

# LaDOTD Appeals Process

## Applicant's Guide for Requesting an Appeal

### What can be appealed through the LaDOTD Appeals Process?

Any permit related decision rendered at the district level with which the applicant does not agree can be appealed. These may include construction project impacts, residential and commercial access connections, traffic signals, signing, other traffic control devices, joint use agreements, and utility installations in the ROW.

### What is the structure behind the appeals process?

The LaDOTD's EDSM VI.1.1.7 (February 2012) sets up the formal structuring of the appeals board and processes. An EDSM is an "Engineering Directives & Standards Memorandum" and has the enforcement of policy at DOTD.

### What is the purpose of the Appeals Board?

The structure of the Appeals Board allows an applicant who disagrees with a district decision to have an audience with executive-level personnel at DOTD. This formal process is for the applicant to petition DOTD's executive staff to make an exception to the decision(s) of the district staff. This exception may require a design exception, a waiver to policy, may require other roadway improvements, and more. All of these factors are considered by the Appeals Board.

### Who decides the outcome of an appeal?

The LaDOTD Traffic Engineering Appeals Board makes the final decision on all appeals brought before them. The LaDOTD Traffic Engineering Appeals Board is comprised of three executive-level personnel:

- Deputy Secretary
- Chief Engineer
- Assistant Secretary of Operations

In the event that one of these persons cannot attend a scheduled appeals hearing, he or she will send a designated representative with decision-making rights in his/her position.

### When can an applicant file an appeal to the LaDOTD Traffic Engineering Appeals Board?

An appeal can only be filed after an official decision on the matter has been rendered at the district level.

### How do I file an appeal and request an appeal hearing?

In order to file an appeal and be scheduled for a hearing before the LaDOTD Traffic Engineering Appeals Board, you must submit a request in writing with a signature. The request should be addressed to:

Ryan Hoyt, PE  
RE: Appeals  
LaDOTD – Section 77  
P O Box 94245  
Baton Rouge, LA 70804-9245

Include all documentation related to the appeal such as studies, permit applications, letters, and other correspondence. In the request, clearly state your reason for the appeal, any background or timeline information, and explain what you are seeking to gain as a result of the appeal. All information submitted will be distributed to the members of the Appeals Board for review prior to the hearing.

### When will my hearing be scheduled?

LaDOTD Traffic Engineering Appeals Board hearings are scheduled on a first-come basis. Hearings are held the third Tuesday of every month. The Appeals Board will hear a maximum of four (4) appeals each month. Once your request is received, a hearing will be scheduled. You will be notified by mail of the scheduled date and time for your appeal. The appeal request must be received a minimum of 30 days prior to the Appeals Board hearing date in order to be eligible for that hearing.

**What is the hearing structure?**

The Appeals Board will hear a maximum of four (4) appeals each month. For each appeal, the hearing will last a total of 45 minutes. The appealing party will be allotted 30 minutes to explain the appeal to the Appeals Board member. There will then be a 15 minute questions/answer period where the Board members may ask for additional clarification. After this time, the appealing party will be excused.

**What do I need to bring to the hearing or have prepared for the hearing?**

You should be prepared to present your request, the reasons behind your request, and information on the background and timeline leading up to the denial. What you choose to bring, and the format in which you chose to present it, is at your own discretion. This is an informal meeting meant as an opportunity for you to be able to express your position to DOTD's executive staff; therefore, a formal presentation is not necessary. If you need any special accommodations, please contact the DOTD Appeals Coordinator as soon as possible.

**Who may represent the appealing party at the hearing?**

The appealing party should be present. In many cases, an engineer for the project also attends. While there is not a set limit on the number of persons who may attend, we do have space limitations. If you plan to bring more than six (6) people, please inform the Appeals Coordinator as early as possible so DOTD can work with you on making arrangements.

**What information, other than what the appealing party presents, is considered?**

All information submitted by the appealing party will be provided to the Appeals Board for review. The district staff who denied the original request(s) will submit position statements in writing to the Appeals Board explaining why the request was denied. DOTD Headquarters Traffic Engineering and/or Permits Staff with expert knowledge in the area of the appeal will prepare a package for the Appeals Board which will include any standards, laws, policies, or other relevant regulations for the Appeals Board to refer to during their consideration of the matter.

**Who will represent DOTD at the hearing besides the Appeals Board?**

The only persons present are the appealing party, the Appeals Board, and relevant DOTD headquarters staff present to record notes during the hearing and answer any questions the board may have.

**What results can I expect from the hearing?**

There are many factors that are considered, and each case is different. The goal of the Appeals Board is to reach an amicable solution to the conflicting opinions of the appealing party and the district, while maintaining the Department's goal and task of providing a safe and efficient highway network for the traveling public throughout the State of Louisiana. The Appeals Board may decide to uphold the decision made at the district level, may choose to grant the full request of the appealing party, or may provide an alternative compromising solution to the request.

**When will the results be available?**

The appealing party will be notified after the meeting of the decision of the Appeals Board. DOTD strives to render a final decision within two (2) weeks. However, in some cases additional research must be conducted in order to reach a decision. In those instances, a DOTD representative will inform the appealing party of the status periodically until a final decision is rendered.