

## Bales, Ronald

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**From:** Indiana Department of Transportation <indot@subscriptions.in.gov>  
**Sent:** Thursday, March 26, 2020 6:37 PM  
**To:** Bales, Ronald  
**Subject:** INDOE ESD -Public Involvement Update \*Revised Announcement\*

### **3-26-20 REVISED ANNOUNCEMENT**

Earlier this week, guidance was sent out regarding public involvement during the Coronavirus crisis. The guidance was sent out even as the current situation remains very much fluid. In reaction to these uncertain times, the guidance sent previously should have been presented as **DRAFT guidance**. INDOT is consulting with FHWA regarding how public involvement will be conducted during this time. Again, the guidance sent earlier this week should be considered DRAFT guidance.

While we feel reasonably certain the process outlined for CE level projects is sufficient and provides access to project documents and materials during a public comment period, there is much less certainty that INDOT/FHWA approved public involvement requirements can be met for CE projects involving historic bridges or CEs involving high levels of controversy and public interest or for EA and EIS level projects.

Because of this uncertainty, the previous guidance issued earlier this week is to be considered DRAFT guidance until further notice. I apologize for confusion the previous communication may have caused and will work diligently to ensure future messaging regarding public involvement during this time is clear and definitive.

Public involvement requirements are being evaluated and modified as we work to combat the spread of the Coronavirus. As of 3/16/20 the requirement to make project documents available at public view locations/physical locations has been suspended. All project documents are to be made available on-line for the public to access (NEPA document, preliminary design drawings, renderings, etc). For INDOT projects, we'll post to or link from the respective district's webpage. For LPA projects, we will require the project sponsor to do the same.

Providing access to project documents is a cornerstone of public involvement and therefore must be mitigated in other ways.

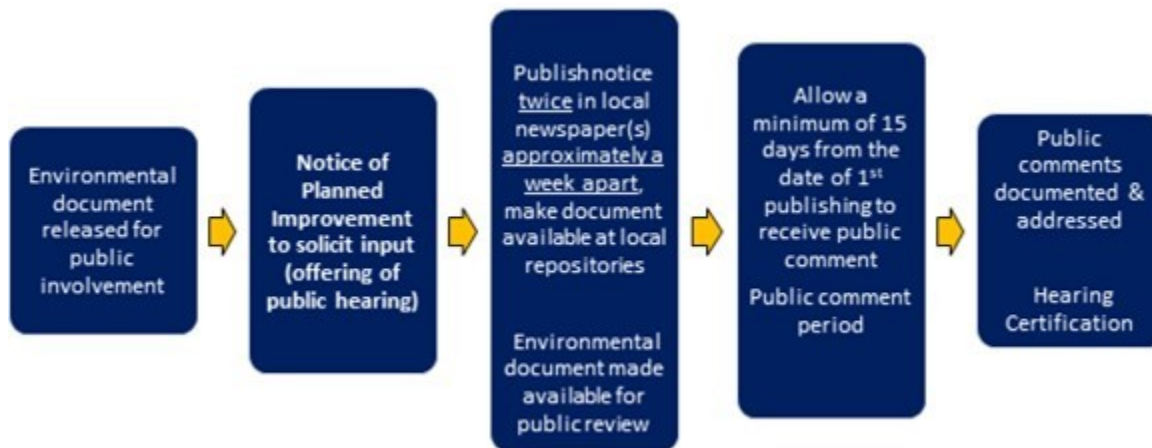
For federal-aid projects (CE level) requiring public involvement, requirements can be satisfied by either holding a public hearing or offering the public the opportunity to request that a public hearing be held.

Below are procedures we will follow to ensure we meet the INDOT/FHWA requirements for projects receiving federal-aid related to public involvement.

#### **Scenario #1 – Advertise public hearing opportunity (applies to CE level projects where we need only to offer the public hearing opportunity)**

- Publish two legal notices in the local paper to advertise the project and offer the public the opportunity to request a public hearing
- If you have a project mailing and wish to mail/email notices to key stakeholders, property owners, etc. – this is encouraged

- Ensure project documents are available ON-LINE; Do not list any physical viewing location in your notice
- Your notice MUST include a statement that offers the public the opportunity to request project information be mailed to them. This is very important as we cannot assume everyone has reliable internet service and/or access. The statement in your legal notice should read “Persons with limited internet access may request project information be mailed, please contact XXXXXX, Phone Number and Email address”.....
- A copy of the CE may be mailed to anyone who specifically requests a copy; otherwise project information to be mailed (upon request) should simply include a project summary, a map, project description, etc.
- The CE and preliminary design plans/drawings/renderings must be posted ON-LINE via a project webpage/district page; if desired, a powerpoint presentation may also be posted on-line to provide the public with a more reader-friendly way to learn about the project
- The public must be offered a minimum of 15 days in which to submit comments or to request a public hearing; the 15 days are calendar days (not business days) and the 15-day comment period begins the date the first of the two notices is published
- The notice must still offer the public the opportunity to request a public hearing be held, however no hearings will be scheduled at this time. It is still important to keep this language in the notice
- At the end of the 15 day comment period, all comments received must be responded to; all comments and responses are to be documented
- If hearing requests are received, the project sponsor can decide if a hearing is to be held or not (certainly at this time no hearings will be scheduled)
- If no hearing held, submit all public involvement materials to INDOT for review and to receive public involvement certification
- Once PI certification is received, submit PI materials to INDOT Environmental Services to initiate request for NEPA document approval



**Scenario #2 – Hold Public Hearing (for projects where a public hearing is mandatory, such as CE projects involving Historic Bridges, EA and EIS)**

**UNDER FHWA REVIEW – INDOT TO RECEIVE GUIDANCE REGARDING PROJECTS REQUIRING MANDATORY PUBLIC HEARINGS**

**UNTIL FHWA GUIDANCE IS RECEIVED, NO VIRTUAL PUBLIC HEARINGS ARE TO BE CONDUCTED.**

Indiana Department of Transportation

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