**Temporary Virtual Public Involvement**

**During the COVID-19 Pandemic**

**Question #1:** Can project sponsors hold virtual public hearings to satisfy public involvement requirements during the project development process?

**Answer #1:** Yes. In response to the various measures being taken by public health authorities due to the coronavirus disease 2019 (COVID-19) pandemic, including closures of public meeting venues and social distancing, FHWA will temporarily permit all public involvement activities previously conducted in-person to exclusively use virtual technologies and techniques that fulfill the essential purposes of the in-person public involvement. Consistent with applicable State, local and tribal requirements, continued in-person involvement should be allowed in cases where a suitable physical location is available and the State has determined that such meetings can be safely conducted. This temporary policy includes public meetings conducted as part of project development to comply with the 23 U.S.C. § 139 environmental review process, the National Environmental Policy Act and the National Historic Preservation Act, as well as public hearings conducted to comply with 23 U.S.C. § 128. This guidance does not affect any State, local or tribal requirements that apply to recipients or subrecipients.

**Question #2:** Why is the FHWA issuing this guidance?

**Answer #2:** The FHWA is issuing this guidance to address the unusual and extraordinary circumstances surrounding the COVID-19 pandemic, including steps taken by public health officials concerning closures of public meeting venues and social distancing.  These steps affect FHWA recipients’ and subrecipients’ ability to provide an in-person setting where decisionmakers and members of the public are physically present in the same location.

**Question #3:** How should Virtual Public Involvement covered by this guidance be conducted?

**Answer #3:** Virtual Public Involvement (VPI) merely represents a change in the means of public involvement. The objective of these events—informed public participation—remains unchanged. To the maximum extent practicable, recipients and subrecipients should plan and conduct VPI in a manner that provides the same opportunity for public involvement as otherwise occurs in traditional in-person settings. For example, public hearings should include a presentation by the agency on the proposed highway project and allow participants an opportunity to publicly express their views to agency representatives and other citizens participating in the hearing. There must be a transcript of the hearing.  Recipients and subrecipients will continue to comply with the public involvement requirements outlined in 23 U.S.C. §§ 128 and 139, and 23 CFR 771.111(h).

**Question #4:** Are there any issues for special consideration when using VPI as described in this guidance?

**Answer #4:** Yes.Project sponsors must provide full, fair and meaningful opportunities for participation, including participation by minority and low-income populations. Measures should be implemented to ensure accommodations are provided to non-English speakers and participants with disabilities. Project sponsors should provide telephone or similar alternative participation options for individuals with limited or no internet access. Technical assistance to address these and other project-specific concerns is available, and additional information on using VPI can be found on FHWA’s website at: <https://www.fhwa.dot.gov/planning/public_involvement/vpi/>.

**Question #5:** Do I need to change my FHWA-approved public involvement procedures before I can use the flexibilities in this guidance?

**Answer #5:** No. This temporary guidance was developed to address the COVID-19 pandemic. It is important not to delay implementation of this guidance. The FHWA is not requiring States to revise their public involvement procedures adopted and approved under 23 CFR 771.111(h) before using the flexibilities provided in this guidance. However, FHWA will work with their respective recipients to ensure the procedures used to conduct VPI are consistent with this guidance.

**Question #6:** Does this guidance apply when FHWA in-person public involvement is being used to satisfy public involvement requirements for other Federal agencies?

**Answer #6:** This guidance will apply only to the extent the other relevant Federal agency approves the use of VPI to satisfy its particular requirements.

**Question #7:** For how long is this guidance in effect?

**Answer #7:** This guidance is effective immediately and will remain in effect until the Coronavirus Disease 2019 (COVID-19) Emergency Declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the “Stafford Act”) ends (<https://www.fema.gov/press-release/20210121/covid-19-emergency-declaration>).

*Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way.  This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*