

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
DESIGN DIRECTIVE**

**DD-201
PUBLIC INVOLVEMENT PROCESS**
*June 4, 2025
Supersedes June 25, 2015*

Attached is the Division of Highways policy on the "Public Involvement Process".

This document replaces the "Action Plan" dated 1979, DD-93 dated March 14, 1969, DD-93-1 dated September 20, 1991, DD-201 dated October 1, 2003 and DD-201 dated November 14, 2011. The "Public Involvement Process" will be used on both State and Federal Projects.

Attachment

PUBLIC INVOLVEMENT PROCESS

10. INTRODUCTION

This policy addresses the public involvement process for projects that require processing a National Environmental Policy Act (NEPA) environmental document. It is necessary for people to communicate. Communication is an interchange of ideas between individuals and groups. Maximizing communication is the responsibility of not only the Division of Highways (Division), but also the citizens. The citizen should be willing to listen, the Division should be willing to listen and both must react in a positive manner to what they have heard. The Division's listening and comment channels should be formally established so the citizen knows where and how to have his or her views heard and when to expect a response.

Generally Public Involvement is for any project that requires the acquisition of considerable amounts of right of way, requires a long and/or complex detour, substantially changes the layout or function of connecting roadways or of the facility being improved, has a sizeable impact on abutting property, or otherwise may result in substantial social, economic, environmental or other effects.

Additional public involvement opportunities may be initiated when the Division believes there is a substantial change in the project, an unusually long lapse of time since the last public involvement or the identification of a -substantial social, economic or environmental issue not previously considered at earlier public involvement opportunities.

20. PUBLIC INVOLVEMENT AND THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

NEPA requires public involvement on projects that have or may have a significant environmental effect. These projects normally require an "Environmental Impact Statement" (EIS), an "Environmental Assessment" (EA) or a "Categorical Exclusion" (CE). An EIS will require at least two public involvement opportunities. The first is for the "Project Scoping" and the second is after the Draft Environmental Impact Statement (DEIS) has been approved by the Federal Highway Administration (FHWA). An EA will also require at least two public involvement opportunities. The first is for the "Project Scoping" and the second is after the EA has been approved by FHWA. A CE normally does not require public involvement, however, public involvement may be conducted if the Division believes it is warranted or it is requested by the public.

30. PUBLIC INVOLVEMENT TYPES

Public involvement can take many forms. A public meeting is the most recognized by the public. However, other types can be just as valuable and effective such as notices in newspapers, mail, radio, television, billboards, road signs and the internet. All of these

forms help keep the public involved in the project development process and provides the Division with valuable information.

Public meetings provide a face to face interaction between the citizens of West Virginia and the Division in planning and design. There are four different types of public meetings the first is a public informational workshop, the second is a public hearing, the third is a combination of the two, and the fourth is a virtual public meeting. The first three types of public meetings provide a face-to-face interaction with the public and provide the Division and the public with valuable information. A virtual public meeting provides project information to a wide range of citizens unable to attend in person.

- a) A public informational workshop is a forum for the free exchange of ideas and may or may not include a formal presentation. While general notes of the issues discussed are taken and considered during project development, written comments are encouraged and included in the public record.
- b) A public hearing is the most formal type where a formal presentation is given and verbal comments, or testimony, are recorded after the presentation. A court reporter will prepare a transcript of the presentation and testimony is prepared for the public record; however, written comments are encouraged and are also included in the public record.
- c) The combination type will have a public information workshop that begins prior to a formal presentation and testimony is recorded following the presentation. A transcript of the presentation and testimony is prepared for the public record; however, written comments are also encouraged and are also included in the public record.
- d) A virtual public meeting is an innovative method to encourage public participation and soliciting feedback regarding transportation projects. The citizens can log on the meeting through a project link and interact with the project team. The citizens are provided with project details, maps, plan sheets and other materials. The citizen will be given the opportunity to ask questions and talk directly with the project team members.

Other types of Public Involvement like newspaper ads, mail, radio, television, billboards, road signs and the internet can be just as useful as a Public Meeting depending on what information the Division is seeking and what information the Public wants. These types can be used alone or in combination with a Public Meeting. If the Division wants to get a sense of the public's concern about a highway project, distributing a Project Informational Flyer may be sufficient. However, if it is evident that there is a concern from the public about the project, a Public Meeting may be more appropriate and using one or more of the other methods to advertise the meeting would be typical.

Some projects may require a public hearing due to the type of environmental document being prepared. Due to the amount of public concern, the Division or the Federal Highway Administration (FHWA) may require a public hearing. A public hearing is generally

required when the public is asked to comment on an approved DEIS or on an approved EA.

Anyone may request a Public Hearing or a Public Meeting for any project by contacting the Division in writing or by making a written comment on its website. The Division and FHWA will determine after the request has been received if the request is warranted in consideration of all of the comments received from the project.

40. PUBLIC INVOLVEMENT POLICIES

The Division's procedures for public involvement have been established to maximize citizen input in both location and design while complying with environmental requirements. These environmental requirements include NEPA, Section 404 of the Clean Water Act (CWA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA), various Executive Orders, including 11988 (Floodplains), 11990 (Wetlands), Title VI of the Civil Rights Act and FHWA policy and regulations.

When the Division and FHWA determine that formal public involvement is necessary for a Federal-aid highway project, the Division will develop a public involvement plan in consultation with the FHWA Division office. The public involvement plan should include a summary of the agency and public involvement strategy for the entire NEPA process, as well as a project information distribution list. In addition, the public involvement strategy shall consider how to involve any affected person or persons that qualify under Title VI of the Civil Rights Act, or the Americans with Disabilities Act of 1990. The distribution list should include federal, state and local agencies, federal, state and county elected officials, historic preservation groups who are active within the project area, as well as individuals who have requested project development information.

All Public Involvement is moderated by responsible officials in the Division. The Division furnishes individuals who are sufficiently familiar with the project to answer questions raised by the public. Alternative courses of action, alternative project locations and major features of the project are discussed along with environmental and other effects of the alternatives.

50. DETERMINING THE TYPE OF PUBLIC INVOLVEMENT TO BE USED

The Public Involvement for any project should consider what questions need to be answered and who the target audience is for the project. The target audience is typically the users of the highway in the area, property owners that are affected by the project, any interested party such as historic groups, metropolitan planning groups, and government officials. The target audience differs from project to project and not all types of public involvement are appropriate for all projects. Therefore, the type of public involvement must be tailored to the target audience.

If a project serves a very small community and has very little to no through traffic then the

appropriate public involvement may be sending project flyers to the residents of the community and soliciting their comments. This method may also be appropriate if it is unclear if the public is interested in the project.

For a project in a populated area where the public is likely to be interested, a Public Informational meeting will be the best option. Public informational meetings are also useful on large projects where an initial meeting may assist with the identification of environmental issues and/or resources present within the project area, which would help determine what type of environmental document needs to be developed. This meeting type is also useful if the project has an approved environmental document, but does not have a lot of public controversy. During this type of meeting, it may be determined that an informal presentation is warranted.

For projects that have public controversy and have an approved NEPA Document, a Public Informational Meeting with a hearing component may be the best option. This meeting type will allow the public to ask questions and get responses during the informal part of the meeting and during the formal part of the meeting will allow comments to be recorded.

Public Hearings by themselves without an informal component have not been found to be helpful to the public and are not generally encouraged. However, the Division and FHWA may determine that this type of meeting is the best option.

60. PUBLIC MEETING PROCEDURE

When the Division determines that it has reached a stage in the development process at which a public meeting is recommended, the WVDOT Public Relations Division will be notified by the section responsible for conducting the meeting.

a) NOTICE

When a public meeting is scheduled, notice in the form of a legal advertisement will be published in newspapers having general circulation in the vicinity of the proposed project. The newspaper notice shall contain the following:

- 1) Date and time of the meeting.
- 2) Location of the meeting.
- 3) A description of the project.
- 4) A link to a website where additional project information can be found.
- 5) A statement that a hearing may be requested.
- 6) A statement regarding the NHPA Section 106 consultation process and/or Section 4(f) determinations, if applicable.
- 7) If a formal presentation is being conducted, the time it will begin.
- 8) If a hearing is being conducted, the time it will begin.
- 9) If a NEPA document is being presented for comment, the notice will indicate that an electronic copy can be obtained on the Division's website and at the local library.

A statement regarding accommodations to allow persons with disabilities to obtain information and/or provide comments shall be included with the legal advertisement. The statement will be written as follows:

“The West Virginia Department of Transportation will, upon request, provide reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability and equal opportunity to participate in our services, programs, and activities. Please contact us at (304) 558-3931. Persons with hearing or speech impairments can reach all state agencies by calling (800) 982-8772 (voice to TDD) or (800) 982-8771 (TDD to voice), toll free.” Add the name, phone number, and e-mail address of the current Director of the Office of Communications to complete the statement.

In addition to the legal advertisement, a project flyer will be distributed and will generally contain all of the same information as the legal advertisement.

A copy of the public notice will be mailed to all of the federal and state elected officials that serve the project area. The public notice will also be provided to the respective County Commission and historic preservation groups who are active within the project area.

b) PUBLICATION OF MEETING NOTICES

The WVDOT Public Relations Division maintains a current list of newspapers that advertisements are to be placed in, based on the location of the project. All Public Meeting notices should appear in the newspaper and be posted on the Division's website at least 14 days prior to the meeting. In order to ensure that the public, in the area of the project, is informed about the meeting, a secondary type of advertisement is normally required and is developed to inform the local target audience. The secondary advertisement if required should be distributed and/or posted 7 days prior to the meeting. The secondary advertisement may include, but are limited to, the following:

- 1) Meeting advertisement fliers to be sent to the property owners and/or residents in the project vicinity.
- 2) Placing fliers in local stores and gathering areas.
- 3) A road sign to inform the traveling public about the meeting.
- 4) A paid advertisement in the local paper that is not in the legal section.
- 5) A billboard.

c) ENVIRONMENTAL DOCUMENTS

When an DEIS or EA is provided to the public and agencies for comment as a part of the public involvement process, the deadline date for comments will be 30 days after the public meeting. For DEIS documents, the comment deadline date will be at least 45 days from the date the Notice of Availability (NOA) for the document is

published in the Federal Register. For EA documents, the deadline date for comments should be no less than 30 days from the date the document was mailed to the agencies or placed on the Division's website. The Division shall advise of the comment deadline date and where the document is available for public review. The Division will work with FHWA to approve any written request to extend the deadline date for comments, if it is received prior to the advertised deadline date.

d) OTHER NOTICES

In addition to the formal newspaper legal advertisement, a press release concerning the meeting and/or hearing may be prepared and distributed by the WVDOT Public Relations Division.

e) MEETING AND/OR HEARING FORMAT

- 1) Meetings and/or hearings will be moderated by an official of the Division.
- 2) The developing Division will furnish an individual who is sufficiently familiar with the project to answer questions raised by citizens.
- 3) The Division's presentation will include project description, alternatives, environmental and other effects of the project.
- 4) Provision will be made for submission of written statements and other exhibits in addition to oral statements at meetings or hearings.
- 5) The Division will explain its right of way acquisition process, relocation assistance program and relocation assistance payments at each public meeting and/or hearing where appropriate.

f) PUBLIC HEARING TRANSCRIPT

A court reporter will develop a verbatim transcript of the proceedings of each public hearing. The responsible individual within the Division will make arrangements for the court reporter. Copies and certification will be forwarded to the developing Division for appropriate action and transmittal to the Federal Highway Administration, should the project be federally funded, is eligible for federal funds or if the FHWA has agreed to be the lead federal agency. Copies of the transcript and appendices will be available for public inspection.

g) PUBLIC MEETING SUMMARY

The developing Division will be responsible for a summary of the meeting. These summaries are to include the approximate number of people attending, Division participants, meeting handouts/flyers, advertisement method(s), retain copies of all written comments received and, if applicable, retain a copy of the public hearing transcript.