

SECTION 5.00 – PUBLIC HEARING PROJECT APPROVAL

SEC. 5.01 - LOCATION AND/OR DESIGN APPROVAL

For projects on which a hearing or hearings are held, the following procedure will 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 will be compiled. The transcript will be summarized and issues addressed by the District Construction Engineer or District Location and Design Engineer to develop a recommendation to be forwarded to the State Location and Design Engineer (Public Involvement Manager) for distribution to the appropriate approving authority.

The Public Involvement Manager will distribute the transcript and recommendations to the appropriate reviewing authorities i.e., Local Assistance Division, Structures and Bridge Division, Transportation Planning Division, Traffic Engineering Division, and the Assistant State Location and Design Engineer. The Public Involvement Manager will compile the information and recommendations for review by the State Location and Design Engineer.

1. For location or location and design approval the State Location and Design Engineer will forward his recommendation to the Chief Engineer for Program Development and, in turn, the Chief Engineer will forward his recommendation to the Commonwealth Transportation Board (CTB) for action.

For design approval the State Location and Design Engineer will forward his recommendation to the Chief Engineer for Program Development for approval of the major design features.

If a recommendation is approved by the CTB/Chief Engineer, the State Location and Design Engineer (Public Involvement Manager) by letter notifies the Clerk of the Court of 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.



2. On Federal-aid projects, final approval is obtained when:
 - a) For Location or Location and Design Hearings, FHWA approves the Draft Environmental Document or Categorical Exclusion when the FHWA Division Administrator has received and accepted the public hearing transcripts, reports, and certifications required by Federal Codes.
 - b) For Design Hearings on interstate projects, FHWA approves the major design features after receipt of the design study report, the 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 has been posted.

SEC. 5.02 – LOCATION AND/OR DESIGN APPROVAL

For projects with posting of notice of willingness to hold hearing:

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

1. For state funded projects, approval is obtained when, all appropriate approving authorities (Structure and Bridge representative, Local Assistance representative, etc.) has reviewed and signed off on the project. This includes the Chief Engineer for Program Development through his delegated representative.

2. For federal-aid projects, final approval is obtained when:
 - a) For Location or Location and Design Notice of Willingness, FHWA approves the final environmental document, Environmental Assessment-Finding of No Significant Impact, or in the case of a Categorical Exclusion, which is approved prior to a Notice of Willingness, the FHWA Division Administrator has received and accepted the certifications required by Federal Codes.
 - b) For Design Notice of Willingness on 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).
3. Project plans may be signed for Right of Way and Utilities 15 days after the record of decision has been posted.

