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Public Involvement Requirements (PIR) Guidance Document	
<p>Reviewed and Approved by:</p>  <hr/> Director	<p>ISSUED: March 8, 2024</p> <hr/> <p>REVISED: N/A</p> <hr/> <p>ATTACHMENTS: N/A</p>

Overview

This Public Involvement Requirements (PIR) guidance document outlines public involvement activities completed by the Tennessee Department of Transportation (TDOT) Environmental Division to ensure compliance with legal and regulatory requirements for transportation projects undergoing the National Environmental Policy Act (NEPA) environmental review process.

TDOT is committed to fostering and integrating public involvement into project planning and development for all transportation projects. In accordance with 23 CFR 771.111(h)(1), each state is required to develop procedures to implement a comprehensive public involvement program, and to receive approval from the Federal Highway Administration (FHWA) that existing regulatory requirements are being met. TDOT's Public Involvement Plan was developed to satisfy this regulatory requirement. This Environmental Division PIR guidance document is a supplement to that plan and outlines requirements specific to the NEPA process. Public participation is an integral part of the transportation process, which helps to ensure that decisions are made in consideration of and to benefit public needs and preferences. Early and continuous public involvement brings diverse viewpoints and values into the decision-making process. This process enables agencies to make better informed decisions through collaborative efforts and builds mutual understanding and trust between the agencies and the public they serve.

Public involvement is a component of TDOT's overall project development process and through the activities outlined in this PIR guidance document, TDOT's Environmental Division aims to:

- Provide early and continuous public involvement opportunities.
- Provide adequate notice of public involvement opportunities and time for public review and comment at key transportation planning development milestones within the NEPA environmental review process.
- Conduct convenient and accessible public meetings and public hearings.
- To the maximum extent practicable, make public information available in electronically accessible formats and means, such as the internet.
- Demonstrate consideration and responsiveness to any public input received.
- Seek out and consider the needs and input of traditionally underserved populations, including low-income and minority households in accordance with Title VI and Environmental Justice requirements.

- Provide information for/to populations with Limited English Proficiency (e.g., translation), as needed.
- When appropriate to the demographics and internet accessibility of the project area, utilize virtual public involvement strategies like online public meetings, surveys, solicitation of public comment through emails and/or online question and answer sessions.
- Allow for proper and meaningful public involvement in accordance with federal law, regulation, policy, or guidance for environmental impacts associated with items such as Section 106, Section 4(f), etc., as required.

In this PIR guidance document, several terms are used to describe individuals or entities that share in the preparation of the environmental document and associated public involvement process, including:

- NEPA Specialist- Responsible for the preparation of the environmental document and ensuring that appropriate public involvement activities have taken place.
- TDOT- For most transportation projects in Tennessee, TDOT is the project sponsor.
- Local Government- When a transportation project is being completed by a local government and is going through the TDOT Local Programs process for the review and approval of necessary NEPA documentation, the Local Government (LG) is the project sponsor.
- FHWA- For NEPA reviews of transportation projects requiring FHWA decisions, approvals, or funds, the FHWA is the lead federal agency responsible for the NEPA document.

Underserved Populations

The participation and concerns of traditionally underserved populations, including minority, disadvantaged, and low income groups, at public involvement meetings and hearings must be carefully documented to comply with various requirements, such as [Title VI of the Civil Rights Act of 1964](#), [Executive Order 12898](#), [Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), the [U.S. Department of Transportation \(USDOT\) EJ Order 5610.2\(a\)](#), and the [FHWA EJ Order 6640.23A](#).

Public Involvement Tools

The list below provides some general public involvement strategies that the TDOT Environmental Division currently utilizes. Additionally, public involvement strategies should be coordinated with TDOT and, if necessary, FHWA before commencing.

- Public Meetings- In-person or virtual
- Public Hearings- In-Person*
- Project Newsletters/Flyers
- Development of Project Stakeholder Database
- Project Websites
- Project Visualizations
- Social Media

*Virtual enhancements may be added to, but cannot substitute for, an in-person hearing.

Development of a Public Involvement Strategy for a Project

In the text below, a description of the expected public involvement activities required for each environmental document type are provided. Please coordinate with the TDOT Environmental Division as appropriate before beginning any public involvement activities.

C-List Categorical Exclusion and Programmatic Categorical Exclusion Requirements

Project Classification: Environmental documents categorized as C-List Categorical Exclusions (C-List CE) or Programmatic Categorical Exclusions (PCEs) are projects that are anticipated to pose minimal or no impact to the human or natural environment, require minimal or no right-of-way acquisition, or are of short duration and pose minimal disturbance to communities during construction. Example types of projects include but are not limited to:

- Roadway resurfacing
- Signalization
- Median adjustment
- Turn lanes
- Minor safety improvements

Public Involvement Requirements: No public involvement activities are required.

Examples of Enhanced Public Involvement Techniques:

- Public notice published in the project area's local newspaper
 - Public Comments received for 21 days following publication.
 - Public Comment Summary prepared following close of public comment period that summarizes public comments received.
- Community Briefings
 - Presentation given by the project sponsor at a community meeting previously arranged by others.

D-List Categorical Exclusion Requirements

Project Classification: Projects that have been identified by the FHWA and TDOT as D-List Categorical Exclusions (D-List CEs) receive final approval and signature from the FHWA. See [23 CFR 771.117 \(d\)](#) for full list of activities that qualify under this CE designation. Example types of projects include but are not limited to:

- Bridge replacements
- Minor roadway widenings
- Construction of new truck weigh stations or rest areas

Public Involvement Requirements: No public involvement activities are required.

Examples of Enhanced Public Involvement Techniques:

- Public notice published in the project area's local newspaper
 - Public Comments received for 21 days following publication.
 - Public Comment Summary prepared following close of public comment period that summarizes public comment received.

- Community Briefings
 - Presentation given by the project sponsor at a community meeting previously arranged by others.
- Public Meeting
 - Notice of meeting published in local newspapers at least 15 calendar days before the meeting date.
 - Public Comments received for 21 days following the meeting.
 - Following a public meeting, a public comment summary should be prepared that summarizes the public comments received.

Environmental Assessment Requirements

Project Classification: An Environmental Assessment (EA) shall be prepared by the applicant in consultation with TDOT and FHWA for each action that is not a CE and does not clearly require the preparation of an Environmental Impact Statement (EIS).

Public Involvement Requirements:

- Preparation of a project specific coordination plan and public involvement plan is not a regulatory requirement for most EAs but is often completed for TDOT EA efforts.
- Early coordination with federal/ state agencies as well as local officials. (23 CFR 771.119(b))
- Public Meeting - While not required under 23 U.S.C. 139(l), the TDOT Environmental Division often conducts early public outreach in the development of the EA. This outreach may solicit public comment on the Purpose and Need and Range of Alternatives to be studied in an EA or could be more general, depending on the needs of the project and of the potentially affected community. Following any public meetings, a public comment summary should be prepared that summarizes the public comments received.
- Publication of a Notice of Availability and making the approved EA available for public inspection per 23 CFR 771.119(d).
- Public Hearing- A public hearing may or may not be held for an EA. However, at a minimum, the public is provided the option of requesting that a public hearing be held.
 - If a public hearing is held- At least 15 days in advance of the hearing, notice of the hearing is published and copies of the EA are made available for public review. Public comments are received during that timeframe, at the hearing, and for 21 days following the public hearing. A transcript of the hearing is generated (23 CFR 771.111(h)(vi)) and a public comment summary should be prepared that summarizes the public comments received (23 CFR 771.119(e)).
 - If a public hearing is not held- The requirements of 23 CFR 771.119(f) must be met.
- If the EA results in TDOT's determination that the project/action will not have significant impacts on the human or natural environment, and the FHWA agrees with this determination, the FHWA will issue a Finding of No Significant Impact (FONSI). Upon issuing the FONSI, a Notice of Availability is to be published and the decision document, the FONSI, is to be made available for public inspection per 23 CFR 771.121(b). If the EA results in a determination that an EIS is warranted, see the public involvement steps for an EIS below.

Examples of Enhanced Public Involvement Techniques include but are not limited to:

- Project Newsletter/Flyer
- Photographic Simulations
- Project Website
- Social Media Strategy

Environmental Impact Statement Requirements

Project Classification: NEPA requires Federal agencies to prepare an Environmental Impact Statement (EIS) for major actions that significantly affect the quality of the human or natural environment.

Public Involvement Requirements:

- Publication of Notice of Intent in the Federal Register. (23 CFR 771.123(a))
- Preparation of a project specific coordination plan and public involvement plan. (23 USC 139(g)(1) and 23 CFR 771.123(b)(2))
- Project scoping, including early coordination with federal/state agencies as well as local officials (40 CFR 1501.9 and 23 CFR 771.123(b)(1)).
- Public meeting(s) held to solicit public comment on the Purpose and Need and Range of Alternatives to be studied in an EIS. (23 USC 139(f)) Following the public meeting(s), a public comment summary should be prepared that summarizes the public comments received.
- Publication of a Notice of Availability in the Federal Register and circulation of the approved Draft EIS (DEIS). (23 CFR 771.123(h))
- Public Hearing held for the DEIS- To best comply with 23 CFR 771.111(h)(2)(iii), it is TDOT standard practice to hold one or more public hearings for a DEIS. The intent of this hearing is to present the plans for the project and obtain public input on the project, its alternatives, and its environmental impacts. The DEIS must be available at least 15-days before the public hearing. (23 CFR 771.123(j)) Public comments are received during that timeframe, at the hearing, and for 21 days following the public hearing. A transcript of the hearing is generated (23 CFR 771.111(h)(vi)) and a public comment summary should be prepared that summarizes the public comments received (23 CFR 771.119(e)).
- If a combined Final EIS (FEIS)/Record of Decision (ROD) is not developed pursuant to 23 USC 139(n)(2)
 - Publication of Notice of Availability in the Federal Register and circulation of the FEIS. The intent of this publication and circulation is to accommodate a required 30-day review period between the approvals of the FEIS and the ROD. (23 CFR 771.127(a))
 - Notice of Availability of the approved ROD is published in local newspapers and the ROD is made available for public inspection.
- If a combined FEIS/ ROD is developed pursuant to 23 USC 139(n)(2) - Notice of Availability is published in the Federal Register and the FEIS/ ROD is made available for public inspection. (23 CFR 771.124(b))

Examples of Enhanced Public Involvement Techniques include but are not limited to:

- Project Newsletter/Flyer
- Photographic Simulations
- Project Website
- Social Media Strategy