



PUBLIC HEARINGS

Purpose

This policy expands on Board policy 4024, PUBLIC HEARINGS, by detailing the type of projects where hearings should be held, when a hearing may be waived, and the circumstances in which ITD management can make the final decision on a project without the involvement of the Board. The policy also details the role of the hearing officer in public hearings.

To ensure that the public is involved in transportation decisions and activities, the Idaho Transportation Department shall inform the public and seek their input through preliminary scoping meetings, public information meetings, and public hearings. Public meetings and/or hearings shall be held to provide the public with the opportunity to receive information, discuss findings and proposed actions, and offer comments.

The project scope, intensity of interest, and level of impact determines the number, extent, and type of public involvement. The District Engineer, and/or other delegated personnel, in coordination with the Public Involvement Coordinator shall determine the strategy for public involvement and the types of opportunities the public will have for submitting comments and information. The District Engineer may waive the public hearing when public awareness and support is apparent and non-controversial.

The following public hearing process primarily details highway project hearings. This process may be modified for other public hearings, such as utility movement, Public Transportation, Aeronautics, etc., to meet specific regulations and concerns. The Department shall follow a multi-faceted public involvement process that includes, but is not limited to, the following actions:

- Notices of preliminary scoping meetings, public information meetings, and public hearings shall be presented in a variety of formats, i.e., legal notices, newspaper and radio ads, invitation letters, etc., including translated material to ensure involvement by minorities when necessary.
- Meetings and hearings shall be conducted at an acceptable site located as near to the project as possible, and for a number of hours convenient for those affected by the proposed project. The format of the meetings and hearings shall be similar to an open house in that the public is invited to drop by any time during specified hours.
- The sponsoring District or Division shall coordinate technical presentations by department personnel and other involved agencies and the preparation of pertinent material for the meetings and/or hearings.
- Short videos may be shown to provide an overview of the proposed project and hearing process.
- Staff in the Office of Communications shall use social media to share project information when appropriate. Potential social media tools include Facebook, Twitter, YouTube, Pinterest, and others.
- Hearing information shall be presented in displays and printed brochures.
- When appropriate, Department personnel and other partner agencies shall staff the information meetings/hearings and share project details with the public.
- Transportation project materials shall be available through the Idaho Transportation

Department's Internet site for public viewing. Materials shall include, and not be limited to, maps, charts,

graphs, photos or other visual elements of projects, press releases announcing any developments in projects, as well as technical or engineering documents. Materials shall also include information presented at public meetings and public hearings.

- A Hearing Officer shall be appointed to ensure that public opinion is solicited and the public's testimony receives proper recognition in any transportation project decision. Oral testimony, written statements, and other information from the public may be submitted to the Hearing Officer as part of the official testimony until the previously-announced closing date. Oral testimony shall be tape recorded during the public hearing and later transcribed. With the concurrence of the involved Division or District, the Hearing Officer may extend the date of accepting official testimony should the need become apparent.
- After completion of the public hearing procedures, the Public Involvement Coordinator shall have copies available to the public of the official public hearing testimony and a certification of public input. The public hearing testimony and other hearing documentation shall be maintained in the Office of Communications.
- Public input shall be sought throughout the life of any project and may be used to enhance the project. Public input that is received before or after the official testimony period is added to the project file.

Guidelines and strategies for public involvement shall be maintained in the Design Manual, under Public Involvement.

A design study report documenting the department's considerations of environmental, social, and economic impacts of the project, summarizing significant design/location considerations and recommendations, and including the certification of public input for projects where a public hearing was held shall be compiled for each proposed project.

Project determinations and approvals shall be as follows:

- In situations where a proposed project is contested and for location and design determinations that are subject to Section 40-310, Idaho Code, 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.
- For location and design determinations that **are not** subject to Section 40-310, Idaho Code (do not require a system action), **and are 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 is waived, the appropriate management staff shall make the project determination in coordination with any involved agencies.

The District Engineer or other appropriate management staff in coordination with the Office of Communications shall inform the public of project determinations.

Signed
Brian W. Ness

Date September 06, 2013

Director