

SEC. 4.00 - WAIVER OF PUBLIC HEARING

Below is an excerpt from the DPM 1-11 (Appendix L-6) that provides guidance specifically for the determination of the exclusion or waiver process.

If the system is interstate, primary, urban or secondary,

Roadway	Then use this process	To be approved
Projects that are, emergency projects, projects solely for highway maintenance or operational improvements, or both.	Public Hearing can be waived. However a posting of willingness to hold a public hearing is required if the project requires the acquisition of additional right of way; effect upon abutting real property; or would change the layout or function of connecting roads or streets or the facility being improved, or an unpaved secondary road is to be paved as a part of the improvements.	Request from District Administrator, approval by State Location and Design Engineer ¹

1. The Project Manager must seek concurrence by the Federal Highway Administration on projects receiving federal participation for any phase, except emergency situations.

A waiver of the a public hearing process for such projects is requested by the District Administrator (or his designee) from the State Location and Design Engineer. After location and design approval has been obtained from the State Location and Design Engineer the Project Manager will notify the Division responsible for the financial programming of the project Programming Division. The development of the project can then proceed forward to right of way negotiations and acquisitions. If the project is federally funded, right of way approval cannot be obtained until the requirements of NEPA are satisfied.