

*Texas Department of Transportation  
Environmental Affairs Division*

## **Standards of Uniformity for Projects Without Federal Highway Administration Involvement**

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A Guide to Projects without FHWA Involvement

### **Public Involvement**

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TxDOT's public involvement regulations are found in [43 TAC Chapter 2](#).

Additional information about the entire range of public involvement, how to notify the public, meeting/hearing formats and how to prepare various comment/response reports is available in the [TxDOT Environmental Manual](#) (Chapter 4, Sections 2 and 5).

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
<b>Meeting with Affected Property Owners</b>				
1			Meetings with Affected Property Owners (MAPO) shall be held where there are detours, a minimal amount of new right of way, or temporary construction easements.	<a href="#">43 TAC 2.6</a>
2			Affected property owners include property owners adjacent to the projects and other affected property owners (business owners, governments, etc.) that may be affected by the project.	
3			At a minimum, affected property owners shall be notified of the meeting(s). All MAPOs should be documented in the project file and summarized in the NFCE document/certification. A separate summary of the meeting(s) may also be prepared.	
<b>Public Meetings</b>				
4			A public meeting can be held at any time during project development with the general public, public interest, or special interest groups.	<a href="#">43 TAC 2.7</a>
5			Notification of the meeting shall be done in a manner fitting the anticipated audience, including the time, place, and format of the meeting. *	
6			Summarize the results in the project file, including a comment and response report. Include a copy of the meeting summary and materials in the NFCE packet.	
<b>Opportunity for Public Hearing</b>				
At a minimum, an opportunity for public hearing will be offered in the following manner:				

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7			If there is some question about whether or not a public hearing should be held, an opportunity for public hearing may be offered. The opportunity for public hearing consists of notices published in newspapers, as well as notices sent to adjacent property owners.	<a href="#">43 TAC 2.8</a>
8			The opportunity for public hearing is offered for a project that requires the acquisition of substantial amounts of right of way, substantial changes to the layout or function of the connecting roadway/facility, adds capacity, has a measurable adverse impact on abutting real property or otherwise causes a substantial social, economic, or environmental impact.	
9			If no requests for a public hearing are received, document the project file and include a signed certification in the NFCE packet.  Note: If a public hearing is planned, an opportunity for public hearing is not required.	
<b>Public Hearing</b>				
At a minimum, a public hearing will be held in the following manner:				
10			A public hearing is held to present project alternatives, and to encourage and solicit public comment. A hearing is held only after location and design studies are developed and the environmental studies are considered substantially complete.  In the case of a Safety Bond project, the REC must determine whether or not the document/certification is technically complete. Otherwise, ENV Project Delivery would make that determination. The REC or ENV will return any documents/certifications to the District if revisions are needed to the document/certifications.	<a href="#">43 TAC 2.9</a>

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11			A public hearing is held in the cases listed in <a href="#">43 TAC 2.9</a> . These include, but are not limited to, controversial projects, projects with Environmental Impact Statements, high profile projects, and projects with hearings requested pursuant to the requirements of the Transportation Code §201.604.	
12			The Notices for the Hearing should meet the requirements of <a href="#">43 TAC 2.9</a> .	
13			All hearing testimony, comments, and response reports and certifications shall comply with <a href="#">43 TAC 2.9</a> .	
<b>Public Involvement under the Texas Parks and Wildlife Code</b>				
14			If a project requires the taking of public lands designated as parklands, recreational areas, scientific areas, wildlife refuges, or historic sites, an opportunity for a public hearing may not be afforded where one might normally be offered.  <a href="#">State law</a> (Vernon's Code, Chapter 26.002 of the Parks and Wildlife Code), requires that a public hearing be conducted. (Please note that notification and publication requirements differ from 43 TAC requirements.)	<a href="#">Texas Parks and Wildlife Code Chapter 26: Protection of Public Parks and Recreational Lands</a>

\* Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, sex, and national origin in the provision of benefits and services resulting from federally assisted programs and activities. The Civil Rights Restoration Act of 1987 amended the Civil Rights Act of 1964 (along with the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), to clarify the phrase “program or activity” to mean the entire operations of recipients, whether those operations are federally funded or not. This means that all activities, regardless of funding source, must comply with federal nondiscrimination laws. Title VI applies to every aspect of a state DOT’s processes, requiring state DOTs to provide equal access to transportation-related decisions and processes for all people in the state including equal participation in the public involvement process. Title VI applies to all persons residing in the United States, not just its citizens.

Because of the broad applicability of Title VI, environmental justice and community impacts concerns apply to all projects and following the federal guidance is recommended. Appropriate outreach for EJ and LEP populations are part of Title VI responsibilities.