

**MEMORANDUM**

**TO: Federal Highway Administration- South Carolina Division**

**FROM: South Carolina Department of Transportation-Environmental Services Office**

**RE: Request to Supplement SCDOT's Public Involvement Policy for NEPA Compliance approved by FHWA (February 2015)**

Following discussion and consultation with the Federal Highway Administration (FHWA) South Carolina Division, SCDOT's Environmental Services Office (ESO) requests FHWA's concurrence regarding virtual public involvement guidance effective August 3, 2020. The guidance will be posted to the Department's website and made available for public review. The guidance below replaces the amendment made to SCDOT's public involvement policy dated May 8, 2020.

The purpose of this guidance is to encourage the use of virtual public involvement methods to broaden public participation and promote safe and prudent practices, particularly during emergencies, in a manner that meets all federal and public involvement requirements.

FHWA's Everyday Counts Initiative promotes the use of virtual public involvement techniques to supplement traditional in-person meetings.

"Transportation agencies can strengthen meaningful public involvement in planning and project development by integrating VPI tools into their overall public involvement approach. Other benefits can include: reduced administrative burden on staff, cost savings, and accelerated project delivery. VPI tools can increase the public's access to information and opportunity to express their viewpoint and values in the transportation decision-making process.

VPI includes various online communication strategies that utilize websites, mobile applications, tablets, and social media. FHWA has organized the VPI tools into eight categories: Online Mobile Applications, Project Visualization, Do-It-Yourself Videos, Crowdsourcing Videos, Virtual Town Halls, Online Mapping Tools, All-In-One Tools, and Digital Tools to Enhance In-Person Events.

It's important to note that the use of VPI techniques and strategies do not change existing requirements of public involvement established by statute, regulation, or executive order, and these tools are not intended to completely replace in-person public involvement opportunities, which remain an important part of a balanced public involvement approach."



## Meeting Plans

A meeting plan should be developed for all projects (in-person or virtual). Meeting plans should be submitted to the NEPA coordinator and FHWA for review to ensure the appropriate techniques and steps are being taken to disseminate information about the project and to collect feedback on a project by project basis.

## Use of Virtual Public Involvement Techniques on SCDOT Projects

Virtual Public Involvement Techniques (VPI) are encouraged for all public outreach activities associated with project development. At a minimum, a project website should be developed and advertised for each project that is open for public comment. Each project website should include the following components: project description, purpose and need, funding, schedule, contact information, and an opportunity for public comment. The use of other VPI techniques such as online surveys, visualizations, project videos, and online mapping applications are encouraged when appropriate for the project.

Important: the use of VPI techniques on SCDOT projects does not replace the opportunity for in-person engagement. Project information made available online or through VPI techniques should also be made available in other formats for persons with limited access to internet/technology and/or (Limited English Proficiency (LEP) populations).

## In-Person Meeting Opportunities

FHWA's regulations (23 CFR 771.111) directs that all **public hearings** must be held at a convenient time and place. SCDOT's current policy requires that in-person public hearings follow a prescribed 2-hour format. This supplemental guidance hereby allows for in-person public hearings to be conducted in other formats (e.g. by appointment or limited room occupancy) when supplemented with a virtual component for public engagement. Individual plans for conducting public hearings should be developed and provided to ESO and FHWA for review to ensure consistency with federal regulations.

### In-Person Public Hearing Requirements

- Safety Plan
- Date and Time of In-Person Meeting Opportunity(ies) must be announced in a newspaper display advertisement 15 days prior to the first session.
  - Advertisement must announce the availability of the environmental document, the location where printed and digital versions could be accessed, a statement that describes how meeting materials can be accessed outside of the internet, and a statement that describes how the public can register a verbal comment at the in-person meeting or remotely.
- Presentation describing the project's purpose and need, environmental impacts, schedule, funding, and ways to participate and provide comments.
- Sign-in sheet and handouts
- Opportunity for the public to register a verbal comment.
- Formal transcript of the presentation and all registered verbal comments.

## **Guidance for Conducting Public Hearings with a Virtual Component**

FHWA has advised SCDOT that virtual public meetings cannot serve as a substitute for an in-person public hearing. As such, virtual meetings should be employed as a component public hearing process public hearing process to encourage greater participation.

### Virtual Meeting Requirements

- All materials and displays provided at the in-person public hearing must be made available to the public virtually. It is recommended that all materials be made available when the notice of availability is published. All materials shown at the in-person public hearing are required to be made available virtually upon the first public hearing session.
- Virtual comment session: In the absence of a traditional verbal comment session, the public should be provided with an opportunity to participate in a virtual comment session that allows them to make public comments in a live setting. Anyone wishing to speak during the virtual comment session will be required to sign-in prior to the meeting and will be allowed 2 minutes to speak.
- Description of how the public can participate and provide written and/or registered verbal comments during the specified comment period.

### Public Hearing Certification Package

- Summary of public hearing attendance and comments
- Summary of all outreach activities (in-person + VPI) conducted during the comment period
- Transcript of the presentation and the registered verbal comments
- Copies of any handouts
- Sign-in sheets
- Comments received
- Response to comments

## **Guidance for Public Information Meetings**

Public information meetings have several options for engagement that are acceptable. These include: in person meetings, a combination of in person and virtual, and virtual only. When putting together a public involvement plan, coordination with ESO NEPA Coordinator is required to determine the best option for each project. A notification advertisement should be made 15-days prior to any virtual meeting to ensure consistency with SCDOT's current public involvement policy.

FHWA Concurrence: \_\_\_\_\_

Date: 9-16-2020