

**Asian Development Bank Accountability Mechanism
Compliance Review Panel**

REPORT ON ELIGIBILITY

**To the Board of Directors
on
Compliance Review Panel Request No. 2016/1
on the
Sustainable Urban Transport Investment Program Tranche 3 in Georgia
(Asian Development Bank Loan 3063)**

24 May 2016

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ABBREVIATIONS

ADB	– Asian Development Bank
CRP	– Compliance Review Panel
dBA	– A-weighted decibels
EIA	– environmental impact assessment
km	– kilometer
km/h	– kilometer per hour
IEE	– initial environmental examination
LARP	– land acquisition and resettlement plan
m	– meter
MDF	– Municipal Development Fund of Georgia
MFF	– multi-tranche financing facility
SPS	– Safeguard Policy Statement

NOTE

In this report, “\$” refers to US dollars.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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I. BACKGROUND

1. A request for compliance review (Appendix 1) was forwarded to the Compliance Review Panel (CRP) on 14 March 2016 for Asian Development Bank (ADB) Loan No. 3063: Sustainable Urban Transport Investment Program Tranche 3 (Project) in Georgia. In accordance with the Accountability Mechanism Policy and its operational procedures,¹ the CRP initially assessed the complaint and determined that it fell within the mandate of the compliance review function.

2. This report summarizes the CRP's findings on its determination of the eligibility of the complaint for compliance review.

II. THE PROJECT

3. The Project is part of an overall investment program valued at \$1.1 billion to be implemented from 2010-2020 which aims to improve the reach, quality, and continuity of urban transport in Georgia. To partially fund it, a multi-tranche financing facility (MFF) with a maximum financing amount of \$300 million was approved by ADB in July 2010. Said MFF which is to be implemented from 2010 to 2018, is for the (i) extension, rehabilitation, and improvement of urban transport infrastructure in Anaklia, Batumi, Kutaisi, Poti, Rustavi, and Tbilisi; (ii) increased institutional effectiveness, including the reorganization and reforms at the Tbilisi municipality, other municipalities and urban transport service providers; and (iii) establishment of program management team with a capability and funds to handle project preparation, technical design, contract bidding, evaluation and award, contract supervision, progress monitoring and reporting.² Investments funded under the MFF will improve the transport system and infrastructure in urban areas. They include two subprojects: (i) section 2 (km 4.0-10.8) of the international standard Tbilisi-Rustavi Urban Road Link; and (ii) phase 2 of Anaklia Coastal Improvement.

4. The Project is funded under Tranche 3 of the MFF, which was approved on 25 November 2013. The total project cost is \$118.2 million and ADB funds \$73 million under this tranche. The borrower is the Government of Georgia and the Municipal Development Fund (MDF) of Georgia is the executing agency. The Project, which is implemented from ADB Headquarters by the Urban Development and Water Division of the Central and West Asia Department, is categorized as B for environmental impacts; A for involuntary resettlement impacts; C for indigenous peoples' impacts. Construction work under the project has not yet, started. Procurement of the civil works contract is ongoing. Commencement of the works is not anticipated before August 2016. A draft initial environmental examination (IEE) for the Project was completed and posted on the ADB website in September 2013. This initial IEE was revised as vibration and noise impacts needed to be studied. A revised IEE was posted on the ADB website in December 2015. The construction of Section 2 of 6.8 km will involve acquisition of 312 land plots with 29.5 hectares of land areas, demolition of 692 structures (82 residential structures, 90 industrial and commercial structures, and 520 minor structures). A total of 282 households and 33 businesses will be affected. Per ADB Safeguard Policy Statement (SPS),³ a land acquisition and resettlement framework (LARF) was prepared prior to the approval of the MFF. Subsequently the land acquisition and resettlement plan (LARP) was prepared. It is presently under implementation.

¹ ADB. 2012. *Accountability Mechanism Policy*. Manila and ADB. 2012. *Operations Manual Section on Accountability Mechanism* (OM Section L1: Bank Policies and Operational Procedures), issued on 24 May 2012. Manila.

² <http://www.adb.org/projects/42414-013/main#project-pds>.

³ ADB. 2009. *Safeguard Policy Statement*. Manila.

5. The complaint refers to subproject 1: Tbilisi-Rustavi Urban Road Link (section 2) of the Project which involves the modernization of an existing and construction of a new road from Phonichala to Rustavi. When finished, the total road length for this Project will be 6.8 km, of which 3.8 km is new road construction along the Mktvari river. Once completed, it is expected that the road will be of international standard, Category I highway, with 4 to 6 lanes and with a general design that can accommodate vehicles with speed of 120km/h. In some areas, a reduction of speed is anticipated to mitigate noise impacts.

III. THE COMPLAINT

6. The complaint, which was received by the CRP on 14 March 2016, was filed by at least 81 residents in the 12-33 Block, Rustavi Highway, Tbilisi, Georgia.⁴ The complainants live in a 9-storey apartment building of about 90 apartments. The building is located in the immediate vicinity of the river where part of the highway will be constructed. The complainants argue that their building will only be 5 to 15 meters⁵ away from the highway and that they are concerned that they will be negatively affected by the (i) vibration during road construction and subsequent road operation which could further damage their already dilapidated residential building; and (ii) noise during construction and heavy traffic operation of the highway. A significant number of the inhabitants of the building have visual impairment or other disabilities, and are in poor financial status and thus are supported by social assistance. The building is located in a poor neighborhood where buildings were constructed in the mid-1960s to house – among others – people with visual impairment and other disabilities. The building of the complainants is in very poor condition as construction material is of poor quality and adequate maintenance work has not been performed over many years. The complainants are concerned that their building will be further damaged or could possibly even collapse as a result of vibrations during construction work and subsequent heavy traffic. In addition to the noise impacts, they are concerned about visual impairment and reduced light resulting from the planned construction of an 8-meter high noise barrier in front of their house. They argue that vibration and noise impacts could particularly impact the vision impaired people. During meetings with the CRP, the complainants stated that they had not received a copy of the revised IEE which includes the vibration and noise studies. They feel that they should have received at least a translated version of the findings of the noise and vibration study so that they could have presented views on the study. As the building of the complainants will not be directly traversed by the road or its right-of-way, people will not be resettled and thus they are not included in the LARP.

7. From February to November 2015, the complainants have sent numerous letters and made representations in various local bodies that have jurisdiction over the Project to raise their concerns. They have also raised their concerns with ADB Georgia Resident Mission and with the concerned project team. Several meetings have been held between the complainants and the MDF. The ADB project team met with the complainants on 3, 10, and 17 November 2015 and 5 February 2016. The efforts made by the complainants are to be considered as “good faith efforts” to address matters with the ADB concerned operations department, as is required under para. 142 (ii) of the Accountability Mechanism Policy.

⁴ The CRP has confirmed the identity of a number of complainants during its mission on 11 to 14 May 2016.

⁵ According to present technical plans presented by MDF to CRP, the edge of the road will be at least 19 m away from the building where the complainants live.

IV. MANAGEMENT'S RESPONSE

8. In its response to the CRP, ADB Management summarized actions taken to comply with the SPS (Appendix 2). The Management response states that (i) vibration impacts have been studied and that results of the study do not support the assertion of the complainants that vibrations will damage the building or impact their health; (ii) that noise impacts will be mitigated through the construction of a noise barrier and a reduction of speed limit to 80 km/h; (iii) that an urban boulevard will be built along the noise barrier to make life for the residents thereat more pleasant; (iv) that rigorous and extensive monitoring will be carried out during construction, as stipulated in the IEE; and (v) that ADB environmental and resettlement policies have been complied with.

V. ELIGIBILITY

9. According to para. 179 of the Accountability Mechanism Policy, the CRP determines the eligibility of a complaint as stated below.

“Within 21 days of receiving the Management's response, the CRP will determine the eligibility of the complaint. The CRP will review the complaint, Management's response, and other relevant documents. To find a complaint eligible, the CRP must be satisfied that the complaint meets all the eligibility criteria, satisfies the scope, and does not fall within the exclusions (para. 142 and paras. 145-149). The CRP must be satisfied that (i) there is evidence of noncompliance; (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project-affected people; and (iii) noncompliance is serious enough to warrant a compliance review.”

10. The CRP reviewed the complaint; the Management's response to CRP; and relevant documents. The CRP conducted a mission to Georgia from 11 to 14 May 2016 to assess whether there is any evidence of noncompliance with ADB operational policies and procedures and if it relates to likely harm. The eligibility mission was led by Arntraud Hartmann, CRP member. Josefina Miranda, Compliance Review Officer of OCRP, also participated in the mission.

A. Exclusions

11. The CRP examined the applicability of provisions on exclusion listed in paras. 142 and 148 of the Accountability Mechanism Policy (Appendix 3) and found that those do not apply.

B. Evidence of Noncompliance

12. The CRP found that there is *prima facie* evidence of noncompliance with the SPS (OM Section F1), particularly on Safeguard Requirements 1: Environment and the Public Communications Policy (OM section L3). Both policies are subject to compliance review. As an in-depth assessment of noncompliance can only be conducted during the compliance review and not at the eligibility stage, all evidence referred to below should be considered *prima facie* evidence. The CRP emphasizes that the findings of fact made in this report are based on *prima facie* evidence and in no way will prejudice the fact finding that will be done by the CRP in a full compliance review, should the same be authorized by the Board.

(i) Noncompliance with Noise Standards

13. The CRP finds prima facie evidence that ADB prescribed maximum noise standards will not be complied with by the Project. With the present project design, complainants will be exposed to noise impacts of at least 65 dBA. The IEE presents the 65 dBA standard as the applicable Georgian standard. The maximum noise level for residential areas under Georgian legislation is 55 dBA during day time period (7am-11pm). But Georgian legislation allows for an increase to 65 dBA if four cumulative criteria apply. However, in the case of the building of the complainants, only two of the criteria are applicable. There is thus some question whether the 65 dBA standard applied in the IEE is the appropriate Georgian standard or whether the lower 55 dBA should have been chosen. A more comprehensive review would be required before the CRP could take a position as language issues make the meaning of the criteria somewhat unclear.⁶

14. The 65 dBA maximum noise level is higher than what SPS requires. Para. 33 of SPS Appendix 1 (Safeguard Requirements 1: Environment) states: "During the design, construction, and operation of the project the borrower/client will apply pollution prevention and control technologies and practices consistent with international good practice, as reflected in internationally recognized standards such as the World Bank Group's Environment, Health and Safety Guidelines."⁷ The permissible noise standards laid out in these guidelines are 55 dBA for residential, institutional and educational areas during day time, and 45 dBA during night time. The brief project description which was an attachment to the environment categorization form for the project prepared by the project team and which was cleared by the ADB Chief Compliance Officer clearly states that "the 6.8-km section crosses a 2 km stretch in the residential and densely populated areas of Ponichala in Gardabani district. The selected alternative bypasses the residential area and 2.5 km of the alignment passes along the river Mtkvari." The apartment building of the complainants is located in a residential area in the immediate vicinity of a large school of about 800 students and a community center. Thus, the 55 dBA day time and 45 dBA night time standards apply.

15. Para. 33 further states that "...When host country regulations differ from these levels and measures, the borrower/client will achieve whichever is more stringent. If less stringent levels or measures are appropriate in view of specific project circumstances, the borrower/client will provide full and detailed justification for any proposed alternatives that are consistent with the requirements presented in this document." The IEE does not point out that ADB requires a lower maximum noise level than the 65 dBA applied. The IEE does not provide any justification why this higher noise standard, which deviates from the ADB standard, should be applied. There is thus noncompliance with para. 33 of SPS Appendix 1. The Management Response does not address this issue.

16. The CRP assessed whether there could be a justification for a higher noise standard in this particular project than the one prescribed in para. 33 of SPS Appendix 1. The SPS does not provide any guidance on what could justify an exceptional application for less stringent national

⁶ Georgian legislation limits the noise standard to 55 dBA in residential areas for 7 am-11 pm and to 45 dBA for 11 pm-7 am. However, if certain criteria are complied with, the noise standard can be increased to 65 dBA for 7 am-11pm and to 55 dBA for 11 pm-7 am. The criteria are: (i) if the noise is generated by transport (road or railway); (ii) if the building used by residents is a noise-protected construction; (iii) if the building is directly facing the regional roads or railway line; (iv) at distance of 2 m from the noise protection barrier. Only criteria (i) and (ii) are applicable to the building where the complainants live.

⁷ World Bank Group, 2007.Environment, Health, and Safety General Guidelines, Washington, DC.

standards. Per Appendix 6 of the SPS, the use of country safeguard systems is allowed. But this requires that an equivalence analysis of Georgian safeguard systems have been carried out on the country level and at the project level, and that the results of the acceptability assessment have been documented in the ADB's report and recommendation of the President. This has not been done for this project and thus the provision for Strengthening and Use of Country Safeguard Systems to Address Environmental and Social Safeguard Issues in Appendix 6 of the SPS does not apply.

17. The complainants live in an apartment building immediately adjacent to a river bank where ambient noise levels are low.⁸ The road construction and its operation will significantly increase the noise levels to the residents of the building. The IEE states, that without mitigation measures, but assuming that a reduced speed of 100 km/h will be enforced, noise levels will increase to on average of 75 dBA. With planned mitigation measures it will decrease to around 65 dBA. This noise level is significantly higher than the maximum noise levels prescribed in the World Bank Group's Environment, Health and Safety Guidelines. Increased noise level will impact the quality of life of people residing in the building. Impacts might be particularly serious on people who have visual impairment who are often very sensitive to noise. As the noise study in the IEE has not assessed the impact on those who have visual impairment and others who are disabled, it is difficult for the CRP to assess the impacts on these particularly vulnerable groups. (See para. 24 of this report.) The Project intends to mitigate the impacts of noise from 75 dBA to roughly around 65 dBA by construction of a noise barrier of up to 8-meter high; a speed reduction on the highway to 80 km/h; and the use of special asphalt. However, the 8-meter high noise barrier will reduce light penetration in the lower levels of the apartment building where some visually impaired people live. The IEE argues that a "citizen boulevard" will be created for the people living in buildings next to the noise barriers, and that this boulevard will be made pleasant through the planting of trees and establishment of community gardens. Given the proximity of the building of the complainants to the noise barrier, the possibilities for planting trees and creating gardens are minimal. But even with this noise barrier, the required ADB standard of 55 dBA is unlikely to be achieved. Additional mitigation measures would be required to bring the project into compliance if noncompliance is found.

(ii) Noncompliance with Environmental Categorization of the Project

18. The Project has been classified as B for environmental impacts. Based on prima facie evidence available, the CRP is of the view, that the project should have been classified as A for environmental impacts. The road passes through densely populated areas and along a forest park. The highway section includes a new road to be constructed along the Mtkvari river wherein at least 3 sections have retaining walls which will be constructed into the river. The total length of retaining walls to be constructed in the river is estimated between 400 and 500 meters. The road will be supported by retaining walls between 3 to 12 meters high. Mtkvari river (also known as Kura river) is the biggest international river in South Caucasus which starts from Turkey, flows into Georgia, to Azerbaijan and then enters the Caspian Sea. The river was previously navigable and currently, local residents can still catch fish from it. However, after the Soviet Union built several dams and canals on the river, the current became much slower and the river shallower. The river is currently considered moderately polluted due to wastewater from industrial centers and sewage in Tbilisi and Rustavi areas. The construction of retaining walls into the river bed will likely narrow the river, possibly alter the flow of the water, and may

⁸ The IEE finds ambient noise levels above 55 dBA for buildings located near the road which is presently used for transit traffic from Tbilisi to Rustavi. But the building where the complainants live is not located at a road and thus has lower ambient noise levels.

also exacerbate its already polluted condition and have upstream environmental impacts. According to para. 6 of OM Section F1/OP a project is classified as Category A for environmental impacts if “it is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented.” Constructing a road into a river bed, even if it is only in a few selected sites, may well alter the hydro-dynamics of the course of the river. It may possibly result in erosion of the banks at the point of construction or at other points of the river, possibly affecting riparian lands and buildings and river sediment and sand budgets, especially during high water levels and floods. These are aspects that may well be exacerbated with climate change if rainfall changes in the watershed of the river. There could thus be likely significant adverse and diverse environmental impacts. In addition, the Project will need to cut 68 trees from the Forest Park which are categorized as red data species under the Georgian legislation. They are 39 wych elms (*Ulmus minor* Mill) and 29 walnut trees (*Juglans regia* L). MDF intends to implement an eco-compensation program in line with Georgian legislation.

19. As part of the categorization procedure in May 2013, the checklist for Roads and Highways was completed by the ADB project team and approved by the ADB Chief Compliance Officer. The categorization sheet does not explicitly indicate that the new highway will in several places be built into the river. However, reference in the categorization sheet is made to “river bank revetment” which has been identified as the only environmentally sensitive aspect that should be carefully analyzed in respect to erosion of non-protected sections of the river bank and channel stability. The categorization sheet does confirm that alterations of surface water hydrology of waterways crossed by roads will take place.

20. Projects classified as A for environmental impacts require the preparation of an environmental impact assessment (EIA). As the Project was classified as category B for environmental impacts, no EIA was prepared. Under the Project, two versions of an IEE were prepared. A first version was completed in September 2013. A revised version, which includes vibration and noise studies, was issued in December 2015. The IEEs are very comprehensive and – in breadth and depth – would largely satisfy the requirements of an EIA for a category A project. The IEE however lacks an assessment of ecological impacts on the river resulting from constructing the road into the river. A limited assessment on biodiversity of the river as a result of changing the river flow and construction work in the river would have been required. The IEE does, however, include a hydrological assessment. The IEE also lacks an assessment of impacts on the vulnerable affected people. (See para. 24 of this report.)

21. As the Project was classified as a category B project which is also in line with Georgia EIA legislation on such project, a draft EIA was not reviewed and cleared by the Chief Compliance Officer and posted on the ADB website 120 days prior to tranche approval as is required for category A projects. (See para.18, OM section F1/OP and para. 17, SPS Appendix 1.) The draft IEE was completed and posted on the ADB website in September 2013. Tranche 3 of the MFF was approved in November 2013. The MDF translated the draft IEE in Georgian and posted both, a Georgian and an English version on their website in September 2013. The revised version of the IEE was posted in December 2015 on the ADB website. The MDF posted the English version in December 2015 and the Georgian version of the revised IEE on 15 April 2016 on their website.

22. Per SPS, category A projects for environmental impacts require two consultations at least, one, at an early stage of EIA field work and one when the draft EIA report is available during project preparation and before project appraisal by ADB. (See para. 19, SPS Appendix 1.) The Management response and IEE state that consultations have been held in 2013 on the draft IEE. The CRP has received contradictory information on the nature of the consultation and

CRP can at this stage not take a view whether these consultations have been carried out in accordance with ADB policies. The CRP also cannot assess at this stage what consultations have been carried out early in the project cycle. Complainants report on numerous interactions with the MDF and confirm that they have been briefed on the planned project in 2013 by MDF. They do, however, regret of not having received a copy of the noise and vibration report, which has been completed in March 2015 and has subsequently been incorporated into the final IEE. Complainants state that they had asked the MDF for a copy of the report. The MDF has invited the complainants for a consultation on 7 June 2016 on the EIA as required by the Georgian environment law.

(iii) Noncompliance with Requirement to Assess whether Particular Individuals and Groups may be Differentially or Disproportionately Affected

23. The CRP finds that there is evidence of noncompliance with para. 8, Appendix 1 of SPS states:

“The environmental assessment will examine whether particular individuals and groups may be differentially or disproportionately affected by the project’s potential adverse environmental impacts because of their disadvantaged or vulnerable status, in particular, the poor, women and children, and Indigenous Peoples. Where such individuals or groups are identified, the environmental assessment will recommend targeted and differentiated measures so that adverse environmental impacts do not fall disproportionately on them.”

24. The new road which will be constructed along the river will pass by a number of apartment buildings which have been constructed in the mid-1960s to house visually impaired and other handicapped people. While the population today is mixed, the groups of houses adjacent to the new road to be constructed along the river, still has a significant share of visually impaired people. In the complainants’ apartment building live eight blind or seriously visually impaired people, four other handicapped people, and 18 families who live on social assistance. The noise during road construction and operation might disproportionately impact the visually impaired people. The noise barrier which is planned to be constructed in front of their apartments might significantly reduce the light available and possibly could further reduce their vision. The particular impacts on the vulnerable people should have been assessed as part of the noise and vibration studies conducted as part of the IEE.

C. Evidence that Noncompliance Causes Harm

25. According to para.179, “The CRP must be satisfied that (ii) there is evidence that the noncompliance has caused, or is likely to cause, direct and material harm to project-affected people;...”

26. The Project is designed to have noise levels significantly above ADB prescribed maximum levels. Noise above this level – over a protracted period of time – will cause harm to the people. This harm is expected to materialize as soon as construction work commences and will continue when the road becomes operational due to continuing vehicular traffic. The harm might be of particular significance to blind and other disabled people living in the building near the road. The harm is directly related to noncompliance with ADB prescribed standards (i.e., operational policies and procedures).

27. Additional harm might be identified when supplemental assessment on the biodiversity of the river is undertaken as required if the Project is classified as category A for environmental impacts resulting from construction of the retaining wall into the river.

28. Complainants argue that their building and health might be damaged through the impacts of vibration. Vibration studies undertaken did not confirm likely impacts on either health or the building which are expected to be caused by construction and operation of the road. The CRP reviewed the process by which the consulting firm was selected and discussed the findings with the firm and at this point does not assume that vibrations will lead to harm. If this complaint will be further reviewed during investigation, the CRP will ask a qualified expert to review the methodology and inputs to the vibration studies to assure that the study has been conducted in accordance with good professional standards. Moreover, the vibration study makes assumptions about the equipment used during construction and distances between the building and the road. If equipment will be used which creates stronger vibrations than assumed in the vibration study and if the distance between the road and the building will be narrowed, then vibration impacts could increase and could cause harm. Given the poor condition of the building of the complainants, the impacts of vibrations will need to be carefully monitored and if necessary mitigation actions will need to be taken to assure that road construction and operation will not cause further damage to the building and to the health of its inhabitants.

VI. CONCLUSION AND RECOMMENDATION

29. The CRP reiterates that the complaint is not among the exclusions stated in paras. 142 and 148 of the Accountability Mechanism Policy. As discussed above, the CRP finds *prima facie* evidence of noncompliance with ADB's operational policies and procedures and *prima facie* evidence that this noncompliance will likely harm the complainants when the road construction and operation start.

30. Pursuant to paragraph 179 of the Accountability Mechanism Policy, the CRP deems the complaint eligible. As such, the CRP recommends that the Board authorize a compliance review of this Project.

/S/Dingding Tang

Chair, Compliance Review Panel

/S/Lalanath de Silva

Part-time Member, Compliance Review Panel

/S/Arntraud Hartmann

Part-time Member, Compliance Review Panel

REQUEST FOR COMPLIANCE REVIEW

January 29, 2016

Complaint Of the residents of 12-33 Block, Rustavi Highway, Tbilisi, Georgia

To: Complaints Receiving Officer

Asian Development Bank

6 ADB Avenue, Mandaluyong City 1550, Metro Manila, Philippines

Tel.: (+632) 632 4444

Fax.: (+632) 636 2086

E-mail: amcro@adb.org

Dear Sir/Madam,

We would like to hereby inform you that our residential block located on Rustavi Highway, Tbilisi, Georgia, is under the influence of Tbilisi-Rustavi Highway project middle section (Ponichala). The block is deformed and continuing the project in its current form (according to the information we hold, the distance between the road and the block is determined to be 14 m.) may inflict to it disastrous damage. In addition, it should also be considered that the part of the residents of the block are people with limited abilities. Consequently, constructing a road with the distance of 14m. from the block will significantly affect their everyday lives (will make movement harder for blind residents; increase noise and vibration levels).

Below is our correspondence with the Municipal Development Fund (MDF) of Georgia and Asian Development Bank in a chronologic manner:

Originally, we learnt about the project at a public review held by MDF in August, 2013. The review was also attended by the residents of other blocks located along the road. The representatives of MDF told us that a several meter-wide wall would be constructed between the blocks and the road and they would also put PVC windows in the flats which looked out on the road. The proposal was not acceptable for us and we immediately expressed our concerns towards the project. As long as we (the residents and the representatives of MDF) could not arrive to an agreement, we left the meeting.

From time to time we received information from the employees of local executive body (via telephone) that the project would still be implemented, though nobody ever came to us since then for continuing negotiations.

In 2014, through the help of the local executive body (“Gamgeoba”) we (the residents of our block) hired an independent company “Laboratory” LLC to conduct a study on the technical condition of the block (See appendix N1).

In February, 2015 the representatives of the MDF visited us with the intention to carry out inventory of the block. We did not let them do so until the Head of the local executive body (“Gamgebeli”) and a member of Tbilisi City Assembly (Beqa Natsvlishvili) arrived. They promised us that we would not be affected by implementation of the project. After that we allowed the representatives of MDF to carry out inventory and they took samples to establish resistance level of the block. It is important to highlight that the specialists hired by MDF (who took samples), told us that the resistance level of our block was 180 units even though the standard was 500 units. On the same day they told us that they would inform us with the final conclusion and results on April 18, though we have not been provided with the above-said information to this day.

In May 2015 we blocked Tbilisi-Rustavi road to express our protest. We insisted on meeting with the Mayor of Tbilisi and demanded that he guaranteed our interests be protected if the project were to be carried out. Unfortunately, our protest rally was left without attention by respective persons. None of the representatives of any of the responsible agencies except for the head of the local municipality and journalists (Maestro and Rustavi 2 – local broadcasters) visited us. Head of the local municipality promised us that Gamgebeli would visit us on June 1 and make inquiry of the issue though it did not happen so.

On June 1, 2015 we gathered to protest against the project in front of a “Blinds’ Club”; this time the protest rally was visited only by patrol police (they threatened us with imprisonment if we opposed implementation of the project).

In September 2015 MDF called us again at the public review. Some of the representatives of the block’s initiative group participated in the public review and voiced our above-mentioned demands again. The response from the MDF representatives was the same: despite our opposition to the project the route of the road would not be changed and they would not ensure allocation of alternative residential area either. It is important to mention that at the review the representatives told us the following: if the implementation of the project jeopardized the condition of the block no one would take responsibility.

On November 10, 2015 we met ADB Georgia Resident Mission representatives: Ms. Tea Papuashvili and Mr. Medgar Chelidze. Mr. Chelidze told us that he fully agreed with our demands but we had to apply to him in writing and formulate our demands clearly. They also promised us that they would arrange a meeting with foreign staff of ADB.

On November 16, 2015 we met Mr. David Tabidze from MDF. Mr. Tabidze told us that our resettlement has never been a subject of discussion and neither did the block need any fortification. He also added that changing wooden windows with PVC, as it was considered in the previous project, would not be possible for it might have caused damage to the building.

On the same day we met foreign employees of ADB. They also told us that it was a governmental project and making changes to it was impossible. They said that the project did not have direct influence on us and plus, we lived in a city and things like this might happen in a city and we had to get accustomed to it. Considering all the above-said, ADB employees told us that our block was not subject to resettlement and that instead of a concrete wall they might construct a better noise cancellation barrier of some sort and we should be grateful for that. They said that by that time they could not help us as the Georgian legislation did not allow them to. They then called us to continue negotiations with MDF and agree on compensation amount.

Couple of days later we had a meeting with Mr. David Tabatadze from MDF who instead of determining compensation amount offered us a study establishing resistance level of the block. He also added that those who would receive compensation should not have any claims later on. He said that we should wait for the cracks to appear on the building and if they did, only then they would resettle us. We had another meeting with Mr. David Tabatadze, though without achieving any agreement.

On December 19, 2015 we held another protest rally, although no one came or paid attention to it except for the Rustavi 2 journalists.

In addition to protest rallies since June, 2015, we started communication in writing with MDF and other state institutions.

1 On June 24, 2015 we submitted an application to the Chairman of the Parliament of Georgia, Mr. Davit Usupashvili. In our application we asked for a motion with respective agencies and alternative residential area if the route of the project were to remain the same (See appendix N2). We have not received response to our letter until now.

2. On June 24, 2015 we submitted an application to the Chair of the Human Rights and Civil Integration Committee, Ms. Eka Beselia (See Appendix N3), who diverted our letter to the Ministry of Regional Development and Infrastructure of Georgia (See Appendix N4). In response, on August 14, 2015 we received a copy of a letter sent by MDF to the Ministry. The letter said that at that stage the project did not consider granting alternative residential area to the residents of multistory block (See Appendix N 5).

3. On June 24, 2015 we submitted an application to the Prime-Minister of Georgia, Mr. Irakli Garibashvili. In the application we asked for motion with respective agencies and alternative residential area if the route of the highway were to remain the same (See Appendix N6). We have not received an answer to this letter until now.

4. On June 24, 2015 we submitted an application to the majoritarian deputy of Krtsanisi District, Mr. Shota Khabareli. In our letter we asked him to raise the issue at the Parliament session for discussion (See Appendix N7). Within several days after submitting the application Mr. Khabareli visited us and promised that he would raise the issue before the Parliament. However, the issue was never brought up before the Parliament.

5. On July 14, 2015 we submitted an application to the Executive Director of MDF, Mr. Ilia Darchiashvili and asked him to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N8). We have not received response to our letter so far.

6. On July 14, 2015 we submitted an application to the Architecture Service of Tbilisi City Hall and requested to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N9). We have not received response to this letter either.

7. On July 14, 2015 we submitted an application to the Minister of Regional Development and Infrastructure of Georgia, Mr. Nodar Javakhishvili and asked him to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N10). We have not received response to this letter either.

8. On November 9, 2015 we submitted a complaint to Ms. Yesim Elhan-Kayalar, Country Director of ADB Georgia Resident Mission and Mr. Medgar Chelidze, Resettlement Specialist of ADB Georgia Resident Mission (See Appendix N11). We have not received response to this letter either.

We would like to inform you that we are very well aware of the importance of widening the highway and the project as a whole. However, we firmly believe that our rights and interests should not be disregarded because of the project. Our right – to live in an environment safe for life and health – should not be violated because of the implementation of the project.

Based on the above-said we hereby ask you to review the influence of Tbilisi-Rustavi Highway Ponichala section on our residential block, on the lives, health condition, safety as well as property of its residents. We ask you to study and propose us the alternatives of the project that would save our lives and property from damage.

Please see the copies of the letters sent by us and the results of the study carried out by “Laboratory” LLC on the technical conditions of our block.

Appendix: 66 pages

Sincerely,

1.	ანიკო ნიჟარაძე	Ms. Aniko Nijaradze	599 99 06 27	ა. ნიჟარაძე
2.	ნათია ბიწკინაშვილი	Ms. Natia bitskinashvili	568 76 73 10	ნ. ბიწკინაშვილი
3.	ლამარა იორდანაძე	Ms. Lamara Iordanidze	593 38 02 70	ლ. იორდანაძე
4.	ზაზა ბიღიაშვილი	Mr. Zaza Bigiashvili	558 24 99 37	ზ. ბიღიაშვილი
5.	მარინე შუბითაძე	Ms. Marine Shubitidze	551 13 66 93	მ. შუბითაძე

6.	აიდა მარკარიანი	Ms. Aida Marqariani	597 10 12 65	მარკარიანი
7.	დიანა ბოტკოველი	Ms. Diana Botkoveli	593 60 37 12	ბოტკოველი
8.	მედეა სიდამონიძე	Ms. Medea Sidamonidze	568 99 63 70	სიდამონიძე
9.	ეკატერინე ფანცხავა	Ms. Ekaterine Phanckhava	551 67 01 11	ფანცხავა
10.	მერი დალაქიშვილი	Ms. Meri Dalaqishvili	2 40 36 81	დალაქიშვილი
11.	აბას ავდალოვი	Mr. Abas Avdalovi	2 40 43 29	ავდალოვი
12.	რუსუდან დეკანოიძე	Ms. Rusudan Dekanoidze	2 40 39 67	დეკანოიძე
13.	იზაბელა კაზარიანი	Ms. Izabela Kazariani	599 87 32 07	კაზარიანი
14.	ნაირა მაგრადე	Ms. Naira Magradze	558 04 44 04	მაგრადე
15.	თეა მესტვირიშვილი	Ms. Tea Mestvirishvili	599 72 35 71	მესტვირიშვილი
16.	სირანუშ ჩტჩიანი	Ms. Siranush Chtchiani	2 40 34 61	ჩტჩიანი
17.	ირაკლი მაისურაძე	Mr. Irakli Maisuradze	597 72 97 09	მაისურაძე
18.	აკაკი ფირცხალავა	Mr. Akaki Phirckhalava	568 86 10 71	ფირცხალავა
19.	გოჩა ჯაფარიძე	Mr. Gocha Zaphiridi	557 64 83 28	ჯაფარიძე
20.	ალბერტი ვართანიანი	Mr. Albert Vartaniani	592 07 37 36	ვართანიანი
21.	თენგიზ ამირიძე	Mr. Tengiz Amiridze	598 71 07 67	ამირიძე
22.	თეა დემეტრაშვილი	Ms. Tea Demetrashvili	579 02 10 65	დემეტრაშვილი
23.	მარინე გალუსტიანი	Ms. Marine Galustiani	579 09 18 92	გალუსტიანი
24.	ემა ვართანიანი	Ms. Ema Vartaniani	2 40 30 07	ვართანიანი
25.	ზინა შამოევა	Ms. Zina Shamoeva	2 40 45 04	შამოევა
26.	ვიქტორია კაროლ	Ms. Viktoria Karol	574 01 03 78	კაროლ
27.	კობა ჭილაძე	Mr. Koba Chigladze	593 26 58 23	ჭილაძე
28.	რაულ მაყაძე	Mr. Raul Maqadze	593 33 25 48	მაყაძე
29.	ნანა დინგაშვილი	Ms. Nana Dingashvili	555 53 51 12	დინგაშვილი

30.	ნინო შუკაკიძე	Ms. Nino Shukakidze	568 82 15 02	მ. შუკაკიძე
31.	ლეილა ხოსიტაშვილი	Ms. Leila Khositashvili	558 54 09 05	ლ. ხოსიტაშვილი
32.	ლია ვეკუა	Ms. Lia Vekua	599 73 03 67	ლ. ვეკუა
33.	ვალენტინა შლეირე	Ms. Valentina Shleire	599 95 67 58	ვ. შლეირე
34.	რატჩიკ სარქისიანი	Mr. Ratchik Sarkisiani	593 42 32 06	რ. სარქისიანი
35.	დარეჯან ნიკოლიშვილი	Ms. Darejan Nikolishvili	599 92 17 49	დ. ნიკოლიშვილი
36.	გურამ გვიანიძე	Mr. Guram Gvianidze	599 42 43 86	გ. გვიანიძე
37.	ნინო შალიბაშვილი	Ms. Nino Shalibashvili	555 99 22 23	ნ. შალიბაშვილი
38.	ჯონი ცერცვაძე	Mr. Joni Cercvadze	514 37 76 67	ჯ. ცერცვაძე
39.	ქეთო ჭკადუა	Ms. Keto Chkadua	579 21 37 84	ქ. ჭკადუა
40.	ივეტა ნავტიკოვა	Ms. Iveta Navtikova	555 72 98 15	ი. ნავტიკოვა
41.	კახა ახვლედიანი	Mr. Kakha Akhvlediani	599 78 92 34	კ. ახვლედიანი
42.	არმიკ ავდალიანი	Mr. Armik Avdaliani	593 15 62 52	არ. ავდალიანი
43.	ალიონა სინეროვა	Ms. Aliona Sinerova	579 18 95 50	ა. სინეროვა
44.	მარია კოზმოვა	Ms. Maria Kozmova	579 10 04 14	მ. კოზმოვა
45.	ემა ხათოევი	Ms. Ema Khatoevi	579 70 73 12	ე. ხათოევი
46.	ნუგზარ ყელბერაშვილი	Mr. Nugzar Yelberashvili	2 40 28 54	ნ. ყელბერაშვილი
47.	ნატალია რატიანი	Ms. Natalia Ratiani	599 11 19 28	ნ. რატიანი
48.	ალვინა კოჩიძე	Ms. Alvina Kochidu	2 40 45 61	ალ. კოჩიძე
49.	ლოვა პანასიანი	Mr. Lova Panasiani	2 40 36 72	ლ. პანასიანი
50.	ზაირა აბაზოვა	Ms. Zaira Abazova	2 72 99 79	ზ. აბაზოვა
51.	ცირა ხიტაროვა	Ms. Cira Khitarova	555 97 98 06	ც. ხიტაროვა
52.	მაია მიკირტიჩიანი	Ms. Maia Mikirtichiani	593 65 59 57	მ. მიკირტიჩიანი
53.	მანანა ფანცულაია	Ms. Manana Phanculaia	2 40 43 21	მ. ფანცულაია

54.	ვაჟა ხადური	Mr. Vaja Khaduri	574 01 03 78	ხადური
55.	ქრისტინა კურგიანი	Ms. Kristina Kurgiani	2 40 28 86	კურგიანი
56.	ედუარდ ბეგოევი	Mr. Eduard Begoevi	2 40 45 04	ბეგოევი
57.	თემური შუბითიძე	Mr. Temur Shubitidze	597 54 80 08	თ. შუბითიძე
58.	მარინა მარტიროსიანი	Ms. Marina Martirosiani	555 18 58 55	ელია
59.	ლელა ილიაევა	Ms. Lela Iliaeva	591 41 04 07	ლილიაევა
60.	ფიქრია გოგიშვილი	Ms. Phiqria Gogishvili	557 13 50 21	ფიქრია
61.	ალა დევიატკინა	Ms. Ala Deviatkina	555 37 66 07	ა. დევიატკინა
62.	ნიკოლოზ ლალიაშვილი	Mr. Nikoloz Laliashvili	557 93 88 13	ნიკოლოზ ლალიაშვილი
63.	შორენა მაჩიტაძე	Ms. Shorena Machitadze	555 50 69 44	შ. მაჩიტაძე
64.	ანზორ გვიშაიანი	Mr. Anzor Gvishiani	595 11 15 22	ან. გვიშაიანი
65.	მანონი სარტაია	Ms. Manoni Sartaia	2 40 28 78	მ. სარტაია
66.	შოთა არჩაია	Mr. Shota Archaia	555 58 08 06	შ. არჩაია
67.	ლალი ფეიქრიშვილი	Ms. Lali Peikrishvili	557 95 94 94	ლ. ფეიქრიშვილი
68.	გრეგორი გოლოიანი	Mr. Grisha Galoiani	568 70 39 65	გ. გოლოიანი
69.	ლეილა კაზაროვი	Ms. Leila Kazarovi	2 40 33 72	ლ. კაზაროვი
70.	ზინა ავდალოვი	Ms. Zina Avdalovi	2 40 23 29	ზ. ავდალოვი
71.	ცისანა კავთელაშვილი	Ms. Cisana Kavtelashvili	555 21 61 93	ც. კავთელაშვილი
72.	სამანა დგებუაძე	Ms. Samana Dgebuadze	599 73 03 67	ს. დგებუაძე
73.	ჯუმბერ სეკანია	Mr. Jumber Sekania	558 35 60 27	ჯ. სეკანია
74.	ნუგზარ ზუბალოვი	Mr. Nugzar Zubalovi	577 73 05 53	ნ. ზუბალოვი
75.	შორენა სარიშვილი	Ms. Shorena Sarishvili	599 92 17 49	შ. სარიშვილი
76.	ევგენია პოგოსოვი	Ms. Evgenia Pogosovi	2 40 30 51	ე. პოგოსოვი
77.	ქრისტინე კალაშოვი	Ms. Kristine Kalashovi	2 40 28 43	ქ. კალაშოვი

MANAGEMENT'S RESPONSE



Asian Development Bank

Memorandum

Central and West Asia Department
Office of the Director General

20 April 2016

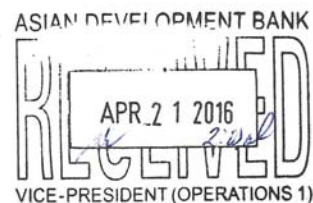
To: Dingding Tang
Chair, Compliance Review Panel and concurrently
Head, Office of the Compliance Review Panel

Through: Wencai Zhang
Vice President (Operations 1) *W. Zhang* *April 22, 2016*

From: Sean O'Sullivan
Director General, CWRD *21/4*

Subject: **L3063-GEO: Sustainable Urban Transport Investment Program – Tranche 3
– Management's Response**

1. The Compliance Review Panel (CRP) requested for Management's Response regarding the request for compliance review forwarded by the Complaint Receiving Officer (CRO) to the CRP on 14 March 2016 on the above subject.
2. ADB has performed the required environment and resettlement safeguards due diligence. Evidence of compliance with the relevant ADB policies and procedures, specifically Safeguards Requirements 1: Environment, and Safeguards Requirements 2: Involuntary Resettlement of the Safeguard Policy Statement (2009); and its Operation Manual Section F1 is presented as **Attachment 1** to this Memorandum.
3. The complaint relates to the 6.8 km Tbilisi Rustavi Urban Road Link (TRURL) Section 2 subproject, which is financed under Sustainable Urban Transport Investment Program (SUTIP) Tranche 3 (Loan 3063), approved on 25 November 2013. The tranche is categorized as A for resettlement, B for environment and C for indigenous people. The construction of TRURL Section 2 has not started and procurement of the civil works contract is on-going. Commencement of the works is not anticipated before August 2016.
4. Under the Investment Program, the entire TRURL was originally designed as one project to be financed under Tranche 2. However, at the appraisal stage in 2012, it was decided to sequence the implementation of the project to allow sufficient time to study alignment alternatives in the Ponichala District (Section 2) where the upgrade of the existing road would have led to extensive involuntary resettlement. As a result, only Sections 1 and 3 were financed under SUTIP Tranche 2, approved in August 2012. As part of SUTIP Tranche 3 preparation, a multicriteria analysis on the alignment alternatives of TRURL Section 2 was performed, based on which the government selected in April 2013 the current alignment which has collectively the least social and environmental impacts.



5. ADB recognizes that complaints can occur at any stage, and the grievance redress, environmental management and environmental monitoring processes together provide for addressing issues that can arise later. As practice, prior to commencement of civil works, the contractor is required to prepare a site-specific environmental management plan that customizes the mitigation measures to project requirements and also provides an avenue to redress any unanticipated impacts.
6. The ADB team will continue dialogue and open consultations with the complainants. Management stands ready to provide further clarification and materials to CRP upon request.
7. In support of management's response, project background information and current status is provided in **Attachment 2**. **Attachment 3** provides comments on the complaint letter. Location map and schematics are annexed in **Attachment 4**. Communications between the complainants and ADB in November 2015 are presented in **Attachment 5** and **Attachment 6**.

Attachments:

1. Compliance with ADB's Safeguard Policy Statement and Operation Manual Section F1
 2. Project Background Information and Current Status
 3. Comments on the Complainants' Letter
 4. Location Map and Schematics: Complainant's Building, Subproject 3D Renderings and Pictures of Existing Situation
 5. Complaint to ADB, dated 9 November 2015 (English translation and Georgian version)
 6. ADB Response Letter, dated 25 Nov 2015 (responding to the 9 November 2015 letter)
- cc: Matthew Fox, Executive Director representing Australia; Azerbaijan; Cambodia; Georgia; Hong Kong, China; Kiribati; Micronesia; Nauru; Palau; Solomon Islands; and Tuvalu
Hong Wei, Deputy Director General, CWRD
Yong Ye, Director, CWUW
Nianshan Zhang, Advisor and Head, CWOD-PSG
Yesim Elhan-Kayalar, Country Director, Georgia Resident Mission

**COMPLIANCE WITH ADB SAFEGUARDS POLICY STATEMENT (SPS)
AND OPERATION MANUAL SECTION F1**

A. Categorization

ENV	IR
<ul style="list-style-type: none"> - ENV category: B - Draft IEE disclosure on 3 September 2013 on MDF website and on 4 September 2013 on ADB website. - Final IEE disclosure on 28 December 2015 on MDF website and on 26 Jan 2016 on ADB website. 	<ul style="list-style-type: none"> - IR category: A - Draft LARP disclosure on 25 August 2013 on MDF website and on 10 September 2013 on ADB website. - Final LARPa (implementation ready) disclosure on 30 October 2014 on MDF website and on ADB website. - Final LARPB (implementation ready) disclosure on 6 October 2015 on MDF website and on 8 October 2015 on ADB website. <p><i>Note: Decision in July 2014 to split the LARP into LARPa and LARPB to allow more time for preparation of LARPB (including the Ponichala section, along apartment buildings).</i></p>

B. Compliance with ADB Environmental Safeguards Requirements and with OM F1

SPS Policy Principles (Environment)	Comment
1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.	REA checklist filled out (9 May 2013). Project categorized as Environment Category B (categorization form dated 9 May 2013) endorsed by Chief Compliance Officer SDCC. The project impacts are site-specific, and can be addressed through mitigation measures. IEE study was recommended.
2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.	Environmental assessment conducted. Air quality, noise emissions and vibration were identified as impacts specific to the socioeconomic environment of the project area and were investigated. The draft IEE was prepared in 2013, disclosed on 4 Sep 2013 on ADB website. Final IEE (incorporating findings and recommendations of noise and vibration study) was disclosed on 26 Jan 2016 on ADB website. Both IEEs were also disclosed on EA website.
3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.	A detailed analysis for the entire road (TRURL sections 1, 2 and 3 of the road) was performed as part of the feasibility study. However, for the 6.8 km Section 2 (SUTIP Tranche 3), an analysis of the few possible alignments was performed as part of the IEE study. The alignment with collectively the least social and environmental impacts was selected for Section 2.
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare	Impacts assessment performed as part of the IEE and mitigation measures for the generic construction related impacts as well as the specific project related impacts of air emissions, noise and

2 Attachment 1

<p>an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.</p>	<p>vibration were assessed. The site specific EMP will address the marginal exceedance of construction stage noise and vibration standards at certain locations. The IEE concludes that with mitigation measures the project has no residual operation stage impacts.</p> <p>The EMP was prepared as part of the IEE report.</p> <p>As per good practice, the IEE contains the requirement that the contractor shall prepare a site specific EMP customized to the specifics of the sites and camps.</p> <p>During the IEE public consultations, concerns were raised regarding noise and vibration, the community raised a concern regarding the impacts of the project on the structural integrity of a multistory building. The IEE was finalized incorporating the findings and recommendations of a detailed noise and vibration study (referred to in the IEE) which confirms that the project will have no safety impacts on the residents of multistory buildings located along the new road and that the noise standards during operation are met. The mitigation measures were:</p> <ul style="list-style-type: none"> • The detailed design-including: size, location and type (transparent) of the permanent noise barriers. • Detailed length and location of temporary, construction stage noise barriers. • Reinforcements on certain voluntary additions to the building (some building had illegal structures constructed as add-ons to expand living space). • Exact speed limitations along the areas. • (Double glazing of windows was envisaged but not required/adopted).
<p>5. Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>	<p>Meaningful public consultations were held between 2013-2015.</p> <p>Dates: Jul to Aug 2013 (IEE consultations). Dec 2014 additional consultations for the IEE. Sep 2015, consultations with the multistory building residents.</p> <p>A Grievance Redress Mechanism is included in the IEE; and will start working once the project activities start. Prior to that all environmental concerns/feedback on project related matters have been solicited through the public and community consultations.</p> <p>The IEE was finalized after a noise and vibration</p>

	study was conducted which concluded that the project will have no safety impacts on the residents of the multistory building. Additional mitigation measures were recommended to address the community concerns. The IEE was then disclosed as the Final IEE on 28 Dec 2015 on MDF website and on 26 Jan 2016 on ADB website.
6. Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.	IEE disclosed prior to appraisal on 3 and 4 Sep 2013 and MDF and ADB websites (respectively). The IEE was finalized after a noise and vibration study was conducted which concluded that the project will have no safety impacts on the residents of the multistory buildings. Additional mitigation measures were recommended to address the concerns raised by the community. The IEE was then disclosed as the Final IEE on 28 Dec 2015 on MDF website and on 26 Jan 2016 on ADB website.
7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Project construction has not started. An environmental monitoring plan is included in the IEE.
8. Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.	Project is not located in a critical habitat.
9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on	The specific project related impacts were identified for air emissions, noise and vibration. Air emissions standards for both the European Union and Georgia are complied with. For noise, Georgian national standards specific to residential areas adjacent to roads and railways have been used since these are more relevant to the project. For vibration, German standards have been used. Mitigation measures have been investigated and proposed.

4 Attachment 1

integrated pest management approaches and reduce reliance on synthetic chemical pesticides.	
10. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.	Project construction has not started. Occupational Health and Safety (OHS) measures are included in the EMP.
11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	Not an issue in the project area.

Compliance with OM F1

OM F1 Applicable Paras	Compliance
1. Screening and categorization	Performed, project is category B, categorization form dated 9 May 2013.
2. Project Design and Preparation	
a. Preparation and Review of Environmental and Social Assessments and Plans	IEE prepared.
b. Information Disclosure	IEE disclosed.
c. Consultation and Participation	Consultations duly performed and recorded (see dates above).
d. Project Appraisal	The following was confirmed: safeguard measures recommended in the EMP are integrated into the project design; MDF has the capacity to implement the EMP and financing arrangements for implementing the EMP are in place.
e. Report and Recommendation of the President	Para included, IEE annexed (PFR report).
3. Legal Agreements	Clauses included.

C. Compliance with ADB Social Safeguards Requirements and OM F1:

SPS Requirement (LARP)	Comment
1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	During project preparation and during preparation of LARP. In accordance with OM Section F1/OP.
2. Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of	Refer consultation schedule (below). Vulnerable people identified in socio economic survey and measures specified in LARP. Grievance redress mechanism established by EA. In accordance with OM Section F1/OP.

<p>resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>	<p>Jul 2013 – Five meetings with local residents (8, 9, 10, 12 and 13 Jul 2013); One meeting with business owners and operators (18 Jul 2013). 17 Aug 2013 – meeting with affected individuals. 15 Sep 2015 – meeting with representatives of multi-storey buildings. 10 Oct 2015 - meeting with representatives of multi-storey buildings at project site.</p> <p>Public consultations detailed and documented in LARP.</p>
<p>3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<p>LARF and LARP prepared in accordance with SPS and approved by SDES. LARP under implementation.</p>
<p>4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	<p>LARF and LARP prepared in accordance with SPS and approved by SDES. LARP under implementation.</p>
<p>5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.</p>	<p>LARF and LARP prepared in accordance with SPS and approved by SDES. LARP under implementation.</p>
<p>6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.</p>	<p>EA is negotiating settlements in a transparent, consistent, and equitable manner.</p>
<p>7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.</p>	<p>LARP includes persons without titles to land or any recognizable legal rights as eligible for resettlement assistance and compensation for loss of non-land assets.</p>
<p>8. Prepare a resettlement plan elaborating on</p>	<p>LARP prepared, approved by SDES.</p>

6 Attachment 1

displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	Draft LARP disclosed to APs prior to appraisal on 25 Aug 2013 by MDF and on 10 Sep 2013 by ADB. Final LARPa disclosed on 30 Oct 2014 by MDF and ADB, and final LARPb disclosed on 6 Oct 2015 by MDF and on 8 Oct 2015 by ADB.
10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Resettlement conceived and being executed as part of development project, and full costs of resettlement included in analysis of project's costs and benefits.
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	No physical or economic displacement has occurred prior to payment of compensation, and supervision has been provided by ADB and by the External Monitor.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	External Monitor is mobilized – first semi-annual Social Monitoring Reports (SMR) due for disclosure in 2016; In accordance with OM Section F1/OP.

PROJECT BACKGROUND INFORMATION AND CURRENT STATUS

1. **Tbilisi-Rustavi Urban Road Link (Section 2).** The complaint relates to the 6.8-km Tbilisi Rustavi Urban Road Link (TRURL) Section 2 subproject which is financed under Sustainable Urban Transport Investment Program (SUTIP) Tranche 3 (Loan 3063), approved on 25 November 2013. The tranche is categorized as A for resettlement, B for environment, and C for indigenous peoples.
2. **Current Status.** The construction of TRURL Section 2 has not started. The procurement of the civil works contract is on-going. Invitation for bids was advertised in February 2016 and bid opening took place on 1 April 2016. The commencement of the works is not anticipated before August 2016 at the earliest.¹
3. **Project Sequencing.** TRURL was originally meant to be financed in its totality under SUTIP Tranche 2. At the appraisal stage in 2012, it was decided to sequence the implementation of the TRURL project to take sufficient time to study alignment alternatives in Ponichala District (Section 2) where the upgrade of the existing road would have led to extensive involuntary resettlement and other better option was anticipated. As a result, only TRURL Sections 1 and 3 are financed under SUTIP Tranche 2, approved in August 2012.
4. **Alignment Alternative Analysis.** The alignment of TRURL Section 2 was selected by the government in April 2013 based on a multicriteria analysis. The selected option has collectively the least social and environmental impacts.² The preferred alternative by-passes the built-up area by creating 3.9 km of new road including a 1.9-km stretch alongside the Mtkvari river. The remaining 2.9 km stretch of Section 2 is outside of the densely build-up area and consists of widening of the existing road.
5. **Finalization of Engineering Design and Safeguards Documents.** Sufficient time and resources have been allocated to prepare the engineering design of TRURL Section 2 and safeguards documents. Since 2013, the project design has been modified and now includes a 1.7 km stretch with reduced speed limit (80 km/h) and also provides an 'urban boulevard' between the road and the apartment buildings, with a landscaped community recreational area and safe environment. The building where the complainants live is located alongside this stretch. The potential impact of the new road on the surrounding buildings was further assessed with additional noise and vibration studies conducted in the first half of 2015 before the completion of the detailed engineering design and safeguards documents (final list of affected persons in the land acquisition and resettlement plan [LARP], refinement of mitigation measures in the project design and the initial environment examination [IEE]).³ Engineering design and safeguards documents were prepared by an international consulting firm and reviewed by

¹ Subject to factors such as smooth bid evaluation and no-objection by ADB's Procurement Committee on the executing agency's recommendation, prompt submission of the performance security by the contractor and contract signing, implementation of the LARP and compliance report clearance, and preparation of site-specific environment monitoring plan by the contractor and clearance.

² 2013. 'Comparison of Alternatives'. Dohwa Engineering.

³ 2015. 'Investigation of Structural integrity of, and impact of vibration and noise on buildings at a segment of Tbilisi-Rustavi Road Project [section 2, km 5.2 -6.9]'. Nord Est Progetti Srl.

2 Attachment 2

individual consultants.⁴ The draft LARP was disclosed on 10 September 2013, LARP Part A was disclosed on ADB website on 30 October 2014, and LARP Part B (including the road stretch along apartment buildings in Ponichala District) was disclosed on 8 October 2015.⁵ The Draft IEE was disclosed on 4 September 2013 and the IEE was disclosed on 26 January 2016 on ADB website.

6. **Meetings with the Complainants.** Numerous meetings have been held between the complainants and the ADB team, including tripartite meetings with the executing agency.⁶

⁴ Engineering procurement and construction management (EPCM) consultant (international); structural diagnosis of buildings, noise and vibration modeling consultant (international); highway engineer (individual consultant, international), social safeguards specialists (individual consultants, international and national); and building structure, and noise and vibration specialist (individual consultant, international) contracts are financed from SUTIP Tranche 1.

⁵ LARP Part A covers PK 4+000 to PK 5+300 and PK 6+800 to PK 10+755, and LARP Part B covers PK 5+300 to PK 6+800 and includes the stretch of new road along apartment buildings in Ponichala District.

⁶ SUTIP Loan Review Missions were fielded from 4 to 17 November 2015 and from 26 January to 9 February 2016. The ADB team met with complainants on 3, 10, and 17 November 2015 and on 5 February 2016.

COMMENTS ON THE KEY POINTS OF THE COMPLAINT LETTER

Letter from Complainant	Comments
<p><i>We would like to hereby inform you that our residential block located on Rustavi Highway, Tbilisi, Georgia, is under the influence of Tbilisi-Rustavi Highway project middle section (Ponichala). The block is deformed and continuing the project in its current form (according to the information we hold, the distance between the road and the block is determined to be 14 m.) may inflict to it disastrous damage. In addition, it should also be considered that the part of the residents of the block are people with limited abilities. Consequently, constructing a road with the distance of 14m. from the block will significantly affect their everyday lives (will make movement harder for blind residents; increase noise and vibration levels).</i></p>	<p>The assertion that the project may inflict disastrous damage to the building is an opinion that is not supported by the 'study carried out by "Laboratory" LLC on the technical conditions of [the] block', which is attached to the complainant letter (see development below).</p> <p>MDF had commissioned studies ('investigation of structural integrity of, and impact of vibration and noise on buildings at a segment of Tbilisi-Rustavi Road Project [section 2, km 5.2 -6.9]', by Nord Est Progetti Srl, 2015) which included static structural integrity investigation, dynamic vibration and noise modelling in the first half of 2015. The studies provided three important conclusions: (i) vibration produced during construction works will not cause risk of damage to the buildings; (ii) during road operation, there will be no impact on buildings that could result in any damage; and (iii) conformity with the threshold of permissive noise level can be achieved through the design of appropriate noise barriers. The safeguards documents (LARP and IEE) and detailed design of the project was finalized based on these conclusions.</p> <p>The project includes a 1.7 km stretch with reduced speed limit (80 km/h) and also provides an 'urban boulevard' between the road and the apartment buildings, with a landscaped community recreational area and safe environment.</p>
<p><i>Below is our correspondence with the Municipal Development Fund (MDF) of Georgia and Asian Development Bank in a chronologic manner:</i></p> <p><i>Originally, we learnt about the project at a public review held by MDF in August, 2013. The review was also attended by the residents of other blocks located along the road. The representatives of MDF told us that a several meter-wide wall would be constructed between the blocks and the road and they would also put PVC windows in the flats which looked out on the road. The proposal was not acceptable for us and we immediately expressed our concerns towards the project. As long as we (the residents and</i></p>	<p>The original design of the project as presented at the public consultation in 2013 indeed envisaged a combination of noise barriers and double-glazed windows. Following the public consultation, the project was refined and modified to address concerns by some residents of apartment buildings in Ponichala.</p> <p>The final version of the design (2015) includes noise barriers (made of transparent materials, not to block the view) and the noise modelling concluded that double-glazed windows are not required.</p> <p>Since 2013, reduced speed limit (80 km/h) on the 1.7 km stretch along the apartment buildings and the urban boulevard along the road were</p>

2 Attachment 3

the representatives of MDF) could not arrive to an agreement, we left the meeting.	introduced in the project.
In 2014, through the help of the local executive body ("Gamgeoba") we (the residents of our block) hired an independent company "Laboratory" LLC to conduct a study on the technical condition of the block (See appendix N1).	<p>The recommendation of this report had already been addressed during the finalization of the engineering design.</p> <p>The report (by "Laboratoria" Ltd.) consists of a narrative description of the conditions of the building and conclusions/recommendations. The report had already been communicated to the ADB team by the complainants in November 2015 and makes three recommendations out of which only one refers to the road project, which is: 'Study of impact of heavy vehicles (vibration) on the nearby already damaged buildings be carried out in case of starting construction of the highway and respective measures taken'. As mentioned earlier, such studies have been commissioned by MDF and conducted in the first half of 2015. The investigation of the building structural integrity and the dynamic vibration modelling concluded that vibration produced during construction works will not cause risk of damage to the buildings and that there will be no impact on buildings that could result in any damage during road operation [repeated].</p>
In February, 2015 the representatives of the MDF visited us with the intention to carry out inventory of the block. We did not let them do so until the Head of the local executive body ("Gamgebeli") and a member of Tbilisi City Assembly (Beqa Natashvili) arrived. They promised us that we would not be affected by implementation of the project. After that we allowed the representatives of MDF to carry out inventory and they took samples to establish resistance level of the block. It is important to highlight that the specialists hired by MDF (who took samples), told us that the resistance level of our block was 180 units even though the standard was 500 units. On the same day they told us that they would inform us with the final conclusion and results on April 18, though we have not been provided with the above-said information to this day.	<p>Note: These surveys were part of the activities under the noise and vibration studies commissioned by MDF.</p> <p>The investigation of the building structural integrity and the dynamic vibration modelling concluded that vibration produced during construction works will not cause risk of damage to the buildings and that there will be no impact on buildings that could result in any damage during road operation [repeated].</p>
In September 2015 MDF called us again at the public review. Some of the representatives of the block's initiative group participated in the public review and voiced our above-mentioned demands again. The response from the MDF representatives was the same: despite our opposition to the project the route of the road would not be changed and they would not ensure allocation of alternative residential area either. It is important to mention that at the review the representatives told us the following: if the implementation of the project jeopardized the condition of the block no one would take	As mentioned above, MDF had decided to commission additional studies to fully assess the potential impact on the building, before the detailed design and safeguards documents (IEE and LARP) were finalized. In addition, a rigorous and extensive monitoring system will be implemented during construction, as stipulated in the IEE.

<p>responsibility.</p> <p>On November 10, 2015 we met ADB Georgia Resident Mission representatives: Ms. Tea Papuashvili and Mr. Medgar Chelidze. Mr. Chelidze told us that he fully agreed with our demands but we had to apply to him in writing and formulate our demands clearly. They also promised us that they would arrange a meeting with foreign staff of ADB.</p>	<p>The complainants requested a meeting with ADB staff. On 3 November 2015, ADB staff and RETA consultant (Mr. Chelidze is social safeguards specialist under ADB RETA [TA 7433-REG]) met with the complainant to receive more detailed information about the concerns to be able to inform the ADB project team in HQ. No statement or comment was made on the eligibility of the demands during that meeting. It was agreed that another meeting would be organized with the ADB team as a Loan Review Mission was to be fielded to Georgia shortly, from 4 to 17 November 2015. A complaint letter, dated 9 November 2015, was delivered to ADB's resident mission in Georgia. The ADB team met and had detailed discussions/consultations with the complainants on 10 and 17 November 2015 (below).</p>
<p>On November 16, 2015 we met Mr. David Tabidze from MDF. Mr. Tabidze told us that our resettlement has never been a subject of discussion and neither did the block need any fortification. He also added that changing wooden windows with PVC, as it was considered in the previous project, would not be possible for it might have caused damage to the building.</p>	<p>In the final design, noise mitigation is provided through noise barriers.</p>
<p>On the same day we met foreign employees of ADB. They also told us that it was a governmental project and making changes to it was impossible. They said that the project did not have direct influence on us and plus, we lived in a city and things like this might happen in a city and we had to get accustomed to it. Considering all the above-said, ADB employees told us that our block was not subject to resettlement and that instead of a concrete wall they might construct a better noise cancellation barrier of some sort and we should be grateful for that. They said that by that time they could not help us as the Georgian legislation did not allow them to. They then called us to continue negotiations with MDF and agree on compensation amount.</p>	<p>ADB team had two meetings with the complainants during the SUTIP Loan Review mission (4-17 November 2015), on 10 and 17 November 2015.</p> <p>During these meeting the ADB project team presented the project, the changes included in the project design since the 2013 version (including the 'urban boulevard' concept, see above) and the conclusions of the noise and vibration studies. The project team elaborated on the principles of ADB's SPS and explained that based on the conclusion of the studies, mitigations measures have been included in the design. Also the ADB project team reconfirmed that based on the above, the complainant's building is not included in the LARP.</p> <p>Compensation was not discussed.</p>
<p>In addition to protest rallies since June, 2015, we started communication in writing with MDF and other state institutions.</p> <p>1. On June 24, 2015 we submitted an application to the Chairman of the Parliament of Georgia, Mr. Davit Usupashvili. In our application we asked for a motion with respective agencies and alternative residential area if the route of the project were to remain the same (See appendix N2). We have not received response to our letter until now.</p>	<p>ADB was not copied on letters #1 to 7. As for letter #8 addressed to ADB, ADB's response, dated 25 November 2015, was hand delivered to the complainants, as evidenced by a signed receipt, on 27 November 2015.</p> <p>Further, as for the letter #5 addressed to MDF, MDF responded to it on 26 October 2015 and a copy of the response was shared afterwards with the ADB project team in November 2015 (Georgian</p>

4 Attachment 3

2. On June 24, 2015 we submitted an application to the Chair of the Human Rights and Civil Integration Committee, Ms. Eka Beselia (See Appendix N3), who diverted our letter to the Ministry of Regional Development and Infrastructure of Georgia (See Appendix N4). In response, on August 14, 2015 we received a copy of a letter sent by MDF to the Ministry. The letter said that at that stage the project did not consider granting alternative residential area to the residents of multistory block (See Appendix N 5).

3. On June 24, 2015 we submitted an application to the Prime-Minister of Georgia, Mr. Irakli Garibashvili. In the application we asked for motion with respective agencies and alternative residential area if the route of the highway were to remain the same (See Appendix N6). We have not received an answer to this letter until now.

4. On June 24, 2015 we submitted an application to the majoritarian deputy of Krtsanisi District, Mr. Shota Khabareli. In our letter we asked him to raise the issue at the Parliament session for discussion (See Appendix N7). Within several days after submitting the application Mr. Khabareli visited us and promised that he would raise the issue before the Parliament. However, the issue was never brought up before the Parliament.

5. On July 14, 2015 we submitted an application to the Executive Director of MDF, Mr. Ilia Darchiashvili and asked him to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N8). We have not received response to our letter so far.

6. On July 14, 2015 we submitted an application to the Architecture Service of Tbilisi City Hall and requested to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N9). We have not received response to this letter either.

7. On July 14, 2015 we submitted an application to the Minister of Regional Development and Infrastructure of Georgia, Mr. Nodar Javakhishvili and asked him to consider an alternative of widening the highway on the other side of the road or grant us alternative residential area (See Appendix N10). We have not received response to this letter either.

8. On November 9, 2015 we submitted a complaint to Ms. Yesim Elhan-Kayalar, Country Director of ADB Georgia Resident Mission and Mr. Medgar Chelidze, Resettlement Specialist of ADB Georgia Resident Mission (See Appendix N11). We have not received

letter, with English translation).

<p><i>response to this letter either.</i></p> <p><i>We would like to inform you that we are very well aware of the importance of widening the highway and the project as a whole. However, we firmly believe that our rights and interests should not be disregarded because of the project. Our right – to live in an environment safe for life and health – should not be violated because of the implementation of the project.</i></p> <p><i>Based on the above-said we hereby ask you to review the influence of Tbilisi-Rustavi Highway Ponichala section on our residential block, on the lives, health condition, safety as well as property of its residents. We ask you to study and propose us the alternatives of the project that would save our lives and property from damage.</i></p>	<p>The project has been prepared following ADB's SPS principles and OM requirements.</p> <p>Alignment alternatives on Tbilisi-Rustavi Urban Road Link Section 2 have been studied by the consultant, before the government firmed up the alignment of TRURL Section 2 in April 2013. The selected option has collectively the least social and environmental impacts. The findings of the alignment alternative analysis are presented in the IEE.</p>
<p><i>Please see the copies of the letters sent by us and the results of the study carried out by "Laboratory" LLC on the technical conditions of our block.</i></p>	<p>[Repeated: The recommendation of this study had already been addressed during the finalization of the engineering design].</p>

Attachment 4

**LOCATION MAP AND SCHEMATICS:
COMPLAINANTS' BUILDING, PROJECT 3D RENDERINGS AND PICTURES OF
EXISTING SITUATION**

Note: The green arrow locates the building where the complainant lives.

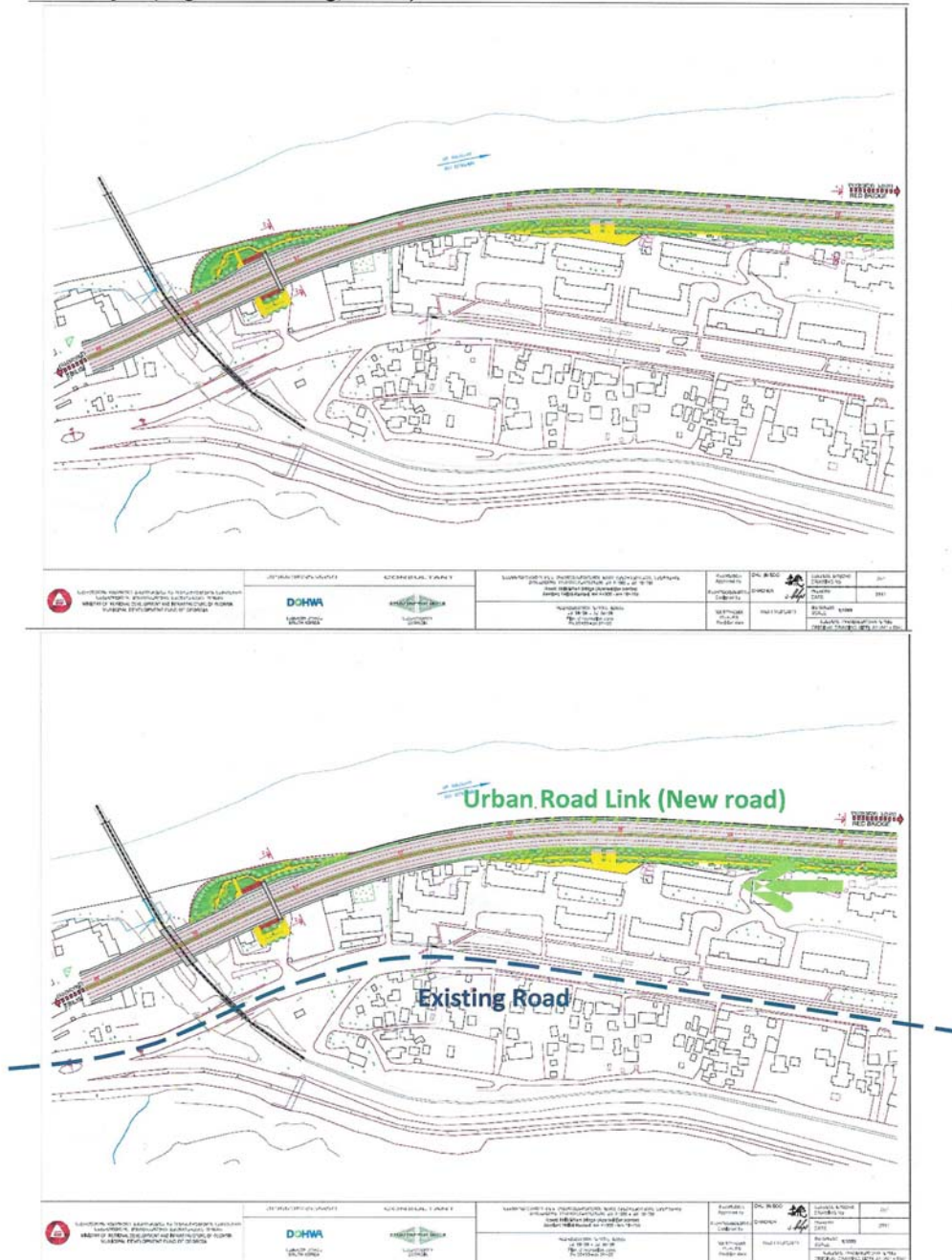
A. Project 3D Renderings



2 Attachment 4

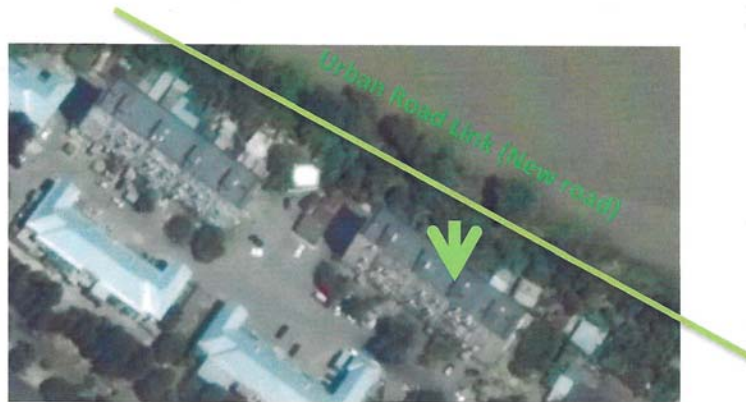


B. Project (Alignment Drawing, 1:1000)



4 Attachment 4

C. Existing Situation



Attachment 5

**COMPLAINT TO ADB, DATED 9 NOVEMBER 2015
(ENGLISH TRANSLATION AND GEORGIAN VERSION)**

To: Mr. Medgar Tchelidze

Expert of Accommodation of Georgia Resident

Mission of Asian Development Bank

To: Ms. Yesim Elhan-Kayalar

Country Director of Georgia Resident

Mission of Asian Development Bank

Grievance

of the residents living in 12th VG Block on Rustavi highway, Tbilisi

We would like to inform you that our residential building, which is located on Rustavi highway in Tbilisi, has been affected by the project of Tbilisi-Rustavi highway (middle section - Ponichala). The building is deformed and the implementation of the current project (according to our information, the minimal distance between the road and residential building will be 14 meters) can bring the devastating damage to it. The fact that some of our the residents are disabled people, should also be taken into consideration; therefore, the construction of the highway 14 meters away from the residential building will significantly impact their everyday life (complicate the movement of blind people; increase the impact of noise and vibration).

Initially, we have been informed about the project by the representatives of Municipal Development Fund (MDF) during the public discussion in August 2013. Public discussion was also attended by the residents of other residential buildings located nearby the highway. The representatives of MDF have assured us that the wall of several meters height would be built alongside the highway and PVC windows will be installed on that side of the building which faces the highway. This proposal was unacceptable to us and we expressed our negative position regarding the project. As no agreement was reached, we left the meeting in protest.

Once in a while we have been receiving the information from the representatives of local executive body ("Gamgeoba"), that the project would be implemented, although no one came to us to negotiate.

In 2014, we, the residents of the building with the help local executive body ("Gamgeoba") hired the independent company LTD "Laboratory" to examine the technical state of the residential building.

2 Attachment 5

In February 2015, the representatives of MDF came to perform inventory, but we resisted them until arrival of Head of Local Executive Body ("Gamgebeli") and member of City Assembly (Beka Natsvlashvili). They assured us that the implementation of the project would not affect our building. After this, we allowed MDF representatives to carry out inventory as well as to take samples to define the firmness of the building. It should be noted that, after completion of inventory, those who took the samples for firmness of the building told us the firmness coefficient was 180 units instead of 500. They promised to send us the final conclusion and results by April 18, but we have not received the above-mentioned documents yet.

In May 2015, we blocked Tbilisi-Rustavi road in protest. We demanded the meeting with Mayer as well as the guarantees that in case of implementation of the project, our interests would be protected. Our action was left without any reaction: no representative from any institution except chairman of local municipality and journalists (TV Channels: Maestro and Rustavi2) came to meet us. Chairman of Local Municipality assured us that Head of Local Executive Body ("Gamgebeli") would meet us on June 1 and would get familiarized with our problems on site, but this did not happen either.

On June 1, 2015 the residents organized the protest action at the Blind Persons Club. At this time the representatives of patrol police came to the protest action (they threatened us with imprisonment in case of resistance to the project implementation).

Since June 2015, we have started written communication with MDF and other state institutions:

1. On June 24, 2015 we appealed to the Chairman of the Parliament of Georgia, Mr. Davit Usupashvili and requested the solicitation with the relevant agencies, in order to offer us alternative living space in the same district in case if the direction of the highway would remain unchanged. We have not received the response to our letter yet (please see Appendix #2);
2. On June 24, 2015 we appealed to the Chairwoman of the Committee for Human Rights and Civil Integration Ms. Eka Beselia, who in her turn forwarded our letter to the Ministry of Regional Development and Infrastructure (MRDI). On August 14, as a response from MRDI we received the copy of the letter sent by MDF to MRDI, indicating that at current stage the project did not envisage to provide the residents of multi-storey residential buildings with alternative living spaces. (please see Appendix #3);
3. On June 24, 2015 we appealed to the Prime Minister of Georgia, Mr. Irakli Gharibashvili and requested the solicitation with the relevant agencies, in order to offer us alternative living space in the same district in case if the direction of the highway would remain unchanged. We have not received the response to our letter yet (please see Appendix #2);
4. On June 24, 2015 we appealed to the Majoritarian Member of the City Assembly from Krtsanisi district, Mr. Shota Khabareli and requested to add the following issue for Parliament consideration. Several days after receiving our appeal Mr. Khabareli visited us and assured us that he would discuss our issue during Parliament sitting, but it did not happen (please see Appendix #5).
5. On July 14, 2015 we appealed to the Director of MDF, Mr. Ilia Darchiashvili and requested to consider the option of widening the highway in different side or offer alternative living spaces. We have not received the response to our letter yet (please see Appendix #6).

Attachment 5 3

6. On July 14, 2015 we appealed to the Architectural Service of Tbilisi City Hall and requested to consider the option of widening the highway in different side or offer alternative living spaces. No answer has been received yet (please see Appendix #7).
7. On July 14, 2015 we appealed to the Minister of Regional Development and Infrastructure, Mr. Nodar Javakhishvili and requested to consider the option of widening the highway in different side or offer alternative living spaces. We have not yet received the response to this letter as well (please see Appendix #8).

In September 2015, MDF invited us to another public discussion of the project. Several representatives of the initiative group of our residential building attended the public discussion and once underlined our above-mentioned requirements. The response was the same: despite the resistance the route of the highway would not change and neither alternative living space would be provided. It should be noted that, that during the meeting the representatives of MDF made the following statement, that in case if the implementation of the project endangers the firmness of the building, no one will be responsible for that.

We understand the importance of widening the highway and importance of the project in general, but at the same time we strongly believe that because of the project our rights and interests should not be rejected; the project shall not deprive us the right to live in the safe and healthy environment.

Stemming from the above-mentioned, we would like to ask you to review in details the impact of Tbilisi-Rustavi highway's Ponichala section on our residential building, on the lives of the residents, their health and safety, as well as their property. Please, examine and offer us the other alternatives of implementation of the project, which will not affect us and our property.

We hereby attach the copies of our letters and the conclusion of LTD "Laboratory" regarding technical state of our residential building.

Attachment: 47 pages.

Sincerely,

ხელის ვახრობა ნა აღამაზი

აზიის განვითარების ბანკის საქართველოს მუდმივი
წარმომადგენლობის განსახლების სპეციალისტს
ბატონ მედგარ ჭელიძეს

აზიის განვითარების ბანკის
საქართველოს მუდმივი წარმომადგენლობის დირექტორს
ქალბატონ იეშიმ ელჰან კაილარს

ქ. თბილისში, რუსთავის გზატკეცილზე,
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ს ა ჩ ი ვ ა რ ი

მოგახსენებთ, რომ ჩვენი საცხოვრებელი კორპუსი რომელიც მდებარეობს თბილისში, რუსთავის გზატკეცილზე, მოექცა თბილისი-რუსთავის ჩქაროსნული საავტომობილო გზის შუა (ფონიჭალას) მონაკვეთის პროექტის ზეგავლენის ქვეშ. კორპუსი არის დეფორმირებული და პროექტის ამჟამინდელი სახით განხორციელებამ (ჩვენი ინფორმაციით გზასა და საცხოვრებელ კორპუსს შორის მინიმალურ დაშორებად 14 მეტრია განსაზღვრული) შესაძლოა მას დამანგრეველი ზიანი მიუყენოს. გარდა ამისა, გასათვალისწინებელია ისიც, რომ ჩვენი საცხოვრებელი კორპუსის მაცხოვრებლების ნაწილი შეზღუდული შესაძლებლობების მქონე პირებია; შესაბამისად, გზის კორპუსიდან 14 მეტრის დაშორებით გაყვანა მნიშვნელოვნად იმოქმედებს მათ ყოველდღიურ ყოფაზე (გაართულებს უსინათლოთა გადაადგილებას; გაზრდის ხმაურისა და ვიზუალის ზეგავლენას).

თავდაპირველად, პროექტის შესახებ ჩვენ, მუნიციპალური განვითარების ფონდის (მფ) წარმომადგენლების მიერ 2013 წლის აგვისტოში გამართულ საჯარო განხილვაზე შევიტყვეთ. საჯარო განხილვას ჩვენთან ერთად, გზის მახლობლად განლაგებული სხვადასხვა საცხოვრებელი კორპუსის მაცხოვრებლები ესწრებოდნენ. საჯარო განხილვაზე მფ-ის წარმომადგენლები დაგვპირდნენ, რომ გზასთან რამოდენიმე მეტრიანი კედელი აშენდებოდა და გზის მხარეს მეტალოპლასმასის ფანჯრებს ჩაგვისვამდნენ. ეს შემოთავაზება ჩვენთვის მიუღებელი იყო, ამდენად ჩვენ იმავე დღეს გამოვხატეთ უარყოფითი დამოკიდებულება პროექტის მიმართ. ვინაიდან მოლაპარაკება ვერ მოხერხდა, ჩვენ, პროტესტის ნიშნად, დავტოვეთ შეხვედრა.

დროდადრო გამგეობის წარმომადგენლებისაგან (სატელეფონო კომუნიკაციის საშუალებით) ვიღებდით ინფორმაციას, რომ პროექტი განხორციელდებოდა, თუმცა ჩვენთან მოსალაპარაკებლად არავინ მოსულა.

2014 წელს ჩვენი კორპუსის მაცხოვრებლებმა, გამგეობის დახმარებით დავიქირავეთ დამოუკიდებელი კომპანია შპს „ლაბორატორია“, რომელსაც შევუკვეთეთ ჩაეტარებინათ კვლევა საცხოვრებელი კორპუსის ტექნიკური მდგომარეობის შესახებ (იხ. დანართი #1).

ამის შემდეგ, 2015 წლის თებერვალში მფ-დან კვლავ მოვიდნენ წარმომადგენლები, რომლებსაც კორპუსის ინვენტარიზაცია უნდა ჩაეტარებინათ. ჩვენ მათ წინააღმდეგობა გაუწიეთ სანამ გამგებელი და საკრებულოს დეპუტატი (ბექა ნაცვლიშვილი) არ მოვიდა. მათ პირობა დადეს, რომ ჩვენ პროექტის შედეგად დაზარალებული არ დავრჩებოდით. ამის შემდეგ, ჩვენი ნებართვით ინვენტარიზაცია ჩატარდა და კორპუსის სიმტკიცის დასადგენად სინჯებიც აიღეს. მნიშვნელოვანია აღინიშნოს, რომ ინვენტარიზაციის დასრულებისთანავე მფ-ის

წარმომადგენლების მიერ დაქირავებულმა პირებმა (მათ ვინც კორპუსის სიმტკიცეზე ანალიზი აიღეს) გვითხრეს, რომ წესით, კედლის სიმტკიცე 500 ერთეული უნდა იყოს, თუმცა აქ მხოლოდ 180 ერთეულია. ამავე დღეს დაგვიპირდნენ, რომ საბოლოო დასკვნასა და შედეგებს 18 აპრილს გაგვაცნობდნენ, თუმცა, საბოლოო დასკვნა დღემდე არ მიგვიღია.

2015 წლის მაისში, პროტესტის ნიშნად, გადაკვეთთ თბილისი - რუსთავის დამაკავშირებელი გზა. ჩვენი მოთხოვნა იყო ქალაქის მერთან შეხვედრა და გარანტიის მოცემა, რომ პროექტის განხორციელების შემთხვევაში, ჩვენი ინტერესები დაცული იქნებოდა. სამწუხაროდ, ჩვენ აქცეის არ მოჰყვა შესაბამისი პირების რეაქცია: ჩვენთან არცერთი დაწესებულების წარმომადგენლები გარდა ადგილობრივი მუნიციპალიტეტის თავმჯდომარისა და ჟურნალისტებისა (მაესტრო და რუსთავი2-ის ჟურნალისტები) არ მოსულა. ადგილობრივი მუნიციპალიტეტის თავმჯდომარე დაგვიპირდა, რომ გამგებელი 1 ივნისს მოვიდოდა და ჩვენ პრობლემას ადგილზე გაეცნობოდა, თუმცა, ასე არ მომხდარა.

2015 წლის 1 ივნისს მოსახლეობა ისევ შეიკრიბა და უსინათლოთა კლუბთან მოეწვევთ საპროტესტო აქცია; ამჯერად აქციაზე მხოლოდ საპატრულო პოლიცია მოვიდა (პროექტისთვის წინააღმდეგობის გაწევის შემთხვევაში, დაჭერით დაგვემუქრნენ).

2015 წლის ივნისიდან დავიწყეთ წერილობითი კომუნიკაცია მგფ-სა და სხვა სახელმწიფო დაწესებულებებთან:

1. 2015 წლის 24 ივნისს განცხადებით მივმართეთ საქართველოს პარლამენტის თავმჯდომარეს, დავით უსუფაშვილს და მოვითხოვეთ, გაეწიათ ჩვენთვის შუამდგომლობა შესაბამის სამსახურებთან, რადგან იმ შემთხვევაში თუკი ავტობანის მიმართულება არ შეიცვლებოდა ჩვენსავე რაიონში შემოეთავაზებინათ ალტერნატიული საცხოვრებელი ფართი. პასუხი ამ წერილზე დღემდე არ მიგვიღია (იხ. დანართი #2).
2. 2015 წლის 24 ივნისს განცხადებით მივმართეთ ადამიანის უფლებათა დაცვისა და სამოქალაქო ინტეგრაციის კომიტეტის თავმჯდომარეს ქალბატონ ეკა ბესელიას, რომელმაც ჩვენი წერილი საქართველოს რეგიონული განვითარებისა და ინფრასტრუქტურის სამინისტროში გადაამისამართა. პასუხად, 2015 წლის 14 აგვისტოს რეგიონული განვითარებისა და ინფრასტრუქტურის სამინისტროდან მივიღეთ მგფ-ს მიერ სამინისტროსთვის გაგზავნილი წერილის ასლი, სადაც ნათქვამი იყო, რომ მრავალსართულიანი კორპუსების მაცხოვრებელთა ალტერნატიული ფართით დაკმაყოფილებას, ამ ეტაპზე, პროექტი არ ითვალისწინებდა (იხ. დანართი #3).
3. 2015 წლის 24 ივნისს განცხადებით მივმართეთ საქართველოს პრემიერ მინისტრს, ირაკლი ღარიბაშვილს და მოვითხოვეთ, გაეწიათ ჩვენთვის შუამდგომლობა შესაბამის სამსახურებთან, რადგან იმ შემთხვევაში თუკი ავტობანის მიმართულება არ შეიცვლებოდა ჩვენსავე რაიონში შემოეთავაზებინათ ალტერნატიული საცხოვრებელი ფართი. პასუხი ამ წერილზე დღემდე არ მიგვიღია (იხ. დანართი #4).
4. 2015 წლის 24 ივნისს განცხადებით მივმართეთ ქ. თბილისის კრწანისის რაიონის მაჟორიტარ დეპუტატს, შოთა ხაბარელს და მოვითხოვეთ ჩვენი საკითხი გაეტანათ პარლამენტში განსახილველად. განცხადების შეტანიდან რამოდენიმე დღეში, ბატონი შოთა მოვიდა ჩვენთან შესახვედრად და დაგვიპირდა, რომ ამ საკითხს აუცილებლად განიხილავდა პარლამეტის სხდომაზე, თუმცა ასე არ მომხდარა (იხ. დანართი #5).

5. 2015 წლის 14 ივლისს განცხადებით მიემართეთ მგფ-ს დირექტორს, ილია დარჩიაშვილს და მოვითხოვეთ, განეხილათ საავტომობილო გზის მეორე მხარეს გაფართოების ალტერნატივა ან შემოეთავაზებინათ ალტერნატიული საცხოვრებელი ფართი. პასუხი ამ წერილზე დღემდე არ მიგვიღია (იხ. დანართი #6).
6. 2015 წლის 14 ივლისს ივლისს წერილობით მიემართეთ ქ. თბილისის მერიის არქიტექტურის სამსახურს და მოვითხოვეთ, განეხილათ გზის მეორე მხარეს გაფართოების ალტერნატივა ან შემოეთავაზებინათ ალტერნატიული საცხოვრებელი ფართი. პასუხი არც ამ წერილზე მიგვიღია დღემდე (იხ. დანართი #7).
7. 2015 წლის 14 ივლისს განცხადებით მიემართეთ საქართველოს რეგიონული განვითარებისა და ინფრასტრუქტურის მინისტრს, ნოდარ ჯავახიშვილს და მოვითხოვეთ, განეხილათ გზის მეორე მხარეს გაფართოების ალტერნატივა ან შემოეთავაზებინათ ალტერნატიული საცხოვრებელი ფართი. პასუხი არც ამ წერილზე მიგვიღია დღემდე (იხ. დანართი #8).

2015 წლის სექტემბერში მგფ-მ კვლავ მიგვიწვია პროექტის საჯარო განხილვაზე. საჯარო განხილვაში კორპუსის საინიციტივო ჯგუფის რამოდენიმე წარმომადგენელმა მიიღო მონაწილეობა და კვლავ წარადგინა ჩვენი ზემოაღნიშნული მოთხოვნები. პასუხი კვლავ იგივე იყო: მიუხედავად წინააღმდეგობისა, გზის მარშრუტი არ შეიცვლებოდა და არც ალტერნატიული საცხოვრებელი ფართის გამოყოფას უზრუნველყოდნენ. ყურადსაღებია, რომ განხილვაზე მგფ-ს წარმომადგენლებმა შემდეგი განმარტება გააკეთეს: იმ შემთხვევაში თუ პროექტის განხორციელების შემდეგ საცხოვრებელი კორპუსის მდგრადობას საფრთხე დაემუქრება, პასუხისმგებლობას ვერავინ აიღებს.

ჩვენ კარგად ვაცნობიერებთ საავტომობილო გზის გაფართოების საჭიროებას და ზოგადად, პროექტის მნიშვნელობას, მაგრამ, ამასთანავე, მტკიცედ ვართ დარწმუნებული, რომ პროექტის გამო არ უნდა იქნეს უგულებელყოფილი ჩვენი უფლებები და ინტერესები; პროექტის გამო, არ უნდა შეილახოს ჩვენი უფლება, ვიცხოვროთ სიცოცხლისა და ჯანმრთელობისთვის უსაფრთხო გარემოში.

აღნიშნულიდან გამომდინარე, გთხოვთ, დეტალურად განიხილოთ თბილისი-რუსთავის ჩქაროსნული საავტომობილო გზის ფონიჭალის მონაკვეთის ზეგავლენა ჩვენს საცხოვრებელ კორპუსზე, მაცხოვრებლების სიცოცხლეზე, ჯანმრთელობასა და უსაფრთხოებაზე, ასევე ქონებაზე. გთხოვთ, შეისწავლოთ და შემოგეთავაზოთ პროექტის განხორციელების ისეთი ალტერნატივები, რომელიც არ მოგვაცენებს ზიანს ჩვენ და ჩვენს ქონებას.

დანართის სახით გიგზავნით ჩვენს მიერ გაგზავნილი წერილის ასლებს და შპს „ლაბორატორი“-ის მიერ ჩატარებული კვლევის დასკვნას ჩვენი საცხოვრებელი კორპუსის ტექნიკური მდგომარეობის შესახებ.

დანართი: 47 ფურცელი

პატივისცემით,

№1 ნაია ბენიამიძე 568 76 73 10 ნ.ბიძი
 №2 მანანა ვანცელია 599 92 80 94 ფთ
 №3 ეხუა ახვლედიანი 595 78 92 34 ქ.ს
 №4 დამასი იოსელიძე 593 38 02 70 იოსელიძე³
 №5 ნანა ლიგანაძე 555 53 51 12 ნ.ლიგანაძე
 №6 ანუი ნიუიძე 599 89 06 27; ლიხთაძე გიორგი 1233; ბინა №24 ანუიძე

- №6 Զարհար Երանց Պարոն / 01017041804. Յ. ԿԵԼ
 Ե. 260-44-97
- №7 Յարեցուն Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 68. / 01030014132. Յ. ԿԵԼ
 Ե. 577-73-05-53
- №8 Բո Յարհ. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 69. / 01011043264. Յ. ԿԵԼ
 599-73-03-67
- №9 ԿԵԼ Երանց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 67. / 01029014170. ԿԵԼ
 Ե. 593-42-32-06
- №10 ԿԵԼ Երանց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 72. / 01017055915.
- №11 Զոն Պարոնց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 70. / 01026009564. Զ. ԿԵԼ
 Ե. 593-65-59-57
- №12 Զոն Յարհ. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 71. / 01018004396. ԿԵԼ
 Ե. 577-40-66-06
- №13 ԿԵԼ Յարհ. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 79. / 01016000780. ԿԵԼ
- №14 Երանց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 76. / 01015021712. ԿԵԼ
 Ե. 555-97-98-06
- №15 Երանց Պարոնց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 78. / 01019062102. ԿԵԼ
 Ե. 555-99-22-23
- №16 Զոն Յարհ. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 81. / 49001001844. ԿԵԼ
 Ե. 599-789-234
- №17 ԿԵԼ Երանց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 80. / 01016010677. ԿԵԼ
 Ե. 555-72-98-15
- №18 ԿԵԼ Յարհ. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 83. / 01015023989. ԿԵԼ
 Ե. 511-75-15-44
- №19 Զոն Երանց Պարոն. Զ. ԿԵԼ. Յ. 12³/₈. Յ. 86. / 01016001222. ԿԵԼ
 Ե. 579-18-95-50

128. ვიქტორია ვაბოლო რესთავის გზ. 12³/₈ 862. 101016000175
 574 010378 Kaphane.
129. სვეტლანა ჭილაძე რესთავის გზ. 12³/₈ 8.60 101017023876.
 2404826 *huf*
130. ემა ვარდანაძე რესთავის გზ. 12³/₈ 8.61 101016011091
 2403807. *huf*
131. თეა დემეტრეშვილი რესთავის გზ. 12³/₈ 8.56 15300106173
 579 02 1065. *თეა*
132. სოფია ვარდანაძე რესთავის გზ. 12³/₈ 8.54. 101016006786.
 2404211. *Bar*
133. გომა შაფიროვი რესთავის გზ. 12³/₈ 8.55 101017040272.
 557 648 328. *Г.*
134. სვეტლანა დობოიძე რესთავის გზ. 12³/₈ 8.52. 101001013346.
 599 798017 *huf*
135. დინო შიჭვაძე რესთავის გზ. 12³/₈ 8.50 101015021392.
 568 82 1502. *შ. ა. ა.*
136. სონია. ხუჩიძე რესთავის გზ. 12³/₈ 8.48. 101015012041
 2403461. *თარი*
137. რაყლი ბაქაძე რესთავის გზ. 12³/₈ 8.49. 101015021321.
 2.40 4562. *რ. ბ. ბ.*

138. გურნასი აბაიძის ხელმოწერა 12.3.8. 58. 01016000849.
აბაიძის

139. შამკის შინა ზღვარზე 12.3.8. 63. 01017043151
0.593 42 92 70.
შამკის

140. ნანა ლეგვილი ზღვარზე 12.3.8. 46. 35001085061
555 53 51 12.
ა. ლევილი

141. ნანაშვილი შინა ზღვარზე 12.3.8. 3.
ს.წ 26001000 440
555 43 28 58 შამკის

142. ნანა ლეგვილი ზღვარზე 12.3.8. 2. 01016010471.
599 92 80 94 გორი

143. ლეგვილი ზღვარზე 12.3.8. 6. 01015023470
555 80 28 12. შამკის

144. ნანა ლეგვილი ზღვარზე 12.3.8. 1. 01016005870.
598 80 26 75

145. გორი ავტომატური ზღვარზე 12.3.8. 12. 01016007654
591 64 07 54

146. ავტომატური ზღვარზე 12.3.8. 9. 01016001060.
599 93 67 65. შამკის

147. ლეგვილი შინა ზღვარზე 12.3.8. 13. 23001089203.
598 52 62. 43. შამკის

148. გორი ავტომატური ზღვარზე 12.3.8. 14. 01019019358.
595 11 15 22. შამკის

54
38 Զառիա Բողոքոնի հյուսիս ծախ. 12 3/8 ձ. 29 № 01030020272
593 3802 70 Ը. Բողոքոնի

39 Ջոնա Բողոքոնի հյուսիս ծախ. 12 3/8 ձ. 44 № 01016010639
5-58-24-99-37 Ը. Բողոքոնի

40 Թաթև Բողոքոնի հյուսիս ծախ. 12 3/8 ձ. 32001029435
598 58 18 53 Ը. Բողոքոնի

41 Զորան Նժդեհի հյուսիս ծախ. 12 3/8 ձ. 42 № 01016004771

ԿԱԼԵ

42 Նոնա Բողոքոնի հյուսիս ծախ. 12 3/8 ձ. 43 № 01016000096
597 10 12 65 2X.

43 Զորան Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 40 № 0101201 1112
2 40-46-07 106170

44 Նալոնի Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 41 № 54401062089
557 57 83 92 Ե. ՍԺԺ.

45 Զառիա Գրեյնի. հյուս. ծախ. 12 3/8 ձ. 38 № 01016000535
551 67 01 11 Գ. Գրեյնի.

46 Ռիա Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 39 № 01016001295
577 20-30-25 Ռ. Կաթոնի

47 Զառիա Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 39 № 01015004691
2-40-39-41 Զառիա Կաթոնի

48 Ռիա Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 39 № 12001034208
599-20-58-55 Ռ. Կաթոնի

49 Զառիա Կաթոնի հյուսիս ծախ. 12 3/8 ձ. 39 № 01011076099
2 40 33 72 Զառիա Կաթոնի

№ 50 մթախ թղթածածկի հիմնով ծախս. 12 թիվ 1.28 № 01016009026
593 13-02-32.մ. Շ/ԴԳ

120. Եթա Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 88. N01016005116 Եսթոնացի
ՅՊ. 240-28-43

121. Եսթոնացի Եսթոնացի Ղ.հայկ. թ. 12 3/8. թ. 89. N01016009254. Եսթոնացի
ՅՊ. 558-40-81-07

122. Բուլղար Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 90. N01016002081. Եսթոնացի
ՅՊ. 555-34-21-63

123. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 84. N01029006538 Եսթոնացի
ՅՊ. 555-34-21-63

124. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 82. N01016000718 Եսթոնացի
ՅՊ. 593-15-62-52

125. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. N01017053668 Եսթոնացի
ՅՊ. 591014415

126. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. N01016001594. Եսթոնացի

127. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. N01016002932. Եսթոնացի
240-43-13

128. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 20. 0101600477 Եսթոնացի.
0.593603712

129. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 21. թ. 01016008022.
T 555 18 58 55 allaf

130. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 13. 01021006630.
T 591 80 26 39. Եսթոնացի

131. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 23. 39 00 101 68 07
T 599 90 77 99.

132. Եսթոնացի Եսթոնացի. Ղ.հայկ. թ. 12 3/8. թ. 18. 568 76 73. 101
N. 0101600529. 0. Եսթոնացի

Եսթոնացի Եսթոնացի 67 Եսթոնացի.



25 November 2015

Nana Dingashvili
12th VG Block
Ponichala,
Tbilisi, Georgia

Dear Ms. Dingashvili:

Thank you for your letter dated 9 November 2015 detailing your grievances in connection with the proposed Tbilisi to Rustavi Urban Road Link Project, and for the two subsequent visits to ADB Resident Mission in Georgia, accompanied by representative tenants, to discuss these grievances.

As discussed in our meetings, we would like to confirm the following:

Project Preparation and Design

The alignment of the road is limited by the topographical conditions and the dense population in the area. During the design of the urban road link, several alternatives were considered and every effort was made to minimize environmental and social impacts. The latter includes persons that are living within the vicinity of the proposed road link and related construction. The selected alignment incorporates environmental mitigation measures with urban landscape enhancement and represents a solution offering minimum social impact. In addition, the Municipal Development Fund of Georgia (MDF) and ADB decided in 2013 to sequence the implementation of the overall Tbilisi-Rustavi Urban Road Link Project in order to allocate sufficient time to conduct necessary studies before finalizing the design of the stretch of road in Ponichala District where your building is located.

As part of the due diligence conducted prior to the finalization of the road design, the initial environment examination (IEE), the land acquisition and resettlement plan (LARP), and determination of the final list of persons affected by the project; an additional study on potential effects of road construction and operation on nearby buildings was commissioned by the MDF. An international tender process was conducted, and the study was carried out by an international firm of consulting engineers with expertise and accreditation in examining the impact of transport-related vibrations and noise on buildings.

Report of the International Consulting Firm and Revised Project Design

The firm completed its work with the submission of their final report in Q3 2015. The report provided three important conclusions: (i) vibration produced during construction works will not cause risk of damage to the buildings; (ii) during road operation, there will be no impact on buildings that could result in any damage; and (iii) conformity with the threshold of permissive noise level can be achieved through the design of appropriate noise barriers. MDF and ADB discussed the conclusions of the report. In response to the third conclusion, state-of-the-art noise barriers, made from transparent material, will cut traffic noise to

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acceptable levels while ensuring views from lower level apartments remain unobstructed. Moreover, we would also like to mention that this is more than just a road project. Since 2013, the project design has been revised to include the development of an urban boulevard in Ponichala, with the following features:

- i. Landscaped park between road and nearby buildings, comprising tree plantation, footpath, bicycle path, playground, and pedestrian footbridges to access the riverside, and new riverside gardens that will provide a community recreation area.
- ii. Separated and regulated traffic flow, combined with the boulevard development, lighting, and controlled access to the riverside that will provide a safe environment.

ADB and MDF are confident that the new road and associated boulevard development will bring significant overall improvement to the aesthetics and environmental amenity of the area and to its residents.

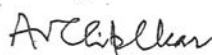
ADB Safeguard Requirements and Project Monitoring

The impact on affected people has been examined carefully. ADB is bound to accept the conclusions of expert analysts based on specific investigations, and it is the view of ADB and MDF that ADB's Safeguards Policy Statement (2009) on involuntary resettlement is not triggered in this instance and that the building and residents are not impacted under national law requirements.

Potential environment impacts have been thoroughly examined. A rigorous and extensive monitoring system will be implemented during the construction phase and will extend into the operation phase of the road, to ensure that mitigation measures are effectively implemented. Contractors will work according to strict, pre-defined procedures and will use only approved construction equipment. ADB is closely monitoring the project progress and will ensure every effort be made to secure rigorous implementation of mitigation measures and of required construction methods.

We would like to assure you that ADB and MDF remain committed to our continuing dialogue and consultations, and to share and discuss project-related information. The grievance redress mechanism established by MDF will remain active throughout the project implementation cycle, and should you or any other community members in the area have any other concerns, at any stage, ADB will remain committed to open consultations.

Sincerely,



Anand Chiplunkar
Director
Central and West Asia Department
Urban Development and Water Division



cc: Ilia Darchiashvili, First Deputy Minister of Regional Development and Infrastructure (MRDI)
Juansher Burchuladze, Executive Director, MDF
Yesim M. Elhan-Kayalar, Country Director, GRM

ASSESSMENT ON EXCLUSION OF COMPLAINT
(per paragraphs 148 and 148 of the ADB Accountability Mechanism Policy)

Exclusion	Complaint excluded?
Exclusion per para. 142: Complaints are excluded if they are	
(i) about actions that are not related to ADB's action or omission in the course of formulating, processing, or implementing ADB-assisted projects;	No
(ii) about matters that complainants have not made good faith efforts to address with the operations department concerned;	No
(iii) about matters already considered by the SPF, unless the complainants have new evidence previously not available to them and unless the subsequent complaint can be readily consolidated with the earlier complaint;	Not applicable
(iv) about an ADB-assisted project for which 2 or more years have passed since the loan or grant closing date;	No
(v) frivolous, malicious, trivial, or generated to gain competitive advantage;	No
(vi) about decisions made by ADB, the borrower or executing agency, or the private sector client on the procurement of goods and services, including consulting services;	No
(vii) about allegations of fraud or corruption in ADB-assisted projects or by ADB staff; (viii) about the adequacy or suitability of ADB's existing policies and procedures;	No
(ix) within the jurisdiction of ADB's Appeals Committee or ADB's Administrative Tribunal, or relate to ADB personnel matters; and/or	No
(x) about ADB's non-operational housekeeping matters, such as finance and administration.	No
Additional exclusion for compliance review per para. 148:	
(i) complaints relating to actions that are the responsibility of other parties, such as a borrower, executing agency, or potential borrower, unless the conduct of these other parties is directly relevant to an assessment of ADB's compliance with its operational policies and procedures;	No
(ii) complaints that do not involve ADB's noncompliance with its operational policies and procedures;	No
(iii) complaints being dealt with by the SPF up to the completion of step 3 under the problem solving function (paras. 164–173);	No
(iv) complaints relating to the laws, policies, and regulations of the DMC government concerned unless they directly relate to ADB's compliance with its operational policies and procedures; and/or	No
(v) complaints about matters already considered by the CRP, unless the complainants have new evidence previously not available to them and unless the subsequent complaint can be readily consolidated with the earlier complaint.	No