

ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
VI	1	1	7	4/17/2014

SUBJECT: HEARING APPEAL PROCEDURE AND BOARD

1. **PURPOSE:** This directive sets forth the Department of Transportation and Development's (DOTD) policy for the public to appeal a decision made by DOTD.
2. **SCOPE:** This policy is for traffic engineering and permitting decisions.
3. **BACKGROUND:**
 - A. DOTD has a responsibility to design, operate, and maintain highway facilities that are safe and efficient for drivers using the State Highway System. In doing so, DOTD must regulate location, design, methods for installing, and maintenance of non DOTD facilities such as driveways and utilities on DOTD right of way. Some examples of the types of functions that must be regulated and require issuance of a permit are: construction projects, residential and commercial driveways, traffic signals, traffic control devices, joint use agreement and utility installations within DOTD right of way. In rare cases an agreement cannot be reached at the District level with the public. This creates a need for a formalized procedure to appeal a decision made at the District level.
4. **POLICY:**
 - A. Appeal Board
 - i. DOTD has established an Appeal Board to hear appeals from the public.
 - ii. The Appeal Board shall consist of the Chief Engineer, Assistant Secretary, Office of Operations, and Deputy Secretary or their designees.
 - iii. The Appeal Board shall meet on the third Tuesday of every month to review all formal appeals. If such date is not available in any given month, an alternate date shall be designated.
 - B. Appeals
 - i. Appeals shall be scheduled on a first come basis on the third Tuesday of every month by the Traffic Engineering Management Section.
 - ii. The Appeal Board shall hear 4 appeals each month.
 - iii. The appeal hearing will last a total of 45 minutes with 30 minutes for the appealing party to explain the appeal and 15 minutes for questioning from the Board.
 - iv. The appeal shall be received at least 30 days prior to the Appeal Board meeting.
 - C. Headquarter Section Appeal Support

The headquarters section responsible for the specific topic being appealed:

 - i. Shall prepare an appeal package for each member of the Appeal Board that will consist of the letter written by the appealed, written documentation from the District office outlining their decision, and a position paper from the Section detailing out DOTD rules and policies and any other pertinent information to assist the Board in making a decision.
 - ii. Shall send a representative to the Appeal Board hearing to take notes and answer questions.
 - iii. Shall prepare and distribute a written letter on the decision made by the Board.

D. District Responsibility

- i. Shall supply to Headquarters written documentation outlining their original decision
- ii. Shall ensure that the Appeal Boards decision is met to the best of their abilities.
- iii. Shall review and sign any permits associated with the Appeal Boards decision.

5. APPLICATION OF STANDARDS: These standards shall apply immediately to all new appeals.

6. OTHER ISSUANCES AFFECTED: All directives, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.

7. IMPLEMENTATION: This directive will become effective immediately upon issuance.

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