

# Vermont Transportation Board

## Rules for Naming Transportation Facilities

### **I. Purpose**

These rules shall govern proceedings before the Board to name transportation facilities pursuant to 19 V.S.A. § 5(b).

### **II. Authority**

The Board adopts these rules pursuant to 19 V.S.A. §5(b)(2).

### **III. Definitions**

- A. Board means the Vermont Transportation Board.
- B. Chair means the Chair of the Board.
- C. File means receipt at the Board's offices in Montpelier by the means specified by these Rules, the Chair, or the Board.
- D. Issue means send or publish by the Board in either paper or electronic form.
- E. Petition means a petition to name a transportation facility.
- F. Petitioner means an organization, individual, or group of individuals that files a petition.
- G. State means the State of Vermont.
- H. Supplemented petition means a petition containing information that responds or purports to respond to a determination by the Chair or the Board that a petition is not substantially complete.
- I. Transportation facility means a transportation facility owned, controlled, or maintained by the State of Vermont. Transportation facilities shall include, without limitation, highways and the bridges thereon including Class I town highways and bridges passing over interstate highways, airports, rail facilities and bridges that pass over railroad tracks, rest areas, and welcome centers or discrete parts of any transportation facility.

#### **IV. Commencement of Proceedings**

A proceeding on naming a transportation facility shall be commenced by filing a petition with the Board. The Board shall not commence place-naming proceedings or name or rename transportation facilities on its own initiative.

#### **V. Petition Contents and Filing**

##### **A. Petitioners**

1. A petition shall be filed only by the legislative body of a municipality of the State, the head of an executive branch agency or department of the State, or at least 50 Vermont residents of at least 18 years of age. The Board shall not accept or consider any other petitions.
2. Petitions filed by at least 50 Vermont residents shall include the printed name, signature, and complete mailing and street address of each petitioner. The petition shall make clear that all signatories certify by their signatures that they are at least 18 years old. All information shall be legible.

##### **B. Petitioner Contact**

1. Every petition shall designate a contact to send and receive communications to and from the Board.
2. Petitioners shall promptly notify the Board in writing of any change in their petitioner contact or petitioner-contact information required by section V.D, below.

##### **C. Naming Information**

All petitions shall include the following in writing:

1. A justification of the proposed name.
2. The exact location of the transportation facility to be named, including each municipality in which any part of the transportation facility is located.
3. Information demonstrating the transportation facility is owned, controlled, or maintained by the State.
4. All administrative departments or agencies of each municipality or the State responsible for owning, controlling, or maintaining the transportation facility.

5. Any and all official or unofficial current names of the transportation facility and the basis for this information.
6. The names and addresses of all public and private organizations and individuals with rights, title, or property interests in the transportation facility. For highways and other linear rights of way in which the number of organizations or individuals with rights, title, or property interests in the transportation facility would be too large to practicably specify, the petition shall so state.

D. Signature

The petition and related materials shall be signed on the last page by the designated petitioner contact and shall list the printed name, address, phone number, and email address of the petitioner contact immediately under the signature.

E. Filing

One original hard copy of each petition shall be filed with the Board by delivery or U.S. Mail addressed to Executive Secretary, Transportation Board, 14 Baldwin Street, Montpelier, VT 05620.

**VI. Completeness of Petitions**

- A. Within 30 days after the petition is filed, the Chair shall issue a written determination to the petitioner stating whether a petition is substantially complete. A determination that a petition is not substantially complete shall succinctly explain why.
  1. A petitioner shall have 30 days from the date of a written determination by the Chair that a petition is not substantially complete, or such other time as the Chair may specify in writing, to complete the petition as required by the Chair or to file a written request for review of the Chair's determination by the Board. The Board shall issue a written decision on any such request for review within 60 days after the request is filed. The petitioner shall have 30 days from the issuance of a written decision by the Board, or such other time as the Board may specify in writing, to complete a petition that the Board has decided is incomplete.
  2. The Chair shall dismiss an incomplete petition that has not been completed in a timely fashion or issue a written determination that a petition has been completed as the Chair or the Board ordered no later than 30 days after the Board receives a supplemented petition.

- B. Nothing in these Rules shall operate to limit the Chair's or the Board's rights to request additional information from the petitioner or any other individual or organization at any time after the Chair or the Board determines that a petition is substantially complete.

## **VII. Board Research and Investigations**

- A. After receipt of a substantially complete petition, and any time before making a final decision on the petition, the Board, in its discretion, may research or investigate any matters potentially relevant to the proposed name, including without limitation the following:
  - 1. The history of the transportation facility.
  - 2. The history of the proposed name.
  - 3. The history and reputation of any proposed namesake.
  - 4. Other uses of the proposed name within the State and elsewhere.
  - 5. Information provided in a petition or in comments or testimony relating to the petition.
- B. In the course of researching or investigating any matters pursuant to section VII.A, above, the Board may consult any resources potentially relevant to these matters, including without limitation the following:
  - 1. Books, treatises, news reports, statutes, regulations, legal decisions, and web resources.
  - 2. The petition's designated representative and other petition signatories.
  - 3. Departments or agencies or any officials of any state or national government.
  - 4. Municipal officials.
  - 5. Other organizations (including but not limited to chambers of commerce, regional planning commissions, historical societies, or other non-profit organizations).
  - 6. Family, associates, or others who may be familiar with any individual whose name is being proposed.

## **VIII. Notice of Hearing and Opportunity to Comment**

- A. The Board shall warn all public meetings relating to a petition in accordance with applicable law. In addition, the Board shall take at least the following actions to provide notice of public hearings on petitions:
1. The Board shall send the petitioner contact a letter or email message with the date and location of each public hearing at least 30 days prior to each hearing.
  2. The Board shall publish notice of each public hearing on the Board's website at least 30 days prior to each hearing.
  3. The Board shall publish notice of each public hearing at least once in a newspaper of general circulation in each municipality where the transportation facility proposed for naming or any part thereof is located at least 14 days prior to each hearing.
  4. The Board shall provide notice of each public hearing to the municipal clerk, the legislative body of the municipality, and the municipal manager (if there is one) in each municipality where the transportation facility proposed for naming or any part thereof is located with a request to post the notice in a public place at least 30 days prior to each hearing.
  5. The Board shall provide notice of each public hearing by U.S. Mail or email at least 30 days prior to each hearing to VTTrans' mapping unit, the transportation district in which the facility is located, and any and all other administrative departments or agencies of each municipality, the State, or the Federal Government responsible for owning, controlling, or maintaining the transportation facility.
  6. The Board shall provide notice of each public hearing by U.S. Mail or email at least 30 days prior to each hearing to all known public and private organizations and individuals with rights, title, or property interests in the transportation facility, unless the number of those individuals or organizations is impracticably large.
  7. The Board shall provide notice of each public hearing by U.S. Mail or email to anyone who files a request to be notified with the Board at least three business days prior to each hearing.
  8. The Board shall provide notice of each public hearing by U.S. Mail or email at least 14 days prior to each hearing to the Vermont Regional Planning Commission that has jurisdiction over the town where the transportation facility is located.

- B. Each notice enumerated in sections VIII.A.1 through 8, above, shall include the following information:
1. A summary of the petition, including the information enumerated in sections V.C.1 through 6, above.
  2. The identity of any organizational petitioner or a statement that the petitioner is a group of individuals.
  3. The location and time of the public hearing.
  4. A statement that the full petition and these rules are available on the Board's website.
  5. The opportunity to comment on the petition by mail, delivery, or email; the street address and the email or website address to which comments must be addressed; and the deadline for submitting written comments.

#### **IX. Conduct of Hearings and Deliberations**

- A. The Board's proceedings on naming transportation facilities shall not be rulemaking proceedings, quasi-judicial proceedings, or contested cases, and the Board shall not be bound by 3 V.S.A. Chapter 25 in carrying out its duties to name transportation facilities.
- B. The Board shall hold at least one public hearing on all complete petitions, except the Board may dismiss any complete petition without a public hearing or public comment if the Board determines in a written order supported by written findings of fact that the petition is frivolous or vexatious.
- C. In its discretion, the Board may hold more than one public hearing and may hold hearings in more than one location. The Board may hold one or more public hearings through real-time electronic media, except the Board must hold at least one in-person public hearing in at least one county where the transportation facility is located.
- D. The Board in its discretion may reasonably limit the time for any hearing, the time that anyone may testify at a hearing, or the number of people who may testify at a hearing. Subject to these limitations, the Board shall accept testimony from any interested person.
- E. The rules of evidence shall not apply, and members of the public shall not be entitled to examine or cross examine witnesses. Witnesses shall testify in a sequence determined by the Board.
- F. The Board shall accept written comments on all complete petitions. The comment period shall close 30 days after the date of the last public hearing, unless extended by the Chair.

The Board may choose not to consider any written comments filed with the Board after the close of the comment period. The Board shall specify in its hearing notices whether and how it will accept comments by email and when the comment period will close. The Board shall promptly post written comments on its website, and comments shall remain posted at least until the Board's decision on the petition is final.

- G. The Board shall deliberate on petitions to name transportation facilities at meetings open to the public and not in deliberative session. However, the Board is not required to deliberate at or immediately following a public hearing on a petition or in any particular location. The Board may go into executive session as permitted by applicable law.
- H. The Board may vote for or against a petition even if no one appears at a public hearing to testify for or against the proposed name.

**X. Decisions of the Board**

- A. In making its decision on a petition, the Board shall consider the petition, public testimony, and written comments submitted within the comment period, and the Board may also consider any other information that the Board receives, whether or not solicited or collected on its own accord.
- B. Every decision on a petition shall be in writing and shall include findings of fact sufficient to apprise the petitioner and any interested person of the basis of the decision in view of the petition and the testimony and timely comments received.
- C. The decision shall reflect the vote of each Board Member on the petition. For the purpose of rendering a decision, four members of the Board, which may or may not include the Chair, shall constitute a quorum. Any decision or order of the Board, including any decision or order based on a report or findings of a hearing officer or single Board member, shall be rendered by a majority of the Board.
- D. The Board shall send a copy of the decision by U.S. Mail or email to the petitioner contact and anyone who files a request to be notified with the Board at least three business days prior to the Board's issuance of the decision and shall simultaneously publish the decision on its website. In addition, the Board shall notify VTrans' mapping unit; each transportation district in which the transportation facility or any part thereof is located; any and all other administrative departments or agencies of each municipality, the State, or the Federal Government responsible for owning, controlling, or maintaining the transportation facility; and all known public and private organizations and individuals with rights, title, or property interests in the transportation facility, unless the number of those individuals or organizations is impracticably large.

## **XI. Record**

- A. The Board shall record all public hearings on petitions in a manner susceptible to transcription. At the request of any interested person, the record shall be taken by a court reporter. The expense of a court reporter shall be paid by the requesting person. These Rules do not require the Board to record its deliberations or other discussions of petitions.
- B. The record shall consist of the following:
  - 1. The petition.
  - 2. The audio recording of all public hearings and any available hearing transcripts.
  - 3. All timely written comments on the petition.
  - 4. The findings of fact and decision of the Board.

## **XII. Naming Standards**

The Board's standards for naming transportation facilities may include but are not necessarily limited to the following considerations:

- A. The Board shall not name any transportation facility after a living person, any existing partnership or corporation, or any other existing legally organized business or non-profit entity, provided however, that the Board may name a transportation facility after a family with living members or an existing group or association of people that has not been legally organized.
- B. The Board may rename a transportation facility that already carries an official or unofficial name, provided however, that the Board shall give due consideration to the traditional value of established official and unofficial names before replacing them with new ones.
- C. The Board may consider using first names, middle names or initials in addition to last names to help avoid confusion about the identity of a transportation facility's namesake.
- D. The Board may reject proposed names that a person or group may reasonably find offensive or divisive.
- E. The Board may reject names that may promote a particular product or service or a social or political cause.



- F. The Board may reject names that may disparage the dignity of the State, its people, or its traditions.
- G. When considering a proposal to name a transportation facility after a person or family, the Board may consider whether the person or family made some significant contribution to the transportation facility or the region where the transportation facility is located or earned a favorable local, regional, national, or international reputation or whose character and integrity, whether or not accompanied by fame or fortune, warrant remembrance.
- H. The Board may name a transportation facility after historic events, flora, or fauna and may give favorable consideration to event names that characterize the best of Vermont and its traditions; names with local, regional, or state significance; names with long usage; and names that preserve or advance historical awareness or ecological responsibility.
- I. The Board may reject names that duplicate the name of other facilities or features in the State or elsewhere.
- J. The Board discourages long or cumbersome names and may reject a petition on that basis or modify the proposed name in accordance with section XII.K, below.
- K. The Board, at its discretion, may modify any proposed name for ease of use through capitalization, punctuation, abbreviation, spelling, or any other grammatical standard it finds appropriate, including but not limited to the elimination of dashes, slashes, and apostrophes.
- L. The Board may consider possible alternative names in its evaluation of a proposed name, and the Board may reject a proposed name in view of the possible alternative, but except as provided by paragraph XII.K, above, the Board may not adopt an alternative name in the absence of a petition to do so.

### **XIII. Signs and Maps**

These Rules do not require or authorize the installation or maintenance of any sign or the creation or modification of any map to reflect the adoption of a name for any transportation facility.

### **XIV. Computation and Enlargement of Time**

- A. In computing any period of time prescribed or allowed by these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless this day is a Saturday, Sunday, state or federal legal holiday, or a day on which the office is officially closed due

to weather or other circumstances, such as the day after Thanksgiving, in which event the period runs until the end of normal office hours the next day which is not a Saturday, Sunday, state or federal legal holiday, or other day on which the office is officially closed. The day that a decision or order is issued shall be that date on which it has been certified that the decision or order has been placed in the U.S. Mail or email for delivery to interested persons or petitioners or published on the Board's website, whichever occurs first. The term "day" refers to calendar day.

- B. The Board or the Chair, upon written request or a request on the record at a public hearing, or on its own initiative, may enlarge the time prescribed by these Rules or by its order for doing any act, or may permit an act to be done after the expiration of such time provided that such enlargement will not result in undue delay or disruption of the Board's schedule.

**XV. Delegation of Authority**

The Board may delegate the responsibility to hold a hearing to a hearing officer or to a single Board member, subject to 19 V.S.A. § 5(c).

**XVI. Consolidation**

The Board or the Chair may consolidate proceedings on petitions in order to promote procedural or fiscal efficiency or to enhance public participation.

**XVII. Waiver of Rules**

In order to prevent unnecessary hardship or delay, in order to prevent injustice, or for other good cause, the Board, by a 2/3 majority, may waive the application of any of these Rules upon such conditions as the Board or the Chair may require, except where precluded by statute.

**XVIII. Appeals.**

Any person aggrieved by a decision of the Board that a petition is or is not substantially complete or a decision of the Board to grant or deny a petition in whole or in part may appeal that decision on the record to the Superior Court pursuant to 19 V.S.A. § 5(b)(2) and Rule 74 of the Vermont Rules of Civil Procedure. Nothing in this section is intended to confer legal standing in Superior Court on any person who files an appeal.