

Rule No.: 941 - 8701 - 02000

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Environmental

Rule Title: Public Involvement / Public Hearings

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Wayne Stafford

Name of supervisor or person who approved the proposed rule: Claiborne Barnwell

Purpose:

To establish procedures for coordinating and conducting public hearings.

Summary:

Public hearings promote public involvement during project development.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

The Public Involvement / Public Hearing program of the Mississippi Department of Transportation (MDOT) shall be conducted in compliance with the Code of Federal Regulations (CFR), Title 23, Volume 1, Chapter 1, Subchapter H, Part 771.111(h) and Part 771.119, or current amendment(s) to said Code(s) which is available at www.gpoaccess.gov.

Access to said Code may be obtained at: <http://ecfr.gpoaccess.gov>.

In addition, the program shall include the following rules and/or procedures:

I. Requirement for Public Hearing

As is stated in the above referenced CFR, one or more public hearings or the opportunity for public hearing(s) shall be provided by MDOT for any Federal-aid project which requires:

- (a) Significant amounts of right-of-way, or
- (b) Substantially changes the layout or functions of connecting roadways or of the facility being improved, or
- (c) Has a substantial adverse impact on abutting property, or
- (d) Has a significant social, economic, environmental or other effect, or
- (e) Federal Highway Administration (FHWA) determines that a public hearing is in the public interest.

II. Notice for Public Hearing

Notices for public hearing or opportunities for public hearing shall be provided by publication of at least two (2) separate advertisements in a newspaper having a circulation

local to the proposed project site(s). Each notice shall indicate the location of project-related material made available for public review. A copy of each notice shall be provided to the FHWA Administrator.

- A. Public Hearing for Environmental Impact Statement (EIS) Studies:** The initial notice for public hearing involving an EIS study shall be published between 30 and 40 days prior to the hearing; the second notice shall be published between 5 and 12 days prior to the hearing. Each notice shall provide the time, date and location of the hearing. Each notice shall also explain that the public may provide written statements and/or other exhibits for study consideration in addition to or in lieu of oral comments provided at the public hearing.
- B. Public Hearing for all other studies:** The initial notice for public hearing involving all other studies shall be published between 15 and 21 days prior to the hearing; the second notice shall be published between 5 and 12 days prior to the hearing. Each notice shall provide the date, time and location of the hearing. Each notice shall also explain that the public may provide written statements and/or other exhibits for study consideration in addition to or in lieu of oral comments provided at the public hearing.
- C. Opportunity for Public Hearing:** The initial notice of opportunity for public hearing shall be published at least 21 days prior to the hearing; the second notice shall be published at least 14 days prior to the hearing. Each notice shall explain the procedure for requesting a public hearing and shall provide a deadline for said request to be received by MDOT. MDOT shall respond to requests for public hearing by contacting the requesting party for further communication and/or coordination purposes.

III. Location of Public Hearing

Public hearings shall be held in a place and during a time that is generally convenient for persons affected by the proposed project.

IV. Report of Public Hearing

A transcript of the public hearing oral proceedings shall be produced and made available for public review and/or reproduction prior to the submittal of the final environmental study document to the FHWA Division Administrator for approval. Also provided shall be copies of each written statement and/or exhibit submitted for public hearing.