Virtual Public Involvement Practices in NEPA

Case Studies

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16. Abstract This document contains eight case studies on potential approaches to virtual public involvement (VPI) in the National Environmental Policy Act (NEPA) process. The case studies showcase projects that held public hearings, including comment periods between March 2020 and fall 2021 when in-person gatherings were restricted due to the COVID-19 pandemic. The case studies also highlight project history, VPI approaches, outreach to underserved populations, benefits, challenges, lessons learned, and next steps. This document does not constitute guidance and is intended only to facilitate knowledge transfer and information sharing.			
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Introduction

Public involvement is a critical component of the transportation decision making and National Environmental Policy Act (NEPA) processes. Increasingly, State departments of transportation (DOTs) and local public agencies are providing, and the public is expecting, virtual options to enhance engagement during the transportation decision making process. Virtual public involvement (VPI) was particularly important during the COVID-19 pandemic, as many localities limited or canceled in-person events due to COVID-19 pandemic restrictions. As a result, State DOTs adapted their approaches to public involvement, relying on a hybrid combination of in-person and virtual public meetings and hearings to engage stakeholders. State DOTs have continued utilizing virtual approaches to public involvement even as COVID-19 pandemic restrictions have been relaxed. The COVID-19 pandemic offered an opportunity for State DOTs to experiment with virtual strategies during public hearings and expand their use during public meetings.

As restrictions around the nation eased, a hybrid combination was found to be beneficial and is considered applicable today as a potential approach to public involvement in a post-COVID-19 pandemic

Case Study Objective

The case studies are intended to showcase how various States utilized a hybrid approach to public involvement (virtual and in-person components) or virtual-only approach[1] (supplemented with traditional outreach methods like mailings and newspaper ads) during the COVID-19 pandemic. The case studies present various approaches to VPI across the United States and provide information on successful VPI approaches and challenges, outreach methods for underserved populations, and lessons learned.[2]

Overview of Public Involvement in NEPA

Public involvement is enshrined in NEPA (42 U.S.C. 4331 et seq.), the Council of Environmental Quality (CEQ)'s regulations (40 CFR 1506.6), 23 U.S.C. §§ 128 and 139, and FHWA's implementing regulations at 23 CFR 771.111(h). NEPA requires agencies to provide opportunities for public participation, and 23 U.S.C. 128 requires that State transportation agencies conduct public hearings, when appropriate.[3] The regulations at 23 CFR 771.111(h) note that States must provide early and continuing public engagement opportunities during project development.

[1] FHWA authorized virtual-only participation where public hearings were required only during the public health emergency. FHWA did not continue this flexibility once the public health emergency ended.
[2] For more information on virtual public involvement (VPI) refer to the following website: https://www.fhwa.dot.gov/planning/public_involvement/vpi/
[3] For more information on public involvement requirements refer to the following website: https://www.environment.fhwa.dot.gov/nepa/trans_decisionmaking.aspx

State and local transportation agencies rely on a variety of tools to ensure they provide meaningful public involvement for their transportation projects. VPI supports agencies' efforts to engage the public more effectively by supplementing face-to-face information sharing with technology. These strategies can increase the number and variety of forums available to agencies for remotely engaging the public during the environmental review of a transportation project. Many virtual tools also provide information in visual and interactive formats that enhance public and stakeholder understanding of proposed projects and plans. While most State DOTs and local transportation agencies use websites to post information about their activities, there are a variety of VPI tools for outreach and collecting and disseminating public input that are showcased in the case studies.

Case Study Identification

All case study project sponsors coordinated with FHWA's Office of Project Development and Environmental Review (HEPE) during the development and publication of their project's NEPA documents during the COVID-19 pandemic. HEPE only considered developing case studies on FHWA projects that held a public hearing, including comment periods between March 2020 and fall 2021, when much of the country was under strict COVID-19 pandemic restrictions, and strived to include a diversity of geographies, NEPA classes of action, and types of communities.

State	Project
Iowa	Black Hawk Bridge
Kansas	South Lawrence Trafficway
Maryland	Chesapeake Bay Crossing
Michigan	Interstate (I)-375
North Carolina	Corridor K
Oregon	Earthquake Ready Burnside Bridge
South Carolina	Interstate (I)-526 Low Country Corridor
Virginia	Interstate (I)-495 Express Lanes Northern Extension (495 NEXT)

Summary of VPI Practices and Lessons Learned

Marketing public involvement opportunities to stakeholders in advance, extensively, and via multiple forums can ensure broad stakeholder awareness.

The case studies found that States used a wide variety of tools to advertise public involvement opportunities, through both virtual and traditional methods. Virtual methods included project websites, social media posts, and email newsletters, while traditional methods included advertisements on billboards and buses, direct mailings, flyers, tabling at community events, television segments, and ads on the radio and music streaming platforms, and in newspapers. The South Carolina DOT (SCDOT) found that it was important to use multiple forums to reach stakeholders in places that they frequent or forums that are comfortable to them, to help ensure a broader range of stakeholders. The Iowa, North Carolina, South Carolina, and Virginia DOTs used paid, geotargeted social media advertisements to target the local communities who would traditionally receive direct mailings. To assist with any questions prompted by the marketing materials, all the case study States listed a range of contact information including a mailing

address, an email address, a phone number, and a website contact form link, if applicable. To engage underserved populations, the Michigan DOT (MDOT) used plain language in their outreach materials and the Kansas Department of Transportation (KDOT), MDOT, and Multnomah County in Oregon translated text into other languages. Additionally, MDOT, the North Carolina DOT (NCDOT), and Multnomah County ensured website content could be viewed on mobile devices. SCDOT and Multnomah County built relationships with community leaders and cultural institutions to encourage them to share information about upcoming public involvement opportunities.

Initiating early planning efforts and coordination for virtual events and practicing all logistics can facilitate an effective event.

In initiating planning efforts and coordination for virtual events, NCDOT emphasized the importance of coordinating early with IT staff to ensure that the chosen technology is compatible with State laws and agency requirements. Coordination with IT staff later in the process may cause delays. Once a technology is chosen, States emphasized the value of conducting multiple dry runs of virtual events to anticipate any technological or logistical issues. This may include testing possible scenarios and preparing for possible challenges to reduce unknowns at the event. As part of the preparation, staff should establish clear roles and responsibilities for the event, and make sure that they feel comfortable performing their roles. MDOT noted that dry runs helped them adequately assess the number of personnel needed to play all the necessary roles during a virtual event, including responding to questions, providing technical assistance to participants, assisting to mute/unmute speaker audio connections, etc. The Virginia DOT (VDOT) utilized a detailed meeting script to clearly delineate roles and ensure a streamlined event, and the Iowa DOT prepared a list of anticipated questions to share with the speakers to assist in their responses.

Utilizing a range of VPI techniques, beyond hosting a public meeting or hearing, can increase participation and engagement.

Many case study States utilized their project websites to provide 24/7 access to project information and comment submission opportunities to allow the public to participate, even if they could not attend a public meeting or hearing. Multnomah County used Online Open Houses that contained information with various levels of detail and information on how to submit comments via a comment form, mail, email, or voicemail. The website was designed to be simple, easy-to-use, and mobile-friendly. States also shared information in creative ways on their project websites. The Maryland Transportation Authority (MDTA) website included a virtual information room (VIR), which had 11 viewing stations dedicated to different project topics, a registration form to provide live testimony at one of the public hearing sessions, and a form to submit comments directly. Visitors to the VIR could virtually "walk" through the information at their own pace and convenience and could select to have the boards read out loud. Multnomah County used an online map-based storytelling tool to create an additional website that allowed users to scroll through different graphics, maps, and visuals, including a 360-degree-video, to view the different bridge types.

Beyond the project websites, States also provided additional opportunities for the public to engage with them prior to public meetings or hearings. MDOT held a virtual comment session the day before the in-person public hearing for staff to respond to the public's questions in advance. VDOT held virtual Q&A sessions to provide sufficient time for dialogue about the project outside of the time constraint of the public hearing. VDOT noted that this may have allowed stakeholders to submit more informed comments for the project record during the public hearing.

Utilizing a mix of VPI and traditional methods of public engagement can encourage broad participation.

Many case study States noted that there is no "one-size-fits-all" approach to public engagement and strategies must be responsive to the differences among projects and communities. Project teams should identify the outreach goals and audiences for the project to identify preferences and constraints that can help guide the selection of the mix of strategies. NCDOT found that using traditional outreach and engagement methods in areas with limited broadband access is critical. As such, NCDOT relied on more traditional forms of outreach (direct mailings and radio advertisements) and included information for the public to request printed materials and assistance, as well as provide comments via phone or mail. SCDOT had built strong relationships with the environmental justice communities in the project area through in-person engagement and leveraged that into providing additional virtual options for engagement, while continuing to utilize a hybrid approach. SCDOT established a dedicated project office to offer individual, in-person appointments for the public. Additionally, States found that providing an option for one-on-one in-person or virtual comments also created a space for people who might not feel as comfortable speaking up in a public forum, to express their views on a project.

Maintaining consistent messaging and engagement throughout the project and using VPI methods can increase transparency.

Multnomah County shared the importance of incorporating VPI strategies for public engagement at the outset of a project, rather than introducing them retroactively once the project is underway, to set public expectations for methods of engagement. This also allowed the project team to continually learn from and improve on its experiences by updating its project website and adapting its virtual advertising methods as it learned which VPI strategies were most effective. The Iowa DOT gained many of the same benefits by relying on its proprietary software, PIMA, through which it shares information with the public, monitors comment submissions, and assesses the success of its public engagement efforts to adjust activities according to stakeholders' feedback.

The case study States found that project websites allowed them to share a wide breadth of materials and information that would appeal to the interests of many stakeholders, while increasing transparency for the project. As an example, MDTA provided information online as soon as it was available or as soon as public meetings were announced, as well as posted all comments received on the website. Additionally, KDOT maintained consistency of their project materials by developing a prerecorded video that was played at the hybrid public hearing and posted on its "Open House" website to provide the same content to all constituents regardless of their chosen engagement platform.

Allowing time and resources for a "learning curve" in adopting new technologies and preparing to provide technical assistance to the public can facilitate an easier transition to virtual options.

In preparing for its virtual events, MDTA found that pre-registration for live events was key to managing attendance. MDTA required stakeholders to pre-register to give live testimony, virtually or in-person, which allowed the project team to manage the number of testimony sessions, as well as in-person capacity limitations. The Iowa DOT similarly used pre-registration and encouraged electronic registration. The project team found that some members of the public required additional time to become familiar with the process of electronic registration but, at each subsequent public meeting, there were fewer technical assistance requests as attendees became more comfortable with the virtual platform.

MDOT offered technical assistance to the public in advance of each virtual event by communicating with registrants on how to join the virtual comment session and use meeting room functionalities. MDOT also allowed participants the option to log in to the meeting early to allow time for staff to assist participants in troubleshooting technical difficulties. Alternatively, a project team could make use of a virtual waiting room or chat feature to communicate with the public in advance of or during a meeting to respond to any questions. KDOT sent registered participants a direct meeting link the day of the event to help avoid technological issues when logging into the meeting.

Future of VPI

Although the flexibility to hold a virtual-only public hearing is no longer available, all case study States noted that they will continue to rely on VPI, both to advertise the opportunities to submit feedback on projects and to collect feedback from stakeholders during the NEPA process. The States will continue to utilize VPI due to the range of benefits highlighted in the case studies, including expanding outreach through additional methods, increasing transparency between the agency and the public, reaching different audiences that are unable or choose not to attend in-person events, and collecting more comments.

Case Study Details

State and Project Name	Geography	Class of Action	Approach to Public Hearing	Limited English Proficiency (LEP) Considerations	Public Engagement with Underserved Populations	Social Media Outreach	Primary VPI Tool (Zoom, Webex, ArcGIS, etc.)
Iowa – Black Hawk Bridge	Urban	EA	Virtual	N/A	N/A	Yes (geotargeted ads)	Iowa DOT-developed online platform for conveying information, soliciting public comments, and responding to comments
Kansas – South Lawrence Trafficway (SLT) West Leg	Urban	EIS	Hybrid	Translated version of website in Spanish; translation services provided at meetings	Virtual methods (project website, social media, surveys) & traditional methods (drop-in centers, hard-copy ads); participation on project advisory board; extended comment period; tailored presentations	Yes (multiple platforms)	Iowa DOT-developed online platform for conveying information, soliciting public comments, and responding to comments
Maryland – Chesapeake Bay Crossing Study: Tier 1	Urban & Rural	EIS	Hybrid	Ads in minority and Spanish-language hard-copy newspapers and websites; project website in 59 languages; public	Virtual methods (project website, virtual information room, social media) & traditional methods (live testimony sessions	Yes (multiple platforms)	Virtual platform for public viewing of comment session and providing call-in testimony; Online

				hearing displays in Spanish	with phone-in option, hard-copy ads); hard-copy materials available		video presentation platform
Michigan – Interstate-375	Urban	EA	Hybrid	Translated public hearing hard-copy brochure into Spanish and Arabic	Virtual methods (project website, virtual comment session, social media) & traditional methods (advisory committees, hard-copy ads and flyers); hard-copy materials available; one-on-one meetings	Yes (multiple platforms)	Virtual meeting platform; Online video presentation platform
North Carolina – Corridor K	Rural	EA	Virtual	N/A	Virtual methods (project website, social media) & traditional methods (newsletters mailed to property owners, radio and hard-copy ads); mobile-friendly materials; hard-copy materials available; one-on-one meetings	Yes (geotargeted ads, multiple platforms)	Virtual platform for public viewing of comment session and providing call-in testimony; Videoconferencing platform
Oregon – Earthquake Ready Burnside Bridge	Urban	EIS	Hybrid	Translated virtual project materials into six languages	Virtual methods (project website, social media, e-newsletter) & traditional methods (community events, mailing flyers); worked with	Yes (multiple platforms)	Videoconferencing platform; Online video presentation platform; Online map-based storytelling tool

					Community Engagement Liaisons; mobile-friendly materials; one-on-one meetings		
South Carolina – Interstate-526 Lowcountry Corridor West	Urban	EIS	Hybrid	Translated project websites into Spanish	Virtual methods (project websites, virtual reality public hearing room, social media) & traditional methods (extensive advertising, including flyers, billboards, and buses); community office; one-on-one meetings; Community Advisory Council	Yes (multiple platforms)	Virtual platform for public viewing of comment session and providing call-in testimony; Online video presentation platform
Virginia – Interstate-495 Express Lanes Northern Extension	Urban	EIS	Hybrid	Ads in Spanish-language hard-copy newspaper	Virtual methods (project website, social media) & traditional methods (postcard mailings, hard-copy ads); one-on-one meetings	Yes (geotargeted ads, multiple platforms)	Videoconferencing platform; Online video platform

Contact Information

For more information on these case studies, including details and costs, please reach out to the appropriate FHWA Division Office. A directory of division offices and contact information can be found on FHWA's website.