

# Visual Impact Assessment (VIA) Guidelines

## Myth Busters

### Version November 7, 2019

The 2019 VIA Guidelines Briefing Paper and VIA Guidelines Overview Chapter describe the purpose and content of the VIA Guidelines (available in Google Docs [here](#)). This Myth Busters document responds to common concerns and misconceptions about the VIA Guidelines.

Key objectives for developing the 2019 CDOT Visual Impact Assessment (VIA) Guidance included:

Establish a consistent VIA process and baseline level of documentation statewide

Clarify the appropriate level of detail for VIAs, including appropriate level of

#### **Myth - VIAs are not really required.**

**Answer - FHWA expects CDOT to do VIAs when required.** NEPA requires project leads to review all potential impacts from the project, including visual impacts. Section 102(2) of the law contains “action-forcing” provisions to make sure that federal agencies (and CDOT as an applicant for federal funds) act according to the letter and the spirit of the Act. The Act specifically calls out “environmental design arts” (of which landscape architecture and visual are a part). The level of effort required should be based on the context of the area and the impacts of the proposed project, as RPEMs determine during scoping.

#### **Myth - VIAs are required on all projects.**

**Answer - The VIA Guidelines, page 13, has a decision flow chart that can help simplify the decision for all projects regarding whether a VIA is required;** it could result that a VIA is “N/A” or Not Applicable, and whether a VIA scoping form is required; the scoping form can further decide whether only a memo VIA is required, and more rarely, whether a full VIA is required.

#### **Myth - The new CDOT VIA Guidelines include new VIA requirements.**

**Answer - The 2019 CDOT VIA Guidelines do not require anything new; in fact, they make VIAs easier.** The CDOT guidelines were developed to ensure a consistent VIA process and baseline level of documentation statewide. In 2015, FHWA published Visual Impact Assessment (VIA) guidelines, which were interpreted in inconsistent ways in Colorado with varying levels of effort and effectiveness (as confirmed in a conformance review of several Colorado VIAs produced from 2015-2018). The VIA Guidelines streamline these 2015 FHWA Guidelines and customize them to the Colorado context. FHWA has confirmed support for the CDOT Guidelines.

#### ***Key Changes between the 2015 FHWA Guidelines and 2019 CDOT Guidelines***

- A refined VIA Scoping Questionnaire to first determine whether a VIA is needed and at what level of detail if so. The FHWA guidelines led to the perception that most projects require a VIA when in reality many have limited anticipated impacts. The CDOT VIA Guidelines are expected to reduce the number of VIAs needed.
- Uses 2 templates instead of 4 - VIA Memorandum for minor visual issues and Standard VIA for a detailed review. These templates streamline the development of a VIA.
- Clarifies mitigation information - The focus is to only mitigate to the level that off-sets important impacts. This meets FHWA's requirement to balance mitigation with the level of impacts.
- Directions are more clear and concise with numerous project examples.

**Myth: More projects require VIAs including every Scenic Byway project, Cat-Exs, as well as major NEPA projects.**

**Answer - The large majority of capital improvement projects do not warrant a VIA and this guidance does not change the risk-based decision-making process for RPEMs on how to scope out a project and determine when a VIA might be appropriate.** The guidelines merely provide clearer direction for projects that do opt to perform a VIA.

The CDOT VIA Guidelines include a Scoping Questionnaire to help determine whether a VIA is needed. This determination depends on the complexity of the project from a visual standpoint and potential visual impacts, regardless of what type of NEPA process is required. For example, some large projects may not require a VIA and more sensitive areas, such as Scenic Byways and projects with Section 106 or 4f impacts, may require a more detailed approach if there are visual impacts. Just because a project is on a Scenic Byway, however, does not mean it will always require a VIA. (For example, a VIA would not be needed for striping and overlay or replacing sign panels.) There are no VIA exclusions since the decision is based on potential impacts, not project type. Finally, as noted above, the CDOT VIA Guidelines modified the former FHWA Guidelines questionnaire to better analyze which projects require a VIA.

**Myth - The CDOT VIA Guidelines require me to update past visual work, such as corridor design guidelines.**

**Answer - The large majority of capital improvement projects do not warrant a VIA and this guidance does not change the risk-based decision-making process for RPEMs on how to scope out a project and determine when a VIA might be appropriate.** If corridor design guidelines are already developed, a VIA could be developed quickly because the corridor design guidelines would help assess impacts and mitigation.

**Myth - The new CDOT VIA Guidelines will add costs to my project.**

**Answer - Not necessarily. In fact, implementing the new CDOT VIA Guidelines may cost less than using the former FHWA guidelines.** One of the primary reasons for developing new guidelines was to clarify the appropriate level of detail for VIAs and develop a quality product at an appropriate level of effort and cost. The CDOT VIA Guidelines attempt to streamline

activities (as described in the key changes between the FHWA and CDOT guidelines above). There might have been cases where CDOT did not do a VIA where there were potential visual impacts, and that puts CDOT at risk with the Federal Program. Now, using this VIA Scoping Questionnaire, CDOT can be sure to do VIAs when necessary, and not do them when not required.

**Myth - The new CDOT VIA Guidelines involve more work.**

**Answer - The CDOT VIA Guidelines streamline the previous FHWA VIA Guidelines; they will involve less work than before these guidelines were prepared.** Specifically, the CDOT VIA Guidelines includes step-by-step directions for a Scoping Questionnaire to determine if a VIA is needed, and includes VIA templates to use if a VIA is needed.

**Myth - The new CDOT VIA requirements will impact project schedules.**

**Answer - It is not expected that the VIA guidelines will impact project schedules because the CDOT VIA Guidelines provides greater clarity on the level of effort needed and ways to streamline this analysis.** The guidelines are intended to improve expectations and certainty during project development. Early consideration of visual impacts (both adverse and beneficial) should expedite analysis and incorporate stakeholder concerns and mitigation strategies.

**Myth - The new CDOT VIA Guidelines are in addition to the requirements in the existing Federal Lands MOU.**

**Answer - The new CDOT VIA Guidelines are complementary to CDOT's [Federal Lands MOU](#).** The MOU applies only to certain situations and includes language about Visual Impact Assessments (Implementing Procedures, Section G). The MOU states that CDOT must consider visual resources and impacts, but it does not prescribe how to analyze visual impacts. The CDOT VIA Guidelines are, therefore, used in conjunction with the Federal Lands MOU; the guidelines provide necessary information on how to conduct the VIA.

**Myth - The CDOT VIA Guidelines aren't coordinated with CDOT historical reviews.**

**Answer - The VIA guidelines and processes are separate from Section 106, but VIAs provide data that can assist in developing information about visual effects to historic properties, which often are also significant visual resources.** For example, Glenwood Canyon is a historic district, but is also an important and complex visual resource. Recently, there was a Section 106 adverse effect to Glenwood Canyon based on visual changes from the installation of new signage in the canyon. A VIA was developed to assist in minimizing the effects of the signage in the Canyon and this also assisted CDOT with both Section 106 and in the development of a Section 4(f) Net Benefit Programmatic Evaluation.

**Myth - Regions are now on their own to figure out how to use the VIA Guidelines.**

**Answer - Support is available to help regions implement the VIA Guidelines.** The Visual Resource Committee (VRC) understands how to use these guidelines and can assist in questions regarding its application. Additionally, CDOT has staff landscape architects and specialists that will assist with visual resource questions as well as serve as subjunctive

matter experts. VIA Guidelines Training development and delivery will be underway in the upcoming months.

### **Myth - The CDOT VIA Guidelines were developed in a vacuum.**

**Answer - The Visual Resource Committee (VRC), that included representatives from every region as well as HQ, provided detailed feedback throughout the development of the VIA Guidelines; the Environmental Advisory Committee (EAC) was briefed twice during the process.** The purpose of the VRC was to identify VIA issues and creative solutions and develop buy-in across the state. RPEMs designated members who have the authority to represent and make recommendations on behalf of their Region. The VRC also included FHWA and historical, landscape architecture, Scenic Byways, and project delivery representatives. The [VRC Charter](#) includes a list of members.

### **Myth - Implementation of the CDOT VIA Guidelines hasn't been considered.**

**Answer - The VRC anticipates continuing to meet to discuss implementation.** VRC members had preliminary conversations about staffing and training needs, but decided to focus on finishing the CDOT VIA Guidelines before tackling these types of implementation issues.

Relevant questions for future discussion include:

- Who can 1) do scoping to determine if a VIA is needed and 2) serve as a VIA author?
- What are key qualifications and how do we support staff development?
- How do we ensure there are ambassadors across the state to prevent bottlenecks?
- What training do we need 1) for VIA practitioners and 2) to encourage a multidisciplinary approach across CDOT (e.g., NEPA PMs)?

Ultimately, VIA policy decisions will need to be made at the statewide level. While the VRC can provide recommendations, RPEMs and RTDs will need to provide detailed input on questions such as whether a procedural directive should be developed.

### **Myth: A checkbox will be added to the Catex Form 128 for visual impacts.**

**Answer: If a VIA is required for a project, the NEPA practitioner will add that on the "other" line, just like is done for migratory birds, noxious weeds, and other requirements that always need to be thought about but are not always required on every project.**

### **Myth - The CDOT VIA Guidelines address how to respond to specific challenges (e.g., rockfall).**

**Answer - The VIA Guidelines do not address specific challenges such as rockfall, but resources will be added to the [CDOT landscape architecture visual resources webpage](#) to assist with these issues.** For example, there is a current CDOT funded-research project to develop a new rock blasting specification and general language that can be used for VIAs (it is 25% complete). Also, further training is expected on visual topics and project challenges after the roll out of the guidelines.

**Myth - Colorado is the only state to have their own VIA Guidelines.**

**Answer - Colorado is not the only state to have developed guidelines to implement the 2015 FHWA VIA Guidance.** However, CDOT looked at other state guidelines before beginning this process and none were as streamlined as CDOT would have liked. Colorado's guidelines include tools such as a questionnaire and templates that likely may be adopted, with modifications for non-Colorado situations such as shorelines, at the national level.

**Myth - VIAs will have their own check box on the Catex Form 128.**

**Answer - If a VIA is required for a project, the NEPA practitioner will add that on the "other" line,** just like is done for migratory birds, noxious weeds, environmental justice, and other requirements. These items always need to be thought through, but are not always applicable on every project.