

Nevada Department of Transportation Policy  
FOR  
PUBLIC INVOLVEMENT/PUBLIC HEARING PROCEDURES

I. Purpose

The purpose of these procedures is to ensure, to the maximum extent possible: (1) that Nevada's highway locations and designs are consistent with federal, state, and local planning objectives; (2) that the Nevada Department of Transportation affords opportunity for effective public participation in the consideration of highway locations and designs; (3) that possible adverse social, economic and environmental impacts are considered throughout project development; (4) that final decisions affecting highway location and design are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient public transportation, public service, and the cost of eliminating or minimizing adverse effects.

II. Authority

The Department, acting under the authority of NRS 408.245 providing for the acceptance of federal acts, accepts as a continuing obligation the compliance with the provisions of Title 23 USC, Section 109(h) Standards, Section 128, Public Hearings, and Title 23 CFR, Section 771.

III. Applicability

The provisions of this policy shall apply to the Department's project development and planning process for federal-aid and state projects. This policy shall not apply to projects of an emergency nature which necessitate the immediate repair of a highway facility. However, permanent restoration work will be handled like any other federal action, unless a waiver is obtained from the Washington Office of the Federal Highway Administration.

IV. Definitions (as used in this policy)

1. LOCATION PUBLIC HEARING will be conducted when the project involves a new location for which feasible alternatives are developed before the route location is approved and before the Department is committed to a specific proposal.
2. DESIGN PUBLIC HEARING will be conducted for a project following a LOCATION PUBLIC HEARING and location approval, but before the Department is committed to a specific design proposal. It is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining design features of a proposed project, and it provides a public forum that affords a full opportunity for presenting views on design features, including the social, economic, environmental, and effects of alternate designs.
3. LOCATION/DESIGN PUBLIC HEARING, sometimes referred to as a "combination hearing." Combines items numbers 1 and 2 as stated in section IV.

4. INFORMATION MEETINGS/CORRIDOR STUDIES is a meeting at which the objective is to present, receive, and/or exchange information. INFORMATION MEETINGS/CORRIDOR STUDIES are noticed in a manner appropriate to the intended audience. Appropriate notice shall be no less than 15 days, in general circulation adjudicated newspaper(s). INFORMATION MEETINGS/CORRIDOR STUDIES are most effective early in project planning so response can be considered during project development.
5. INTENT-TO-STUDY LETTER (required only for NEPA) is a letter describing the preliminary concepts of the project and details of the INFORMATION MEETINGS. It requests the addressee to submit concerns or special knowledge for consideration in proposed project development process and for the project public record. These letters are sent to affected federal, state, and local agencies, political leaders, recognized special interest groups, and concerned/affected citizens.
6. TRANSPORTATION NOTICE is a public notice of a PUBLIC HEARING or INFORMATION MEETING/CORRIDOR STUDY provided directly to recipients and through display advertisements. Major engineering features will be described in the text (in layman's terms) and it will include the following information: (1) where maps, drawings, and copies of other pertinent information developed by the Department will be available for inspection and comment. (2) What project information will be on public display at the hearing or information meeting on the Department's web site, and (3) the time of the formal presentation. They may also include an appropriate schematic map detailing the proposed project.

V. Public Involvement Requirements  
(23 SC 128 and 23 CFR 771)

1. On projects utilizing PUBLIC HEARINGS and INFORMATION MEETINGS including PUBLIC MEETINGS for CORRIDOR STUDIES): A TRANSPORTATION NOTICE will be sent to affected agencies; political leaders, special interests groups, and concerned/affected citizens. The purpose is to identify early in the process the scope and significance of issues of the proposed project.
2. Public involvement should include early coordination and offer continuing opportunities for input throughout the project development or planning process. Public involvement opportunities are to be afforded when there have been substantial changes in the scope or design of the project, substantial unanticipated development in the area affected by the project, an unusually long lapse of time since the last hearing or meeting, and identification of significant social, environmental and economic effects not previously considered at earlier hearings or meetings.

## VI. Public Hearing and Information Meeting Procedures

### Scheduling

The Department's project management system provides for the scheduling of the PUBLIC HEARING or INFORMATION MEETING/CORRIDOR STUDIES dates. Periodically, the deputy director and chiefs for the Design, Right of Way, and Environmental Divisions review this schedule to assess project readiness to proceed with public involvement and establish or revise the dates according to overall project status. The project manager, with concurrence by the NEPA Coordinator in the Environmental Services Division, will contact the public hearings officer at least 30 days prior to the date requested to avoid any overlapping of PUBLIC HEARINGS or INFORMATION MEETINGS/CORRIDOR STUDIES. The public hearings officer coordinates with the project manager, the Environmental Services NEPA Coordinator, department personnel and consultants assigned to the project for the development of hearing displays, handout materials, presentations, meeting location, news media coverage and the drafting of the TRANSPORTATION NOTICE. After assessing the completeness of the planned hearing or meeting, the public hearings officer will proceed to provide public notice of the pending hearing or meeting.

### Public Notice

Advance public notice is provided through display advertisements that appear three times in adjudicated newspaper(s) of local, regional and/or ethnic distribution. The first notice appears a minimum of fifteen (15) days prior to the hearing or meeting. Additional advertisements are published the day before and the day of the hearing or meeting. Local and ethnic newspapers are an exception, because of less frequent publication (e.g., once or twice a week). News releases may be sent out to further publicize the hearing or meeting and encourage attendance. Display advertisements will include all of the information provided in the TRANSPORTATION NOTICE.

TRANSPORTATION NOTICES are also provided through direct mail to adjacent property owners, business owners, agencies, and organizations within the project limits. Actual limits of the notification area vary by project type. Anyone wishing to receive notice of a hearing or meeting will be placed on a contact list upon written request. The Department may expand the mailing list to include non-owner occupants. Written invitations may be extended to appropriate state and local officials to be present. Media releases are also prepared as well as information on the Department's web-site.

TRANSPORTATION NOTICES will be sent to the Transportation Board; affected federal, state, local agencies, and political leaders and concerned/affected citizens.

When residential and/or business structures are to be acquired, TRANSPORTATION NOTICES shall indicate that relocation assistance programs will be discussed.

The Department shall furnish the FHWA division administrator with a copy of the TRANSPORTATION NOTICE at the time of first publication.

## VII. Conduct of Public Hearing, Information Meeting or Corridor Studies

PUBLIC HEARINGS and INFORMATION MEETINGS/CORRIDOR STUDIES are held at a place and time convenient for the public near the proposed project. All public hearings or meetings will be conducted in a public building, such as schools or state, county, or city facilities. Provisions are made for the submission of written statements and other material in place of, or in addition to, oral statements made at the hearing or meeting. The procedure for this submission is described at the hearing or meeting and those attending are notified of the final date for receipt of additional statements and/or materials. A court reporter will be available to record all oral statements. A PUBLIC HEARING or INFORMATION MEETING/CORRIDOR STUDIES will be conducted in the following format:

### 1. Open Forum with Formal Presentation

At the hearing the public is asked to sign-in. This document will be retained as part of the permanent project and hearing record. Aerial photos or other graphic images are displayed showing the proposed project limits, property lines, existing right-of-way, proposed right-of-way, and proposed easements. When there is more than one alternative, they are also displayed by aerial photos or detailed maps. Duplicate displays may be provided, dependent upon the expected attendance. Right-of-way plans are provided if available. In addition, a handout is prepared explaining the location and design of the project, including an explanation of alternatives and a comment page for submission. This handout is given to each person attending the hearing or information meeting. This format provides four ways members of the public can express their concerns about a project as part of the official record:

- By written statement at the hearing – Comment cards are provided to each participant. Provisions are also made for completing the cards at the hearing, such as tables, chairs, and pens.
- By oral statement at the hearing – A court reporter is employed by the Department to record the oral statements of anyone wishing to speak. Speakers are asked to state their name before submitting a statement. A transcript is made of oral statements.
- By written statement after the hearing – Fifteen days are given to mail in or submit electronically comments on the project. A sign notifying the public of this option is posted at PUBLIC HEARINGS, INFORMATION MEETINGS/CORRIDOR STUDIES.
- By commenting via the Department's web-site or via e-mail.

At each hearing or meeting, the Department representatives who have worked on the project will be in attendance to discuss the project and answer questions. In addition, the public hearings officer for the Department will be in attendance.

Right-of-way representatives will be at each hearing or meeting involving potential property acquisition to discuss relocation assistance. In addition, right-of-way booklets will be made available to each affected person attending. A handout will be prepared by the right-of-way division that explains certain right-of-way procedures, cites the number of displaces, and refers to the right-of-way. The right-of-way booklets will be made available in both English, Spanish and auxiliary aids or services to assist individuals with disabilities or limited English proficiencies will be provided. This handout will be available for each affected person attending. A representative from the Department's Environmental Services Division will be present at every NEPA hearing or meeting to explain the environmental study and to answer questions concerning the environmental study.

Several copies of the environmental study will be available at the hearing for review. The environmental document will be mailed to anyone requesting a copy. A written summary of the environmental study will be available for each person attending the hearing as part of the hearing handout package.

#### Formal Presentation

Department staff will moderate each session. The presentation will open with a brief explanation by the public hearings officer of how the hearing will proceed, who will make presentations representing the Department, and how public comments will be received. In areas where a project may affect large non-English speaking groups, the Department will provide interpreters. The Department will also comply with all ADA requirements.

Department representatives will discuss in general terms the proposed project's location, design, and potential right-of-way impacts.

After the presentation, a short question and answer period will be conducted. Guidelines for the comment period will be explained prior to the public speaking. Anyone wishing to speak must state their full name and are allowed three (3) minutes to make a statement. All comments and the presentation are recorded verbatim by court recorder.

Once the presentation comment period has concluded, the remainder of the time is provided for receipt of public comments and one-on-one discussion with Department representatives in an open forum format.

The Public Hearings Officer may make the determination to conduct an additional presentation in order to accommodate a large early turnout.

## 2. All Public Hearings and Information Meetings

At each PUBLIC HEARING or INFORMATION MEETING the Department will announce or otherwise inform the public that at any time after the hearing or meeting and before location or design approval related to that project, all information developed in support of the proposed location or design will be available upon request for public inspection and copying.

At each INFORMATION MEETING (including INFORMATION MEETINGS for CORRIDOR STUDIES) it shall be indicated that the meeting is being held to discuss project need, present studies on the alternative location features of the proposal, and provide an opportunity for public discussion of the major features. This includes the social, environmental and economic effects of the project. No studies or plan will be finalized until the complete public record has been analyzed, including data gathered at the meeting. At each PUBLIC HEARING it shall be indicated that the hearing is being held prior to making any decision on the various alternatives presented at the hearing, and that no decision will be made until the complete public record has been analyzed, including data gathered at the hearing.

At all PUBLIC HEARINGS and INFORMATION MEETINGS, information about design alternatives studied shall be made available. This information will be made available in English, Spanish and auxiliary aids or services to assist individuals with disabilities or limited English proficiencies. The Department's presentation will include tentative right-of-way requirements; the schedule of acquisitions; the estimated number of families, businesses, and other concerns to be relocated; housing availability; and the relocation assistance program.

At all PUBLIC HEARINGS or INFORMATION MEETINGS, a description of the tentative time schedule for construction, noting any significant items that may affect that schedule will be presented.

At all PUBLIC HEARINGS and INFORMATION MEETINGS, it will be indicated that written statements will be accepted for approximately fifteen (15) days, or as otherwise indicated, after the hearing or meeting to the address shown in the handouts. Depending on the class of the project and the phase of project development at the time, copies of an environmental assessment, a draft or final environmental impact statement shall be available at the hearing or meeting for review. Appropriate staff from the Environmental Services Division shall be present to explain or answer questions on the document and its contents.

At all PUBLIC HEARINGS or INFORMATION MEETINGS, comments received after the specified closing date will still be accepted and made part of the administrative

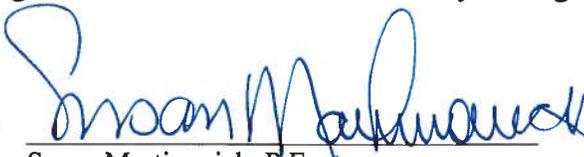
record. If a late comment addresses an issue or concern already noted, then there may be no further response to it. If a late comment brings to light a substantive issue or concern, then the Department will fully consider and respond to it.

Once a decision has been reached regarding the proposed location or design, approval will be requested of the NDOT director for all projects, including certification acceptance, and of the FHWA for non-certification acceptance federal-aid projects.

### VIII. Hearing or Information Meeting Transcript

PUBLIC HEARINGS or INFORMATION MEETINGS including a presentation shall be attended by a court reporter who will prepare a verbatim written transcript of the oral proceedings at each hearing. Open forum hearings or meetings shall be attended by a court reporter who will prepare a verbatim written transcript of comments made to the court reporter. These transcripts will be available for public inspection at NDOT Headquarters and NDOT District Offices and certified copies or e-file made available upon request. A certified copy or e-file will also be forwarded to the FHWA. The original transcripts will be retained at NDOT Headquarters, Central Records.

The final transcripts may also include photos of each exhibit used, attendance roster, advance public notices, listing of agencies, organizations and individuals notified of the hearing, and written material submitted by these groups.

Approved by:  Date: 2/24/12  
Susan Martinovich, P.E.  
Director