



Guidance

Frequently Asked Questions Regarding Virtual Public Involvement under NEPA and TxDOT's Environmental Review Rules

This FAQ is for NEPA/43 Texas Administrative Code Chapter 2 meetings and hearings. Other meetings and hearings like planning and environmental linkages (PEL) meetings, state transportation improvement program (STIP)/transportation improvement program (TIP) meetings, etc. are not subject to this FAQ.

The Environmental Affairs Division (ENV) and the Public Involvement Section of the Transportation Planning and Programming Division (TPP) will continue to evaluate the efficacy of the different forms of meetings and hearings discussed below. Before deciding on a course of action for a particular project, be sure to check with your public involvement specialist to ensure that you are using the most effective techniques.

PUBLIC MEETINGS – CURRENT STATUS

1) What is the plan for public meetings as of the date of this FAQ?

Districts may do any of the following:

- Virtual public meeting with in-person option (appointments no longer required)*
- Virtual online-only public meeting only if the project is not going through an area with limited internet access
- Traditional in-person public meeting with all interested stakeholders at one time.
Although this format is allowable, ENV and the Public Involvement Section of TPP strongly recommend one of the two virtual options identified above as a standing best practice going forward.

*If a virtual public meeting with an in-person option is necessary due to the lack of internet access in the project area, the same instructions set forth below for holding a virtual public hearing with an in-person option apply. The only difference is that there is no verbal testimony voicemail component requirement for a virtual public *meeting* with an in-person option, whereas there is a verbal testimony component requirement for a virtual public *hearing* with an in-person option.

PUBLIC HEARINGS – CURRENT STATUS

2) What is the plan for public hearings as of the date of this FAQ?

Districts may do any of the following:

- Virtual public hearing with in-person option (appointments no longer required)
 - Virtual online-only public hearing only if the project is not going through an area with limited internet access and one of the following three situations applies:
 - the project has no federal funding;
 - the project has federal funding but the hearing is being held solely to satisfy (1) Chapter 26 of the Texas Parks and Wildlife Code or (2) the state statutory
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requirement to hold a hearing on a project that adds bike lanes (Transportation Code 203.023), and none of the other hearing triggers in ENV's Public Involvement Handbook apply; or

- the hearing is not being held as part of the NEPA process.
- Traditional in-person public hearing with all interested stakeholders at one time. **Although this format is allowable, ENV and the Public Involvement Section of TPP strongly recommend one of the two virtual options identified above as a standing best practice going forward.**

LIMITED INTERNET ACCESS

3) How do I determine if the project is going through an area with limited internet access?

This will be based on the community. Work with TPP's PI Section and/or ENV's community impacts SMEs for assistance. The following U.S. Census Bureau link has "narrative profiles" of counties, cities, and census tracts with percentages of households that have a computer and broadband internet subscription: <https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/>

VIRTUAL PUBLIC HEARING/MEETING WITH AN IN-PERSON OPTION

4) What's a virtual public hearing/meeting with an in-person option?

We will (1) conduct a virtual public hearing/meeting, and (2) provide a physical space at a non-TxDOT facility or TxDOT district, area, or maintenance office for attendees to, at their discretion, attend in-person and do the following:

- watch the virtual public hearing/meeting presentation on a screen (which will be playing on a loop),
- review public hearing/meeting materials,
- ask questions of TxDOT staff and/or consultants from a socially-distanced approach, and
- provide written comments on a written comment card which the attendee will drop into a box.

Verbal comments do not need to be accepted at the in-person option. However, a district may accept verbal comments at the in-person option if they so choose. If verbal comments will be accepted at the in-person option for a virtual public hearing, then a court reporter or similar transcription service must be used. For a hearing, there must be an option for the public to make verbal comments by phone as instructed in the presentation and in the notice (there is no phone-in verbal comment requirement for a public meeting).

The in-person option will be at a specific time on a specific date. Districts should work with their public involvement specialist to determine the most appropriate day and time for the in-person



option. It is recommended that the project team pick a date PRIOR to the virtual public hearing/meeting date and advertise that as the in-person hearing/meeting date. Multiple dates are not recommended. Again, it is recommended that this in-person date precede the virtual public hearing/meeting date, but a district may choose to post the virtual hearing/meeting presentation on the same day of or before the in-person option if they so choose. The 15-day comment period must be calculated from the date of the virtual public hearing/meeting, or the day of the in-person option, whichever is later.

Districts are encouraged to have a staffing plan for the hearing/meeting, including staff who would be assigned as back-up in case the original staff member cannot attend. This would include staff/consultants who will be in attendance to answer questions and a person who will be leading the attendees to the hearing/meeting room

Room layouts should be created with material station locations. Districts can have display boards or have printed copies of the displays/exhibits. The hearing/meeting presentation can be played on a laptop screen, projector screen, tv screen, etc. Think about including outside signage to point the public to the correct location for the hearing/meeting room.

5) Does TxDOT Administration need to approve the in-person option or traditional in-person meetings or hearings?

No.

6) Where should the in-person option be held?

The in-person option may be held at a TxDOT district, area, or maintenance office, or at any other suitable location.

7) How will individuals submit public comments with respect to a virtual public hearing with an in-person option?

Written comments are accepted at the in-person option, by mail, and by email. Verbal testimony must be allowed by phone. Verbal testimony may be allowed at the in-person option at the district's discretion using a court reporter or similar transcription service. All written comments and verbal testimony must be received by the end of the 15-day comment period.

8) What about the virtual public hearing/meeting part? Any changes there?

No, the virtual public hearing/meeting part will continue to be conducted in accordance with the instructions ENV has provided for virtual online-only public hearings and meetings (see Sections 4.5.3 and 6.8 of the Public Involvement Handbook and the answers to the FAQ below).

9) Do local government project sponsors have to comply with TxDOT's procedures, including this FAQ?

Yes.

10) For the in-person option, do we have to give a live presentation, or will a pre-recorded video suffice?



We will just show the same pre-recorded video that is posted online for the virtual public hearing/meeting part.

11) What about Section 106 stakeholder meetings?

They can be done virtually, and do not require the in-person option.

VIRTUAL COMPONENTS OF VIRTUAL HEARINGS/MEETINGS WITH AN IN-PERSON OPTION, AND VIRTUAL ONLINE-ONLY MEETINGS AND HEARINGS

12) How is the virtual component of a virtual hearing/meeting with an in-person option, or a virtual online-only meeting or hearing being conducted?

Right now, the virtual meetings and hearings are mostly being done via pre-recorded presentations that are posted to the [TxDOT YouTube channel](#) via the district PIO/TxDOT Media Relations in coordination with TPP's PI Section. ENV's notice templates talk about editing the first paragraph of the notice "as needed" to explain how to "log onto" the live virtual meeting/hearing. You would only need to do that if you were using a live interaction online platform that required a log-in.

13) For the virtual component of a virtual hearing/meeting with an in-person option, or for a virtual online-only meeting or hearing, does the online presentation go live at the time stated in the notice and stay available for 15 days?

Yes, the online presentation must remain posted online for the entire 15-day comment period, but can be available after that period at the district's discretion.

14) For the virtual component of a virtual hearing with an in-person option, or for a virtual online-only hearing, does the phone-in option for providing verbal testimony have to stay open until the end of the 15-day comment period?

Yes.

In coordination with TPP's PI Section, IT has procured Coeo as the vendor to provide a voicemail phone number with the ability to automatically transcribe the messages. To request a Coeo voicemail line, reach out to TPP's PI Section as early as possible for planning assistance. Please note that districts can provide both English and Spanish greeting options as part of the voicemail system; however, the district will need to translate Spanish voicemails. Coeo only provides transcription on the English voicemails. Contact the PI Section for more details.

15) Do the phone-in comments for verbal testimony need to be transcribed by a court reporter or can it also be by a staff/consultant member?

It can be staff/consultant member as long as we have record of the testimony. But as explained above, districts should reach out to TPP's PI Section to request a Coeo voicemail line, which does not require a staff/consultant member to manually transcribe comments. Contact the TPP



PI Section with any questions or if you need assistance.

- 16) Can the voiceover for the online presentation be recorded by one person or does it have to have the different speakers as we do for an in-person public hearing?**

No, you can have a single narrator. It does not have to be a TxDOT employee.

- 17) Is there a time of day that is best for a virtual online-only public meeting or hearing, or for the virtual component of a virtual hearing/meeting with an in-person option?**

Weekday evenings would be best since most people are off work; however, it is at the discretion of the district.

- 18) Are there any requirements to meet the needs of disabled persons - hearing or visual impairments?**

The notice templates include the standard accommodation language. Additionally, TPP's PI Section will post a transcript of any pre-recorded virtual online-only meeting or hearing, or virtual component of a virtual hearing/meeting with an in-person option, on the TxDOT website within a few days of the event.

- 19) For projects being developed by local governments (with TxDOT oversight), will TxDOT host the virtual online-only public meeting or hearing, or the virtual component of a virtual hearing/meeting with an in-person option, for the local government on its domain? Or will the local government be responsible for hosting the virtual event on its own domain?**

Either way works, as long as the requirements in our Public Involvement Handbook are satisfied.

- 20) Can a consultant host the virtual online-only public meeting or hearing, or the virtual component of a virtual hearing/meeting with an in-person option, on its own online platform?**

Yes, as long as the requirements in our Public Involvement Handbook are satisfied.

- 21) If using YouTube, does this platform offer a specific time the public can watch the video? Will it need to be removed after meeting time?**

As long as the virtual online-only public meeting or hearing, or the virtual component of a virtual hearing/meeting with an in-person option, is available at the time stated in the notice, then it doesn't matter if it is posted earlier. It must remain online for the entire 15-day comment period. There is no requirement to remove it on a certain date.

- 22) For a virtual online-only public hearing, or for the virtual component of a virtual hearing with an in-person option, will there be a time duration for the individual comments made (i.e., 3 min.) when calling the phone number during the 15-day comment period?**

We should instruct callers to limit their oral testimony to no more than three minutes. If possible, the voicemail system should be set-up to cut-off recording at four minutes, so that if the caller goes a little bit over the three minutes, their oral testimony will not be cut-off mid-sentence.



23) Do we need to use a 1-800 type number for the call-in voicemail option on a virtual online-only pre-recorded public hearing or the virtual component of a virtual hearing with an in-person option?

That is not a requirement. However, a toll-free number via Coeo is an option and should be used as available so please work with the TPP PI section as needed.

24) Can we share the information in this FAQ with consultants?

Yes.

25) How about how all this info goes in ECOS?

ECOS documentation should be prepared the same way it was being done before for in-person events, with the following exception. On the cover sheet of the Documentation of Public Meeting or Documentation of Public Hearing, follow these instructions:

- Under "Meeting Location" or "Hearing Location" indicate that it was a virtual meeting or hearing and provide the web address (and for a virtual hearing/meeting with an in-person option, also separately indicate the location of the in-person option).
- Under "Meeting Date and Time" or "Hearing Date and Time," indicate the date and time of the virtual meeting or hearing, and the dates on which the online presentation continued to be available for viewing online (and for a virtual hearing/meeting with an in-person option, also separately indicate the date(s) and times of the in-person option).
- Under "Elected Officials in Attendance," indicate N/A.
- Under "Total Number of Attendees," provide the total number of "views" of the online presentation with a notation that the number represents "views" (and for a virtual hearing/meeting with an in-person option, also separately indicate the number of physical attendees).
- In the "Contents," add a notation to "E. Figures" indicating that the online video presentation is separately uploaded to ECOS.

26) If we use a voicemail system to accept public testimony for a virtual online-only public hearing or the virtual component of a virtual hearing with an in-person option, what do we do if a voicemail is unintelligible?

The transcriber simply notes "response garbled or unintelligible" on the official transcript of the call. There is no need to call the person back.

27) For a virtual online-only public hearing or the virtual component of a virtual hearing with an in-person option, should the presentation explain both the written comment and verbal testimony options, and explain that they may both be used for the entire 15-day comment period?

Yes.



For the written comment option, the presentation must identify the email and mail addresses that can be used.

For the verbal testimony option, the presentation must identify the phone number to use.

The presentation must also explain that the public may call project staff during regular office hours or email project staff to ask questions about the project at any time in the project development process.

28) If we use a voicemail system to accept public testimony for a virtual online-only public hearing or the virtual component of a virtual hearing with an in-person option, what information do we need to collect from the caller?

We should ask them to give their name and who they are representing, if an entity other than themselves.

29) What kind of planning is needed for virtual online-only public meetings and hearings, or virtual components of virtual hearings/meetings with an in-person option?

Districts should allow the same amount of time for planning in terms of logistics and outreach for virtual meetings/hearings as in-person meetings/hearings. Reach out to TPP's PI Section as soon as a virtual meeting/hearing need is identified. In addition, districts should avoid pulling ahead and "stacking" their virtual meeting/hearing schedule to avoid in-person meetings and to speed the PI process. Work with the PI Section to determine the appropriate outreach schedule to go beyond the minimal outreach requirements, avoid public fatigue of virtual meetings and to ensure proper resources can manage the schedule effectively. TPP's PI Section also recommends developing a comprehensive outreach plan; outreach ideas can be found on TPP's PI Section Crossroads page. Be on the lookout for virtual meeting/hearing resources that will be posted to TPP's PI Section page. It is very important that districts go above and beyond the minimal NEPA requirements to promote these online opportunities and ensure all LEP and EJ communities are reached.

30) What about the requirement for commenters to "disclose in writing on a witness card whether the person does business with the department; may benefit monetarily from a project; or is an employee of the department?" (Transportation Code 201.811(a)(5))

The written comment card that will be provided at the in-person option part of a virtual public hearing/meeting with an in-person option will have this information. Also, if TPP's PI Section provides a pdf comment form on the meetings/hearings web page, then the form will include these statements. However, for members of the public that use the phone line to verbally provide testimony after a virtual online-only public hearing or the virtual component of a virtual hearing with in-person option, there is no written witness card and no need to require callers to verbally make these statements.

31) Is there a requirement that ENV and TPP's PI Section review the materials that will be presented at the virtual component of a virtual hearing with in-person option and virtual



public meetings and hearings?

This is recommended, but it is not a formal requirement of ENV's NEPA procedures (i.e., EG Volumes

1 and 2), except that ENV Project Delivery review of meeting or hearing materials for an open-ended (d) list CE is required.