



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Kentucky Division**

September 9, 2020

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In Reply Refer To:  
HDA-KY

Mr. Jim Gray  
Secretary  
Kentucky Transportation Cabinet  
200 Mero Street, Room 613  
Frankfort, KY 40622

Dear Secretary Gray:

We received the KYTC Division of Environmental Analysis' August 28 letter requesting our concurrence with its KYTC Public Hearing Guidance with a Virtual Component during Emergencies or Other Times in which the Public is Best Served (enclosed). It provides additional guidance to allow public hearings to occur during emergencies and at other times when the KYTC and FHWA agree that it is in the best interest of the public.

After reviewing the guidance, we concur that this guidance document complies with 23 CFR 771.111(h) and can be used in conjunction with the previously approved public involvement procedures outlined in the KYTC Design Manual. Public hearings may use virtual components in addition to providing the opportunity for in-person public hearings. If you have any questions, please contact Eric Rothermel at [Eric.Rothermel@dot.gov](mailto:Eric.Rothermel@dot.gov) or at 502-223-6742.

Sincerely,

**TODD A  
JETER**

Todd Jeter  
Kentucky Division Administrator

Digitally signed by TODD  
A JETER  
Date: 2020.09.14  
12:49:48 -04'00'

Enclosure: KYTC Public Hearing Guidance

cc: Daniel Peak KYTC DEA



# KYTC Public Hearing Guidance with a Virtual Component during Emergencies or at Other Times in which the Public is Best Served

For projects where a Public Hearing is required to be held, or when holding a Public Hearing is in the best interest of the public, virtual options to supplement public involvement requirements may be considered by FHWA and KYTC:

To supplement a Public Hearing and/or enhance the in-person event

A Public Hearing can be supplemented with a virtual component to allow more stakeholders an opportunity to participate:

- o The Governor and/or President declares a health or other emergency and/or a local government jurisdiction determines that a Public Hearing should not be held out of concerns for public health and/or safety.

In the event of such consideration, Project Teams shall develop a Public Involvement Plan proposal, to be reviewed and approved by KYTC Division of Design, Division of Environmental Analysis (DEA), and FHWA.

The Public Hearing Plan must:

Ensure the public has an opportunity to view project documents prior to, during, and following the Public Hearing utilizing in-person and online resources.

- o Project offices, local libraries, municipal offices, and any other publically accessible building meeting KYTC requirements may be utilized.
- o Project Managers must coordinate with local municipality to adhere to emergency-related guidelines

Ensure the public can submit comments (via testimony during the comment session of the Public Hearing)

Implement protocol for in-person, over the phone and on-line submission of comment comments; the intent is for the public to submit comments but also receive information Ensure comments are documented. Verbal comments submitted as part of the Public Hearing must be recorded and transcribed; options might include a toll-free telephone number to receive comments

Written comments submitted via comment station, mail and on-line repository Ensure public can have access to Public Hearing materials (presentation, displays, other) on-line and in-person. Appointment only and office hours following any emergency executive orders and/or safety protocols may be implemented to meet with the public. Options might also include a public drive-thru where project information could be distributed. For instance, project team members could work the "drive thru" to answer questions and share project information. Virtual public involvement options are detailed in [KYTC's Virtual Public Meeting Guidance](#).

If a Public Hearing venue is available for use, describe safety protocols to be taken.

## **Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP)**

Continue to include your ADA statements in the notice and materials. Project Teams may list the Consultant or the Project Manager as the ADA contact in the notice. If an ADA-related request is received, please forward a copy of the request to the Division of Design, Division of Environmental Analysis and Office of Public Affairs for tracking and reporting purposes.

Limited English Proficiency (LEP) statements shall also be include in the notices (when applicable). For projects involving impacts to Environmental Justice (EJ) populations, LEP support service statements must be part of the notice. Project Teams may list the Consultant or Project Manager as the LEP contact in their notice. If the PM or Consultant are listed and an ADA-related request is received, please forward a copy of the request to the Division of Design, Division of Environmental Analysis and Office of Public Affairs for tracking and reporting purposes.

If you have questions related to this guidance, please contact Danny Peake by email at [Danny.Peake@ky.gov](mailto:Danny.Peake@ky.gov) .