

SEC. 4.00 – EXCEPTIONS FROM THE PUBLIC HEARING PROCESS

Hearing processes are not required for emergency projects, as well as those that are solely for highway maintenance or operational improvements, or both except when they:

- Involve emergency paving of unpaved secondary roads pursuant to § 33.1-70.2 of the Code of Virginia;
- Require the acquisition of right of way;
- Would have an unfavorable effect upon abutting real property; or
- Would change the layout or function of connecting roadways or of the facility being improved;

Applicable Regulations: US 23 CFR771.111 (h) (2) (iii); Virginia Administrative Code 24VAC30-380-10; §33.1-70.2

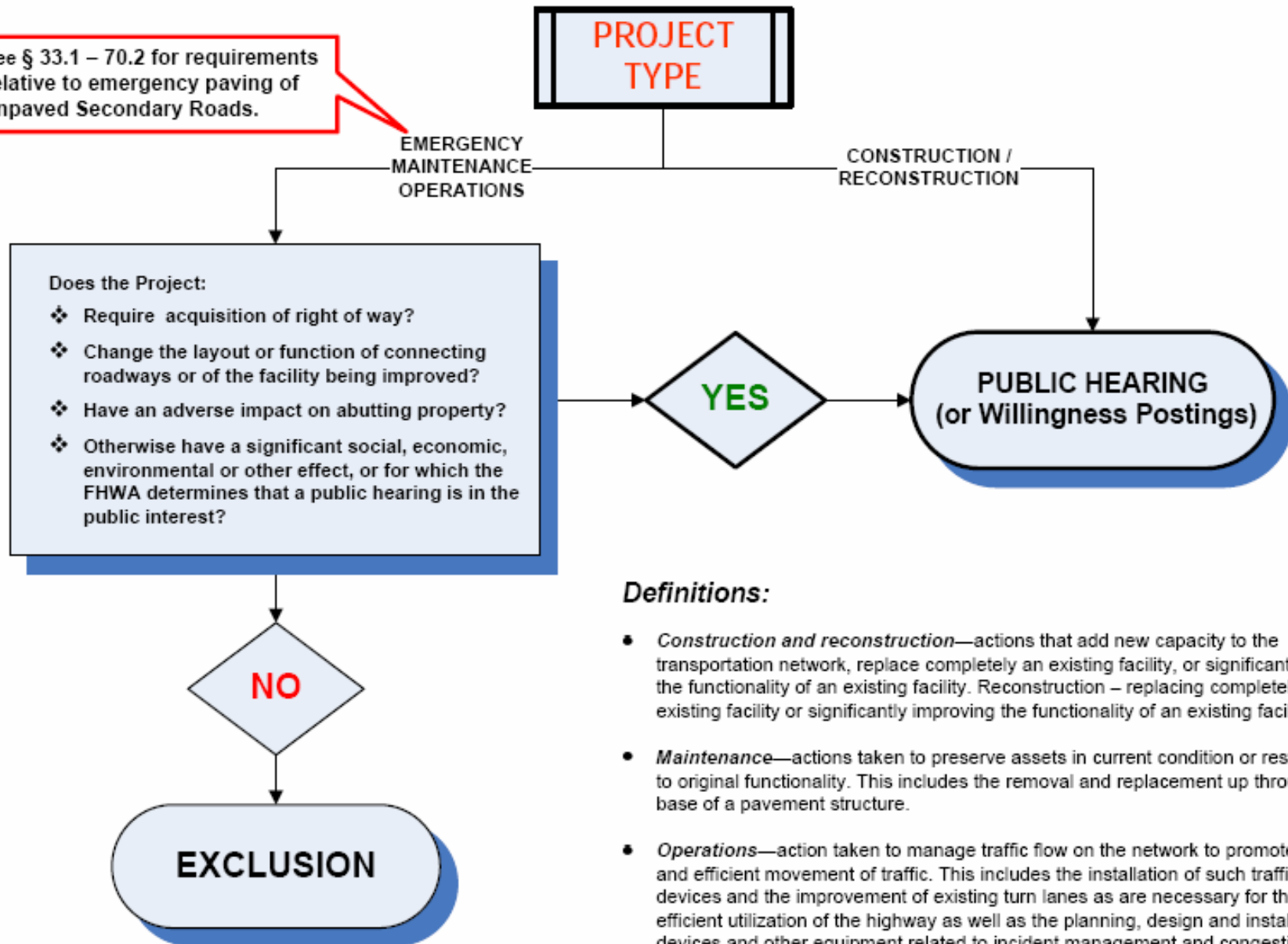
VDOT Definition for Maintenance and Operations Terms:

- **Maintenance**—actions taken to preserve assets in current condition or restore them to original functionality. This includes the removal and replacement up through the base of a pavement structure.
- **Operations**—action taken to manage traffic flow on the network to promote the safe and efficient movement of traffic. This includes the installation of such traffic-control devices and the improvement of existing turn lanes as are necessary for the safe and efficient utilization of the highway as well as the planning, design and installation of devices and other equipment related to incident management and congestion management.



APPLICATION OF THE PUBLIC INVOLVEMENT PROCESS FOR CONSTRUCTION, HIGHWAY MAINTENANCE, OPERATIONS AND EMERGENCY PROJECTS

See § 33.1 – 70.2 for requirements relative to emergency paving of unpaved Secondary Roads.



Definitions:

- **Construction and reconstruction**—actions that add new capacity to the transportation network, replace completely an existing facility, or significantly improve the functionality of an existing facility. Reconstruction – replacing completely an existing facility or significantly improving the functionality of an existing facility.
- **Maintenance**—actions taken to preserve assets in current condition or restore them to original functionality. This includes the removal and replacement up through the base of a pavement structure.
- **Operations**—action taken to manage traffic flow on the network to promote the safe and efficient movement of traffic. This includes the installation of such traffic-control devices and the improvement of existing turn lanes as are necessary for the safe and efficient utilization of the highway as well as the planning, design and installation of devices and other equipment related to incident management and congestion management.