



PUBLIC HEARINGS

Purpose

The purpose of this policy is to ensure the Department seeks public involvement on transportation projects.

Legal Authority

Idaho Code 40-310(1) - The Board shall determine what highways are designated as the state highway system, and hold public hearings as required.

23 Code of Federal Regulations Part 771 - Environmental Impact and Related Procedures.

40 Code of Federal Regulations Chapter 5, 1500-1508 - Council on Environmental Quality.

23 United States Code Section 128 - Public hearings.

Public Law 91-190 - National Environmental Policy Act of 1969

The process of ensuring that the public is involved in transportation decisions and activities applies to all transportation projects and begins early in the project development stage. Preliminary scoping meetings, public information meetings, and public hearings provide the Department with the opportunity to share information, summarize studies, review proposed alternatives and any new developments, and receive input from the public on proposed transportation projects. The public shall be afforded early and continuing involvement in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.

The Director shall establish public involvement guidelines for all Department-proposed transportation projects. Public input shall be sought throughout the life of any project and may be used to enhance the project.

Public hearings shall be held to provide the public with the opportunity to receive information, discuss findings and proposed actions, and offer comments about transportation projects in the following areas:

- Purpose and need for the proposed project.
- Major location/design features or location of new routes.
- Alternate courses of action.
- Social, economic, and environmental effects.
- Modification of the state highway system.
- Transportation planning.

Highway projects that involve federal funds **must have** a public hearing, or an opportunity for a public hearing, when there is:

- Acquisition of significant amounts of right of way.
- Substantial change of the layout or function of connecting roadways or of the facilities being improved.
- Significant adverse impact on abutting property or when litigation or public controversy is anticipated.
- Significant social, economic, and/or environmental effects on the surrounding area.
- A class of action involving an Environmental Assessment or Environmental Impact Statement.

Projects financed totally with state funds **must have** a public hearing or an opportunity for a public hearing when:

- The state highway serving or transversing any city is to be abandoned, relocated, or replaced.
- Significant public interest or controversy surrounds the project.

The Federal Highway Administration may also request a public hearing when a hearing is determined to be in the public's interest.

With the exception of a project with an Environmental Assessment or Environmental Impact Statement, public hearings may be waived by the appropriate management staff after determining that public awareness and support for a project is apparent and non-controversial.

Location and design determinations shall be made only after full consideration of transportation needs, socioeconomic, and environmental factors and a review of official public hearing testimony for projects where a public hearing was held.

- For location and design determinations that **are** subject to Section 40-310, Idaho Code (require a system action), **and** in situations where a proposed project is **contested**, the design study report, the public input certification, staff recommendations and other supporting documentation shall be submitted to the Board for further consideration and/or determination.

The Board may choose all or none of the following:

- Remove the project from the Statewide Transportation Improvement Program due to lack of support/need.
 - Schedule additional hearings on a) revised design, b) new/revised issues, or c) added/changed alternate locations.
 - Establish citizen and/or interdisciplinary teams to review location/design issues and make recommendations.
 - Send the location/design study report and department recommendations to the appropriate local entity and request that the local entity choose an alternative that best serves their constituent's interests.
 - Select the alternative the Board believes best serves statewide transportation interests.
- For location and design determinations that **are not** subject to Section 40-310, Idaho Code (do not require a system action), **and not contested**, the appropriate management staff shall make

the project determination.

- For all other state and local projects that do not require a hearing, or when the opportunity for a hearing is given and no hearing is requested, or the public hearing was waived, the appropriate management staff shall make the project determination in coordination with any involved agencies.

The Board shall be notified in advance of all Department-sponsored public information meetings and public hearings. Board members have the option of attending these meetings and/or hearings to meet with and hear the concerns of their constituents, but do not take testimony. A Public Hearing Officer shall be appointed for all public hearings to officially receive public testimony. Oral, written, and other information may be submitted to the Hearing Officer as part of the official testimony.

After the public information meeting and/or hearing procedures are completed, or an opportunity for public involvement has been given and/or waived, the Board or appropriate management staff shall complete project determinations and inform the public.

Approved by the Board on:

Signed _____
Jerry Whitehead
Board Chairman

Date July 10, 2013