

PUBLIC HEARINGS FOR THE LOCATION AND DESIGN OF HIGHWAY CONSTRUCTION PROJECTS

24 VAC 30-380-10. Policy, Rules, and Exclusions from the Public Hearing Process.

A. A public hearing held pursuant to § 33.1-18 of the Code of Virginia is a well-publicized opportunity for VDOT to present its studies and policies while receiving and documenting comments from affected citizens. Such hearings will be held in compliance with § 51.5-40 of the Code of Virginia relating to participation by the disabled in state programs or activities.

B. In the development of any project, VDOT shall consider a wide range of factors, and shall allow full opportunity for consideration and participation by public and private interests before final approval of highway locations and designs.

C. These are the rules that apply to the implementation of the policy:

1. A notice to hold a public hearing or the willingness to hold a public hearing must be stated in public advertisement.

2. All public hearings should be scheduled approximately 60 days in advance.

Advertisements must appear 30 days prior to the hearing.

3. The public involvement process must be held in accordance with applicable federal and state statutes, including 23 USC 128, 23 CFR Part 771, and 40 CFR Parts 1500-1508, and the provisions of the VDOT Public Involvement Policy and Procedure Manual, (issued 1999) listed as a Guidance Document to accompany this regulation.

4. The publication of a willingness to hold a location public hearing, design public hearing, or a combined public hearing will satisfy any public hearing requirements.

D. ~~The following table lists project categories and the type of public hearing usually held for interstate, primary, urban, and secondary systems:~~

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If the system is...	and it concerns...	then use this process...
Interstate	bypasses of cities or towns projects having substantially different social, economic or environmental effect	a location public hearing followed by a design public hearing.
	projects in areas where there is not an unusual amount of public interest projects in areas of an unusual amount of public interest (such as development of an all multi-lane highway requiring additional right-of-way) all other projects	a combined location and design public hearing.
Primary	bypasses of cities or towns projects involving route relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	projects in areas where there is not an unusual amount of public interest projects in areas of an unusual amount of public interest (such as development of an all multi-lane highway requiring additional right-of-way) all other projects	a combined location and design public hearing.
Urban	projects involving relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	all other projects	a combined location and design public hearing.

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If the system is...	and it concerns...	then use this process...
Secondary	projects in areas of an unusual amount of public interest	a location public hearing followed by a design public hearing or a combined location and design public hearing.
	all other projects	a combined location and design public hearing.

If the system is interstate, primary, urban, or secondary, the following types of hearings will be held for the following project categories:

1. Projects on proposed roadway corridors, which are predominantly or completely on new location, require a location public hearing followed by a design public hearing.
2. Projects with work within the existing corridor, but with a portion of the work on new location, require a combined location and design public hearing.
3. Projects within the existing roadway corridor, but that have a significant social, economic or environmental impact, require a design public hearing.
4. Projects within the existing roadway corridor where insignificant public interest or environmental impacts, or both, are anticipated require a combined location and design public hearing or a posting of willingness to hold a combined location and design public hearing.

E. Exclusions from the Public Hearing Process.

1. Hearing processes are not required for ~~those projects that are solely for such improvements as: resurfacing; widening existing lanes within existing right of way; adding auxiliary lanes within existing right of way; replacing existing grade separation~~

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~~structures within existing right of way; installing traffic control devices; Hazard Elimination Safety (HES) funded projects; and State Traffic Operations Safety Improvement Projects (STOSIP) emergency projects, as well as those that are solely for highway maintenance or operational improvements, or both, except when they:~~

- a. Require the acquisition of additional right of way;
- b. Would have an unfavorable effect upon abutting real property; or
- c. Would change the layout or function of connecting roads or streets of the facility being improved.

~~2. Public hearings on certain projects may be waived, unless the project: requires the acquisition of additional right of way; would have an adverse effect upon abutting real property; or would change the layout or function of connecting roads or streets of the facility being improved. The appropriate district administrator must recommend the waiver, and the State Location and Design Engineer must approve it.~~

~~32. Concurrence by the Federal Highway Administration (FHWA) must be secured on projects receiving federal participation for any phase, except emergency situations.~~

CERTIFICATION

I certify that this regulation is full, true, and correctly dated.

Acting Chief of Policy and Organizational Development
Larry D. Jones

Date

**PUBLIC HEARINGS FOR THE LOCATION AND DESIGN OF HIGHWAY
CONSTRUCTION PROJECTS****Guidance Document**

The *VDOT Public Involvement Policy and Procedure Manual* (issued 1999) was issued pursuant to the general provisions of § 33.1-18 of the Code of Virginia. This statute directs VDOT to perform specific activities concerning the location and establishment of routes by the Commonwealth Transportation Board under the provisions of § 33.12(1) of the Code of Virginia. The manual is intended to serve as a reference resource for those administering public hearings, or for other interested parties. The manual explains the general procedures and policies outlined in this regulation in greater detail, and includes related state and federal statutes with which VDOT and the CTB must comply in its deliberations.

Copies of the VDOT Public Involvement Policy and Procedure Manual may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Location and Design Division, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained at the same location and mailing address, telephone (804) 786-9312 or FAX (804) 786-5157.