public involvement process.

11.1 Summary of Key Legislation, Regulations, and Guidance

Regulations found in 23 Code of Federal Regulations (CFR), Part 450.210 and 450.316 are designed to guide the development of transportation plans and programs. These regulations include the following:

- Early and continuous public involvement opportunities throughout the planning and programming process
- Timely information to citizens, affected public agencies, representatives of transportation agencies, private sector transportation entities, and other interested parties, including segments of the community affected by transportation plans, programs, and projects
- Reasonable public access to information
- Adequate public notice of public involvement activities and ample time for public review and comment at key decision points
- Explicit consideration and response to public comment
- Consideration of the needs of the traditionally underserved, including low-income and minority citizens
- Periodic review of public involvement efforts by the Metropolitan Planning Organization (MPO) to ensure full and open access to all
- Review of public involvement procedures by the FHWA and Federal Transit Administration (FTA) when necessary
- Coordination of MPO public involvement processes with statewide efforts, whenever possible
- There is a substantial body of legislation, regulation, and guidance that governs the need and timing for public involvement on transportation projects. Some of the more prominent items are listed below.
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) – Continued and enhanced emphasis on strong planning processes and public involvement. www.fhwa.dot.gov/hep/23cfr450.htm
- 23 CFR 450.210 and 450.316 – Guides the development of statewide transportation plans and programs; requires early and continuous public involvement. www.access.gpo.gov
- FHWA/FTA Interim Policy on Public Involvement – Requires effective public involvement processes, custom tailored to local conditions. www.fhwa.dot.gov/environment/pi_pol.htm
- 23 USC 128 – Requires public hearings or the opportunity for public hearings for plans for federal-aid highway projects. <http://www.fhwa.dot.gov/environment/128.htm>
- 40 CFR 1500-1508 National Environmental Policy Act of 1969 (NEPA) – Requires consideration of impacts on human environments. www.fhwa.dot.gov/environment
- Title VI of the Civil Rights Act of 1964 – Declares that no person shall be excluded from participating in any program receiving federal assistance on the basis of race, color, or national origin. www.fhwa.dot.gov/environment/title_vi.htm
- 28 CFR 36 Americans with Disabilities Act – Requires government programs to be accessible to people with disabilities. www.usdoj.gov/crt/ada/adahom1.htm

- 23 CFR 771 Environmental Impact and Related Procedures – Addresses early coordination, public involvement, and project development. *www.access.gpo.gov*
- Technical Advisory 6640.8A – FHWA guidance for preparing and processing Environmental and Section 4(f) documents. *www.environment.fhwa.dot.gov/projdev/impta6640.asp*
- Executive Order 12898 on Environmental Justice – Addresses avoidance of actions that can cause disproportionately high and adverse impacts on minority and low-income populations. *www.fhwa.dot.gov/environment/justice/facts/index.htm*
- 49 CFR 24 Uniform Relocation Assistance and Real Property Acquisition Policies Act – Ensures property owners and people displaced by federal-aid projects are treated fairly, consistently, and equitably. *www.access.gpo.gov*
- Executive Order 13166 on Limited English Proficiency – Improving access to services for people with limited English proficiency. *www.fhwa.dot.gov/hep/lowlim/index.htm*
- Context-Sensitive Solutions/Design Policy (Administrative Order 301.05) – Requires the use of context-sensitive design (CSD) in DDOT transportation planning, design, and construction projects. (See Chapter 5, Context-Sensitive Design Guidelines.)
- DDOT Design and Engineering Manual – Chapter 12 of the manual establishes DDOT’s public involvement policy and outlines the steps of developing and implementing a Public Involvement Plan (PIP).
- Project Development and Environment Division – The Public Involvement Manual includes project development and public involvement procedures.

11.1.1 Matching Public Involvement Effort to Project Needs

Three classes of action are defined by 23 CFR 771.115 for federally assisted projects. Each requires a specific level of NEPA documentation and public involvement:

- Environmental Impact Statement (EIS)
- Categorical Exclusion (CE)
- Environmental Assessment (EA)

An EIS typically involves larger, more complex projects with a range of impacts on a number of people and organizations. Public involvement typically includes scoping meetings, public hearings, stakeholder advisory groups, websites, newsletters, participating agencies, and formal decision-making models. A typical CE project has minimal or no impacts and is associated with less complex public involvement efforts, perhaps just informing affected property owners and other stakeholders of the project. An EA falls between these boundaries both in the range of impacts and the appropriate public involvement effort.

Projects that are not federally assisted are typically smaller projects such as local street and sidewalk improvements. They have minimal environmental impacts and are treated similarly to a CE. They require little, if any, environmental documentation and receive public involvement during the District of Columbia budget review phase of project development.

The District of Columbia Advisory Neighborhood Commission (ANC) notification policy, as well as the public involvement that is part of the District of Columbia CSD guidelines, is followed for all projects, whether or not they are federally assisted.

11.2 Requirements for Stakeholder Collaboration

SAFETEA-LU, Section 6002, covers collaboration—in particular, ensuring that the public and agencies have influence in transportation decision making. This collaboration needs to involve the public, local government agencies and jurisdictions, state resource agencies and departments of transportation, and federal resource agencies.

SAFETEA-LU establishes a new category of agency involvement, participating agencies. Any governmental agency (federal or state/District) with an interest in the project can become an active participant in the NEPA evaluation. DDOT and FHWA must invite agencies to join the project as participating agencies. Agencies that accept the invitation are afforded earlier and more frequent opportunities to be involved. Agencies that decline may still comment at the same time as the public, but their comments may not carry the same weight as participating agencies.

Public, stakeholder, and participating agency input is required at specific NEPA milestones, including:

- Scoping
- Determining impact assessment methodologies
- Screening conceptual alternatives and identifying detailed alternatives for evaluation in the EIS
- Identifying the preferred alternative

11.2.1 Scoping

The project team must offer the public, stakeholders, and participating agencies an opportunity to affect decisions on the identification of issues and concerns to be addressed in the EIS, the project's purpose and need, and the range of alternatives to be carried forward from earlier planning studies.

For the public and stakeholders, this requirement may be met by a public meeting where initial project materials are provided and input sought. A meeting should be complemented by a project website. Post all material available at the meeting and solicit additional comments. All comments and suggestions need to be considered and a written record maintained as to their disposition. Incorporating all input is not necessary, but consider it and keep a record of how it was handled.

Participating agencies receive more focused treatment. One or more small group meetings, or even separate meetings with each participating agency, are often useful. Specific response to the input from participating agencies, including written response, is appropriate. For many participating agencies, an impact methodology discussion could be included.

Collaboration on the range of alternatives to be considered and on the purpose and need may be either concurrent or sequential.

A public scoping meeting is not required for an EA, but some level of early public involvement is necessary. This could include holding an informational meeting with specific stakeholders, presenting the project at a regular ANC meeting or citizens' association meeting, mailing letters or flyers to residents in the affected area, making newsletters or handouts available in the affected area, or holding a public meeting or workshop. The key is to have a flexible approach and adapt to stakeholders' needs.

11.2.2 Impact Analysis Methodology

For each issue area that will be addressed in the environmental document, DDOT should propose an appropriate methodology and level of detail to be used. DDOT will then work with cooperating and participating

agencies to refine the methodology and determine the approaches to be used. Prepare a summary report, post it on the project website, and invite public comment. Consensus is not required, but the views of the public and other agencies must be considered. Well-documented, widely accepted methodologies (such as noise) typically require minimal collaboration.

Methodologies need to be consistent with statutes and regulations of federal agencies (such as the United States Environmental Protection Agency [USEPA] hot spot analysis under the Clean Air Act [CAA]).

11.2.3 Screening of Conceptual Alternatives

If the range of alternatives being considered or the purpose and need change substantially from the ones considered during the scoping phase, an additional opportunity for public, stakeholder, and participating agency comment may be appropriate, and additional comments may need to be considered. This does not necessarily mean a meeting is necessary.

11.2.4 Identification of Preferred Alternative

Input should be sought prior to the identification of a preferred alternative. If the preferred alternative is identified prior to the publication of the Draft EIS, this collaboration effort may involve meetings with the participating agencies, stakeholders, and the public. A portion of this obligation may be fulfilled using the project website, but the project team will need to ensure that the public is aware of any posting and is able to access the site. If selection of the preferred alternative is deferred until after publication of the Draft EIS, collaboration on a preferred alternative can be a portion of the public meeting on the Draft EIS.

11.2.5 Comment Periods

The comment period on a Draft EIS shall not exceed 60 days unless a different comment period is established by the lead agency, the project sponsor, and all participating agencies. For other milestones in the process, comment periods shall not exceed 30 days unless agencies mutually agree.

The lead agency can extend the comment period for good cause.

All comment periods should be specified in the PIP.

11.3 Public Involvement Plans

Public involvement is most effective when it is begun early in the project process and continued throughout project development, design, and construction. The best way to ensure this happens is to start with a solid PIP.

A PIP is a written document, developed by the project team, public involvement specialists, and preferably with assistance from some key local stakeholders. It is an action plan that describes how public involvement will advance the objectives of the project, the techniques designed to facilitate public involvement, and how those techniques will be used.

The scope of the PIP should be appropriate to the needs of the project and tailored to the needs of the local community. It should establish a rational public involvement process. The document itself should only be as detailed as necessary to set up an appropriate process and obtain buy-in from DDOT personnel and stakeholders.

Developing the PIP involves gathering information, researching the background and history of the project, identifying major issues and decisions, assessing the level of public interest, and identifying appropriate public involvement techniques. The DDOT Context-Sensitive

Guidelines include a detailed list of questions to be considered in developing the PIP.

When developing the PIP, contact the PDE ward planners and the ANC for the affected area to assess the level of community interest in the project and identify known project advocates and adversaries. The ANC will set the time and place for a meeting to discuss the proposed project and provide its input.

Review the legal requirements for public participation (such as NEPA, Section 106) and identify the potential environmental, social, and economic issues for the project and the stakeholders who need to be involved. Define the strategy for achieving the purpose and goals of the project and create an action plan, including public meetings, action items, assigned responsible parties, locations, and target dates.

The PIP should identify the council ward(s) and the ANC(s) where the project is located and identify the contact people for each (including postal and email addresses and telephone numbers). List any agency, person, or business that asks to be notified of the project status. Identify other agency coordination and consultation requirements to be satisfied. Inform individuals about actions that will directly affect them. Periodically review the PIP and update it as needed. Include a summary of any relevant meetings or correspondence.

More complex projects that require an EA or an EIS normally require a more comprehensive PIP. In these cases, the PIP is developed by the project manager, the environmental manager, and public involvement specialists, along with assistance from key local stakeholders. At a minimum, the PIP for an EIS needs to include participating agencies, scoping, alternatives development, public hearings, public comment periods, and public notices for each phase

of the project. Beyond the minimum, a public involvement program should be designed to inform and involve the public and agency stakeholders, using additional techniques appropriate to each project and affected community.

An annotated version of a typical outline for a PIP is provided below. This outline should be suitable for nearly all projects. Of course, project-specific conditions may lend themselves to other organizational strategies. Do not be constrained by the structure of this outline.

11.3.1 Project Scope

The project scope is an introduction to the project that will build on the data already developed and be updated as new data becomes available. It needs to address why DDOT is undertaking the project.

11.3.2 Stakeholders

Stakeholders are essential to an effective public involvement process. Throughout the public involvement process, stakeholders will be incorporated into all of the major phases of the project. They will influence decisions, but stakeholders are rarely the final decision makers.

In this section of the PIP, summarize the process followed to determine the stakeholder list for the project and name the stakeholders and organizations they represent. To identify stakeholders, create a list of issues that might occur as a result of the project. For each issue, identify groups (businesses, community organizations, residence and property owners, interest groups, government agencies, and other interested parties) that might be affected (positively or negatively) by the project.

11.3.3 Project Team

Identify the overall project roles and responsibilities of the project team. This includes the roles of the DDOT

project manager and environmental manager, consultants, the FHWA project manager, and any other entity whose involvement includes developing data or analysis for the project. An organization chart is helpful, and contact information is essential.

11.3.4 Decision-Making Structure

As clearly as possible, state how decisions will be made. Most major planning studies involve stakeholder committees. These are most often called, steering, scoping, advisory, or just plain stakeholder committees. While the name is not important, what is essential is the committee's role and those who are appointed to it. These committees provide a stable, continuously deliberative body that is willing to voluntarily stay with the project throughout the process and provide a public perspective on how it is advancing. This body can become an advocate for the decision-making process and the recommendations. It can help explain the history of the process and defend the decisions made. These committees must understand their role in the project.

Secondarily, it is important for these committees to have established membership criteria and represent the range of the project's stakeholders. Stakeholder committees should include people who support the project and people who are inclined to oppose the project, people who live near the project, people who work near the project, people who use the transportation facilities, and appointed and elected officials who represent the interests of those affected by the project. The committee's internal operating procedures should also be well established, understood, and followed. Typically, these committees are advisory and reach decisions through consensus, although concurrence is sometimes a more appropriate metric, and decision-making models are often appropriate.

If the project continues for any period of time, there will be turnover in the stakeholder committee. Include details on whether and how stakeholder committee members will be replaced.

11.3.5 Schedule

Provide a table that lists all public involvement activities and notes when each will occur. Be as detailed as possible and anticipate that the schedule will need to be revised as the project progresses. Include details, such as names and contact information for responsible staff members and how public involvement activities will be documented.

11.4 Public Involvement Tools and Techniques

Tailor activities to the stakeholders and to the project's public involvement goals. FHWA and FTA jointly maintain an excellent website for public involvement activities at www.planning.dot.gov/PublicInvolvement/pi_documents/toc-foreword.asp. One feature of the site is the Planning Assistant tool. After you provide basic information about your project, the Planning Assistant will identify a range of different techniques that might be used in a public involvement effort. The Planning Assistant describes each technique, notes how and when to use it, and identifies its strengths. Even the most experienced public involvement practitioner will discover or remember useful techniques using this tool.

Use the Planning Assistant, or other relevant sources, to identify each technique or tool that will be used on your project. For each anticipated technique, provide:

- Information on how the technique will be implemented on the project
- Staff roles and responsibilities
- Schedule
- Locations or space requirements

- Goals and stakeholders targeted

While public notices, public meetings and hearings, and public comment periods are the basic requirements for soliciting residents' opinions, more and better input is likely to be gained through alternative means.

There are many challenges in gathering public input for transportation projects. Lack of trust in government agencies, differing levels of education, and language barriers are among the factors that limit people's ability to effectively participate in the public process. To engage a diverse and representative group of residents, DDOT must actively attempt to address these barriers throughout the public involvement process. Often, this requires the use of a combination of techniques.

Some commonly used public techniques and outreach tools are listed below.

- Attending Meetings
- Citizen Advisory Group
- Community Events
- Email
- Kiosks
- Media Advertising
- Media Releases
- Public Information Materials/Handouts
- School Events
- Site Visits
- Sponsoring Meetings
- Stakeholder Group
- Transit Advertising
- Visualization
- Websites
- Workshops/Seminars

For any public involvement activity, bear in mind a few basic principles.

- Involve PDE ward planners in all public involvement processes.
- Meeting places, announcements, and websites should always be Americans with Disabilities Act (ADA) compliant.
- Involve officials and advocates for other modes of travel (including bicycle, walking, transit, and special transportation services, such as the ADA paratransit program, MetroAccess) in the process.
- Consider the demographics of the affected area, especially underrepresented groups, when selecting public notice media (for example, newspaper, public transportation, and radio outlets) and meeting locations.
- Identify communities that are environmentally stressed and plan how to mitigate that stress through public involvement.
- Make use of new technology and techniques for communication.

11.5 Public Meetings

One or more public meetings will likely be required. A public hearing, or the opportunity for a public hearing, is required during the impact analysis phase of an EIS and sometimes for an EA.

A public hearing should never be the first or only opportunity for involving the community. The public hearing represents only the formal stage of the entire public involvement process. The most productive interaction with the public and other agencies takes place in informal meetings, nontraditional events, interagency conferences, and direct correspondence—not during public hearings.

The typical formats for a public meeting are a formal hearing, an informal open house, and a town hall session.

A formal hearing is led by a presiding officer. A formal presentation is made, and then the public is given the opportunity to address DDOT or FHWA with their comments. A court reporter records the proceedings and produces a verbatim transcript. Seating is provided facing the head table. Comments and testimony are taken from the floor in an orderly fashion. The order of taking comments and time limits should be announced during the formal presentation.

An informal open house offers a flexible agenda that allows people to come and go at their own convenience. There is generally no presentation and no open microphone. An open house may have a provision for recording formal comments/testimony, but this is not a requirement. Although the format of the open house is informal, formal public notice and collection of comments for the record are still necessary. Despite its advantages, the open house format can be seen as an attempt to prevent community members from hearing each others' comments; setting aside a time for questions and answers as a group can ease that concern.

A town hall session is often the preferred format in the District. Typically, DDOT will make a presentation and schedule a question and answer session at a fixed time, or at intervals (for example, the last 15 minutes of each hour), with time limits on individual comments. Between the question and answer sessions, DDOT staff is available at the displays for one-on-one discussions with attendees. The question-and-answer and presentation portions of the town hall sessions would be recorded by the court reporter, and a transcript available afterwards. Staff notes from any one-on-one sessions supplement the transcript.

All formats share these features:

- Greeters are stationed near the door to sign people in, provide handouts, and explain the format of the meeting.

- Exhibits—such as posters, maps, videos, and handouts—provide information and illustrations.
- Handouts provide take-home summaries, including where people can find more information and how they can submit comments.
- Comment forms are provided for written comments, which can be turned in at the hearing or mailed back later.
- Knowledgeable DDOT representatives are stationed at each display or group of displays (stations) to answer questions and discuss ideas with people; others may roam the room to get a sense of the meeting or to relieve someone who is being monopolized.
- The physical layout should allow for easy flow; it can be open (square or U-shape) or directed (S-shape), such that people proceed in order from one station to the next.

A formal hearing and town hall format, unlike an open house, needs a stenographer or court reporter to record testimony and comments from the public, one at a time, to provide a verbatim transcript.

A live or prerecorded presentation that summarizes the information in exhibits and handouts can be helpful for audiences with varying educational or literacy levels, regardless of the format of the meeting. A presentation is not a requirement with any format, but it is often expected at both formal hearings and town hall sessions.

Formal hearings are usually held in the evening, for the convenience of working people who cannot attend daytime meetings during the week. A town hall or open house, however, can be scheduled from mid-afternoon through evening, or for a block of time in the afternoon and another in the evening. This may encourage more participation from people who work evenings, those who work in a project area

but do not live nearby, the elderly, and others who prefer not to attend at night.

Comments received in the public hearing become part of the project record. For a Draft EIS, responses to all substantive and relevant comments are provided in the Final EIS. For an EA, all substantive and relevant comments must be fully considered before proceeding with the project.

FHWA cannot sign either the Finding of No Significant Impact (FONSI) or Record of Decision (ROD) until after the comments received in the public hearing and by other means are fully considered, responses are prepared, and public input is incorporated, as appropriate, into the EA or EIS. A public hearing is an opportunity for the public to make formal statements of position immediately before project decision making and preparation of the final environmental document. A hearing is a specific, observable administrative benchmark for public involvement. Public meetings, as needed during the development of the NEPA document, are less formal opportunities for early and continuing public involvement.

DDOT may conduct one or more public hearings or provide the opportunity for a public hearing(s) at a convenient time and place for any project that meets one of the following criteria:

- The proposal requires more than 0.5 acre of permanent right-of-way.
- The proposal substantially changes the layout or function of connecting roadways or of the facility being improved.
- The proposal may have substantial adverse impact on abutting property.
- The proposal may have a significant social, economic, environmental, or other effect.
- The proposal is determined by FHWA, in consultation with DDOT, to warrant a public hearing in the public's interest.
- The proposal involves impacts to resources in or eligible for inclusion in the National Register of Historic Places (NRHP), wetland impacts, and/or significant floodplain encroachments.

As well, DDOT may conduct a public hearing on local projects that do not involve federal aid when a project meets one or more of these criteria.

Public hearings will be held for all transportation projects that involve the development of an EIS under the NEPA. The disposition of both oral and written comments will be included in the final approved NEPA document that constitutes FHWA approval.

11.5.1 Public Hearing Notification Procedures

In accordance with 23 CFR 771.111(h), a notice of public hearing is published in the District of Columbia Register and in at least one newspaper having general circulation in the District, beginning two weeks before the public hearing. The notice also should be published in local newspapers having substantial circulation in the affected area (including minority-focused newspapers and foreign language newspapers, as appropriate). Newspaper notices are placed as display advertisements, not as legal or classified advertisements.

The public notice is published 2 weeks before the hearing and announces the public comment period. The Draft EIS or EA must be placed in public locations beginning 2 weeks before the public hearing and for at least 2 weeks after the hearing. In all, the document must be available for review for no less than 30 days for an EA or 45 days for an EIS.

In addition to placing newspaper notices, mail copies of the public notice to the appropriate ANCs, District agencies, representatives of the United States Department of the Interior and the United States Department of Housing and Urban Development (where appropriate), other federal and quasi-federal agencies, and other groups or individuals who have an interest in the project. Copies of the notice should also be posted in public places in the affected area, such as libraries, community centers, churches, and stores, to maximize outreach to people who may not have been aware of previous public involvement activities.

The public notice includes:

- Date, time, and place of the hearing
- A brief description of the proposal
- A location where the public can find environmental documents, maps, drawings, and other relevant information before the hearing
- How and by what date people can submit written or oral comments
- A point of contact for questions about the hearing or to request any special services needed to participate, such as language or sign-language interpretation

A tentative schedule of right-of-way acquisition and construction should be provided in the notice, if applicable. When mailed or used as a handout, a map or other illustration of the proposal could be included to better promote public understanding of the project.

11.5.2 Conducting a Public Hearing

There are no regulations that dictate what kind of format to follow for public hearings. Although DDOT has flexibility in conducting public hearings, certain criteria must be met:

- The hearing is open to all members of the public.

- The hearing is held at a time and place convenient to most of the people affected by the project, including both the business community and private citizens.
- The building where the hearing is held is compliant with the accessibility requirements of the ADA.
- The hearing is advertised in advance.
- The Draft EIS, exhibits, and informational materials are available at the hearing.
- Comments are formally recorded: people have the choice of making oral comments during the hearing or filing written responses during and after the hearing.
- An official transcript of comments is prepared and made available to parties interested in it after the event.

Debriefing: Because most of an open house is conducted informally by DDOT staff members, they should meet soon afterward (preferably the next day) to identify issues and ideas that were discussed in informal conversations and that may not have been captured in the formal record.

Hearing record: After the hearing, a verbatim written record of the oral presentations and written comments at public hearings will be prepared. For federal-aid projects, a summary and analysis of comments received during the hearing process will be provided to FHWA and made available for public inspection. Copies of maps and exhibits and other material used at the hearing also can be made available upon request.

11.5.3 Notice of Opportunity for a Public Hearing

The public involvement requirements for either an EA or a CE project can be satisfied by either holding a public hearing or by DDOT publishing notices offering the opportunity for a public hearing.

A Notice of Opportunity may be used to satisfy the requirement for a public hearing on an EIS, if DDOT believes, based on earlier comments received and on contact with key stakeholders, that the project is not controversial and that hearing requests are unlikely. This option is not often used, because of the potential for delays if hearing requests are received. Contact the FHWA liaison engineer before proceeding to publish a Notice of Opportunity on an EIS. Usually a Notice of Availability (NOA) for a Draft EIS is published indicating the dates and locations of public hearings as well as other methods of providing comments.

If DDOT chooses the Notice of Opportunity option, publish notices in local media. Explain the procedure for requesting a public hearing in the notice. Publicize the availability of the appropriate environmental document and explain where project materials may be reviewed. Inform the public of significant floodplain encroachments and whether a practicable alternative exists for the use of impacted wetland and historic resources. Clearly state the deadline for submission of a request for a public hearing.

If no response is received by the stated deadline, DDOT will certify that the public involvement requirements have been satisfied and document the files accordingly. DDOT shall forward a copy of each certification to FHWA for information.

If a limited number of requests are received (usually less than four), appropriate DDOT representatives may meet with those individuals who responded to determine their involvement and concerns. Residents may request a public hearing be held when a substantial and significant social, economic, or environmental interest in the matter is perceived. If a resident identifies no significant interest, and DDOT determines that it is not in the public interest to hold such a meeting, DDOT will prepare a report to certify that the public involvement requirements have been satisfied.

A public notice must be published in local newspapers, and, by other means (such as an existing mailing list), DDOT must offer an opportunity for a public hearing. The notice must provide a 30 day comment period after the notice is published, to allow interested members of the public to request a hearing, and the notice should explain that a hearing will be scheduled if at least four written requests are received.

11.6 Limited English Proficient Population

Areas where the population includes Limited English Proficient (LEP) population, then efforts must be made to allow the LEP population with appropriate resources to provide comments and to participate in the public involvement process.

Useful strategies to engage LEP populations include, but are not limited to:

- Translating vital documents, such as public meeting notices and posting in foreign language newspapers
- Using bilingual interpreters and/or hiring bilingual project staff
- Coordinating with community organizations targeting LEP populations
- Use of visual displays or symbols to notify and engage LEP populations in project activities

11.7 Documenting the Public Involvement Process

Whenever a public involvement activity takes place, document the activity, participants, issues discussed, any agreements reached, and the results in writing as soon as possible after the activity takes place and maintain the documentation in the project file. This documentation is

critical as evidence that the letter and spirit of local and federal laws, regulations, and policies were followed.

To keep track of completed events, documentation can be attached as appendices to the PIP, as a series of internal memoranda, or other technique. For an EIS, this information will need to be compiled, summarized, and included in both the Draft and the Final EIS. Summarize the primary issues after each activity, especially for larger, more complex projects. Doing so consistently throughout a project, makes it much easier to provide FHWA with evidence of compliance of legal public involvement requirements, as well as to make use of lessons learned on the project for future NEPA documents.

Include the following items when documenting any public involvement activity:

- Participant sign-in sheets for meetings
- Copies of handouts
- Copies or descriptions of displays and presentations
- Documentation of discussions, questions, and oral or written responses (meeting notes or hearing record)
- Acknowledgement of all correspondence and maintenance of copies in a project file

Comments received in a public hearing become part of the project record. For a Draft EIS, responses to all substantive and relevant comments must be fully considered before decisions are made, and the comments and responses must be provided in the Final EIS. For an EA, all substantive and relevant comments must be fully considered before proceeding with the project.

FHWA cannot sign either the FONSI following an EA or the ROD following a Final EIS until after the comments received in the public hearing and by other means are fully

considered, responses are prepared, and public input is incorporated, as appropriate, into the EA or EIS.

11.8 Additional Information

Some useful reference documents are listed below.

11.8.1 Reference Documents

- An Overview of Transportation and Environmental Justice, USDOT FHWA/FTA, 2000
<http://www.fhwa.dot.gov/environment/ej2000.pdf>
- Context Sensitive Guidelines, DDOT, 2005
- Going Public: Involving Communities in Transportation Decisions, Transportation Research Board, 2002
- Hear Every Voice, Minnesota DOT, 1999
- How to Engage Low-Literacy and Limited English Populations, FHWA, 2006
- Methods and Approaches to Enhance Involvement in Non-Traditional Transportation Stakeholder Communities and Neighborhoods, Minnesota DOT, 1997
- Practitioner's Handbook (05): Utilizing Community Advisory Committees for NEPA Studies, AASHTO, 2006
- Practitioner's Handbook (06): Consulting Under Section 106 Of The National Historic Preservation Act, AASHTO, 2007
- Project Development Procedures Manual: Chapter 11 – Public Hearings, and Chapter 22 – Community Involvement, CalTrans, 1999
- Public Involvement in Environmental Permits, A Reference Guide (EPA 500 R 00-007), U.S. EPA, 2000
- SAFETEA-LU Environmental Review Process – Final Guidance, FHWA, 2007

- Transportation and Environmental Justice, Effective Practices (FHWA-EP-02-016), USDOT FHWA/FTA, 2000

11.8.2 Useful Websites

- District of Columbia Advisory Neighborhood Commissions
<http://anc.dc.gov/anc/site/default.asp>
- D.C. Citywide Calendar
<http://app.calendar.rrc.dc.gov/monthView.aspx?cdlCalendars=59&agencyUrl=http://ddot.dc.gov>
- DDOT Newsroom
<http://newsroom.dc.gov/list.aspx/agency/ddot>
- D.C. Office of Planning
<http://planning.dc.gov/planning/site/default.asp>
- D.C. Library Locations
<http://www.dclibrary.org/dcpl/cwp/view.asp?a=1266&q=564161>
- FHWA – NEPA Guidebook Site
<http://www.environment.fhwa.dot.gov/guidebook/index.asp>
- FHWA Guidance Material on Public Hearings and Other Public Involvement
<http://www.environment.fhwa.dot.gov/guidebook/vol2/doc13b.pdf>
- FHWA/FTA Interim Policy on Public Involvement
<http://www.environment.fhwa.dot.gov/guidebook/chapters/v2ch13.asp>
- FHWA/FTA Questions and Answers on Public Involvement in Transportation Decision-making
http://www.fhwa.dot.gov/environment/pub_inv/q_and_a.htm
- FHWA/FTA Public Involvement Techniques For Transportation Decision-making
<http://www.fhwa.dot.gov/reports/pittd/contents.htm>
- AASHTO – Environmental Justice Page
http://environment.transportation.org/environmental_issues/environmental_justice/
- CalTrans – Environmental Manual: Federal Requirements
<http://www.dot.ca.gov/ser/vol1/vol1.htm>
- Minnesota DOT’s Public Involvement Process
<http://www.dot.state.mn.us/planning/publicinvolvement/>
- Washington Post Advertising
<http://www.washingtonpostads.com/>
- Washington Times
<http://www.washingtontimes.com/>
- Washington Informer Advertising
<http://www.washingtoninformer.com/advertising.html>
- Washington City Paper
<http://www.washingtoncitypaper.com/>
- Capitol Community News (Hill Rag, East of the River, D.C. North)
<http://www.capitolcommunitynews.com/index.cfm>