

SECTION 2D – 5 - NOTICE OF WILLINGNESS TO HOLD A PUBLIC HEARING

RESPONSIBILITY

Requirements for a public hearing may be satisfied by a well-publicized notice of willingness to hold a public hearing. 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 questions.

Willingness to hold a public hearing may be posted on most Federal-Aid Secondary projects and some Federal-Aid Primary, Urban, and Interstate projects. Responsibility for initiation of the process is vested in the Local Assistance Division for Secondary and Urban Projects, and Location and Design Division for all other projects.

PROCEDURES

Until the Notice of Willingness to hold a public hearing expires, it must be assumed that a hearing will be required. The Department must have sufficient plans, maps and other information concerning the proposed project available for public review in the District and Residency offices. If a public hearing is requested, a study report or informational brochure (as well as other necessary displays such as mosaics) will be prepared for use at the hearing.

PUBLISHING NOTICE OF WILLINGNESS TO HOLD A PUBLIC HEARING

The [Public Involvement Section](#), upon receipt of all the required data, will prepare the public notice and arrange for proper advertisement of the Department's willingness to hold a public hearing. The notice is to be published subsequent to the preparation of the appropriate environmental document on Federal-Aid projects.

NO REQUEST FOR PUBLIC HEARING

If no requests for a public hearing are received within the time limit given in the notice, a hearing is not required and the public hearing requirements are then considered to be satisfied.

The District Location and Design Engineer will write a memorandum to the appropriate Assistant **State** Location and Design Engineer requesting approval with the following statement at the bottom of the letter for approval signature:

"Approval is hereby given to the Location and Major Design Features for this project."

By: _____
Assistant State Location and Design Engineer

A copy will be sent to the Environmental Engineer, who will then prepare the Final Environmental Document.

Following approval of location and major design features and the FHWA approval of the Final Environmental Document, the project may be advanced to the right of way stage.

REQUEST FOR PUBLIC HEARING

In some instances, a request for a public hearing is simply a request for information. Unless a large number of requests are received, it may be desirable for a Department official to discuss the project with the person(s) making the request to determine if the question can be answered without a public hearing. If all questions or problems can be resolved to everyone's mutual satisfaction, the Department can ask for written correspondence rescinding the request and this will satisfy the public hearing requirements.

In the event that written correspondence cannot be obtained rescinding the request, a hearing will be held. The procedures in Section 2D-3-PREPARATION AND PROCESSING OF PUBLIC HEARING thru 2D-7-PREPARATION OF ENGINEERING COMMENTARY and Section 2D-13-CONDUCTING THE PUBLIC HEARING thru 2D-14 - (RESOLUTION OF PUBLIC HEARING QUESTIONS) is to be followed.