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**1.0 PURPOSE:**

The purpose of these procedures is to define the process of preparing for and executing public hearings.

**2.0 RESPONSIBILITIES:**

- 2.1 Corridor Manager (CM)/Project Manager (PM) – The corridor manager or project manager shall be responsible for initiating the public hearing process with the program management office and public involvement department.
- 2.2 Project Communications Manager (PCM) – The project communications manager shall be responsible for overseeing communications tools associated with public hearings.
- 2.3 Public Involvement (PI) Staff – Public involvement staff shall be responsible for applying the public involvement and communications guiding principles and procedures established herein.

**3.0 SCOPE/APPLICABILITY:**

These procedures shall apply to all NTTA projects and corridors requiring an Environmental Assessment (EA), Environmental Evaluation (EE) or Environmental Impact Statement (EIS).

**4.0 REFERENCES:**

- [NTTA Environmental Manual](#)
- [PI-07 Public Involvement Plan Development procedure](#)

**5.0 DEFINITIONS & ACRONYMS**

**6.0 PROCEDURES:**

- 6.1 **Opportunity for Public Hearing** - A public hearing is sometimes required in the environmental assessment or environmental evaluation process and is always required in the environmental impact statement processes. In some instances, a notice affording opportunity for public hearing (NAOPH) informs the public that a public hearing for a project may be held, provided that a request from the public is made by a specified deadline. An opportunity can only be afforded when an environmental assessment is approved for further processing by the Federal Highway Administration (FHWA-for federally funded projects)\*.

The decision to afford an opportunity for a public hearing is made by NTTA in consultation with the Texas Department of Transportation (TxDOT) District\* office, TxDOT ENV division\* section and FHWA\*. If public acceptance and previous public meetings were received with support and public approval, the program management office may decide to afford an opportunity for a public hearing. If an interested party does not

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request a public hearing, public involvement documentation and process time may be accelerated. Documents classified as environmental assessments may be eligible for an opportunity for a public hearing.

An opportunity for a public hearing is appropriate for projects in which there is no controversy on environmental or technical grounds. If even a moderate amount of controversy exists, the program management office may consider holding a public hearing.

If a project requires the acquisition of public lands designated as parklands, recreational areas, scientific areas, wildlife refuges or historic sites, state law (Vernon's Code, Chapter 26.002 of the Parks and Wildlife Code), requires that a public hearing be conducted.

- 6.2 Preparation for Public Hearing** - In accordance with the project public involvement plan, the corridor manager or project manager shall coordinate with the program management office and public involvement department to initiate the public hearing process.

The program management office and public involvement department shall adhere to PI-05-F1, public involvement public hearing process checklist mandating pre-meeting/hearing tasks, meeting/hearing material/set-up, and after-meeting/hearing tasks for consistency and quality in public hearings.

- 6.3 Public notice legal requirements** – In addition to the requirement set forth by the National Environmental Policy Act, the following considerations apply to legal notices published for hearings, meetings, open houses and other public forums:

6.3.1 Notice placement in newspaper – Placing a notice in the “legal notices” section of newspapers is preferred and usually costs less than notices in other parts of the paper. However, the “legal notices” section is not read by many. If the “legal notices” section is used, the NTTA shall also use leaflets in the project area, temporary signs and/or media releases.

6.3.2 Publication requirements – Notices shall be published in English-language newspapers having general circulation in the vicinity of the proposed project at least 30 calendar days in advance of the deadline for submitting public comments. A second notice shall be published at least 10 calendar days before the public comments deadline. The need for Spanish-language publications as a result of the demographics of the impacted community shall be verified by the designated PI representative. Appropriate dates are acceptable in smaller publications given the varying publication dates of newspapers. For public meetings, the deadlines are more flexible if the meeting is planned as limited or more informal. However, adhering to the standard publication deadlines is recommended. In some circumstances, an elevated need for publication is necessitated via a 4(f) requirement. In such situations, four advertisements would need to be published for each newspaper.

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- 6.3.3 Special public hearings – Some public hearings do not require the same extent of public notice. An example is a public hearing to discuss financial items. In this circumstance, a newspaper notice may be published 10 days prior to a meeting.
- 6.4 Public hearing comments – Oral comments shall be received during the public hearing as public testimony. Participants who would like to make oral comments are required to fill out a speaker card or register on a sign-up sheet. The oral comment cards or sign-up sheets shall be available at the sign-in table at the public hearing and shall include the following speaker information:
- Name
  - Address
  - Telephone
  - E-mail Address
- 6.4.1 Participants may also make written comments for the public record. The comment card shall include the following information:
- Project name, logo and CSJ number
  - Date
  - Blank fields for record name, address, telephone number and e-mail address
  - Blank lines for comment space
  - Note that comments may be submitted at least 10 calendar days after hearing date
  - Project contact information
  - Corridor manager or consultant name and address for mailing comment form
- 6.5 Hearing rules for oral comments – Hearing suggestions are dependent on the anticipated number of speakers. The program management office shall provide suggestions for oral comment format, including how to set up the hearing room. In addition, the following rules shall apply during the hearing:
- 6.5.1 Adequate time shall be allowed for public comment. Speakers shall be limited to three minutes for comments if there are substantial numbers of people signed-up to make oral comments. If there are not many speakers, they will be allowed to speak longer.
- 6.5.2 Ground rules for public comment shall be stated, such as, one speaker representing a group, agency, association, etc.
- 6.5.3 Order of speakers shall be specified, e.g. elected officials first, etc.
- 6.5.4 Questions shall not be answered or commented on during the hearing itself. Testimony at hearings shall be addressed the same way as written comments after the hearing.
- 6.5.5 Suggestion shall be made that those sharing a point of view appoint a representative who speaks for them.
- 6.6 During the hearing – It shall be mentioned at the beginning of the public hearing, that the public will have the opportunity to provide public comment as well as submit written comments during and up to 10 calendar days after the hearing.
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- 6.7 Registration area – A registration area shall be set up outside the public hearing room, where people can register, sign-up to make oral comments as well as ask general questions. For small hearings, one PI representative shall staff the table, for larger hearings, two to three PI representatives are required.
- 6.8 Court reporter – A professional court reporter shall be on hand for the hearing, and the hearing room shall include a seating area for the court reporter that is close to the microphones and/or speakers. The court reporter shall be reserved a minimum of two weeks prior to the hearing. Note: A professional court reporter shall be used to certify the public hearing transcript. In addition, the court reporter shall be responsible for taking comments one-half hour before the public hearing begins.
- 6.9 Post-public hearing – After the public hearing takes place, the summaries and responses regarding all comments, oral and written, shall be compiled. The entire public hearing, including transcripts, comments, responses and meeting summary, shall become part of the public record.
- 6.9.1 Public involvement responsibilities post-public hearing – Four copies of a summary of all public involvement activities shall be created and submitted to the program management office and the Federal Highway Administration (FHWA)\* for approval with the environmental assessment as well as to the project manager. The public involvement summary for the environmental documentation shall include copies of pertinent correspondence with each participating agency, cooperating agency, other agencies and the public, and shall summarize the following:
- Early coordination process, including scoping meetings
  - Meetings with community groups (including minority and non-minority interests) and individuals
  - Key issues and pertinent information received from the public and government agencies through these efforts
- The summary shall also include copies and summaries of all public involvement coordination such as news releases, media kits, fliers, advertisements and notices; meeting sign-in sheets, letters of invitation, meeting agenda, meeting handouts; copies of meeting/hearing presentation(s) of exhibits displayed and previous meeting/hearing summaries. It shall also include a list of attendees, photographs of meetings/hearings and copies of comments and responses to comments.
- 6.10 Public hearing transcript – The court reporter shall provide a minimum of three original final transcripts of the hearing proceedings. These shall be maintained by the designated public involvement representative and shall be available for review as public records. Parties requesting additional copies are required to pay the duplication cost.
- 6.11 Comment response process – If written and oral comments are received at the hearing or during the 10-day comment period, each comment shall receive a comment acknowledgement letter.

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**6.12 Public hearing summary** – Approximately 30 days after the hearing, Project Delivery shall forward the following document to the TxDOT District office.

- Two copies of the public hearing transcript
- A summary and analysis of the hearing, and all comments received during and after the hearing
- A comment and response report including the same information as the public meeting summary

**6.13 NAOPH (notice of availability and public hearing)**– The program management office and public involvement department shall be responsible for the following for a NAOPH:

6.13.1 The notice shall be submitted to the environmental section at least two weeks in advance of the first date of publication in the newspaper.

6.13.2 Community leaders, agencies, groups and individuals with an interest in the subject shall be invited.

6.13.3 Each landowner abutting the roadway within the project limits shall be invited. At a minimum, tax rolls shall be consulted for identifying property owners. Other methods, such as city directories, may also be used to identify landowners. Where there are multiple location alternatives, project development may send notices to abutting property owners for all location alternatives.

***\*NOTE: These steps in the process do not need to be followed if the project is not federally funded or does not include TxDOT as a participating agency.***

## 7.0 REGULATORY REQUIREMENTS:

- State and Federal regulations under the National Environmental Policy Act (NEPA) of 1969 (42 United States Code [USC] 4321-4347)
- Council of Environmental Quality (CEQ) Regulations (23 Code of Federal Regulations (CFR) Part 771)
- Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- 43 Texas Administrative Code (TAC) Chapter 2, Subchapter C; Sec. 371.151-153
- TxDOT Environmental Manual, October 2004 Edition

## 8.0 RELATED BOARD POLICY:

N/A

## 9.0 COMPONENT DOCUMENTS:

- [PI-05-F1](#) PI Public Hearing Process Checklist

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**10.0 FLOWCHART:**

N/A

**11.0 REVISION HISTORY:**

Revision	Revised by	Date Issued	DRN	Reason for Revision
0	Leigh Hornsby	06/05/2008		Original Issue
1	Leigh Hornsby	07/10/2008		Modified 7.3.2, 7.8, 7.10
2	Leigh Hornsby	10/09/2009	10032	Deleted "Guiding Principle". Corrections made for grammatical, style and clarification. Added Environmental Evaluation.
3	Leigh Hornsby	04/28/2011	10273	Inclusion of additional TX Administrative Code options and addition of PCM in oversight. Added 6.3.3 regarding public notice