

# 150 Public Involvement and Hearings

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## 150.1 General

Public involvement is an essential component of the New Mexico Department of Transportation (NMDOT) project development process from the initiation of a long-range transportation plan through the construction of individual projects. The NMDOT's public involvement policy and procedures are described in two main documents. The New Mexico Department of Transportation Public Involvement Plan (Plan) guides the public involvement activities for statewide long-range planning and programming while the NMDOT [Location Study Procedures](#), current edition, describes the procedures for corridor-level planning and National Environmental Policy Act (NEPA) documentation.

NMDOT's commitment to public involvement goes beyond the basic requirements of federal law. The goals identified in the Plan are to:

- Better understand the public's needs and preferences.
- Advance equity by ensuring that the concerns of traditionally underserved groups are addressed.
- Establish trust and credibility with the public.
- Make decisions that reflect the public's values, needs, and preferences.

Throughout all stages of project development, NMDOT's policy is to involve the public and other agencies in the decision-making process to ensure that New Mexico's transportation system meets established transportation performance goals within the context of

broader community needs, expectations, and environmental setting. These concepts are fundamental to the context sensitive solutions (CSS) approach to project development, which is another fundamental element of the NMDOT public outreach approach.

For all aspects of project development, public involvement must be a cooperative and collaborative process that involves groups with diverse needs and perspectives. Coordination with other agencies and involvement of the public must be initiated early in the process and be proactive, comprehensive, and continuous from the inception of long-range planning through project development and construction. This chapter provides an overview of public involvement procedures as they pertain to long-range planning and programming, the location studies process, the NEPA process, and through final design and project construction.

## **150.2 References for Public Involvement Requirements and Processes**

The following references provide additional details concerning public involvement and public hearings:

- [23 Code of Federal Regulations \(CFR\) Part 771](#), Environmental Impact and Related Procedures.
- [23 CFR Part 450](#), Planning Assistance and Standards.

### **150.2.1 NMDOT-Specific References**

The NMDOT has developed several resources that provide specific information about public involvement for transportation projects in New Mexico. While this chapter provides a general overview of NMDOT's public involvement process, the documents identified below provide specific details.

- NMDOT [Public Involvement Plan, Final Plan](#), 2014 - The purpose of this plan is to guide NMDOT's public involvement activities for statewide planning.
- NMDOT [Location Study Procedures](#), current edition - This guidebook has been prepared to assist transportation engineers, planners, and other practitioners in conducting alignment and corridor studies for NMDOT projects. It guides the process for

establishing the project purpose and need, developing and evaluating alternatives, and conducting public outreach throughout the project development process. While the guidebook provides the information needed to cover the most complex transportation projects, it emphasizes the processes appropriate for the most common project scopes. The guidebook is also intended to establish consistency in how location studies are prepared, reviewed, and processed by the NMDOT.

- [IDD-2006-08 Context Sensitive Solutions](#) - This NMDOT Infrastructure Design Directive (IDD) explains how CSS principles shall be applied and incorporated into transportation projects in New Mexico.

### 150.3 Definitions

The following is a subset of definitions provided in the NMDOT [Location Study Procedures](#).

- **Agency coordination** - The process followed to involve other federal, state, and local agencies in the decision-making process for plans, programs, and projects.
- **Context sensitive solutions (CSS)** - A collaborative, interdisciplinary approach that involves all stakeholders in providing a transportation facility that fits its setting. It is an approach that leads to preserving and enhancing scenic, aesthetic, historic, community, and environmental resources, while improving or maintaining safety, mobility, and infrastructure conditions.
- **Public hearing** - A formal public meeting to present and gather comments on project alternatives and an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The public hearing is documented by a court reporter to ensure accurate documentation of the meeting.
- **Public information meeting** - A meeting to provide information to the public and/or to receive input from the public with regards to a proposed action.

- **Public involvement** - The process by which the public is informed, made aware, and involved in the transportation project development process.
- **Public involvement plan or program** - A plan developed for a specific study or project that identifies the specific steps and activities to coordinate with agencies and jurisdictions, and to involve the public in the decision-making process.
- **Transportation plan** - The process and document that establishes long-range goals (20 or more years), objectives, and system needs at the statewide or metropolitan planning area level.
- **Transportation program** - The process and document that identifies and prioritizes near-term transportation needs and allocates funding for specific actions. Transportation programs typically cover a three- to six-year period.

## 150.4 General Procedures and Concepts

The following discussion addresses public outreach goals and methods for various stages of project development including long-range planning and programming, the initial stages of a location study, environmental documentation, preliminary and final design, and construction. Each stage of project development can have different public involvement needs and considerations, as described below.

For all of these stages, a combination of different outreach techniques could be effective depending on the goals and objectives of each stage of project development. Some common engagement activities include:

- **Public notifications** including mailings, website posts, informative displays, and social media.
- **Media relations** including press releases and press conferences.
- **Outreach and collaboration** including workshops, open houses, advisory committee meetings, charrettes, and public hearings and meetings, one-on-one meetings, and small stakeholder group meetings.

- **Market research and feedback** including surveys, questionnaires, and opportunities to comment via forms, email, website, phone, or other options.

#### **150.4.1 Long-Range Planning and Programming**

The [Statewide Long-Range Transportation Plan](#) guides the development and implementation of New Mexico's multimodal transportation system. Because it covers all areas of the state and affects all citizens and visitors to the state, the public outreach and input should be equally extensive and cover all audiences including stakeholder groups, transportation providers, Native American tribes, communities, local economic groups, and the general public.

The appendices to the Statewide Long-Range Transportation Plan, including Appendix D – Public Involvement, can be found [here](#).

Because the long-range plan sets the direction of transportation development several years into the future, it is an important document for the public to consider and comment on. However, because the long-range plan focuses on how the transportation system will evolve over many years rather than the transportation needs of the immediate present, it can be difficult to generate public interest. For this reason, public involvement efforts associated with the long-range planning process should include public awareness campaigns, public meetings, attendance of NMDOT staff at community events, a social media presence, and various public meeting formats such as meetings, workshops, and open houses.

Further, the long-range plan itself has implications for how NMDOT conducts public and stakeholder involvement. Through the adoption of the New Mexico 2040 Plan, NMDOT committed to transparent and accountable decision making (Goal 1), and to respecting New Mexico's cultures, environment, history and quality of life (Goal 5), both of which require continual public and stakeholder involvement. For each goal, the New Mexico 2040 Plan outlines strategies and performance measures that provide more detail on how the NMDOT will pursue and achieve these goals in future project and plan development.

Project programming for NMDOT is accomplished through the Statewide Transportation Improvement Program (STIP) which lists funded and prioritized projects over a four-year period (as well as two additional years of unfunded projects). While STIP meetings with various local agencies, tribes, and stakeholders are open to the public, the STIP is primarily an internal process to list and prioritize projects that have been selected through other processes which have had their own public involvement components. As such, public outreach methods are more limited and include posting the STIP in a place commonly accessible to the public and providing an adequate public comment period.

#### **150.4.2 Phases IA and IB of the Location Study Procedures**

A location study conducted by NMDOT is completed in distinct phases with Phase IA being the initial development and evaluation of alternatives and Phase IB being the detailed evaluation of alternatives. Agency coordination and public involvement are crucial elements of each phase and must begin at the start of the first phase and continue throughout the study. A public involvement plan (PIP) should be developed and implemented at the initial stages of the design process. The PIP should follow the principles of CSS and ensure all of the following:

- The needs and concerns of affected agencies, stakeholders, and the general public are understood and fully considered.
- Interested groups and persons are involved in key decisions.
- The public is informed of key decisions and progress of the study.

Social media is a vital communication method in today's society and should be implemented as an outreach tool for all phases of project development whenever possible and appropriate.

When a project is located in a large metropolitan area or involves multiple jurisdictions, the public outreach effort may include a Technical Advisory Committee (TAC). The use of a TAC enhances coordination with local public works, transit, land use planning, and environmental agencies. The TAC also assists the study team in the identification of local issues, requirements, and needs.

Similarly, for especially complex projects, a Citizens Advisory Committee (CAC) may also be needed. The CAC is a combination of representatives from neighborhoods, businesses, developer groups, service providers, and other interested stakeholders. The CAC provides a forum for information exchange and serves as a liaison between the study team and the community at large. The CAC also assists in identifying community issues of interest and concern and provides feedback.

### **150.4.3 Phase IC Environmental Documentation**

NEPA documentation for a project is Phase IC of the location study process and, as described in Chapter 130 of the Design Manual, can be achieved with a Categorical Exclusion (CE), EA, or EIS, depending on the level of complexity of the project. Accordingly, each NEPA level of effort comes with its own public involvement requirements. For the majority of NMDOT projects, the appropriate level of NEPA documentation is a CE. While a public hearing is not required for a CE, additional public involvement may still be warranted. A public meeting should be conducted if outstanding issues have not been resolved or substantial design changes have occurred since the last public meeting. If it is determined that a public meeting is not needed to support the CE, a meeting, or some alternate form of public notification, should still be conducted during preliminary design to update the public on the project design and schedule.

For some of the more complex projects, an EA or EIS may be required. For this level of NEPA documentation, a public hearing would be required to provide the public with a formal opportunity to comment on the proposed action described in the EA or EIS.

When a public hearing is held, a minimum comment period of 30 days is required for an EA. Of this time, a minimum of 15 days must be provided between the public hearing and the notice of availability of the EA. For an EIS, the minimum comment period is 45 days with a minimum of 30 days required between the date of document availability and the public hearing.

Public hearings should be held at locations and times that are accessible to the public. For large studies or studies that encompass a large geographic area, multiple hearings should be considered.

The location(s) and time(s) of the hearing should be selected to maximize public access and participation. Likewise, the format of the hearing should be flexible and techniques should be used to maximize the public's opportunity to comment.

After the close of the comment period, all comments should be assembled, indexed, and reviewed. This includes oral and written comments made at the public hearing and written comments received after the hearing but within the designated comment period. The comments should be reviewed by the study team and responses developed by discipline, accordingly. Responses should be concise and should reference information included within the environmental document when appropriate.

#### **150.4.4 Phase I Preliminary Design, Phase II Final Design, and Phase III Construction**

It is NMDOT's practice to continue public outreach through preliminary and final design and construction, although the information needs of the public and the goals of the outreach change significantly. During the early steps of the location study process, there is an interactive component where stakeholders and the general public are presenting ideas for the project and identifying issues of concern for the affected community. The public outreach during the NEPA phase still seeks input on the project but it is conducted in a more formal manner so that comments can be addressed explicitly and so FHWA can then use that information to inform their decision on whether or not to authorize final design, right-of-way acquisition, and construction for a project.

During preliminary and final design and during construction, the public outreach efforts are more focused on public notification. These notification efforts are primarily aimed at providing information on the project construction schedule and how individuals' access to property and the transportation facility will be affected. As such, the outreach methods during this phase often include information postings on websites and social media combined with a limited number of public meetings and one-on-one meetings with affected stakeholders. Press releases are

also used during major construction milestones or when significant changes to project detours are planned. This effort should be maintained throughout the duration of project construction.

## **150.5 Documentation**

A wide range of public involvement tools and documentation may be necessary as discussed in Section 150.4. Most projects will require the development and implementation of a PIP to ensure requirements are being met under NEPA and the NMDOT's broader public involvement goals are being met.