

## SEC. 4.00 – EXCLUSIONS 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 operations, or both except when they:

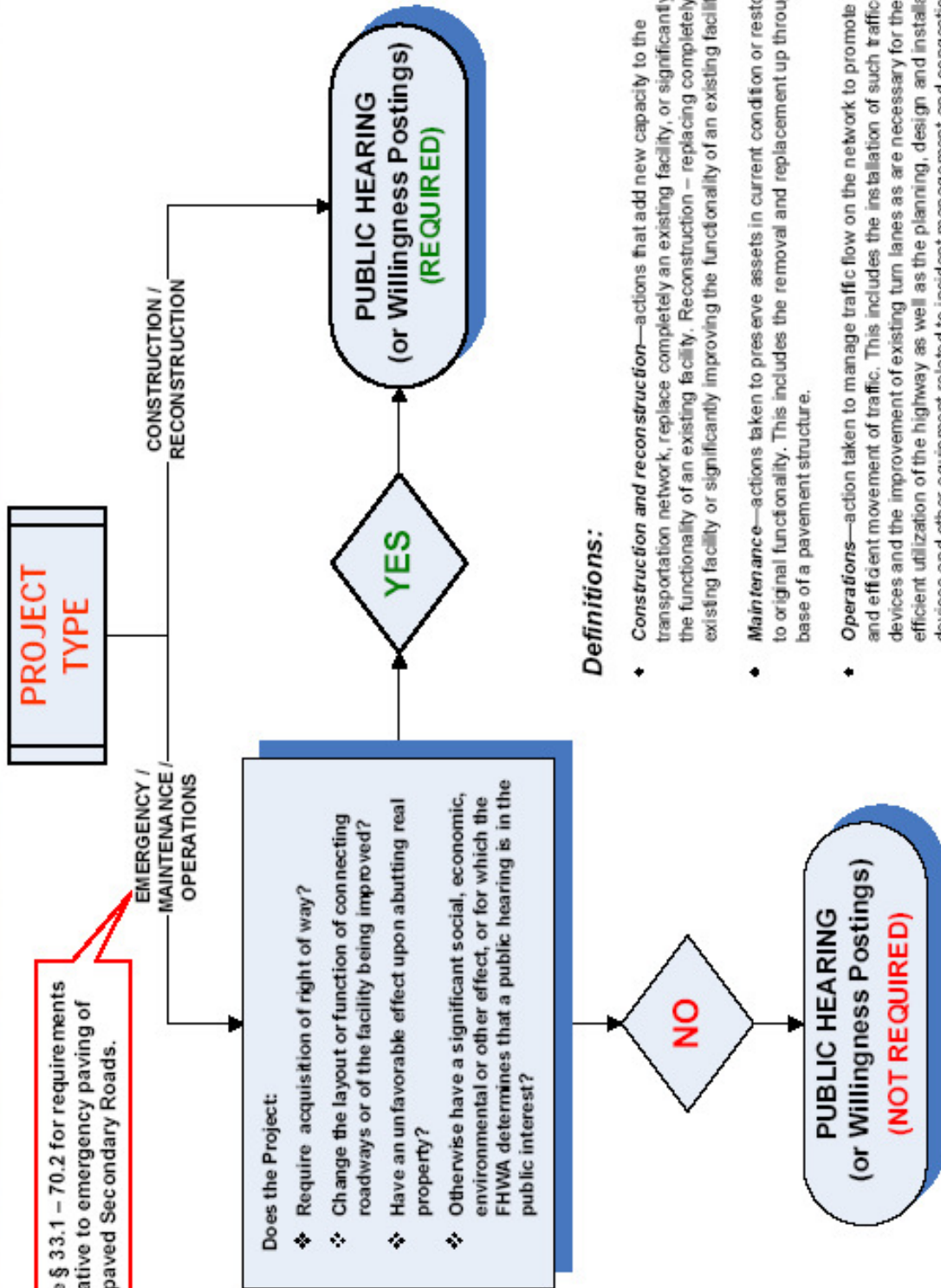
- Involve emergency paving of unpaved secondary roads pursuant to § 33.1-70.2 of the Code of Virginia;
- Require the acquisition of right of way
- Changes the layout or function of connecting roadways or of the facility being improved
- Have an adverse impact on abutting property
- Otherwise have a significant adverse social, economic, environmental or other effect, or for which FHWA determines that a public hearing is in the public interest

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

**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.
- **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.

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



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