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## **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.



## CHAPTER 2 - PUBLIC HEARINGS

### 2.1 - HEARING REQUIREMENTS

A separate Location Public Hearing, a Design Public Hearing, a Combined Location and Design Public Hearing, or a Notice of Willingness for those hearings, are provided in accordance with **DPM 1-11**.

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

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|---|
| Roadway corridor is predominantly or completely on new location requires a location public hearing followed by a design public hearing. |
|---|

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|---|
| Projects on the existing roadway corridor but that have a significant social, economic or environmental impact require a design public hearing. |
|---|

|   |
|---|
| Projects with the majority of the proposed work within the existing corridor but with work on new location require a combined location and design public hearing. |
|---|

|   |
|---|
| Projects within the existing highway corridor where insignificant public interest and/or environmental impacts are anticipated require a combined location and design public hearing or a posting of willingness to hold a combined location and design public hearing. |
|---|

On **Federal-aid projects**, one or more public hearings, or the willingness to hold a public hearing, are part of all [Class I](#) actions, almost all [Class III](#) actions, and most [Class II](#) actions.

If a substantial amount of time (three years or more) passes before project moves to the next major mile stone, the Environmental Manager must [re-evaluate](#) the adequacy of the previously prepared document and the project.

If determined by FHWA (Federal-aid projects) or the State Location and Design Engineer to be in the public interest, a new hearing is held or willingness provided to consider supplemental information relative to proposals presented at previous hearings or new alternatives to previous proposals. If a Location Hearing was held, a new Location Hearing may be combined with a Design Hearing whether or not a Design Hearing has been previously held. The result of a new hearing is considered, and a new location and/or design approval is processed.

For **State funded projects**, if a substantial amount of time (three years or more) passes before the next major mile stone in the project development process has begun, a Public Meeting may be held to provide the public with updated information about the location and/or design of the project. If there are significant changes in the impacts or environmental conditions of the project, the hearing requirements must be fulfilled again.

## **2.2 - PUBLIC HEARING PROCEDURES**

To insure compliance with state and federal regulations, Reference 23 USC 128, 23 CFR Part 771, 40 CFR Parts 1500-1508, 33.1-18 and maintain uniformity in the handling of public hearings, the following steps have been established.

To begin the Willingness/Public Hearing process the Project Manager will prepare the request package which will be submitted to the district public affairs officer for processing. The submission package should include the request form **PM-120** (which will reflect project information consistent with iPM, PCES, the project plans, the environmental document description, and the approved project scope), a project narrative for use in the advertisement project description section, a project area location map. If a hearing is being requested the information required for the development of the public hearing brochure should be included.

Based on the information provided by the PM the District Public Affairs officer (DPA) will prepare the appropriate advertisement notice.

For a Public Hearing the advertisement will contain the following information:

- Date, time, and place of meeting and informal plan review (if appropriate).
- Description of project proposal.
- Statement that tentative schedules will be discussed.
- Statement that right-of-way relocation assistance information will be available.
- Statement of opportunity for public comment period at meeting.
- Statement of availability of project information 30 days prior to the hearing and the availability of the environmental documentation (time frame based on class of document) the environmental information is to include 106 and Agricultural Forrestral District statements if applicable.
- Procedure for submitting oral and written statements.
- Non-Discrimination notification and the procedure for individuals requiring special assistance to participate in the meeting.
- State and Federal project identification information.

For a notice of Willingness to hold a Public Hearing the advertisement will contain the following information:

- Description of project proposal.
- Statement of availability of project information and environmental information is to include 106 and Agricultural Forrestral District statements if applicable is available for review and where.
- Procedure for requesting a hearing be held.
- Non-Discrimination notification and the procedure for individuals requiring special assistance to participate in the meeting.
- State and Federal project identification information.

If a request for public hearing is received the process starts over for the posting of a public hearing notice.

The DPA will publish the notice for:

- **Public Hearing** at least twice in newspapers having general circulation in the vicinity of the project. It is suggested the notice also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority-based newspapers. The first notice should **appear 30 days prior to the hearing with the second notice appearing from 5 to 12 days before the hearing.**
- **Notice of willingness to hold a Public Hearing** at least twice in newspapers having general circulation in the vicinity of the project. It is suggested the notice also be published in any newspaper having a substantial circulation in the area concerned, such as foreign language, local community, or minority-based newspapers. The first notice should appear 15 days prior to the expiration date contained in the notice with the second notice appearing 5-7 days before the expiration date.

Care should be taken to identify low-income or minority populations located in the project study area, and an extra effort should be made to ensure that these populations are informed of and have access to public involvement opportunities.

Upon receipt the approved notice of advertisement from the DPA the Project Manager will provide copies of the advertisement and the area project location map for all public meetings or opportunities for public meetings to the:

- Clerk of the Court for the local government for posting on their public notice board;

- District and central office: right of way, environmental, and civil rights managers, public affairs officers, and the residency administrator, the district administrator, the Assistant Location and Design Engineer;
- Federal Highway Administration's Project Manager (if federally funded); For Location and Design project hearings and Design Project hearings, the Project Manager will notify the adjacent property owners by direct mailing of the public notice and project location map of the public meeting a minimum of 20 days prior to the meeting.

The central office Public Affairs Manager or designee will maintain a statewide listing of all public hearings or opportunities for public hearing on the public events calendar. The central office Public Affairs Manager or designee will publish a listing of all public meetings or opportunities for public meetings monthly to be provided to:

- Members of the General Assembly;
- Transportation Planning District Managers;
- News media, other state agencies, federal agencies, local public officials, and any other interested groups or individuals who, by nature of their function, interest, or responsibility, may be interested in or affected by the proposal.

The Residency Administrator or designee will provide notice of all public meetings or opportunities for public meetings to:

- Members of the Board of Supervisors of the county affected and/or to all members of the City or Town Council; to the County Administrator; City Manager; Mayor and other officials directly concerned.
- President of the Local Chamber of Commerce;
- Heads of Local Civic and Citizen Associations;
- Superintendent of Local Schools;
- President of Local Parent Teacher Associations, and other officials as deemed appropriate.
- Post signs on the terminus of the project notifying the public of the proposed project in accordance with Traffic Engineering Divisions, IIM, TE-303.
- For Location and Design project hearings and Design Project hearings, the Project Manager will notify the adjacent property owners by direct mailing of the public notice and project location map of the public meeting a minimum of 20 days prior to the meeting.

### **2.3 - DATA REQUIRED FOR A PUBLIC HEARING**

The formal or open forum public hearing provides VDOT an opportunity to advise and educate the citizens relative to the scope of the project. The following items should be prepared with care and in a manner easily understood by the general public.

#### **2.3.1 - Aerial Mosaic**

An aerial mosaic of photos, preferably less than one year old, may be prepared and the proposed design shown at a convenient scale. Care should be taken to depict the corridor or design in colors and patterns, which will contrast best with the mosaic's background. The number of mosaics needed should be determined by the anticipated attendance.

#### **2.3.2 - Shaded Alternatives or Plans**

Prints of the alternatives shaded and exhibited in either a continuous roll and in sets of plan sheets are necessary for locating individual properties. A list of property owners and the sheet location of their property should also be available. This list should be in alphabetical order. The number of prints required should be determined by the anticipated attendance.

#### **2.3.3 – Renderings - Photographs with existing and proposed development**

One of the most effective ways to convey the effects of the proposal is through the use of renderings (before and after photographs of the project) on which the proposed alternative or design is shown. Excellent results can be obtained creating a three-dimensional effect that shows the proposal in its current setting. These services are available through the Location and Design Division.

#### **2.3.4 - Traffic Display**

On large projects, a display showing traffic volumes (current and future), density, and level of service should be shown. These displays are prepared and provided by the Transportation Planning Division as deemed appropriate by the State Transportation Planning Engineer.

#### **2.3.5 – Environmental Documents**

Environmental documents must be available at the public hearing in sufficient quantities for viewing by the public. These displays are prepared and provided by the Environmental Division as deemed appropriate by the State Environmental Engineer.

#### **2.3.6 - Public Hearing Handout**

The public hearing handout will be provided by the District Public Affairs Officer.

### **2.3.7 - Miscellaneous**

Sufficient copies of the current Right of Way and Utilities booklet should be made available. Any current information deemed suitable for distribution, such as state maps and other pamphlets concerning VDOT programs, should also be available.

### **2.4 - CONDUCT OF PUBLIC HEARING**

Meetings, whether one-on-one, in small groups or in public events are the dominant method used to engage communities/citizens in discussions about the issues they face with the proposed project.

Public hearings vary in size and content, but their purpose remains consistent - to present the proposal and to receive the citizens' comments. Listed below are general regulations that pertain to public hearings. Additional guidance is found in Appendix A-2.

Public hearings are held at a time and place convenient for persons affected by the proposal. The procedures used may differ according to the project, area, and the number of persons expected to attend.

Provisions are made to accept written statements and other exhibits in place of, or in addition to, oral statements made for the record, within 10 calendar days after the hearing. A statement concerning the 10-day time limit for submission of such data and the appropriate address to which it should be sent must be provided.

At a Location Hearing, information on any location alternatives studied should be available. At a Design Hearing, information on any design alternatives studied should be available, with an extensive project history.

On a Federal-aid project, VDOT brochure contains information relevant to federal participation in funding and decision-making.

VDOT explains right of way acquisition procedures, the relocation assistance program, when appropriate, and announces the availability of a right of way and utilities booklet explaining that process.

VDOT explains that at any time after the hearing and before the location and/or design approval, all available information relating to the proposal is made available, upon request, for public inspection, copying, and purchase (including the transcript described in Section 3.06 when it becomes available).

## **2.5 – TRADITIONAL PUBLIC HEARING with an INFORMAL PLAN REVIEW**

A traditional hearing may be held if deemed appropriate by the designer or if a written request is received from the governing body of the county, city or town in which the route is proposed to be located or upon the written request of twenty-five citizens. The written request must be received within fourteen days following the first published notice of the hearing. If a traditional hearing is deemed appropriate, the information about the project is provided in a verbal format and in a visual format. A meeting room is set up to provide for the gathering of a full group meeting to provide and gather verbal information. It is desirable to have an informal plan review prior to the scheduled public hearing. These reviews should ideally be held immediately prior to the hearing and at hours convenient to the citizenry. This part of the process provides project information in a visual format and allows citizens to make written comments and suggestions on the proposed project.

The same data that is required for the informal plan review before the traditional public hearing as is required for the open forum public hearing and should be available for this meeting. This is shown in Section 3.02. The date, time and place for this informal plan review should be included in the public hearing notice. Staffing should consist of sufficient personnel from the various disciplines to adequately answer the citizens' questions.

## **2.6 – OPEN FORUM PUBLIC HEARING**

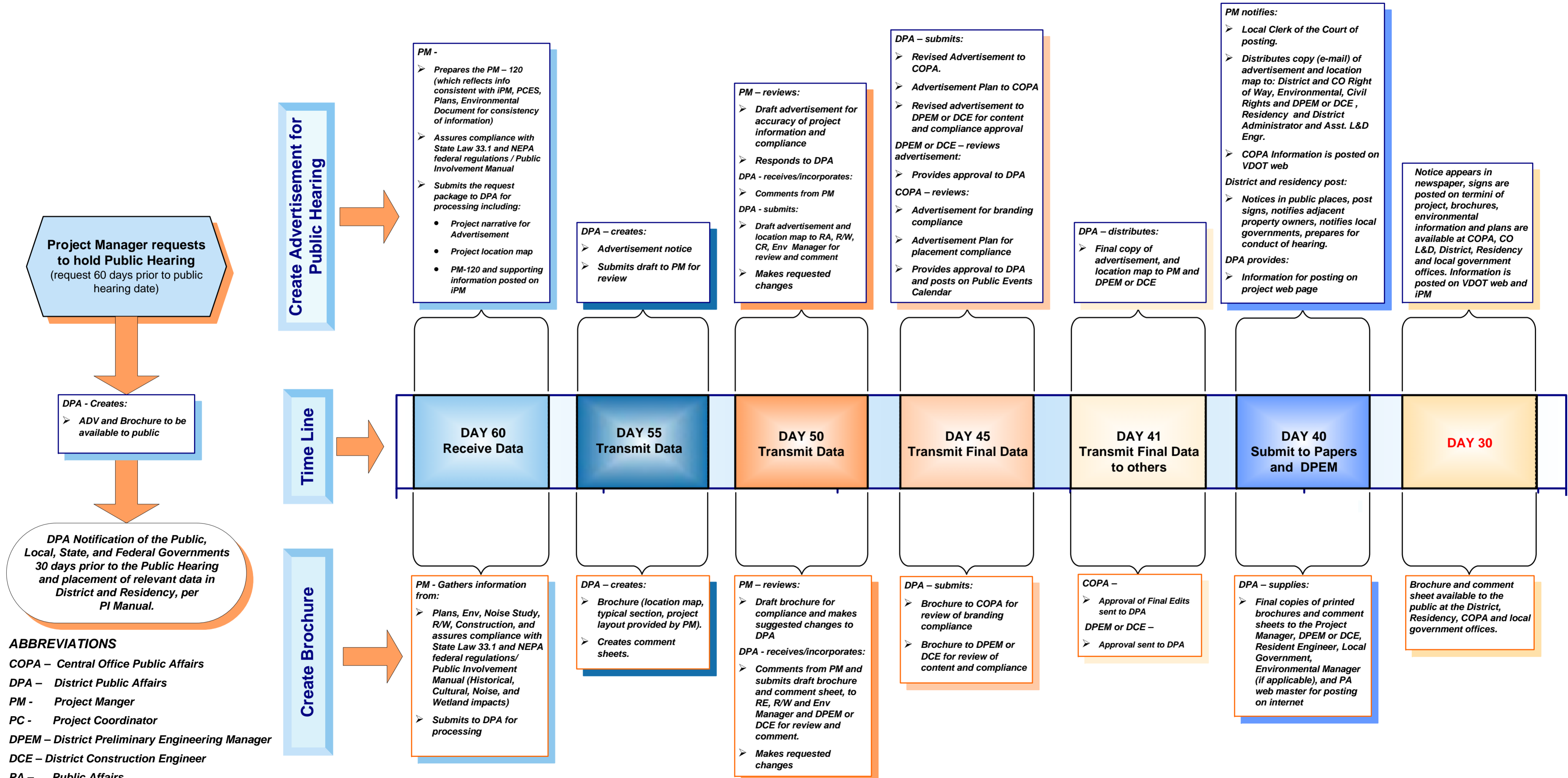
A open forum public hearing (open house) encourages one-on-one discussions in an informal setting. This style of meeting has an easy, open and encouraging effect on citizens and can be very helpful in building a sense of consensus between the Department and citizens.

At the meeting, people familiar with all facets and features of the project visually display their information. The purpose of the open forum may be to suggest solutions or may simply be to give information and facts. The process is highly interactive with technical people presenting and fielding questions from communities, individual citizens, or small groups.

NEED TO INSERT THE FOLLOWING CHARTS:

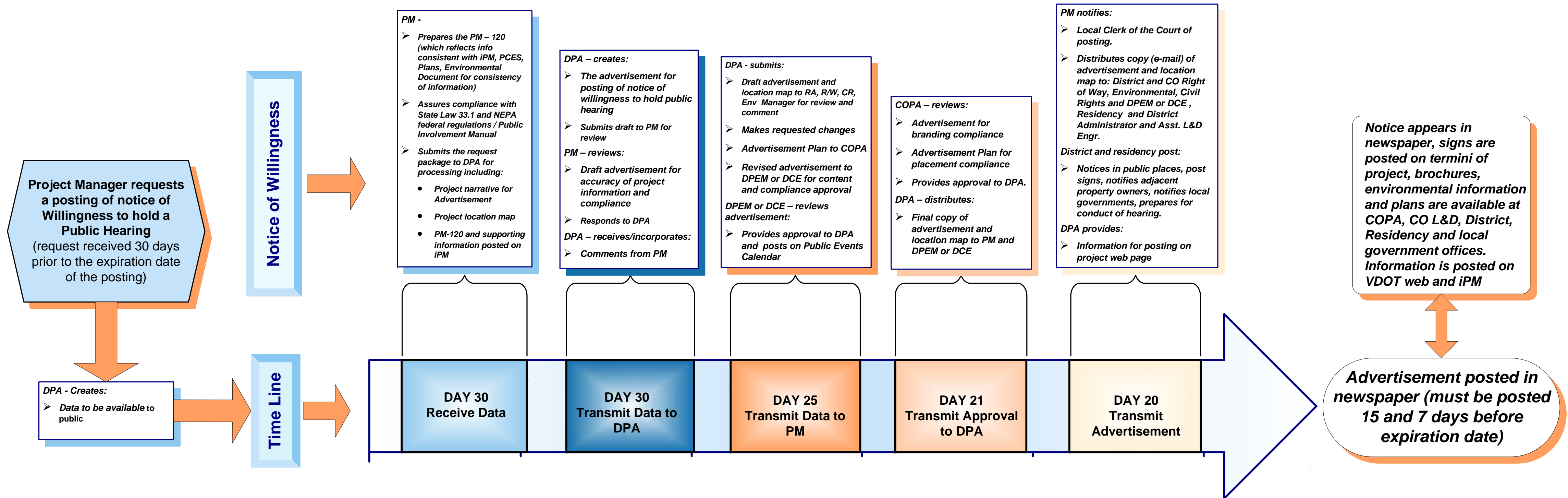
- PH REQUEST PROCESS
- NOTICE OF WILLINGNESS REQUEST PROCESS
- CIM REQUEST PROCESS

(Schedule set for a 60 day process)



- ABBREVIATIONS**
- COPA – Central Office Public Affairs
  - DPA – District Public Affairs
  - PM - Project Manger
  - PC - Project Coordinator
  - DPEM – District Preliminary Engineering Manager
  - DCE – District Construction Engineer
  - PA – Public Affairs
  - PMO – Project Management Office
  - RA – Residency Administration
  - CR – Civil Rights

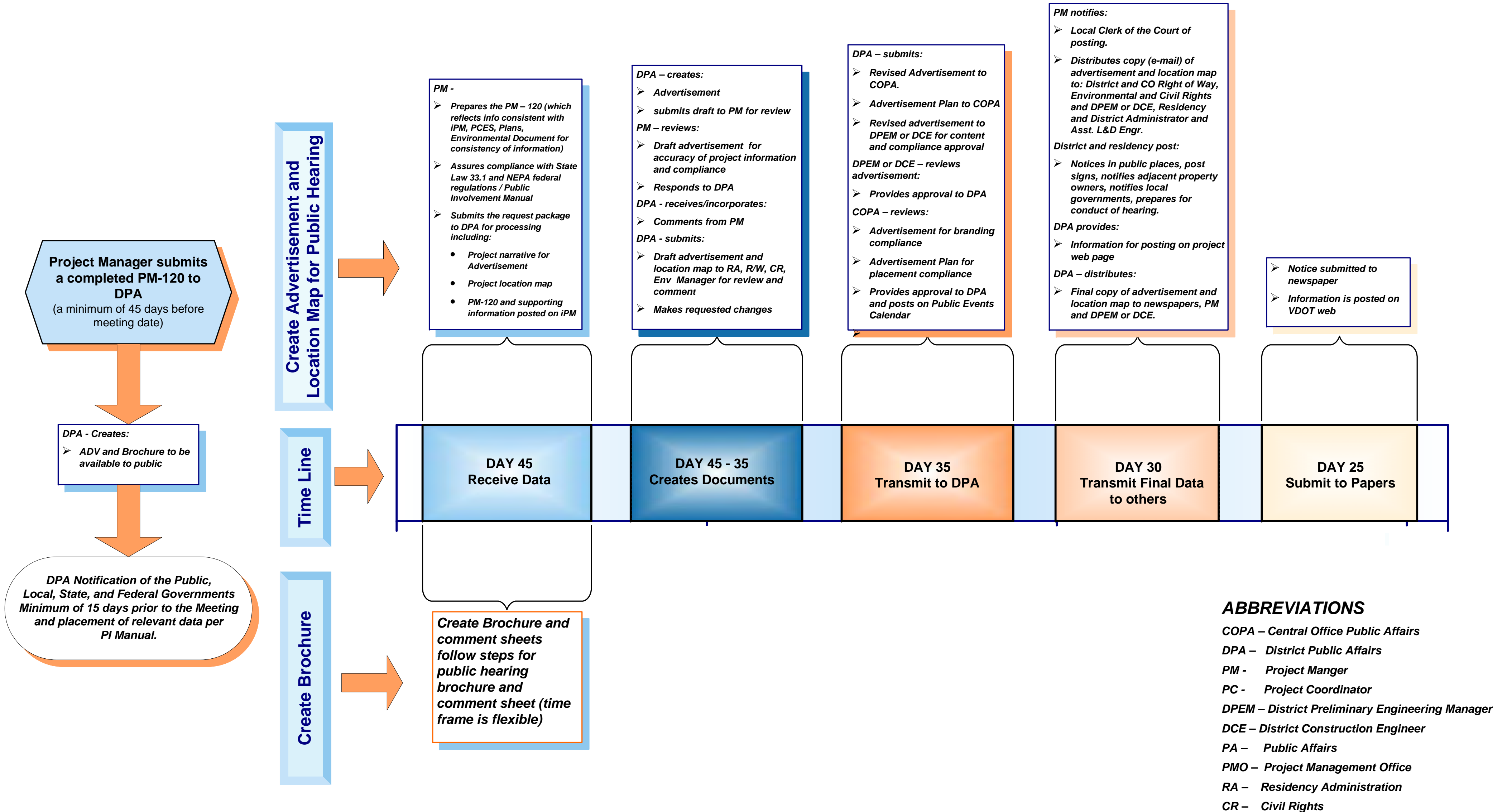




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- PA – Public Affairs
- PMO – Project Management Office
- RA – Residency Administrator
- CR – Civil Rights

(Schedule set for a 45 day process – no legal requirements for this type of meeting)



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- DCE – District Construction Engineer
- PA – Public Affairs
- PMO – Project Management Office
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- CR – Civil Rights

## **CHAPTER 3 – EXCEPTIONS FROM THE PUBLIC HEARING PROCESS**

A hearing process is 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
- Changes the layout or function of connecting roadways or of the facility being improved
- Have an unfavorable effect upon abutting real property
- Otherwise have a significant adverse social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest

Upon determination of the Project Manager that a project meets the criteria for Exceptions from the Public Hearing Process, a letter should be drafted for concurrence in this determination by the appropriate District Administrator (or his designee). Upon concurrence by the District Administrator, the Project Manager shall secure Design Approval from the appropriate Assistant District Administrator in a responsible charge position, notify the Project Team, and post the concurrence letter in the Project Documents section of IPM. The development of the project may then proceed to the next step in the project development process.

Exclusion Regulations: US 23 CFR771.111 (h)(2) (iii); Virginia Administrative Code 24 VAC 30-380-10; §33.1-70.2

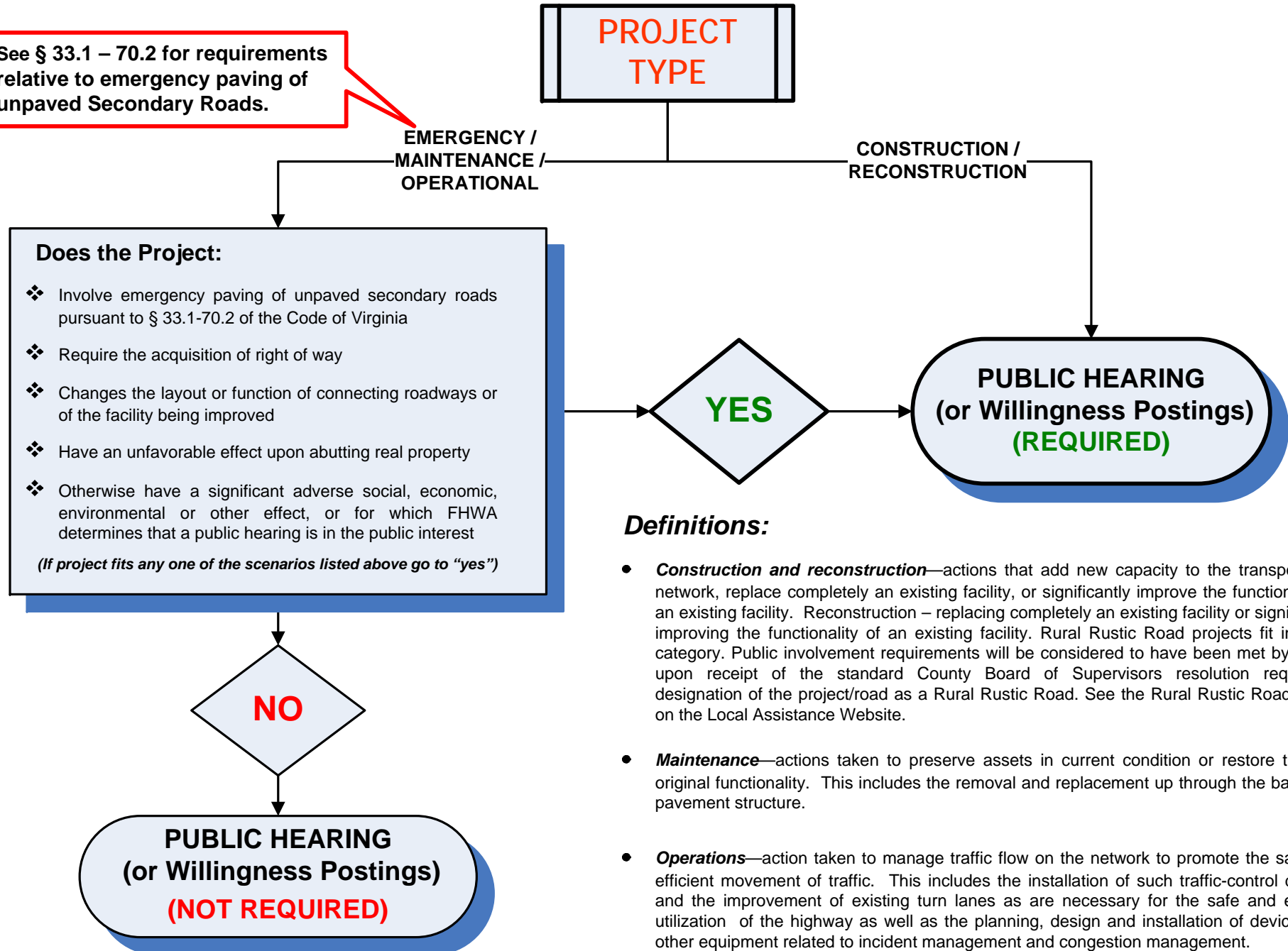
### **3.1 - Definitions:**

(based on § 33.1-23.02 (A); § 33.1-49; § 33.1-269 (10); § 33.1-89 (A) and 33.1-89.2)

- **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. Rural Rustic Road projects fit into this category. Public involvement requirements will be considered to have been met by VDOT upon receipt of the standard County Board of Supervisors resolution requesting designation of the project/road as a Rural Rustic Road. See the Rural Rustic Road Guide on the Local Assistance Website.
- **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.

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. Rural Rustic Road projects fit into this category. Public involvement requirements will be considered to have been met by VDOT upon receipt of the standard County Board of Supervisors resolution requesting designation of the project/road as a Rural Rustic Road. See the Rural Rustic Road Guide on the Local Assistance Website.
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## **CHAPTER 4 – PROJECT APPROVAL**

### **4.1 - LOCATION AND DESIGN PUBLIC HEARING APPROVAL**

For projects on which a hearing or hearings are held, the following procedure shall apply:

After study of the comments received from the public, environmental considerations, costs, design standards, and the evaluations of any studies completed as a result of the public involvement procedures, the transcript shall be compiled by the Project Manager. The citizen's comments shall be summarized by the Project Manager. This will allow the Project Manager to evaluate and develop responses to the issues expressed at the public hearing.

A district recommendation shall be developed and approved by the District Location and Design Engineer and the District Preliminary Engineering Engineer. The recommendation letter, public hearing transcript and public hearing plans shall be forwarded to the appropriate Assistant State Location and Design Engineer for distribution to the appropriate approving authority. All public hearing documents ~~will~~ shall be posted on iPM .

The appropriate Assistance State Location and Design Engineer shall distribute the transcript and recommendations to the appropriate reviewing authorities (i.e., Commonwealth Transportation Board, Federal Highway Administration, Local Assistance Division, Structures and Bridge Division, Transportation Planning Division, Traffic Engineering Division, and the Environmental Division). The Project Manager shall provide the recommendation documents for review by the Assistant State Location and Design Engineer.

#### **Location Public Hearing Approval (Environmental Division)**

For projects requiring location approval, the District recommendation, as developed by the Project Manager, approved by the District Location and Design Engineer and the District Preliminary Engineering Engineer, is forward to the Assistant State Location and Design Engineer. Who will review the public hearing transcript package and the roadway plans and make a alignment location recommendation to the State Location and Design Engineer. The State Location and Design Engineer will forward his recommendation to the Chief Engineer and, in turn, the Chief Engineer will forward his recommendation to the Commonwealth Transportation Board (CTB) for action.

## **Design Public Hearing Approval**

For projects requiring design approval, the District recommendation, as developed by the Project Manager, approved by the District Location and Design Engineer and the District Preliminary Engineering Engineer, is forward to the Assistant State Location and Design Engineer. Whom will review the public hearing transcript package and the roadway plans and make a recommendation relevant to the major design features of the project, to the State Location and Design Engineer. For design approval the State Location and Design Engineer will forward his recommendation to the Chief Engineer for approval of the major design features.

If a recommendation is approved by the CTB/Chief Engineer, the Appropriate Assistant State Location and Design Engineer notifies the Project Manager. The Project Manager will then notify the appropriate county, city, or town in which the proposed action is to occur, that the project was approved on a specific date. The District Administrator advises those who spoke or corresponded with VDOT as part of the hearing record. This response notes any changes in the proposal as presented at the hearing stage and responds directly to the individual comments or questions.

### **Federal-aid projects:**

- a) For Location and Design Hearings, FHWA approves the Draft Environmental Document, Categorical Exclusion or Programmatic Categorical Exclusion prior to the public hearing process, following the public hearing process when the FHWA Division Administrator has received and accepted the public hearing transcripts, reports, and certifications required by Federal Codes approval is complete.
- b) For Design Hearings on interstate projects, FHWA approves the major design features after receipt of the design study report, the public hearing transcript, and the formal request for approval (certification acceptance procedures are followed for non-interstate projects).
- c) Project plans may be signed for right of way and utilities 15 days after the record of decision (ROD) has been posted.

## **4.2 – LOCATION AND DESIGN APPROVAL FOR POSTING OF NOTICE OF WILLINGNESS TO HOLD A PUBLIC HEARING**

For projects for which a posting of notice of willingness to hold hearing was posted and no request for a hearing were received:

Approval for projects on which Notice of Willingness procedures have been sufficient to satisfy the public involvement requirements, the following procedures will apply:

The Project Manager shall confirm no request for a hearing were received, then he/she shall develop a project summary and recommend to the District Location and Design Engineer that the project move forward for approval. The project is then reviewed and approved by the District Location and Design Engineer and the District Preliminary Engineering Engineer. The letter recommending approval of the public hearing process and major design features of the project is then forwarded to the appropriate Assistant State Location and Design Engineer for consideration. All public hearing documents will be posted on iPM. (Doesn't the Assist. State L&D Engineer approve the Willingness?)

For state funded projects, final approval is obtained when: the Chief Engineer signs the project title sheet for the project.

For federal-aid projects, final approval is obtained when:

- a) FHWA approves the final environmental document, Environmental Assessment-Finding of No Significant Impact, or in the case of a Categorical Exclusion, the FHWA Division Administrator has received and accepted the certifications required by Federal Codes.
- b) For interstate projects, FHWA approves the major design features after receipt of the design study report and the formal request for approval (certification acceptance procedures are followed for non-interstate projects).
- c) Project plans may be signed for Right of Way and Utilities 15 days after the record of decision has been posted.

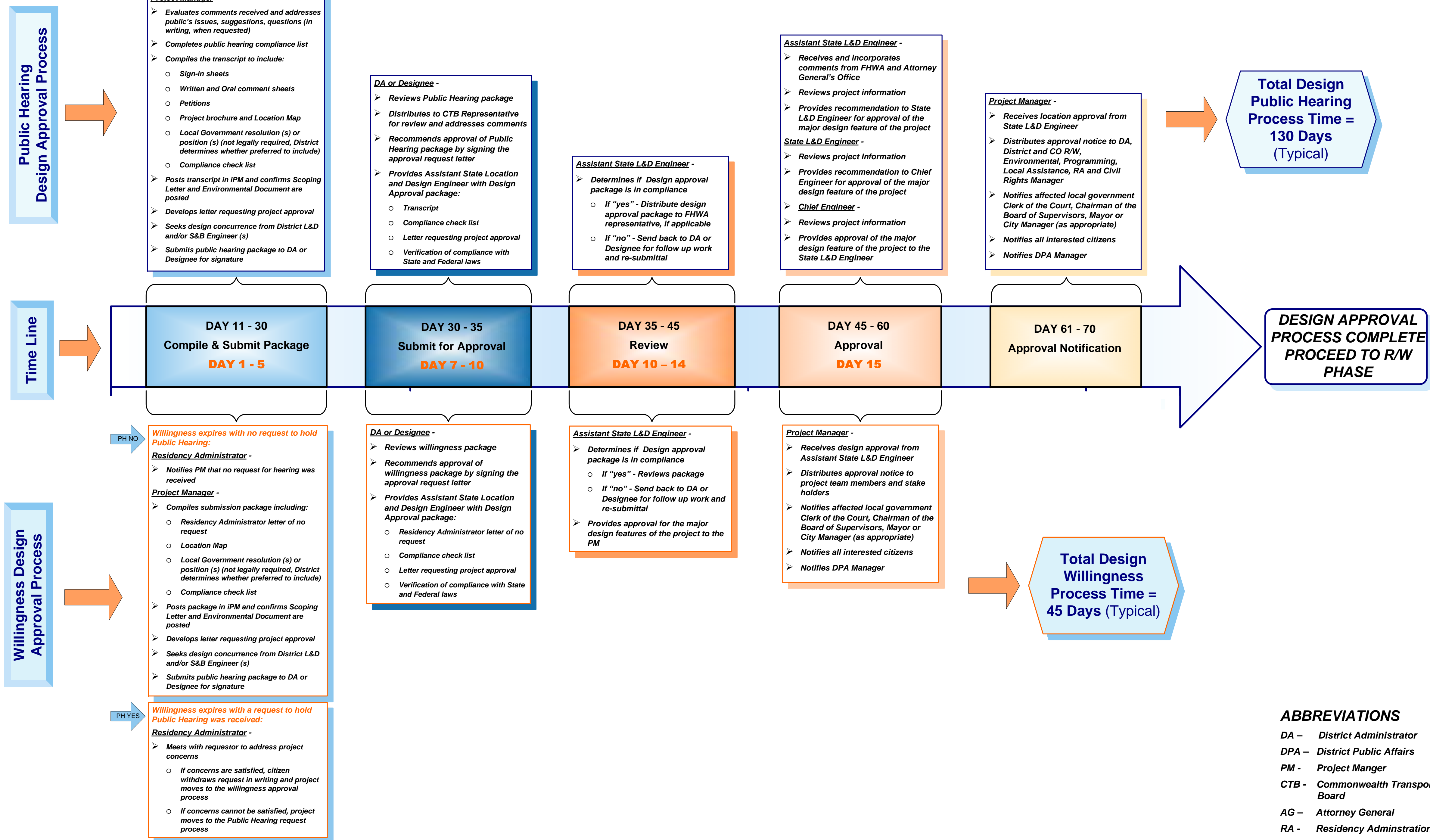
Regulations and Code References:

- a) Approval Regulations: US 23 CFR 771.113; 23 CFR part 630, subpart A,
- b) Virginia Administrative Code 24 VAC 30-380-10; §33.1-70.2; 33.1-18

NEED TO INSET DESIGN APPROVAL PROCESS CHART



(Schedule set for a 70 day process for Public Hearing and a 15 day process for Willingness Held with no Public Hearing Required)



- ABBREVIATIONS**
- DA – District Administrator
  - DPA – District Public Affairs
  - PM – Project Manager
  - CTB – Commonwealth Transportation Board
  - AG – Attorney General
  - RA – Residency Administration