

CHAPTER 1 – GENERAL

1.1 - PURPOSE

This policy statement ensures that highway locations and designs are consistent with federal and state laws and local goals and objectives. The policies and procedures explained are intended to give full opportunity for coordination and participation by the public before the final approval of highway locations and designs. A procedure for one or more public hearings is designed to provide for free and open discussion of controversial issues and concerns before development of the final design has reached a point that it is impractical to make extensive modifications.

This statement also confirms the policy of the Virginia Department of Transportation (VDOT) to consider a wide range of factors, including possible adverse economic, social, and environmental effects, in the development of a project.

It is VDOT's desire that final decisions on any project be in the best overall public interest, taking into consideration the need for safe and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

This policy is in accordance with Federal Regulation 23 CFR 771.111(h) and 23 USC 128, Section 33.1-18 of the Highway Laws of Virginia, Virginia Department of Transportation Policy Memorandum **DPM 1-11** and shall apply to all proposed highway projects of VDOT, regardless of the system or funding involved. The Federal Highway Administration (FHWA) has endorsed this policy for use on all Federal-aid highway projects.

Projects administered/developed by others that will be funded by federal and/or state funds must meet the Department's guidelines for public participation.

1.2 - OVERVIEW OF CITIZEN INVOLVEMENT

Citizens have numerous opportunities to express their viewpoints during the course of a project's development. They may voice their opinions and suggestions on a specific project at the District Pre-allocation Hearings and at the Tentative Allocation Hearings before a project is initiated. These views affect the Virginia Department of Transportation's (VDOT) decision on whether or not to proceed with a project and in the establishment of project priorities.

In addition to the citizen participation process provided by VDOT, local governing bodies provide citizens numerous opportunities to participate in the development of transportation programs. These local governing bodies, such as counties and cities, offer opportunities for citizen input through their recommendations and approvals on highway projects.

For projects with apparent major impact or public interest, VDOT solicits citizens' views through informal Citizen Participation Meetings, plus household and business surveys conducted through the agency's Environmental and Engineering sections. The views obtained influence the course of preliminary studies.

After sufficient data has been gathered and evaluated to allow development of feasible alternatives, a public hearing or an opportunity for a public hearing is provided. Depending on the magnitude of the project, the level of action may range from comprehensive advertising of meetings and displays of the proposals in several locations prior to the hearing to simple public notices with plans available for review and discussion at the local VDOT offices.

When a public hearing is held, the meeting may range from a series of large gatherings in a public auditorium, to a few persons gathered in a city, county, or local facility. If no hearing is held, the public participation may consist of a single citizen reviewing the plans with a department representative. Regardless of the amount of public input, all views are considered by VDOT. The approving authorities also consider citizens' views before a decision is made for a project location. On major projects citizens often have two formal opportunities for input into the project development process, once prior to deciding the location of a route and again prior to a commitment to specific design features.

1.3 – DEFINITIONS

- **Citizen Informational Meeting**

A Citizen Informational Meeting is an opportunity for the public to review, in an informal setting, the ongoing development of project information.

- **Public Hearing**

A public hearing is a well-publicized opportunity for the VDOT to present its studies and policies while receiving and documenting comments from the public on each proposal concerning engineering, social, economic, and environmental factors and effects resulting from each possible course of action.

- **Location Public Hearing**

A Location Public Hearing is held before VDOT is committed to a specific route. This allows the Community to be included in the decision on the new location for projects that are determined to have different alternatives. This includes their general location, the type of facility necessary, or the transportation mode under consideration. **The final determination of need for a Location Public Hearing is made by the State Location and Design Engineer upon careful evaluation of public interest and the concurrence of FHWA on Federal-aid projects.** This type of hearing is held when preliminary engineering studies are of sufficient detail to indicate relative cost differences between the alternatives and the feasibility of their construction based on environmental studies and general engineering practices.

- **Design Public Hearing**

A Design Public Hearing is held after the Commonwealth Transportation Board approves a route location or for projects that do not require extensive relocation but before VDOT is committed to a specific design. A Design Public Hearing is also held for projects being developed on existing alignment. This type of hearing is held after a project field inspection is held and plans are completed to a stage that all right of way limits/lines (including easements), storm water management basins, noise wall locations, retaining wall locations and construction limits, and major design features are delineated on the plans and identified clearly, within the parameters of the information known to date. Existing property lines, property owners, buildings, and other topographical data allow easy identification of impacts to properties. Alternate proposals on major design features may be presented.

- **Combined Location and Design Hearing**

A Combined Location and Design Public Hearing is held for a project that is determined not to have feasible alternative solutions for the general location, type of facility necessary, transportation mode, and where there is no major concern about the need for the project. Project plans are normally at the same stage of completion as for a Design Public Hearing. Alternative design features may be presented at this type of hearing.

- **Notice of Willingness to Hold a Public Hearing**

Requirements for a public hearing may be satisfied by a well-publicized Notice of Willingness to hold a public hearing. The status of the project is in accordance with the opportunity being given (location, design, or combined location and design). An opportunity to review the project plans and other information is given in this procedure. A public hearing is held if a written request is made and contact by VDOT cannot resolve the questions and concerns.

- **Environmental Document (for Federal Projects)**

For those projects that require federal compliance, there are three classes of actions that prescribe the level of documentation required, in the National Environmental Policy Act (NEPA) process. Environmental requirements are available at 40 CFR 1508.27 and Sec. 771.11.

Further information on the NEPA process and definitions of these classes are contained in FHWA's regulations 23 CFR 771 (Appendix B-1), and in 40 CFR Parts 1500-1508 (Appendix B-2) concerning highway projects. Public involvement on Federal-aid highway projects is required and coordinated using the NEPA process.

- **State Environmental Review Process**

During initial consideration of a transportation improvement, VDOT contacts local, state, and federal agencies and officials. Public advisory groups are also notified during these initial studies.

- **Location, Location and Design or Design Approval**

Location Approval or Location and Design Approval refers to the action by which the Commonwealth Transportation Board, (and FHWA on Federal-aid projects) indicate that the essential elements of public involvement for a highway project are satisfactory and acceptable for proceeding to the next appropriate step in project development.

Design Approval refers to the action by which the Chief Engineer for Project Development (and FHWA on Federal-aid projects) indicates that the essential elements of public involvement for highway projects are satisfactory and acceptable for proceeding to the next appropriate step in project development.

- **NON-DISCRIMINATION UNDER STATE GRANTS AND PROGRAMS**

The Code of Virginia 51.5-40 (Appendix B-3) prohibits discrimination on the basis of disability in state assisted programs and activities. Effective October 1, 1991, VR 602-01-2 (Appendix B-4) further specified that no qualified person with a disability shall on the basis of that disability be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under any program or activity which receives or benefits from state financial assistance or under any program or activity conducted by or on behalf of any state agency.

It further states, no qualified person with a disability shall, because a program or activity facilities are inaccessible, be excluded from participation in public hearings or public communications of any programs or activities governed by these regulations. To comply such programs and activities shall:

1. Take appropriate steps to insure that public meetings/hearings are held at facilities that provide accessibility to persons with a disability.
2. Take the appropriate steps to ensure that notice of public meetings/hearings are made available to individuals with impaired vision and hearing through means such as telecommunications devices, braille or typed material (open captioned) televised information, qualified sign language interpreters, other material or media.
3. Any program or activity governed by the regulations shall administer programs and activities in the most integrated setting feasible to meet the needs of qualified persons with a disability.

To further insure compliance with the act, the following actions are required. Public notices placed in daily and weekly newspapers alerting the public to upcoming meetings or public hearings to discuss proposed highway projects or changes in VDOT policy will state:

Individuals requiring special assistance to participate in the meeting should contact, title and phone number of resident engineer, or in the Northern Virginia District, the administrator for construction or division head, when applicable.

Non-Discrimination - VDOT ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. For information call, phone number of resident engineer, or in the Northern Virginia District, the administrator for construction or division head, when applicable.

1. Whenever possible, meetings will be held in schools or other public buildings where persons using wheelchairs, walkers, crutches or canes can attend. If a person with a mobility disability notifies VDOT of his/her desire to attend the meeting, and it has been scheduled to be held in a building that was not readily accessible, either the meeting site should be changed, arrangements made to accommodate the individual, or arrangements made to bring information to the interested person and receive his/her testimony.
2. In a formal hearing setting, wireless microphones should be provided for use by persons who cannot easily get to the speakers microphone. An audio tape (reading of brochure and comments) of the meeting can be made available for persons who could not attend the meeting. Written testimony can be given up to ten days after the meeting is held, for inclusion in the hearing record. When necessary, arrangements

will be made to go to a citizen to receive his/her testimony for inclusion in the hearing record.

3. The Department of Deaf and Hard of Hearing has a statewide listing of persons qualified as signers. These persons can be hired to attend meetings when necessary and interpret for persons with hearing disabilities.