COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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# COMMONWEALTH TRANSPORTATION BOARD
# WORKSHOP AGENDA

Omni Homestead Resort
Mount Vernon and Straford Rooms
1766 Homestead Drive
Hot Springs, Virginia 24445

October 23, 2017
10:00 a.m.

1. Commonwealth Transportation Board
   Policy Index Review
   *JoAnne Maxwell. Virginia Department of Transportation*

2. Federal Transportation Grant Anticipation Notes, Series 2017
   *John Lawson. Virginia Department of Transportation*

3. State Rail Plan
   *Mike Todd, Virginia Department of Rail & Public Transportation*

4. I-395 Transit Payment Presentation
   *Jennifer DeBruhl, Virginia Department of Rail & Public Transportation*

5. DC2RVA Update
   *Emily Stock, Virginia Department of Rail and Public Transportation*

6. High Rise Bridge Briefing
   *Garrett Moore, Virginia Department of Transportation*

7. Smart Scale Updates
   *Nick Donohue, Deputy Secretary Department of Transportation*

8. VTRANS Update
   *Nick Donohue, Deputy Secretary Department of Transportation*

9. Commissioner's Items
   *Charles Kilpatrick, Virginia Department of Transportation*

10. Director's Items
    *Jennifer Mitchell, Virginia Department of Rail & Public Transportation*

11. Secretary's Items
    *Aubrey Layne, Secretary of Transportation*

# # #

# Commonwealth Transportation Board Policy Index Review

October 23, 2017

Jo Anne Perry Maxwell

Director, Governance and Legislative Affairs

# Background

- A Commonwealth Transportation Board (CTB) Policy Notebook was created in 2005 at direction of Secretary of Transportation, Whittington Clement
- Objective was to document in one location all CTB guidelines, policies, and regulations :
  - to assist the CTB in meeting its statutory obligation to make regulations, and review and approve policies related to transportation in the Commonwealth;
  - to facilitate the examination of CTB actions for possible updating, rescission, or disposal; and
  - to provide a historical compilation of CTB actions since 1906, when the State Highway Commission – the CTB's predecessor – was created.
- In a resolution dated March 17, 2005, the CTB directed VDOT to:
  - maintain the Commonwealth Transportation Board Policy Notebook in either printed or electronic form; and
  - update the Commonwealth Transportation Board Policy Notebook as necessary to reflect statutory, regulatory, and Board policy changes.

# Background

- Due to increasing content over time resulting from regular updates, the Policy Notebook has been:
  - made available electronically on the CTB website;
  - divided into a Policy Index and a CTB Orientation Guide;
  - rearranged so that policies are categorized by hyperlinked subject rather than chronologically; and
  - expanded to include a chapter on delegations from the CTB.

- August 2017 CTB Retreat: Secretary/CTB Chairman Aubrey Layne requested that the Policy Index be re-evaluated to:
  - identify obsolete or redundant policies and actions to be repealed
  - identify for retention those policies and actions that reflect current operating needs and statutory responsibilities

# Policy Index Categories

- Generally, the policies/actions in the Policy Index can be categorized as:
  - Financial/Funding
  - Road Systems
  - Contracting
  - General Administration
  - Operations
  - Other
  - Delegations

# Policy Index Preliminary Review

- Results of Preliminary Review (to date):
  - ~390 (67%) of the policies/actions are obsolete due to passage of time, statutory transfer of responsibilities or explicit CTB repeal/rescission
  - ~95 (16%) of the policies/actions reflect current CTB policies
  - ~99 (17%) of the policies/actions have an uncertain status

# Proposed Next Steps

- Governance and Legislative Affairs will continue its review and prepare a resolution for CTB action at the December action meeting affirming those policies and actions that are clearly still valid and repealing those policies and actions that are clearly obsolete or unnecessary. *(See* attached supplements)

- The Policy Index will be revised according to the action taken by the CTB, and repealed policies and actions will be archived.

- After the December meeting, the revised Policy Index will undergo continued review to resolve questions about those policies and actions that do not fall clearly into the “repeal” or “affirm” categories - additional policies and actions not acted upon in December will be presented to the Board for consideration in January 2018.

- The revised Policy Index will be periodically reviewed and CTB action will be sought to ensure the Index contains only those policies and actions that are current or relevant.

# Policy Index Review

## Questions

**Supplement 1 to October CTB Presentation: Policies Adopted by the CTB – Proposed for Retention**

This chapter includes all policies adopted by the CTB since 1918. Policies are categorized by subject area and listed in alphabetical order within each category. The category title is listed in the upper right hand corner on the following pages. In addition, a hyperlinked listing of categories is placed below to facilitate searches via the "Find" command on the Toolbar.


Administration
Airport Access Fund
Bicycle and Pedestrian Facilities
Bridges and Structures
Cash and Debt Management
Conflicts of Interest
Construction and Design
Contracting and Procurement
Contracting and Procurement – Qualification
Corridors of Statewide Significance
Economic Development Access Fund
Funds – Allocations, Apportionments, and Expenditures
Funds – Transfers
Hazardous Materials
Highways – Acceptances, Additions, and Abandonments
HOV Facilities
Industrial Access Railroad Track Fund
Integrated Directional Signing Program
Land Use
Limited Access Control
Maintenance
Noise Abatement
Overdimensional or Overweight Vehicles
Parking
Performance Reporting
Priority Transportation Fund
Public Involvement
Public Private Partnerships
Rail and Grade Crossings
Recreational Access
Relocation Assistance
Research
Residential Traffic Management
Rest Areas and Waysides
Revenue Sharing
Right of Way – General
Right of Way – Minimum Standards
Roadside Management
Roadway Lighting
Scenic Highways and Byways
Signs – Markers and Memorials
Signs – Outdoor Advertising
Six-Year Improvement Program
Soil Conservation
Toll Facilities and Rates
Traffic Control
Transit
Transportation Enhancement Program
Transportation Trust Fund
Urban System
Utilities
Vegetation
Virginia Transportation Infrastructure Bank
VTrans Plans
Weight Restrictions
Work Zone Management

**Authorization to Update Commonwealth Transportation Board Websites, Regulations, Guidelines, Manuals, Policies, and Other Documents Based on Chapter 805 of the 2014 Acts of Assembly**
**Approved: 5/14/2014**

Comment [d1]: Operations

WHEREAS, since last recodified in 1970, Title 33.1 (Highways, Bridges and Ferries) of the Code of Virginia has been amended by the addition of new powers and duties for the Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) and by the creation of the Department of Rail and Public Transportation (DRPT), changes to existing or establishment of new funding formulas, the introduction of new transportation programs, creation of new transportation entities, imposition of new mandates, and repeal of other sections; and

WHEREAS, the Virginia Code Commission, in light of these changes, proposed a revision to the Code of Virginia (House Bill 311) in order to (i) organize the laws in a more logical manner; (ii) remove obsolete and duplicative provisions; (iii) improve the structure and clarity of the laws pertaining to highways, bridges, ferries, rail and public transportation, transportation funding, and local and regional transportation; and (iv) include in a single transportation-related title, additional laws dealing with the closely related subject matters of transportation funding and local and regional transportation located in other parts of the Code; and

WHEREAS, under the provisions of HB 311, enacted as Chapter 805 of the 2014 Acts of Assembly, as of October 1, 2014, Title 33.1 and portions of other Titles in the Code of Virginia will be repealed and replaced with Title 33.2; and

WHEREAS, as a result, all websites, regulations, guidelines, manuals, policies and other similar documents of, and/or previously approved by the CTB that reference statutes affected by the recodification will need to be updated; and

WHEREAS, given that the document revisions necessitated by HB 311 are technical in nature and that it would be inefficient to bring such revised documents to the CTB for approval as they are updated, the CTB finds that it would be appropriate and expedient to authorize the Commissioner and the DRPT Director or his/her designees to make the necessary revisions/updates to said documents.

NOW, THEREFORE BE IT RESOLVED that the Commissioner of Highways and the Director of the Department of Rail and Public Transportation or his/her designees are authorized to develop, implement and administer a plan and take all other actions necessary to revise/update as appropriate and on behalf of the CTB, all websites, regulations, guidelines, manuals, policies and other similar documents of, and/or previously approved by the CTB to reflect changes rendered necessary by recodification of Title 33.1 and other portions of the Code of Virginia pursuant to Chapter 805 of the 2014 Acts of Assembly.

**Update to CTB regulations due to enactment of Chapters 36 and 152, 2011 Acts of Assembly**
**Approved: 9/21/2011**

Comment [d2]: Operations

WHEREAS, Chapters 36 and 152 (HB1825/SB1005) of the Acts of Assembly of 2011 made amendments to the Code of Virginia relating to the office of Commonwealth Transportation Commissioner, which included replacing the formal title used for VDOT's chief executive officer (Commonwealth Transportation Commissioner) with a new title (Commissioner of Highways); and

WHEREAS, regulations of the CTB and VDOT are listed in the Virginia Administrative Code (VAC), a collection of state regulations; and

WHEREAS, the VAC entries for regulations of the CTB and VDOT need to be updated to reflect this change.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby directs the Virginia Department of Transportation to amend the VAC regulatory entries of the CTB listed in Attachment A, as attached hereto, to reflect the Commissioner's change in formal title, and process these amendments, along with those necessary to amend VDOT regulatory entries, as provided for by requirements established by the Code of Virginia, Executive Order 14 (10), and the State Registrar of Regulations.

*Editor's Note: The CTB approved only those regulatory amendments for regulations promulgated under its authority. For a complete list of all regulations affected, contact the Policy Division. These regulatory amendments became effective on November 23, 2011.*

**Airport Access Fund Policy (Revision)**
**Approved: 3/14/2012**

Comment [d3]: Operations (24VAC30-451)

WHEREAS, the General Assembly has, from time to time, amended Section 33.1-221 of the Code of Virginia (1950), relating to the funds for the construction or improvement of access roads to economic development sites and public-use airports within the counties, cities, and towns of the Commonwealth; and

WHEREAS, the Department of Transportation has developed the VDOT Business Plan in coordination with the Governor's Multimodal Strategic Plan implemented in December 2010; and WHEREAS, the VDOT Business Plan includes an action item to improve access to multimodal facilities and major employment/industrial centers; and

WHEREAS, the existing policy governing the use of these funds in providing access to airports was adopted some years ago and it is the sense of this Board that certain revisions and restatements of this policy to reflect current trends and goals is warranted.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds the Airport Access Policy adopted April 18, 1996, and adopts the following policy to govern the use of funds available for access to airports pursuant to Section 33.1-221 of the Code of Virginia (1950), as amended:

1. The program for implementation of this policy and the funding available for this program shall be designated respectively as the Airport Access Roads Program and Airport Access Funds.
2. The use of airport access funds shall be limited to assisting in the financing of adequate access to a licensed, public use airport. Termination of access to a licensed, public use airport shall be at the property line of the airport.
3. No cost incurred prior to this Board's approval of the allocation of airport access funds may be reimbursed by such funds. Airport access funds shall be authorized only upon confirmation that the licensed airport facility is already constructed or will be built under firm contract, or upon provision of acceptable surety in accordance with paragraph (a) of Section 33.1-221 of the Code of Virginia (1950), as amended.
4. Airport Access Funds shall be used only for the design and construction of the roadway, including preliminary environmental review and standard drainage and storm water facilities required solely by construction of the road. Airport access funds shall not be used for the acquisition of rights of way, the adjustment of utilities, or the attainment of necessary environmental permits.
5. Eligible items in the design and construction of an airport access road shall be limited to those essential for providing an adequate roadway facility to serve the anticipated traffic generated by the airport's operations with adherence to all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41-1, of the Code of Virginia (1950), as amended.
6. The governing body of a city, county, or town in which the proposed airport access road is located shall serve as the applicant and submit a formal resolution to request airport access funds from this Board. A town whose streets are maintained under either Sections 33.1-79 or 33.1-82, Code of Virginia, shall file the application through the governing body of the county in which it is located. The resolution of request shall include commitments to provide for the rights of way, adjustment of utilities, and necessary environmental permits for the project from funds other than airport access funds allocated by this Board.

7. Not more than $650,000 ($500,000 unmatched and $150,000 matched dollar for dollar) of the airport access funds may be used in any fiscal year to provide access to any one airport. Local matching funds shall be provided from funds other than those administered by this Board.
8. It is the intent of this Board that airport access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.
9. Prior to the formal request for the use of airport access funds, the location for the new access road shall be submitted for approval by the Virginia Department of Transportation.
10. The Board will consult with and may rely on the recommendations of the Virginia Department of Aviation in determining the use of these airport access funds for a requested project.
11. Airport Access funds may be authorized only after all contingencies of this Board's allocation of funding to the project have been met for airport access.
12. The Commissioner of Highways is directed to establish administrative procedures to assure adherence to and compliance with the provisions of this policy and legislative directives.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for 24VAC30-451.*

## Policy for Integrating Bicycles and Pedestrian Accommodations
**Approved: 3/18/2004**

Comment [d4]: See VDOT Website for additional info (http://www.virginiadot.org/programs/bk-documents.asp).- Road Systems

### 1. Introduction

Bicycling and walking are fundamental travel modes and integral components of an efficient transportation network. Appropriate bicycle and pedestrian accommodations provide the public, including the disabled community, with access to the transportation network; connectivity with other modes of transportation; and independent mobility regardless of age, physical constraints, or income. Effective bicycle and pedestrian accommodations enhance the quality of life and health, strengthen communities, increase safety for all highway users, reduce congestion, and can benefit the environment. Bicycling and walking are successfully accommodated when travel by these modes is efficient, safe, and comfortable for the public. A strategic approach will consistently incorporate the consideration and provision of bicycling and walking accommodations into the decision-making process for Virginia's transportation network.

### 2. Purpose

This policy provides the framework through which the Virginia Department of Transportation will accommodate bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation, and maintenance of Virginia's transportation network to achieve a safe, effective, and balanced multimodal transportation system.

For the purposes of this policy, an accommodation is defined as any facility, design feature, operational change, or maintenance activity that improves the environment in which bicyclists and pedestrians travel. Examples of such accommodations include the provision of bike lanes, sidewalks, and signs; the installation of curb extensions for traffic calming; and the addition of paved shoulders.

### 3. Project Development

The Virginia Department of Transportation (VDOT) will initiate all highway construction projects with the presumption that the projects shall accommodate bicycling and walking. Factors that support the need to provide bicycle and pedestrian accommodations include, but are not limited to, the following:

- project is identified in an adopted transportation or related plan
- project accommodates existing and future bicycle and pedestrian use
- project improves or maintains safety for all users
- project provides a connection to public transportation services and facilities
- project serves areas or population groups with limited transportation options
- project provides a connection to bicycling and walking trip generators such as employment, education, retail, recreation, and residential centers and public facilities
- project is identified in a Safe Routes to School program or provides a connection to a school
- project provides a regional connection or is of regional or state significance
- project provides a link to other bicycle and pedestrian accommodations
- project provides a connection to traverse natural or man-made barriers
- project provides a tourism or economic development opportunity

Project development for bicycle and pedestrian accommodations will follow VDOT's project programming and scheduling process and concurrent engineering process. VDOT will encourage the participation of localities in concurrent engineering activities that guide the project development.

### 3.1 Accommodations Built as Independent Construction Projects

Bicycle and pedestrian accommodations can be developed through projects that are independent of highway construction, either within the highway right-of-way or on an independent right-of-way. Independent construction projects can be utilized to retrofit accommodations along existing roadways, improve existing accommodations to better serve users, and install facilities to provide continuity and accessibility within the bicycle and pedestrian network. These projects will follow the same procedures as those for other construction projects for planning, funding, design, and construction. Localities and metropolitan planning organizations will be instrumental in identifying and prioritizing these independent construction projects.

### 3.2 Access-Controlled Corridors

Access-controlled corridors can create barriers to bicycle and pedestrian travel. Bicycling and walking may be accommodated within or adjacent to access-controlled corridors through the provision of facilities on parallel roadways or physically separated parallel facilities within the right-of-way. Crossings of such corridors must be provided to establish or maintain connectivity of bicycle and pedestrian accommodations.

### 3.3 Additional Improvement Opportunities

Bicycle and pedestrian accommodations will be considered in other types of projects. Non-construction activities can be used to improve accommodations for bicycling and walking. In addition, any project that affects or could affect the usability of an existing bicycle or pedestrian accommodation within the highway system must be consistent with state and federal laws.

3.3.1 Operation and Maintenance Activities

Bicycling and walking should be considered in operational improvements, including hazard elimination projects and signal installation. Independent operational improvements for bicycling and walking, such as the installation of pedestrian signals, should be coordinated with local transportation and safety offices. The maintenance program will consider bicycling and walking so that completed activities will not hinder the movement of those choosing to use these travel modes. The maintenance program may produce facility changes that will enhance the environment for bicycling and walking, such as the addition of paved shoulders.

3.3.2 Long Distance Bicycle Routes

Long distance bicycle routes facilitate travel for bicyclists through the use of shared lanes, bike lanes, and shared use paths, as well as signage. All projects along a long distance route meeting the criteria for an American Association of State Highway and Transportation Officials (AASHTO) or *Manual on Uniform Traffic Control Devices* (MUTCD) approved numbered bicycle route system should provide the necessary design features to facilitate bicycle travel. Independent construction projects and other activities can be utilized to make improvements for existing numbered bicycle routes. Consideration should be given to facilitating the development of other types of long distance routes.

3.3.3 Tourism and Economic Development

Bicycling and walking accommodations can serve as unique transportation links between historic, cultural, scenic, and recreational sites, providing support to tourism activities and resulting economic development. Projects along existing or planned tourism and recreation corridors should include bicycle and pedestrian accommodations. In addition, the development of independent projects to serve this type of tourism and economic development function should be considered and coordinated with economic development organizations at local, regional, and state levels, as well as with other related agencies. Projects must also address the need to provide safety and connectivity for existing and planned recreational trails, such as the Appalachian Trail, that intersect with the state's highway system.

**3.4 Exceptions to the Provision of Accommodations**

Bicycle and pedestrian accommodations should be provided except where one or more of the following conditions exist:

- scarcity of population, travel, and attractors, both existing and future, indicate an absence of need for such accommodations
- environmental or social impacts outweigh the need for these accommodations
- safety would be compromised
- total cost of bicycle and pedestrian accommodations to the appropriate system (i.e., interstate, primary, secondary, or urban system) would be excessively disproportionate to the need for the facility
- purpose and scope of the specific project do not facilitate the provision of such accommodations (e.g., projects for the Rural Rustic Road Program)
- bicycle and pedestrian travel is prohibited by state or federal laws

**3.5 Decision Process**

The project manager and local representatives will, based on the factors listed previously in this section, develop a recommendation on how and whether to accommodate bicyclists and pedestrians in

a construction project prior to the public hearing. The district administrator should confirm this recommendation prior to the public hearing. Public involvement comments will be reviewed and incorporated into project development prior to the preparation of the design approval recommendation. When a locality is not in agreement with VDOT's position on how bicyclists and pedestrians will or will not be accommodated in a construction project, the locality can introduce a formal appeal by means of a resolution adopted by the local governing body. The resolution must be submitted to the district administrator to be reviewed and considered prior to the submission of the design approval recommendation to the chief engineer for program development. Local resolutions must be forwarded to the chief engineer for program development for consideration during the project design approval or to the Commonwealth Transportation Board for consideration during location and design approval, if needed for a project. The resolution and supporting information related to the recommendation must be included in the project documentation.

The decisions made by VDOT and localities for the provision of bicycle and pedestrian travel must be consistent with state and federal laws regarding accommodations and access for bicycling and walking.

**4. Discipline Participation in Project Development**

VDOT will provide the leadership to implement this policy. Those involved in the planning, funding, design, construction, operation, and maintenance of the state's highways are responsible for effecting the guidance set forth in this policy. VDOT recognizes the need for interdisciplinary coordination to efficiently develop, operate, and maintain bicycle and pedestrian accommodations.

Procedures, guidelines, and best practices will be developed or revised to implement the provisions set forth in this policy. For example, objective criteria will be prepared to guide decisions on the restriction of bicycle and pedestrian use of access-controlled facilities. VDOT will work with localities, regional planning agencies, advisory committees, and other stakeholders to facilitate implementation and will offer training or other resource tools on planning, designing, operating, and maintaining bicycle and pedestrian accommodations.

**4.1 Planning**

VDOT will promote the inclusion of bicycle and pedestrian accommodations in transportation planning activities at local, regional, and statewide levels. These planning activities include, but are not limited to, corridor studies, small urban studies, regional plans, and the statewide multimodal long-range transportation plan. To carry out this task, VDOT will coordinate with local government agencies, regional planning agencies, and community stakeholder groups. In addition, VDOT will coordinate with the Virginia Department of Rail and Public Transportation (VDRPT) and local and regional transit providers to identify needs for bicycle and pedestrian access to public transportation services and facilities.

**4.2 Funding**

Highway construction funds can be used to build bicycle and pedestrian accommodations either concurrently with highway construction projects or as independent transportation projects. Both types of bicycle and pedestrian accommodation projects will be funded in the same manner as other highway construction projects for each system (i.e., interstate, primary, secondary, or urban). VDOT's participation in the development and construction of an independent project that is not associated with the interstate, primary, secondary, or urban systems will be determined through a negotiated agreement with the locality or localities involved.

Other state and federal funding sources eligible for the development of bicycle and pedestrian accommodations may be used, following program requirements established for these sources. These sources include, but are not limited to, programs for highway safety, enhancement, air quality, congestion relief, and special access.

VDOT may enter into agreements with localities or other entities in order to pursue alternate funding to develop bicycle and pedestrian accommodations, so long as the agreements are consistent with state and federal laws.

**4.3 Design and Construction**

VDOT will work with localities to select and design accommodations, taking into consideration community needs, safety, and unique environmental and aesthetic characteristics as they relate to specific projects. The selection of the specific accommodations to be used for a project will be based on the application of appropriate planning, design, and engineering principles. The accommodations will be designed and built, or installed, using guidance from VDOT and AASHTO publications, the MUTCD, and the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Methods for providing flexibility within safe design parameters, such as context sensitive solutions and design, will be considered.

During the preparation of an environmental impact statement (EIS), VDOT will consider the current and anticipated future use of the affected facilities by bicyclists and pedestrians, the potential impacts of the alternatives on bicycle and pedestrian travel, and proposed measures, if any, to avoid or reduce adverse impacts to the use of these facilities by bicyclists and pedestrians.

During project design VDOT will coordinate with VDRPT to address bicyclist and pedestrian access to existing and planned transit connections.

Requests for exceptions to design criteria must be submitted in accordance with VDOT's design exception review process. The approval of exceptions will be decided by the Federal Highway Administration or VDOT's Chief Engineer for Program Development.

VDOT will ensure that accommodations for bicycling and walking are built in accordance with design plans and VDOT's construction standards and specifications.

**4.4 Operations**

VDOT will consider methods of accommodating bicycling and walking along existing roads through operational changes, such as traffic calming and crosswalk marking, where appropriate and feasible.

VDOT will work with VDRPT and local and regional transit providers to identify the need for ancillary facilities, such as shelters and bike racks on buses, that support bicycling and walking to transit connections.

VDOT will enforce the requirements for the continuance of bicycle and pedestrian traffic in work zones, especially in areas at or leading to transit stops, and in facility replacements in accordance with the MUTCD, VDOT Work Area Protection Manual, and VDOT Land Use Permit Manual when construction, utility, or maintenance work, either by VDOT or other entities, affects bicycle and pedestrian accommodations.

VDOT will continue to research and implement technologies that could be used to improve the safety and mobility of bicyclists and pedestrians in Virginia's transportation network, such as signal detection systems for bicycles and in-pavement crosswalk lights.

**4.5 Maintenance**

VDOT will maintain bicycle and pedestrian accommodations as necessary to keep the accommodations usable and accessible in accordance with state and federal laws and VDOT's asset management policy. Maintenance of bike lanes and paved shoulders will include repair, replacement, and clearance of debris. As these facilities are an integral part of the pavement structure, snow and ice control will be performed on these facilities.
For sidewalks, shared use paths, and bicycle paths built within department right-of-way, built to department standards, and accepted for maintenance, VDOT will maintain these bicycle and pedestrian accommodations through replacement and repair. VDOT will not provide snow or ice removal for sidewalks and shared use paths. The execution of agreements between VDOT and localities for maintenance of such facilities shall not be precluded under this policy.

**5. Effective Date**

This policy becomes effect upon its adoption by the Commonwealth Transportation Board on March 18, 2004, and will apply to projects that reach the scoping phase after its adoption.

This policy shall supersede all current department policies and procedures related to bicycle and pedestrian accommodations. VDOT will develop or revise procedures, guidelines, and best practices to support and implement the provisions set forth in this policy, and future departmental policies and procedural documents shall comply with the provisions set forth in this policy.

**Approval of National Fire Protection Association 502 Standard for State-Owned Roadway Bridges and Tunnels**
**Approved: 3/16/2011**

Comment [d5]: Road Systems

WHEREAS, Chapter 341 of the 2005 Acts of Assembly exempted roadway tunnels and bridges owned by the Virginia Department of Transportation (VDOT) from the Commonwealth's Building Code and the Statewide Fire Prevention Code Act (§ 27-94 et seq. of the Code of Virginia); and

WHEREAS, § 36-98.1 (B) of the Code of Virginia requires roadway tunnels and bridges to be designed, constructed, and operated to comply with fire safety standards based on nationally recognized model codes and standards to be developed by VDOT in consultation with the State Fire Marshal and approved by the Commonwealth Transportation Board; and

WHEREAS, in consultation with the State Fire Marshal, VDOT has determined that the National Fire Protection Association (NFPA) 502: Standard for Road Tunnels, Bridges, and Other Limited Access Highways, 2011 Edition, as they may be amended from time to time, are the appropriate fire safety standards for roadway tunnels and bridges owned by VDOT/the Commonwealth.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the National Fire Protection Association (NFPA) 502 Standard for Road Tunnels, Bridges, and Other Limited Access Highways, 2011 Edition, and any subsequent amendments or updates

thereto, as the fire safety standards that are appropriate for, and that VDOT will utilize, in the design, construction and operation, including but not limited to emergency response operations, of roadway tunnel structures and bridges owned by VDOT/the Commonwealth.

## Cash Forecasting
**Approved: 4/21/2005**

Comment [d6]: Finance/Funding

WHEREAS, the Governor and General Assembly have established procedures to be followed by VDOT in the development of the Six-Year Improvement Program; and

WHEREAS, the Auditor of Public Accounts (APA) evaluated cash management and capital budgeting practices at VDOT in 2002 and made recommendations for improving these activities; and

WHEREAS, VDOT's cash position has stabilized during the last two years as a result of the regular use of a cash forecasting model in making operating and financing decisions;

WHEREAS, the Commonwealth Transportation Board has included in its policies a desire to finance projects as they are built; and

WHEREAS, beginning with the 2003 Six-Year Improvement Program, the cash forecast has been used effectively to determine the cash flow impacts of the program of projects; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Ratifies the use of cash flow projections as an important component of financial accountability and a beneficial method of balancing projected revenues with proposed expenditures in the delivery of VDOT's construction and maintenance programs; and
- Directs VDOT to continue the use of cash flow projections from the Cash Forecast Model, or similar application, to provide guidance for project scheduling and inclusion in the development and management of the Six-Year Improvement Program; and
- Directs VDOT to continue the use of cash flow projections from the Cash Forecast Model, or similar application, to plan cash needs and availability for maintenance, operations and administrative spending; and
- Directs VDOT to use cash flow projections from the Cash Forecast Model, or similar application, to aid in the transition to a capital based budget.

## Commonwealth Transportation Board Debt Policy
**Approved: 11/20/2003**

Comment [d7]: Finance/Funding

**Purpose**
The debt policy will establish the level of indebtedness the Commonwealth Transportation Board can reasonably expect to incur without jeopardizing its existing credit ratings and to ensure the efficient and effective use of debt financing of the CTB's transportation infrastructure development program. As such, the debt policy is to be used in conjunction with the Approved Budget, the Six Year Improvement Program (SYIP), and the Official Revenue Forecast.

**Policy Statement**
The use of debt financing will be kept to a minimum while focusing on (i) efficiency in timing and amount of debt issuance to support project cash flow needs; (ii) targeting the use of debt to fund activities that will accelerate project delivery and mitigate the impact of inflation; and (iii) management of debt within acceptable capacity limitations in order to maximize availability of future funding for new projects.

With the exception of Federal Highway Reimbursement Anticipation Notes ("FRANs"), debt will continue to be issued in accordance with Commonwealth of Virginia debt management policy as promulgated by the Debt Capacity Advisory Committee.

Future sales of FRANs will only be authorized in compliance with the debt capacity model described below.

**Federal Highway Reimbursement Anticipation Notes**

- FRANs were authorized by the Virginia Transportation Act of 2000 (the "VTA").
- FRANs are issued pursuant to a Master Indenture of Trust, dated as of October 1, 2000.
- FRANs are secured by revenues appropriated by the General Assembly, the source of which is expected to be limited to Federal highway reimbursements received from time to time by the Commonwealth.
- The CTB, at its discretion and to the extent required, may allocate from legally available revenues of the Transportation Trust Fund and then from such other funds, if any, which may be designated by the General Assembly, for the payment of debt service on FRANs.
- FRANs are rated Aa2/AA/AA by Moody's Investors Service, Standard & Poor's and Fitch Ratings, respectively.

**Debt Capacity Model**

- Debt Capacity Measure: Maximum debt service on any outstanding and planned bond issues, assuming the Interest Rate Measure, cannot exceed 25 percent of the Revenue Measure - $\frac{\text{Maximum Annual FRANs Debt Service}}{\text{Revenue Measure}} < 25\%$
- Revenue Measure: Six-year average of federal highway reimbursements received in the preceding six state fiscal years. Federal highway reimbursements means all federal-aid highway construction reimbursements and any other federal highway assistance received from time to time by the Commonwealth of Virginia under or in accordance with Title 23 of the United States Code or any successor program established under federal law.
- Interest Rate Measure: Twenty-four month average of Municipal Market Data (MMD) double-A 10-year yield. Using a twenty-four month average would capture fluctuations in interest rates and also moderate the effect of interest rate movements over any one year.
- Issuance Period: 10 Years
- Debt Service: Incorporates any outstanding debt and future issuances
- Maximum Outstanding: The total principal amount outstanding may not exceed $1.2 billion as is currently authorized by the VTA.
- Maximum Maturity: 10 years as is currently authorized by the VTA.
- Debt Structure: Level annual debt service
- Additional Bonds Test: Future debt issuances must comply with the Master Indenture Additional Bonds Test, which specifies that the Commonwealth Transportation Board (the "Board") may issue additional FRANs if the Chairman or Vice Chairman of the Board certifies that Projected Federal Highway Revenues for the period ending upon the termination of the most recently enacted authorization for the Federal-Aid Highway Program shall equal or exceed 3.0 times the Maximum Annual Debt Service, including debt service on the additional FRANs.

**Sensitivity Analysis**

Federal highway reimbursements and interest rates cannot be predicted, the following sensitivity analyses will demonstrate the impact on debt capacity of changes in federal highway reimbursements and interest rates:

- Six-year average of federal highway reimbursements +/- 10 percent

- Twenty-four month average of MMD double-A 10-year yield +/- 100 basis points

**Parameters of the Model**

A. Debt Capacity Model Inputs includes:
   (A.1) Debt Service to Revenues Percentage of 25 percent (Debt Capacity Measure),
   (A.2) Six-Year Historical Average of Federal Highway Reimbursements (Revenue Measure),
   (A.3) 24-Month Average of the MMD Double-A 10-Year Yield (Interest Rate Measure) and
   (A.4) Term of Debt (10 years).
B. Maximum Annual Capacity to Pay Debt Service is calculated as the product of the Debt Service to Revenues Percentage of 25 percent and the Revenue Measure. [B=(A.1)*(A.2)]
C. Total Debt Capacity is calculated as the present value of the Maximum Annual Capacity to Pay Debt Service assuming the Interest Rate Measure and 10 year maturity and represents the total amount of FRANs that can be issued assuming annual debt service for 10 years is equal to the Maximum Annual Capacity to Pay Debt Service with the interest rate on the debt equal to the Interest Rate Measure. [C=PV (A.3, A.4, (A.1*A.2))]
D. Maximum Annual Debt Service on Outstanding Debt is the maximum fiscal year debt service on all FRANs debt outstanding at the time of the analysis. Debt service on future debt issues is not included.
E. Remaining Capacity to Pay Debt Service is calculated as the difference between the Maximum Annual Capacity to Pay Debt Service and the Maximum Annual Debt Service on Outstanding Debt and represents the annual amount of revenues available to pay debt service on future debt issues, assuming the Debt Capacity Model Inputs. [E=B-D]
F. Additional Debt That Can Be Issued Through and Including 2010 is calculated as the present value of the Remaining Capacity to Pay Debt Service assuming the Interest Rate Measure and 10 year maturity and represents the amount of FRANs that can be issued given the FRANs that are currently outstanding. For the period from 2004 through 2010, the total amount that can be issued is constrained by the debt service on the outstanding Series 2000 and Series 2002 FRANs, which equals approximately $120.6 million each year. [F=PV (A.3, A.4, E)]
G. Existing Debt Service is the annual debt service on the FRANs outstanding at the time of the analysis.
H. Additional Debt to be Issued is the annual amount of debt that can be issued given the existing debt service and the Debt Capacity Model Inputs. For the period 2004 through 2010, given a Revenue Measure and Interest Rate Measure, the total amount that can be issued is fixed for the period, but the issuance schedule and the size of the issue over the seven-year period can be determined by the CTB as long as the total issuance does not exceed the Additional Debt That Can Be Issued Through 2010 (F). After 2010, the Additional Debt To Be Issued reflects the maximum amount of debt that can be issued in each year without violating the Debt Capacity Measure and assuming the maximum amount of debt that could be issued in prior years was issued. [H=PV (A.3, A.4, (B-Gn-In-1)]
I. Debt Service on Additional Debt represents the debt service on all new FRANs issues assuming the Interest Rate Measure, 10 year maturity.
J. Total Debt Service is the sum of the Existing Debt Service and the Debt Service on Additional Debt. [J=G+I]
K. Total Principal Outstanding is the amount of debt outstanding including the Additional Debt to be Issued.
L. 6-Year Average Federal Highway Revenues is the Revenue Measure.
M. Debt Service as % of Revenues is calculated by dividing Total Debt Service by the Revenue Measure. [M=I  L]
N. Debt Service Coverage is calculated by dividing the Revenue Measure by Total Debt Service. [N=L I]

O. Revenue for Pay-As-You-Go is the amount of federal highway reimbursements left to pay for projects on a pay-as-you-go basis assuming the Revenue Measure. [O=L-J]

**Summary of Model Results**

Using the Debt Capacity Measure of debt service to revenues of 25 percent, for 2004, the CTB has total debt capacity for FRANs of $1.236 billion based on the following model inputs:

- Revenue Measure: Average of federal highway reimbursements for fiscal years 1998 through 2003 is $607.8 million
- Interest Rate Measure: The 24-month average of MMD double-A 10 year yields is 3.95 percent.

The CTB has previously issued two series of FRANs, $375 million in 2000 and $523.32 in 2002. As of October 1, 2003, a total of $786.6 million of principal is outstanding. Annual debt service on the Series 2000 and Series 2002 is approximately $120.6 million through 2010. After taking into account debt service on the outstanding FRANs, the CTB has remaining capacity of $255.01 million through and including 2010. The issuance schedule and the size of the issues over the seven-year period can be determined by the CTB as long as the total issuance for the period does not exceed the $255.01 million. Based on the same model inputs, after 2010, the CTB could issue a total of $980.5 million with maximum annual amounts set forth in the table below.

| State Fiscal Year | Maximum Capacity ($000s) |
|---|---|
| 2004-2010 | $255,011 |
| 2011 | $327,662 |
| 2012 | $109,130 |
| 2013 | $407,873 |
| 2014 | $135,840 |
| **Total** | **$1,235,516** |

**Summary of Sensitivity Analysis**

Federal highway reimbursements and interest rates cannot be predicted; the following summarizes the impact on debt capacity of changes in federal highway reimbursements and interest rates:

- Interest Rate Sensitivity:
  - If 100 basis points are added to the Interest Rate Measure, total debt capacity is reduced by $59.3 million to $1.18 billion. Remaining capacity is reduced by $12.2 million to $242.8 million.
  - If 100 basis points are subtracted from the Interest Rate Measure, total debt capacity is increased by $64.0 million to $1.30 billion. Remaining capacity is increased by $13.2 million to $268.2 million.
- Revenue Sensitivity:
  - For each 10% change in the Revenue Measure, total debt capacity changes by $123.5 million.

**Post-Issuance Compliance Policy for Tax-Exempt Qualified Obligations**
**Approved: 2/17/2010**

Comment [d8]: Finance/Funding

WHEREAS, the Commonwealth Transportation Board (the "Board") is authorized to issue debt from time to time and currently has outstanding indebtedness in the form of (a) obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code") ("tax-exempt obligations"), and (b) obligations the interest on which is not excludable from gross income for federal income tax purposes, but which federal law otherwise requires to satisfy requirements of the Code applicable to tax-exempt obligations (e.g., Build America Bonds authorized pursuant to Section 54AA of the Code) ("tax-exempt qualifying obligations," and together with tax-exempt obligations, "Obligations");

WHEREAS, pursuant to the Code and related U.S. Treasury regulations, the Board must demonstrate compliance with certain requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations be, or continue to be, or but for certain provisions of the Code would be, excludable from gross income for federal income tax purposes;

WHEREAS, the Board has determined to authorize and adopt a post-issuance compliance policy (the "Policy") to document existing practices and describe various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with post-issuance requirements with respect to its Obligations; and

WHEREAS, there has been presented to this meeting a draft of the Policy which the Board proposes to approve and adopt, copies of which shall be filed with the records of the Board;

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Adoption of Post-Issuance Compliance Policy. The Board determines that it is in the best interest of the Commonwealth of Virginia (the "Commonwealth") to authorize and adopt the Policy, and the Policy is hereby authorized and adopted by the Board in substantially the form presented to this meeting.

2. Effective Date. This Resolution shall be effective immediately.

**Post-Issuance Compliance Policy for Tax-Exempt Qualified Obligations**

**Statement of Purpose**

This Post-Issuance Compliance Policy (the "Policy") sets forth specific policies of the Commonwealth Transportation Board (the "Transportation Board") of the Commonwealth of Virginia (the "Commonwealth") designed to monitor post-issuance compliance of tax-exempt qualified obligations[1] issued by the Transportation Board (the "Obligations") with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder (the "Treasury Regulations").

[1] For purposes of the Policy, tax-exempt qualified obligations shall include (a) obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code") ("tax-exempt obligations"), and (b) obligations the interest on which is not excludable from gross income for federal income tax purposes, but which federal law otherwise requires to satisfy requirements of the Code applicable to tax-exempt obligations. For example, Section 54AA of the Code, added by the American Recovery and Reinvestment Act of 2009, authorizes the issuance of "Build America Bonds," the interest on which is includible in gross income for federal income tax purposes, provided that (a) the interest on the bonds would, but for such Section 54AA, be excludable from gross income for federal tax purposes under Section 103 of the Code, (b) such bonds are issued before a specified date (currently January 1, 2011), and (c) the issuer makes an irrevocable election to have Section 54AA apply. Accordingly, the Policy will apply to Build America Bonds issued by the Transportation Board.

The Policy documents existing practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations be, or continue to be, or but for certain provisions of the Code would be, excludable from gross income for federal income tax purposes. The Transportation Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the Transportation Board's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring, and may entail consultation by the Commonwealth's Department of Transportation staff (the "Transportation staff") with bond counsel beyond the scope of bond counsel's initial engagement with respect to the issuance of particular Obligations.

**Policy Components**

Specific post-issuance compliance procedures address the relevant areas described below. The following list is not intended to be exhaustive and further areas may be identified from time to time by the Transportation staff in consultation with bond counsel and appropriate representatives of the Attorney General's office and the Commonwealth's Department of the Treasury (the "Treasury Department") staff.

I. General Policies and Procedures – the following policies relate to procedures and systems for monitoring post-issuance compliance generally.

   A. The Chief Financial Officer of the Commonwealth's Department of Transportation (the "Chief Financial Officer") shall identify an appropriate Department of Transportation staff member (currently the Debt Manager) to be responsible for monitoring post-issuance compliance issues on behalf of the Transportation Board (the "Transportation Designee"). The Treasury Department Director of Debt Management (the "Treasury Director") has identified an appropriate Treasury Department staff member (currently the Assistant Director of Debt Management responsible for the Transportation Board) to assist, as necessary, the Transportation Designee in such monitoring as it relates to Obligations issued by the Transportation Board. The Chief Financial Officer and the Treasury Director, as applicable, shall be responsible for ensuring an adequate succession plan for transferring post-issuance compliance responsibility when changes in staff occur.

   B. The Transportation Designee will coordinate procedures for record retention and review of such records.

   C. The Transportation Designee will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

   D. Electronic media will be the preferred method for storage of all documents and other records related to Obligations and compliance with the Policy maintained by Transportation staff, the Transportation Board and the Treasury Department. In maintaining such electronic storage, the Transportation Designee will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in IRS Revenue Procedure 97-22.

II. Issuance of Obligations – the following policies relate to the issuance of a specific issue of Obligations by the Transportation Board.

The Transportation Designee will:

A. Obtain from bond counsel and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents.

B. Confirm that bond counsel has filed the applicable information report (e.g., IRS Form 8038-G or 8038-CP) for such issue with the IRS on a timely basis.

C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable Transportation staff.

III. Arbitrage – the following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Transportation Designee will:

A. Coordinate the tracking of expenditures and any investment earnings.

B. Obtain a computation of the yield on such issue from the Transportation Board's financial dvisor for such issuance or other relevant third party (e.g., the underwriter for such issuance, the State Non Arbitrage Program ("SNAP"), or other outside arbitrage rebate specialist) and maintain a system for tracking investment earnings, whether internal to the Department of Transportation or external via the Treasury Department or SNAP.

C. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.

D. Coordinate with SNAP and/or other applicable Transportation staff to monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.

E. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.

F. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.

G. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions (e.g., bond insurance, letters of credit) or hedging transactions (e.g., interest rate swaps, caps).

H. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.

I. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to monitor compliance with the six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.

J. Coordinate with SNAP and/or other applicable Transportation staff or Treasury Department staff and the bond trustee to arrange, as applicable, for timely computation of rebate liability and, if rebate is due, for timely filing of IRS Form 8038-T and to arrange payment of such rebate liability.

K. Coordinate with SNAP and/or other applicable Transportation staff or Treasury Department staff to arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

L. In the case of any issue of refunding Obligations, coordinate with the Transportation Board's financial advisor, the bond trustee and any escrow agent to arrange for the purchase of the refunding escrow securities, should obtain a computation of the yield on such escrow securities from the Treasury Department's outside arbitrage rebate specialist and should monitor compliance with applicable yield restrictions.

IV. Private Activity Concerns – the following policies relate to the monitoring and tracking of private uses and payments with respect to facilities financed or refinanced by Obligations.

The Transportation Designee will:

A. Coordinate with applicable Transportation staff to maintain records determining and tracking which specific issues of Obligations financed which facilities and in what amounts.

B. Coordinate with applicable Transportation staff to maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue of Obligations to expenditures, including the reimbursement of pre-issuance expenditures.

C. Coordinate with applicable Transportation staff to maintain records allocating to a project financed with Obligations the proceeds of such issue of Obligations and any funds from other sources that will be used for non-qualifying costs.

D. Coordinate with SNAP and/or other applicable Transportation staff to monitor the expenditure of proceeds of such issue for qualifying costs.

E. Coordinate with applicable Transportation staff to monitor any private use of financed facilities to ensure compliance with applicable percentage limitations.

F. Consult with bond counsel as to any possible private use of financed facilities.

V. Reissuance – the following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal tax purposes.

The Transportation Designee will:

A. Consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

B. Confirm with bond counsel whether any "remedial action" in connection with a "change in use" (as such terms are defined in the Code and Treasury Regulations) would be treated as a reissuance for federal tax purposes, and if so, confirm the filing of any new IRS Form 8038-G.

VI. Record Retention – the following policies relate to retention of records relating to Obligations.

The Transportation Designee will:

A. Coordinate with applicable Transportation staff to maintain sufficient records to ensure that the issue remains in compliance with applicable federal tax requirements for the life of such issue.

B. Coordinate with applicable Transportation staff to comply with federal and state law provisions imposing specific recordkeeping requirements.

C. Coordinate with applicable Transportation staff to generally maintain the following:

1. Basic records relating to the transaction (e.g., supplemental indenture, loan agreement, any non-arbitrage certificate and the bond counsel opinion);
2. Documentation evidencing expenditure of proceeds of the issue;
3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
4. Documentation evidencing use of financed property by public and private sources (e.g., copies of management contracts and research agreements);
5. Documentation evidencing all sources of payment or security for the issue; and
6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).

D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS. While this is typically accomplished through the maintenance of hard copies, records may be kept in electronic format so long as applicable requirements, such as IRS Revenue Procedure 97-22, are satisfied.

E. Keep all material records for so long as the issue is outstanding, plus three years after the final maturity or redemption of such issue.

**Arterial Network Policy - Rescinded**
**Approved: 6/19/2003**

Comment [d9]: Road Systems

WHEREAS, Chapter 260 of the 1964 Acts of Assembly authorized the Commonwealth Transportation Board's predecessor, the State Highway Commission, the establish within the State Highway System an Arterial Network of Highways to supplement and complement the Interstate System; and

WHEREAS, on March 19, 1964, the State Highway Commission approved a resolution which established the criteria for a road to become part of the Arterial Network; addressing traffic volumes, distribution of truck, automobile, and bus use, and the degree to which the Arterial System supplements or complements the Interstate System; and

WHEREAS, the resolution is the basis for a policy in the Virginia Department of Transportation's (VDOT) Department Policy Memoranda (DPM) Manual designated as DPM 8-2, "Arterial Networks," and is also an Administrative Process Act-exempt regulation designated as 24 VAC 30-480-10; and

WHEREAS, Chapter 302 of the 2003 Acts of Assembly repealed all provisions in the *Code of Virginia* referring to the Arterial Network of highways, and repealed the Acts of Assembly that designate certain highways as part of the Arterial Network; and

WHEREAS, the Office of the Attorney General (OAG) has advised VDOT that the regulation will become unenforceable on July 1, 2003, when Chapter 302 becomes effective, and that it should be repealed; and

WHEREAS, the OAG also advised the Commonwealth Transportation Board (CTB) to formally rescind the Commission's resolution, though there is no legal obligation to do so;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- rescinds the resolution of March 19, 1964, concerning the Arterial Network to coincide with the effective date of Chapter 302;
- authorizes VDOT to rescind DPM 8-2 and repeal 24 VAC 30-480-10 to coincide with the effective date of Chapter 302; and
- directs that the 1964 State Highway Commission minutes be annotated to reflect the CTB's rescission.

**Revision to "Establishment of Objective Criteria for the Selection of Design-Build Projects" Policy**
**Approved: 7/20/2006**

Comment [d10]: Road Systems; see "Design-Build Procurement Manual" (http://www.virginiadot.org/business/resources/ipd/DB_Manual_FinalCopy20111011.pdf)

WHEREAS, in 2001 the General Assembly of Virginia amended and reenacted § 33.1-12 of the *Code of Virginia* to authorize the Commonwealth Transportation Board (CTB) to award design- build contracts; and,

WHEREAS, the reenacted legislation required the CTB to adopt objective criteria regarding the use of design-build; and,

WHEREAS, the CTB approved the current Design-Build Objective Criteria Policy on October 17, 2001; and,

WHEREAS, during the 2006 Virginia Legislative Session, the General Assembly of Virginia amended and reenacted § 33.1-12 of the *Code of Virginia* to eliminate the limit on the number of transportation projects the CTB may award on a design-build basis; and,

WHEREAS, this legislative change makes it necessary to revise the CTB's policy concerning Design-Build Objective Criteria; and,

NOW, THEREFORE, BE IT RESOLVED, that the policy set forth in the attached revised "Establishment of Objective Criteria for the Selection of Design-Build Projects" is hereby approved, and that the Design-Build Objective Criteria Policy approved on October 17, 2001 is hereby revised; and,

BE IT FURTHER RESOLVED**,** that the Commonwealth Transportation Commissioner is authorized to use the revised "Establishment of Objective Criteria for the Selection of Design-Build Projects" in identifying and procuring contracts using the design-build process.

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**ESTABLISHMENT OF OBJECTIVE CRITERIA FOR THE SELECTION OF DESIGN-BUILD PROJECTS**

**BACKGROUND**

During the 2001 Virginia Legislative Session, the General Assembly of Virginia amended and reenacted § 33.1-12 of the Code of Virginia, relating to powers and duties of the Commonwealth Transportation Board authorizing the award of design- build contracts. The Code was further amended during the 2006 Virginia Legislative Session, to eliminate the limit on the number of transportation projects the Commonwealth Transportation Board may award on a design-build basis.

**POLICY**

The Commonwealth Transportation Board may award contracts for the construction of transportation projects on a design-build basis subsequent to the Commissioner making a written determination, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed.

**DEFINITIONS**

The words defined herewith shall have the meaning set forth below throughout this document.

a) "Best Value" means the overall combination of quality, price and various elements of the required services that in total are optimal relative to VDOT's needs, as predetermined in the solicitation.

b) "Board" means The Commonwealth Transportation Board.

c) "Design-Build Contract" means a contract between VDOT and a design-build firm in which the design-build firm agrees to both design and build the structure, roadway, or other item in the contract.

d) "Design-Build Firm" means any company, firm, partnership, corporation, association, joint venture, or other entity permitted by law to practice engineering, architecture and construction contracting in the Commonwealth of Virginia which has the capability, in all respects, to perform fully the contract requirements and business integrity and reliability which will assure good faith performance, and which has been pre-qualified, if required.

e) "Fixed Price" means the price of services provided by the design-build firm is fixed before bidding by VDOT. The bids are judged on the overall combination of quality and various other elements of the required services which in total are optimal relative to VDOT's needs, as predetermined in the solicitation.

f) "Low Bid" means the contract will be awarded to the design-build firm with the lowest priced responsive bid.

g) "Project" or "Transportation Project" means any project that VDOT is authorized by law to undertake including, but not limited to, a highway, tollway, bridge, mass transit, intelligent transportation system, traffic management, traveler information services, or any other project for transportation purposes.

h) "Request for Proposal (RFP)" means all documents whether attached or incorporated by reference utilized for soliciting proposals. The RFP is the second step of a two step competitive negotiation process in which VDOT issues a written request to those design-build firms which have been pre- qualified to submit both technical and price proposals.

i) "Request for Qualifications (RFQ)" means all documents whether attached or incorporated by reference utilized for soliciting interested persons to apply for prequalification. The RFQ is the first step of a two step competitive negotiation process for the purpose of inviting interested qualified design-build firms to apply for prequalification.

j) "VDOT" means the Virginia Department of Transportation, or any duly authorized representative thereof.

**PROCEDURE**

VDOT will prepare a finding of public interest and shall include the appropriate justification showing why the design-build process is in the best interest of the Commonwealth of Virginia. The finding shall indicate how the Commonwealth of Virginia will benefit from the design-build procurement process. The finding may include anticipated savings such as time, cost, or

reduced administrative burdens through expedited delivery; benefits derived from warranties such as improved service life, safety, or quality; preservation of VDOT's capital assets; or reduction in the risks associated with transportation projects.

Upon the Commissioner's determination that the proposed project meets the Objective Criteria approved by the Board, the Commissioner will authorize the use of the design-build procurement process for the development of the project. The Board may award the design-build contract upon completion of the VDOT's successful invitations for bids and negotiations of the contract.

**OBJECTIVE CRITERIA**

The objective criteria for selecting projects for design-build procurement process contracts shall include one or more criteria items listed below. The criteria include expedited schedule, established budget, well defined scope, favorable risk analysis, prequalification of design-build firms and use of a competitive bidding process.

**Expedited Schedule** - The project has an expedited schedule or fixed completion date. Using the design-build procurement method will reduce the overall project completion time compared to the design-bid-build method.

**Established Budget** – The project has an established budget. VDOT requires that the project be completed at or near the established cost without significant overruns. The design-build procurement method will reduce the overall project cost compared to design-bid-build method.

**Well-defined scope** - The project has a well-defined scope and performance requirements. VDOT has clear understanding of the project scope and the final project. The scope is defined to achieve desired results with room for innovation in the design and construction efforts.

**Risk Analysis** - The project imposes limited risk to VDOT with the exception of directed changes. The project has a limited number of issues that must be resolved such as utility conflicts, right-of-way acquisitions, geo- technical conditions, hazardous materials, wetlands and environmental concerns or other such issues. Risk management plans have been fully developed.

**Prequalification of Design-Build Firms -** The project requirements clearly define the necessary qualifications that a design-build firm must have. The prequalification requirements and process shall be established in writing and sufficiently in advance of the filing date to allow potential design- build firms a fair opportunity to complete the process. The design-build firm wishing to submit a proposal on a design-build project shall be pre- qualified under existing process if there is no project RFQ, or must be qualified based on evaluation criteria set forth in the project RFQ.

**Competitive Bidding Processes -** The project affords an opportunity for competition in its procurement. VDOT will review the overall design-build program and select projects of various size and scope to ensure maximum participation and competition among qualified design-build firms. VDOT will facilitate fairness by incorporating appropriate measures for competitive design-build proposals. The RFPs for the projects selected for the design- build program will clearly state the selection criteria and evaluation method in determining the successful design-

build firm. VDOT may include, but is not limited to, the following types of projects for the design-build contracts:

- Emergency and repair projects;
- Projects directly impacting public safety;
- Projects directly supporting economic development/enhancement;
- Projects using specialty or innovative designs and construction methods or techniques;
- Projects to maximize the use of available funding (i.e. Federal, Bonds, FRANS, etc.); and
- Projects deemed by VDOT to have expedited scheduling requirements.

VDOT may also use various bases for awarding a design-build contract as appropriate. The bases of awarding such contracts shall be adequately described in the RFP for the transportation projects. Such bases may include, but are not limited to, the following:

- Best Value,
- Low Bid,
- Fixed Price.

**Project Cost Estimating**
**Approved: 3/17/2005**

Comment [d11]: Road Systems

WHEREAS, in January 2001, the Joint Legislative Audit and Review Commission (JLARC) made several recommendations regarding cost estimation and scoping, including that VDOT review its cost estimation process with an eye toward improvement; and

WHEREAS, in July 2002, the Auditor of Public Accounts performed a review of VDOT's cash management and budgeting practices, and made several recommendations concerning project cost estimation. VDOT was strongly urged to "…ensure the development and application of a reasonable, realistic, and consistent cost estimating method"; and

WHEREAS, during an audit of the Springfield Interchange project by the U.S. Department of Transportation's Office of the Inspector General, the auditors recommended that VDOT "…complete its planned review of VDOT's cost estimation process to ensure that it is sufficiently rigorous to generate reasonable estimates of project costs"; and

WHEREAS, at the direction of Commissioner Shucet, the Virginia Transportation Research Council developed an improved method to estimate VDOT's project costs, and to improve project scoping; and

WHEREAS, consistent use of a uniform statewide cost estimating procedure will help ensure that VDOT uses the most accurate cost estimates available in developing the Six-Year Improvement Program (SYIP) and the Secondary Six-Year Plans (SSYP);

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Directs VDOT to use a standardized, statewide system of Project Cost Estimating, as a tool to help VDOT produce realistic and reliable estimates of project costs subject to the following conditions:
    - That it will be used for all estimates submitted for inclusion in the Six-Year Improvement Program (including the Secondary Six-Year Plan).
    - That inflation factors and industry trends will be utilized to estimate future project costs.
    - Inflation factors will be updated or verified at least annually by the Chief Financial Officer.
    - That estimates will be retained and verified, and updated periodically and at specified milestones during preliminary engineering, so that the official cost estimates are kept current.
    - That the responsibility for maintaining and updating the standardized statewide system and its underlying factors and methodology be assigned to VDOT's Scheduling and Contract Division.

**Adoption of Rules and Regulations Governing the Prequalification of Prospective Bidders, January 1, 1983 edition**
**Approved: 3/17/1983**

Comment [d12]: Operations; 24VAc30-130

Motion was made by Mr. Vaughan, seconded by Mr. Brydges, that the Commission adopt the Rules and Regulations Governing the Prequalification of Prospective Bidders as revised in the January 1, 1983 edition, governing prequalification of bidders after January 1, 1983.
Motion carried.

*Editor's Note: This policy has been classified as an Administrative Process Act-exempt regulation, and was filed by description under 23 VAC 30-130. The current version of this regulation is accessible from the VDOT Web site at "Prequalification, DBE Certification, EEO, Equal Opportunity, and Bidding Process."*

**Process for Studying Corridors of Statewide Significance**
**Approved: 5/19/2010**

Comment [d13]: Road Systems

WHEREAS, the Commonwealth Transportation Board (the Board) on December 17, 2009, accepted the Route 29 Corridor Study Report and directed additional work as set forth in the Board's Resolution; and

WHEREAS, the Board's December 17, 2009 Resolution directed VDOT and DRPT to work closely with a Subcommittee of this Board to develop a draft process for future corridor studies on Route 29 and other Corridors of Statewide Significance; and

WHEREAS, on February 8, 2010, the Chairman of the Board, appointed a Route 29 Corridor Subcommittee to oversee the work on the directives of the December 17, 2009 Resolution; and

WHEREAS, the Board Subcommittee has worked diligently to develop a Process for Studying Corridors of Statewide Significance; and

WHEREAS, the Board has reviewed the draft Process for Studying Corridors of Statewide Significance and finds that it is appropriate policy for such studies,

NOW THEREFORE BE IT RESOLVED, that the Board accepts the draft Process for Studying Corridors of Statewide Significance, and directs that future studies on the Corridors of Statewide Significance, as defined in VTrans2035, follow this process.

**Process for Studying Corridors of Statewide Significance**

Virginia's Statewide Multi-Modal Transportation Plan (VTrans2035) identifies certain transportation corridors of statewide significance (CoSS) that form the backbone of the Commonwealth's transportation system. VTrans establishes the purpose of and goals for maintaining the functions of the CoSS. The economic vitality of the Commonwealth depends upon these corridors to provide for the safe, efficient, and effective movement of people and goods. Studies of these corridors must focus primarily on their importance to the State as routes for long distance travel and transport between discrete, functional nodes of economic activity. Because some corridor segments also serve as "Main Street" for the localities through which they pass, collaborative partnerships between the State, regional planning agencies and local governments are critical to the success of the CoSS studies and to the development and implementation of effective corridor management plans. (See the VTrans2035 Report January 2010)

The technical processes, procedures and steps for corridor studies are well-established based on hundreds of studies performed across the United States over many years. Well-defined steps and procedures for the technical process are critical if these studies are to guide future investments. Equally essential to implementation of CoSS study recommendations are how the study will be developed within the general framework of steps and who will be involved in the planning and execution processes. This memorandum focuses on answering "how" and "who."

**Recommended Process for Studies of Corridors of Statewide Significance**

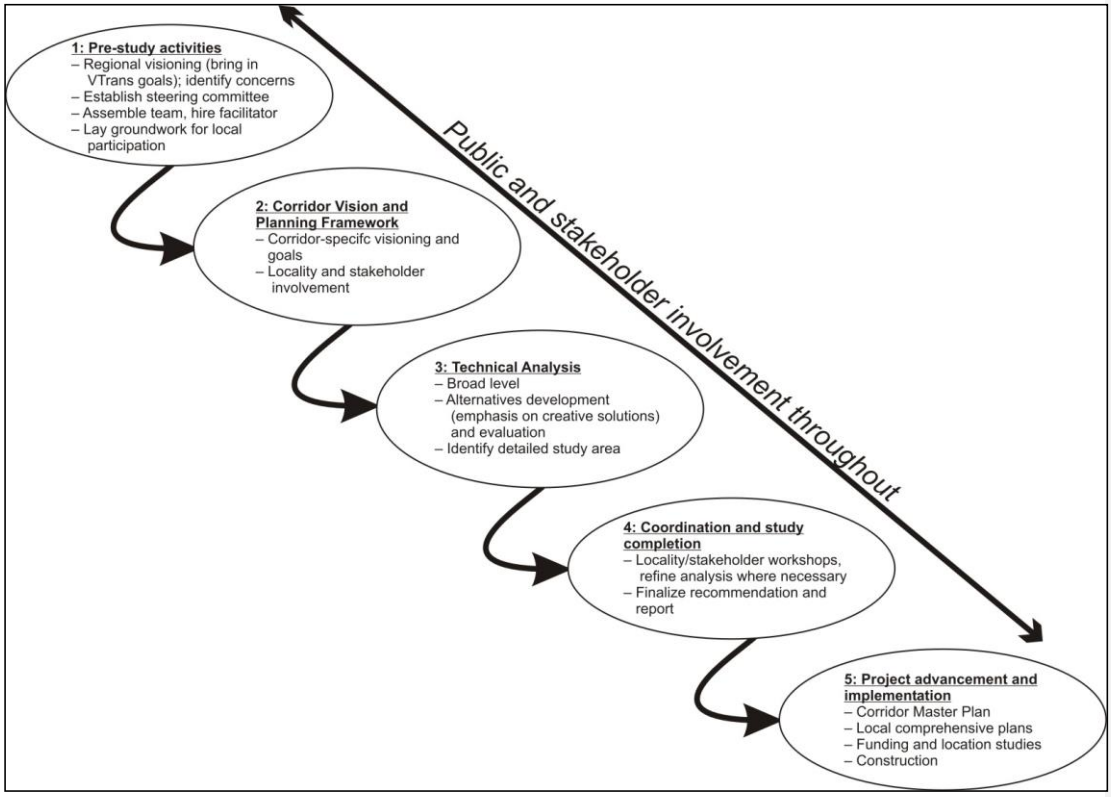
The CoSS study process starts with the assumption that major transportation corridors serve as important statewide utilities. Establishing a corridor vision and goals which support the safe, efficient, and effective movement of people and goods is the first step of the process. Segments of these

corridors, however, also function as local Main Streets, and most land use decisions remain a function of local governments. Engaging local governments throughout the process, therefore, is critical in two important respects – first, to ensure that statewide goals are reflected in local plans and actual land use decision-making, and second, to ensure that local objectives regarding access, mobility and aesthetic standards are also respected in a cooperative way that nonetheless furthers statewide goals.

The following Corridor Study Flow Diagram on page [*the next page*] highlights the five (5) steps proposed for a corridor study process. The study process should include a professional facilitator as part of the study team to ensure that input is captured from localities and stakeholders, and that all participants are working constructively toward "win-win" solutions that respect the legitimate goals of all involved. (Detail of these five steps is included in the flowchart at the end of this memorandum).

- Pre-study activities in Step 1 (a) bring in information from prior statewide planning efforts, such as VTrans2035 and the Surface Transportation Planning process, this information should be presented through strong and informative visual displays, (b) focus specific analysis at the broad corridor level and at some key geographic areas within corridor, and (c) establish the participatory groundwork for the study, including local and stakeholder participation.
- Step 2 involves the collaborative efforts of State, local and other stakeholders to apply the broader statewide CoSS goals of VTrans to the specific corridor, while simultaneously developing potential strategies that respect local and stakeholder objectives.
- Alternatives are further developed, analyzed and evaluated in Step 3, with emphasis on creative "out-of- the-box" design and problem-solving.
- Step 4 utilizes workshops and meetings with local governments and stakeholders to refine study recommendations for both the statewide and corridor-wide vision and strategies. As stated above, these may be professionally-facilitated discussions to ensure that input is captured from all participants, and that the objectives of all participants are considered and a consensus incorporated into the final recommendations.
- Many of the implementation activities included in Step 5 occur after the end of the formal corridor study. These activities include developing and adopting corridor master plans, revising local comprehensive plans, identifying funding, performing detailed location studies, and ultimately, project construction and/or improvements to highway, transit and rail services, and land use decision-making. State implementation may also include non-construction recommendations, such as new legislation or policy, rule or procedural changes.

**Corridor Study Process Flow Diagram**




A key issue illustrated by the flowchart is how to involve local governments and other stakeholders in a process that has substantial effects on localities, but also larger issues reaching beyond individual jurisdictions. Local governments can be engaged and brought into the planning process in a number of ways.

- The CTB can make clear that there are linkages between successful CoSS studies, the State's transportation planning process and local planning, and future transportation investments. The CTB can issue a policy statement or statements that projects, developed by and through the CoSS study process, will be given a priority for funding and advancement by the CTB. Such a linkage will create an incentive for local governments to participate in the process and give them a measurable stake in the outcome of the process.

- VDOT and DRPT can encourage local governments to include CoSS study recommendations in local comprehensive plans. Day-to-day state agency and department decisions with local governments on access control, safety, connectivity for new developments, etc., can be predicated on local government acknowledgement of the importance of CoSS study

recommendations and real action by those governments to include those recommendations which are applicable to the locality in local comprehensive plans and land use decision-making.

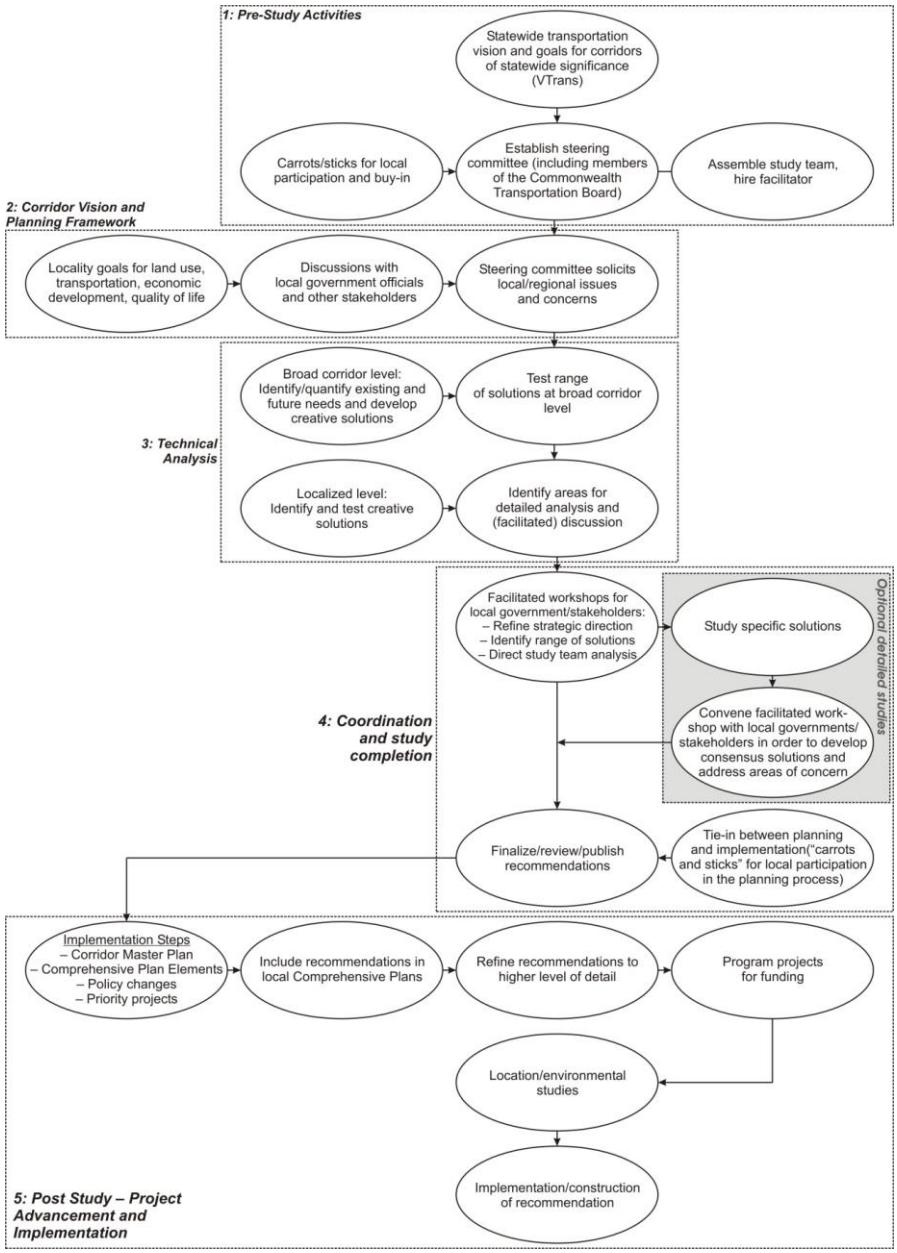
- Local officials can collaborate with other stakeholders and one another in facilitated workshops and/or charettes to compare interests, explore alternatives and extend corridor visions. As local governments understand the benefits of collaboration and the risks of not participating, fostering an excellent engagement and participation process becomes critical. The CoSS study team should meet early and informally with elected county, city and town officials both to round out the understanding of corridor interests and to capture local ones within their jurisdictional boundaries and elsewhere. These might be special meetings or regular meetings of board or council committees or subgroups. The process, beginning at the initiation of the study, should encourage cross-jurisdictional communication between elected leaders and collaboration where special issues, such as congestion relief, unique safety needs, historical and cultural resources or specific growth pressures, exist. The study team should use area maps with overlays as well as other displays that may be needed for the participants to clearly understand the issues and impacts.

The CTB's goal is to engage local officials throughout the CoSS process, but particularly at the initiation of the study, after certain analyses are completed and before the study team finalizes plans or presents to public hearings. Specific recommendations are likely to be adjusted throughout the study to reflect technical and planning considerations, changing needs and conditions, continuing input from corridor jurisdictions and shifts in state agency resources.

In the final analysis, it is important that state agencies and local governments, as stakeholders, find common ground to achieve goals. The process must be designed to maximize the constructive cooperation of all involved in a structured and efficient manner.

The enabling authority for this Policy is found in the Code of Virginia, Sections 2.2-229, 15.2-2232, 33.1-12 and 33.1-23.03.

**Detailed Corridor Study Flow Diagram**



**VTrans2040 Virginia's Statewide Multimodal Long-Range Transportation Plan Vision Plan and Needs Assessments**
**Approved: 12/9/2015**

Comment [d14]: Road Systems

WHEREAS, pursuant to § 33.2-353 of the Code of Virginia, the General Assembly of Virginia has directed the Commonwealth Transportation Board (CTB), with assistance from the Office of Intermodal Planning and Investment, to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1 of the Code of Virginia; and,

WHEREAS, the General Assembly has directed that the Statewide Transportation Plan shall be updated as needed, but no less than once every four years and promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety; and,

WHEREAS, the Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon; and,

WHEREAS, in the designation of corridors of statewide significance, the CTB shall not be constrained by local, district, regional or modal plans and the designation of the transportation corridors shall be in sufficient detail so that local jurisdictions can place them on their comprehensive plans; and

WHEREAS, the Secretary of Transportation created a Multimodal Working Group, consisting of the Office of the Secretary of Transportation and the lead planning divisions of the Department of Transportation, Department of Rail and Public Transportation, Department of Aviation, the Virginia Commercial Spaceflight Authority, the Motor Vehicle Dealer Board, the Department of Motor Vehicles, and the Virginia Port Authority to help guide the development of the Statewide Transportation Plan (known as VTrans2040); and,

WHEREAS, the Secretary of Transportation created a Multimodal Advisory Committee to provide technical support in developing the VTrans2040; and,

WHEREAS the Multimodal Advisory Committee consisted of (a) staff from the transportation agencies listed above, (b) deputy and/or assistant secretaries or other appropriate leadership from the Departments of Commerce, Health & Human Resources, Natural Resources, Veterans and Homeland Security, and Agriculture and Forestry; (c) representation from the Virginia Association of Planning District Commissions, the Virginias Association of Metropolitan Planning Organizations, the Virginia Municipal League, the Virginia Association
of Counties, the Virginia Chapter of the American Planning Association, the Hampton Roads Transportation Accountability Commission and Northern Virginia Transportation Authority; (d) federal partners from the Federal Highway Administration; and (e) private and public freight stakeholders from the Virginia Freight Transportation Technical Committee; and,

WHEREAS, the findings of draft economic, demographic/social, technological, and environmental trends assessments developed by the study team were shared with the Board in October and November of 2014 and these finding and stakeholder input culminated in the draft VTrans Vision Plan, which was presented to the CTB on February 17, 2015; and,

WHEREAS, the draft methodology for the needs assessments being conducted for the Corridors of Statewide Significance, Regional Networks, and Urban Development Areas was presented to the Board on February 17, 2015,

WHEREAS, the draft Needs Assessments were posted publically on August 1, 2015 and were presented to Board members on an individual basis throughout the months of October and November of 2015; and,

WHEREAS, extensive stakeholder and public outreach has been conducted as part of the VTrans2040 development including two rounds of regional forums where the needs assessments for all geographies (CoSS, RN, UDA) where developed, as well as additional 2 to 3 meetings at the MPO regional level; and,

WHEREAS, there was a two week comment period from August 1st to August 18th, 2015, as part of the VTrans2040 development,

NOW, THEREFORE, BE IT RESOLVED by the CTB that the VTrans2040 Vision and Needs Assessment is hereby accepted.

BE IT FURTHER RESOLVED, that the VTrans2040 Update shall be forwarded to the Governor and the General Assembly as required by § 33.2- 353 of the Code of Virginia; and,

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, develop or identify a new methodology for examining reliability that considers both the frequency and severity of occurrences of unreliable transportation conditions; and,

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, identify areas where significant changes in the transportation system have taken place since the data used in the VTrans2040 Needs Assessment was captured and update the Needs Assessment for those areas using data that captures the impact of any such significant changes;

BE IT FURTHER RESOVLED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, develop a VTrans action plan that prioritizes the needs identified in the VTrans Needs Assessment and develops recommendations for such prioritized needs based on the VTrans Vision and constrained resources;

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall under the direction of the Secretary of Transportation develop an Analysis of 2040 Scenarios to assess the impacts of divergent futures trends on the transportation network, local communities and regions; and,

BE IT FURTHER RESOLVED, that in development of such VTrans action plan and 2040 Scenario Assessment the Office of Intermodal Planning and Investment shall coordinate with VDOT, DRPT and other stakeholders as noted above; and,

BE IT FURTHER RESOLVED, that such action plan and scenario analysis shall be provided to the CTB by the end of 2016.

**Economic Development Access Fund Policy (Revision)**
**Approved: 12/7/2016**

Comment [d15]: Operations- 24VAC30-271

WHEREAS, The General Assembly has, from time to time, amended Section 33.2-1509 of the *Code of Virginia* (1950) (the *Code*) relating to the fund for construction of economic development access roads; and

WHEREAS, this Board has also, from time to time, revised its policy for the administration of the Economic Development Access Program (CTB EDA Policy); and

WHEREAS, in October 2010, recognizing that the economic downturn of the early 2000's impacted the ability of localities to attract qualifying businesses, the Board established a moratorium on the requirement to provide repayment for bonded projects and since 2010, the moratorium has been extended or modified four times, in June 2012, February 2014, April 2016, and October 2016.

WHEREAS, in January 2017, the moratorium for eight projects in eight localities will expire and payback, in accordance with the current CTB EDA Policy will be required and the Board has determined that no further extensions of the Moratorium will be granted; and

WHEREAS, localities have expressed concern regarding the required payback and have requested relief and VDOT staff has prepared a proposed modification to the CTB EDA Policy to provide relief in the form of a payback option to address these concerns; and

WHEREAS, it is the sense of this Board that its present policy should be revised and restated to be more compatible with present conditions and to incorporate a payback option to address concerns of localities subject to the payback requirement.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board (CTB) hereby adopts the policy attached hereto and entitled *2016 Commonwealth Transportation Board Economic Development Access Fund Policy*, dated December 7, 2016 to govern the use of economic development access funds pursuant to Section 33.2-1509, as amended, of the *Code*:

BE IT FURTHER RESOLVED that the *2016 Commonwealth Transportation Board Economic Development Access Fund Policy* shall become effective immediately, and shall supersede all policies heretofore adopted by this Board governing the use of economic development access funds.

2016 Commonwealth Transportation Board
Economic Development Access Fund Policy

1. The use of economic development access funds shall be limited to: (a) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance; (b) improving existing roads that may not be adequate to serve the establishments as described in (a); and (c) providing for costs associated directly with program administration and management of project requests prior to CTB approval with such costs not expected to exceed 1% of the allocation annually.

2. Economic development access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding eligible establishments.

3. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in Section 33.2-1509, are funded and administered separately).

4. No cost incurred prior to this Board's approval of an allocation from the economic development access fund may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with paragraph A. of Section 33.2-1509 of the Code.

5. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period, the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more eligible establishments acceptable to the Board shall be reimbursed to the Department of Transportation voluntarily by the locality or by forfeiture of the surety unless the locality elects to utilize the payback provisions outlined in paragraph 6.

6. At the end of the five year time bond period specified in paragraph 5 or at the termination of an extended bond period, rather than reimbursing the Department in full those funds expended on the project but not justified by eligible capital outlay, the locality may elect to extend the bond or other acceptable surety for another 4 year period and,on an annual basis, reimburse the Department 20% of those funds expended on the project but not justified by eligible capital outlay, with the first annual payment to be made on or before the 1$^{st}$ day of the new bonded period, until such time that 100% of the required reimbursement is provided or until the locality can document sufficient capital investment by an eligible establishment. The locality's bond or other acceptable surety may be reduced annually by the amount repaid to the Department. In the event that during the extended bonded period, the locality can document sufficient capital investment by an eligible establishment, the locality may request a refund of any reimbursements made to the Department. Such request may be granted if funds are available and on a first come, first served basis in competition with applications for economic development access funds from other localities.

7. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, economic development funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by new or expanding eligible establishment.

In the event an economic development site has access according to the foregoing provisions of this policy, but it can be determined that such access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that

the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies which will discourage incompatible mixes such as industrial and residential traffic.

8. Not more than $500,000 of unmatched economic development access funds may be allocated in any fiscal year for use in any county, city or town which receives highway maintenance payments under Section 33.2-319, of the Code. A town whose streets are maintained under either Section 33.2-339 or 33.2-340, of the Code, shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 20% of the capital outlay of the designated eligible establishments and certain investment by the locality in the land and/or the building on the site occupied by the designated eligible establishment. The unmatched eligibility may be supplemented with additional economic development access funds, in which case the supplemental access funds shall not be more than $150,000, to be matched dollar-for-dollar from funds other than those administered by this Board.

Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds $500,000.

If an eligible site is owned by a regional industrial facility authority, as defined in Section 15.2-6400 et seq., of the Code, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction, with the same funding limitations as prescribed for other individual projects.

9. Notwithstanding the provisions herein, for Major Employment and Investment (MEI) projects as defined in Section 2.2-2260, of the Code and administered by the Virginia Economic Development Partnership, the locality may receive up to the maximum unmatched allocation and matched allocation for a design-only project. The local governing body shall guarantee by bond or other acceptable surety that plans for a MEI project will be developed to standards acceptable to VDOT.

In addition, for projects utilizing economic development access funds to serve approved MEI projects, the locality may receive up to the maximum unmatched allocation and an additional $500,000 matched allocation for a road construction project. Project allocations for a given MEI project may be cumulative for not more than two years.

10. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.2-319, of the Code.

11. Except as provided for in paragraph 9. pertaining to MEI projects, it is the intent of the Board that economic development access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

12. The Commonwealth Transportation Board will consult and work closely with the Virginia Economic Development Partnership (VEDP) and the Department of Business Assistance (DBA) in determining the use of economic development access funds and will rely on the recommendations of the VEDP and the DBA in making decisions as to the allocation of these funds. In making its recommendations to this Board, the VEDP and the DBA will take into

consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.

13. Prior to the formal request for the use of economic development access funds to provide access to new or expanding eligible establishments, the location of the access road shall be submitted for approval by the Virginia Department of Transportation. VDOT shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extension of the road to serve other possible eligible establishments, as well as the future development of the area traversed.

14. Prior to this Board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others interested. Engineers of the Virginia Department of Transportation will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

15. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-271.*

**Approval of State of Good Repair Prioritization Process Methodology and FY 2017 State of Good Repair Percentage Fund Distribution**
**Approved: 6/14/2016**

Comment [d16]: Road Systems

WHEREAS, § 33.2-369 of the Code of Virginia prescribes that the Commonwealth Transportation Board (the Board) shall use funds allocated in § 33.2-358 and § 58.1-1741 for state of good repair purposes for reconstruction and replacement of structurally deficient state and locally-owned bridges and reconstruction and rehabilitation of deteriorated pavement on the Interstate System and primary state highway system including municipality-maintained primary extensions; and

WHEREAS, § 33.2-369 (B) also requires that the state of good repair funds be allocated by the Board to projects in all nine construction districts based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements; and

WHEREAS, Enactment Clause 2 of Chapter 684 of the 2015 Virginia Acts of Assembly requires the Board to develop the priority ranking system pursuant to § 33.2-369 of the Code by July 1, 2016; and

WHEREAS, VDOT has developed a proposed priority ranking system methodology for structurally deficient bridges and deteriorated pavements that meets the requirements expressed in § 33.2-369 (B) which was presented to the Board on April 19, 2016 and is set out in Attachment A (proposed State of Good Repair Prioritization Process Methodology); and

WHEREAS, The State of Good Repair Prioritization Process Methodology takes into consideration those factors mandated by § 33.2-369 (B) of the Code for purposes of identifying the state of good repair needs and prioritizes those needs in order for the Board to allocate the state of good repair funds to projects to address those identified needs; and

WHEREAS, VDOT has further developed State of Good Repair preliminary district allocation percentages as set out in Attachment B (FY 2017 State of Good Repair Percentage Fund Distribution Chart) for use for the FY 2017 State of Good Repair allocations; and

WHEREAS, VDOT recommends that the Board approve the State of Good Repair Prioritization Process Methodology set out in Attachment A for purposes of identifying the state of good repair needs and prioritizing those needs in order for the Board to allocate the state of good repair funds to projects; and

WHEREAS, VDOT recommends that the Board approve the FY 2017 State of Good Repair Percentage Fund Distribution set out in Attachment B for the State of Good Repair Program in FY 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the proposed State of Good Repair Prioritization Process Methodology contained in **Attachment A** is hereby approved and adopted for purposes of identifying the state of good repair needs and prioritizing those needs in order for the Board to allocate the state of good repair funds to projects.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the FY 2017 State of Good Repair Percentage Fund Distribution provided in **Attachment B** are approved for the purpose of providing FY 2017 State of Good Repair Program allocations.

**ATTACHMENT A**

# The Commonwealth Transportation Board

## State of Good Repair Prioritization Process Methodology For The CTB Allocation of Funds and Project Selection

**JUNE 2016**

Purpose

This document describes a process and methodology which is designed to fulfill Commonwealth Transportation Board's statutory obligation to develop a "priority ranking system" for the allocation of state of good repair funds. The Commonwealth Transportation Board's approval of the methodology, by July 1, 2016, will meet the requirements of the second enactment clause of HB 1887, Chapter 684 of the 2015 Acts of Assembly.

Statutory Background

During the 2015 Session, the Virginia General Assembly passed HB 1887, enacted as Chapter 684 of the Acts of Assembly, a comprehensive transportation funding bill. The portions of the bill that address funding for state of good repair are reprinted below.

Section 33.2-358(D) applies to funds allocated for fiscal years beginning July 1, 2020 and provides:

> after funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate [forty-five percent of] all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104 … to state of good repair purposes as set forth in § 33.2-369.

State of Good Repair is defined in § 33.2-369(A) as "improvement of deficient pavement conditions and improvement of structurally deficient bridges."

The General Assembly directs the Commonwealth Transportation Board to allocate state of good repair funds in accordance with the provisions of § 33.2-369. Paragraphs B and C of that section provide:

> B. The Board shall allocate these funds to projects in all nine highway construction districts for state of good repair purposes based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements. The Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year. The Board may, by a duly adopted resolution, waive the cap provided in this section for a fiscal year only when it determines that due to extraordinary circumstances or needs the cap inhibits the ability of the Department to address a key pavement or bridge need that has been identified.
>
> C. In any year in which the Department has not met the established targets for secondary pavements developed in accordance with § 33.2-232 and before making the allocations in subsection B, the Board may allocate up to 20 percent of these funds to all nine highway construction districts to improve the condition of secondary pavements. The Board shall ensure an equitable needs-based distribution of funds among highway construction districts based on the mileage, condition, and cost to improve secondary pavements.

Section 33.2-232 requires the Commissioner of Highways to include in the Department's deficient bridge and pavement annual report:

- Beginning with the November 2015 report through the November 2019 report, the allocations to the reconstruction and rehabilitation of functionally obsolete or structurally deficient bridges and to the reconstruction of pavements determined to have a combined condition index of less than 60, and
- beginning in 2016, a listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system, and
- beginning in 2020, the methodology used to determine allocations of construction funds for state of good repair purposes as defined in § 33.2-369 and any waiver of the cap provided for in subsection B of § 33.2-369.

The second enactment clause of HB1887 (Chapter 684, 2015 Acts of Assembly) requires the prioritization process to be approved by the Board by July 1, 2016.

Process and Methodology

***Step 1 – Needs Assessment Process***

*Bridge Needs*

1. The Commonwealth's bridges are inspected once every two years, or more frequently, depending on the bridge's condition using a national rating system.
2. The data collected from the inspection provides for an assessment of the condition of the bridge and is compiled within the bridge management system.
3. The bridge management system then determines the type of work recommended, and provides a list of needs or work to be performed.
4. The bridge needs are then separated to identify the structurally deficient bridges within the National Bridge Inventory. The bridge needs, in the National Bridge Inventory, beginning with those rated structurally deficient will be used in determining the State of Good Repair Needs.

*Pavement Needs*

1. The conditions of the Commonwealth's Interstate, primary and primary extension pavements are assessed annually using automated data collection technology.
2. Pavements are rated based on visible distresses, and the data is incorporated into the pavement management system.
3. The pavement condition data is analyzed within the pavement management system to assess maintenance needs using those elements of pavement distresses, traffic level, and structural condition based on asset management principles.
4. The pavement management system then provides the mileage, recommended treatment, and estimated costs to perform the necessary work on pavements, or pavement needs.

5. The deteriorated pavement needs will be used in determining the State of Good Repair Needs.

***Step 2 – State of Good Repair Needs and Funding Distribution Methodology***

1. The State of Good Repair Needs are the total cost of the structurally deficient bridge needs on the National Bridge Inventory, and the total cost of deteriorated pavement needs on Interstate and primary highways, including municipally-maintained primary extensions.
2. The State of Good Repair Needs are compiled to determine the recommended State of Good Repair Funding Distribution allocated to each construction district.
    a. As provided for in the Code of Virginia (§ 33.2-369) each construction district receives no less than 5.5% and no more than 17.5% in a given year.
    b. Individual district percentages are determined by dividing district needs by the statewide needs.
    c. If any district's needs are less than 5.5% then the amount provided to other districts is reduced on a pro-rata basis to ensure such district receives 5.5% of available funding.
    d. Then if any district's needs percentage would require more than 17.5% of the funding, the district's percentage of funding will be reduced to 17.5% and the delta between the district's need percentage and 17.5% would be distributed to the remaining districts based on their needs percentage.
3. The State of Good Repair Needs are used to break down the percentage at the construction district level into four separate funding distributions – VDOT Bridge, Locality-owned Bridges, VDOT Pavement, and Municipally-maintained Primary Extensions (Pavement).
    a. Attachment B to the resolution shows the percentage fund distribution used for distributing the FY 2017 and FY 2018 State of Good Repair funds. VDOT will update the percentage fund distribution in FY 2019 based on the needs assessment shown in the FY 2018 Annual Report.

***Step 3 – Priority Ranking System Methodology***

The priority ranking system required by § 33.2-369 will have two components – one for bridges eligible for State of Good Repair funding and one for pavements eligible for State of Good Repair funding.

**Bridges**

1. The priorityranking system will examine all bridges in the Commonwealth eligible for State of Good Repair funding and rank the bridges in priority order based on the following criteria and weighting:
    a. Condition - General– measures overall condition of the bridge using detailed condition data compiled from the safety inspection report. Weighting - 25%.
    b. Cost-Effectiveness – based on the ratio of actual project cost to the cost for full replacement. Weighting - 20%.
    c. Number and Cost - Highway Traffic Impacts – based on traffic volume, truck traffic, detour, route and proximity to critical facilities. Weighting -

30%.

   d. Condition - Design Redundancy and Safety – fracture-critical, fatigue prone details and scour and seismic vulnerability. Weighting - 15%.
   e. Condition - Structure Capacity – takes in consideration whether the bridge will be posted or has issues with clearances. Weighting - 10%.

2. A priority list of bridges for repairs will be developed for each district based on the priority ranking system.
3. For VDOT bridges, the prioritized list will be sent to each district for review. Each district shall use the prioritized bridge repair list to create recommended projects, except when the District Engineer/Administrator provides a written justification for an exception and such justification is approved by the Chief Engineer.
4. For Locality-owned bridges, the priority list of bridges for repair will be provided to the District Engineer/District Administrator and localities in each construction district along with any recommended repairs and the cost of those repairs.
   a. Each locality with a prioritized bridge on the list that does not concur with the VDOT recommended repairs and costs shall provide a summary of their proposal for repair of those bridges in a format specified by VDOT.
   b. Localities shall use the prioritized list of bridges for repair to create recommended projects, except (1) when a locality does not want to pursue corrective action to a priority bridge recommended for funding, the locality will need to provide a written justification and the next locality-owned bridge within the construction district on the priority list will be recommended to receive the State of Good Repair funding, or (2) when a locality wishes to rehabilitate or replace the bridge and the locality agrees to fund all costs in excess of recommended funding.
5. Recommended bridge projects for State of Good Repair funding in each district shall be recommended from the district's priority list of repairs in order for allocation of funding by the Commonwealth Transportation Board for inclusion in the Six-Year Improvement Program.

**Pavements**

1. The pavement condition data is analyzed through the pavement management system to estimate pavement needs. The pavement management system takes the pavement condition data into account and runs an optimization process. The optimization process applies the principles of asset management and considers factors such as available funds, performance targets, benefit cost ratio of treatments and prepares a section by section priority list. The pavement condition data for all Interstate and primary pavement sections including municipally-maintained primary extensions is run through a set a decision trees to select appropriate maintenance treatment by taking into account:

a. Pavement distresses
b. Structural and subgrade strength
c. Traffic volume
d. Maintenance history

2. The output of the process is the number of lane miles of work needed in different pavement categories and estimated costs to accomplish the repairs measured in lane miles to meet the pavement performance targets.
3. For VDOT maintained pavements, the pavement management system will establish the number of lane miles for each construction district that are recommended for State of Good Repair funds. Each construction district will compile pavement projects based on the number of lane miles of deficient pavement that qualify for State of Good Repair funding and prioritize them for recommended funding using the following criteria:
    a. Road System– explains the roadway system (i.e., Interstate or primary), Interstate systems having the higher priority over Primary systems.
    b. Use or traffic count– the amount of traffic the lane miles carry also considering the number of heavy trucks and buses.
    c. Condition– The severity of distress of the pavement using the standard pavement rating system.
    d. Potential for immediate or near term further degradation – the impact caused if the lanes miles are not repaired or treated immediately.
4. The construction district shall follow the priority determined above except for instances when the District Engineer/District Administrator provides a written justification and such justification is approved by the Chief Engineer when practicality, conflicting construction, or coordinating with other highway work necessitates deviating from the established prioritization.
    a. Traffic Counts
    b. Condition
    c. Potential future degradation
5. For the municipally-maintained primary extensions, VDOT will provide the pavement condition ratings to each construction district and the localities within the district following the same rating protocols as VDOT maintained roads. The localities will then follow the same application process for the primary extensions as adopted by the Board on June 18, 2014 (link), as amended from time to time.
6. Recommended pavement projects for State of Good Repair funding on VDOT pavements and municipally-maintained primary extensions in each district shall be submitted for approval and allocation of funding by the Commonwealth Transportation for inclusion in the Six-Year Improvement Program.

**Publication of Bridge and Pavement Prioritized Lists**

This State of Good Repair Policy and Guidelines Prioritization Process Methodology For The Distribution CTB Allocation of Funds and Project Selection; and the results of the CTB allocation of funding for projects shall be published in the Commissioner's Annual Report as required by § 33.2-232 of the Code of Virginia.

Attachment B
FY 2017 State of Good Repair Percentage Fund Distribution Chart

| District | FY 2017 (Based on previously proposed distribution) | VDOT | | | Localities | | |
|---|---|---|---|---|---|---|---|
| | | Pavement | Bridge | Total | Pavement | Bridge | Total |
| **Bristol** | **11.7%** | 21% | 64% | **85%** | 2% | 13% | **15%** |
| **Culpeper** | **6.0%** | 25% | 45% | **70%** | 3% | 27% | **30%** |
| **Fredericksburg** | **12.1%** | 18% | 77% | **95%** | 2% | 3% | **5%** |
| **Hampton Roads** | **14.8%** | 7% | 38% | **45%** | 25% | 30% | **55%** |
| **Lynchburg** | **7.6%** | 29% | 63% | **92%** | 5% | 3% | **8%** |
| **Northern Virginia** | **10.6%** | 27% | 61% | **88%** | 11% | 1% | **12%** |
| **Richmond** | **17.4%** | 25% | 65% | **90%** | 4% | 6% | **10%** |
| **Salem** | **12.1%** | 21% | 67% | **88%** | 3% | 9% | **12%** |
| **Staunton** | **7.9%** | 13% | 76% | **89%** | 4% | 7% | **11%** |

NOTE: The FY 2017 State of Good Repair Percentage Fund Distribution Chart will be used for allocating the State of Good Repair funds in FY 2017 and FY 2018. The percentages will be updated in FY 2019 based on the needs assessment shown in the FY 2018 Annual Report.

**Adoption of Revised Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process**
**Approved: 7/28/2016**

Comment [d17]: Road Systems

WHEREAS, Section 33.2-214.1 of the Code of Virginia, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the Code of Virginia, and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, required the Board to select projects for funding utilizing the project prioritization process established pursuant to section 33.2-214.1 beginning July 1, 2016; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

WHEREAS on June 17, 2015 the Board adopted a statewide prioritization policy and process pursuant to Section 33.2-214.1 and directed the Commissioner of Highways, the Department of Rail and Public Transportation (DRPT) and the Office of Intermodal Planning and Investment (OIPI) to take all actions necessary to implement and administer the policy and process adopted on June 17, 2015 (collectively the HB2 Prioritization Policy and Process), including but not limited to issuance of a Policy Guide consistent with the intent of the policy and process; and

WHEREAS since adoption of the HB2 Prioritization Policy and Process, VDOT, OIPI and DRPT have conducted extensive outreach to identify opportunities to improve the prioritization process in subsequent rounds; and

WHEREAS, in its May 17, 2016 workshop, the Board was presented with information and recommendations relating to the HB2 Prioritization Policy and Process, gathered from internal and external stakeholders, to include the following proposed key changes: encourage early creation of applications; require documentation of other sources of funding used to leverage funding requests submitted for prioritization; clarify process if the project scope changes significantly or the estimate exceeds the sliding scale requiring re-scoring; scale the Environmental Factor score based on impact to the environment; modify the Economic Development Factor to limit the distance around certain types of projects where benefits may be considered for the Project Support for Economic Development Measure and eliminate the extra scaling point for having zoning in place, adjust the Travel Time Reliability Measure where there is no data available and include a scaling factor based on vehicle miles traveled, and adjust the Intermodal Access and Efficiency Measure to adjust tonnage for ramps; modify the Safety Factor to include fatal and all injury crashes and to recognize higher social impacts of fatalities and severe injuries; adjust the Land Use Factor to address future density and the change in density between today and the future; and for fixed guideway projects analyze the full corridor improvements and take ten percent of the ultimate benefit.

WHEREAS, a revised draft policy guide (2016 SMART SCALE Policy Guide) and draft technical guide (2016 SMART SCALE Technical Guide) has been developed, based on said information and recommendations; and

WHEREAS in June 2016, the draft 2016 SMART SCALE Policy Guide and draft 2016 SMART SCALE Technical Guide containing a proposed revised prioritization policy and process were issued and posted at SmartScale.org for purposes of gathering public review and comment; and

WHEREAS, such draft 2016 SMART SCALE Policy Guide and draft 2016 SMART SCALE Technical Guide incorporate the requirements and factors identified in Section 33.2-214.1 (B); and

WHEREAS, after due consideration of comments received, changes were made to the draft prioritization policy and process as set forth in the draft 2016 SMART SCALE Policy Guide and draft 2016 SMART SCALE Technical Guide and the Board believes the prioritization policy and process as set forth below should be adopted.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process):

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

| Project Type | Regional Entity (MPOs, PDCs) | Locality (Counties, Cities, Towns) | Public Transit Agencies |
|---|---|---|---|
| Corridor of Statewide Significance | Yes | Yes, with a resolution of support from relevant regional entity | Yes, with resolution of support from relevant regional entity |
| Regional Network | Yes | Yes | Yes, with resolution of support from relevant entity |
| Urban Development Area | No | Yes | No |

2. Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need and, pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks, and for the construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and safety improvements.

3. Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located within the boundaries of the qualifying entity. Localities and regional planning bodies may submit joint applications for projects that cross boundaries.

4. By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.

5. The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

| ID | Measure Name | Measure Weight |
|---|---|---|
| **Safety Factor** | | |
| S.1 | Number of Fatal and Injury Crashes | 50% |
| S.2 | Rate of Fatal and Injury Crashes | 50% |
| **Congestion Mitigation Factor** | | |
| C.1 | Person Throughput | 50% |
| C.2 | Person Hours of Delay | 50% |
| **Accessibility Factor** | | |
| A.1 | Access to Jobs | 60% |
| A.2 | Access to Jobs for Disadvantaged Populations | 20% |
| A.3 | Access to Multimodal Choices | 20% |
| **Environmental Quality Factor** | | |
| E.1 | Air Quality and Energy Environmental Effect | 50% |
| E.2 | Impact to Natural and Cultural Resources | 50% |
| **Economic Development Factor** | | |
| ED.1 | Project Support for Economic Development | 60% |
| ED.2 | Intermodal Access and Efficiency | 20% |
| ED.3 | Travel Time Reliability | 20% |
| **Land Use Factor** | | |
| L.1 | Transportation Efficient Land Use | 100% |

Note*: 100% for Transit Projects

6. The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts:

| Region in which the Project is Located | Typology | Construction District |
|---|---|---|
| Accomack-Northampton PDC | Category D | Hampton Roads |
| Bristol MPO | Category D | Bristol |

| Region in which the Project is Located | Typology | Construction District |
|---|---|---|
| Central Shenandoah PDC | Category D | Staunton |
| Central Virginia MPO | Category C | Lynchburg/Salem |
| Charlottesville-Albemarle MPO | Category B | Culpeper |
| Commonwealth RC | Category D | Lynchburg/Richmond |
| Crater PDC | Category D | Richmond/Hampton Roads |
| Cumberland Plateau PDC | Category D | Bristol |
| Danville MPO | Category D | Lynchburg |
| Fredericksburg Area MPO (FAMPO) | Category A | Fredericksburg |
| George Washington RC | Category D | Fredericksburg |
| Hampton Roads PDC | Category D | Hampton Roads |
| Hampton Roads TPO (HRTPO)[1] | Category A | Hampton Roads/Fredericksburg |
| Harrisonburg-Rockingham MPO | Category C | Staunton |
| Kingsport MPO | Category D | Bristol |
| Lenowisco PDC | Category D | Bristol |
| Middle Peninsula PDC[1] | Category D | Fredericksburg |
| Mount Rogers PDC | Category D | Bristol/Salem |
| New River Valley MPO | Category C | Salem |
| New River Valley PDC | Category C | Salem |
| Northern Neck PDC | Category D | Fredericksburg |
| Northern Shenandoah Valley RC | Category D | Staunton |
| Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB)[2] | Category A | Northern Virginia/Culpeper/Staunton |
| Rappahannock-Rapidan RC[2] | Category C | Culpeper |
| Region 2000 LGC | Category D | Salem/Lynchburg |
| Richmond Regional PDC | Category D | Richmond |
| Richmond Regional TPO (RRTPO) | Category B | Richmond |
| Roanoke Valley TPO (RVTPO) | Category B | Salem |
| Roanoke Valley-Alleghany PDC | Category D | Salem/Staunton |
| Southside PDC | Category D | Lynchburg/Richmond |
| Staunton-Augusta-Waynesboro MPO | Category C | Staunton |
| Thomas Jefferson PDC | Category C | Culpeper/Lynchburg |

| Region in which the Project is Located | Typology | Construction District |
|---|---|---|
| Tri-Cities MPO | Category C | Richmond |
| West Piedmont PDC | Category D | Salem/Lynchburg |
| WinFred MPO | Category C | Staunton |

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

i. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

ii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

iii. For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

**Weighting Frameworks**

| Factor | Congestion Mitigation | Economic Development | Accessibility | Safety | Environmental Quality | Land Use |
|---|---|---|---|---|---|---|
| Category A | 45%** | 5% | 15% | 5% | 10% | 20%* |
| Category B | 15% | 20% | 25% | 20% | 10% | 10%* |
| Category C | 15% | 25% | 25% | 25% | 10% | |
| Category D | 10% | 35% | 15% | 30% | 10% | |

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.

Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain highway construction districts congestion mitigation must be weighted highest among the factors.

7. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

8. The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia.*

9. A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

    a. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

        i. Total Cost Estimate <$5 million: 20% increase in funding requested

        ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested

        iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested.

    b. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope. If the scope is increased in a manner that results in an associated budget increase, the applicant is responsible for funding the increase. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

10. A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation Board, the locality or metropolitan planning organization may be required, pursuant to § 33.2-214 of the *Code of Virginia*, to reimburse the Department for all state and federal funds expended on the project.

11. A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

12. Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

13. Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

14. In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided.

BE IT FURTHER RESOLVED, the methodology outlined in the SMART SCALE Policy Guide and SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Office of Intermodal Planning and Investment to take all actions necessary to implement and administer this policy and process.

BE IT FURTHER RESOLVED, that the HB2 Prioritization Policy and Process previously adopted on June 17, 2015 by the Board is hereby rescinded.

**Primary Extension Improvement Program Policy**
**Approved: 6/18/2014**

Comment [d18]: Road Systems

WHEREAS, §33.1-23.1(B) of the Code of Virginia allows the Commonwealth Transportation Board (Board) to set aside funding for reconstructing those deteriorated interstate and primary system pavements, and, effective July 1, 2014, municipality maintained primary extension pavements, having a Combined Condition Index of less than 60; and

WHEREAS, the statute previously provided funding only for interstate and primary routes maintained by the Commonwealth but will change effective July 1, 2014 pursuant to Chapters 87 and Chapter 741 of the 2014 Acts of Assembly to also provide funding for locally maintained primary extensions; and WHEREAS, the Board has expressed a desire to establish a policy to accept applications for funding certain locally initiated projects under this set aside; and

WHEREAS, after reviewing the proposed policy, the Board believes the policy for selection of primary extension projects should be adopted as set forth below.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board adopts the following policy and criteria governing the allocation of funds and selection of primary extension paving and reconstruction projects:

1. The Board will annually allocate, 14% of the CTB formula set-aside for reconstructing deteriorated interstate, primary system, and municipality maintained primary extensions [which equates to 3.5% of the total CTB formula set-aside pursuant to section 33.1-23.1 (B)] for projects on locally maintained primary extensions.
2. VDOT will solicit applications from local government on an annual basis to support pavement overlay, rehabilitation, or reconstruction projects.
3. The maximum request permitted under the program will be $1,000,000 per locality, per fiscal year.
4. All projects funded under this program must be advertised within 6 months of allocation. Projects that receive funding and do not meet this criteria may be subject to deallocation by the Commonwealth Transportation Board.
5. As part of the application process, localities must provide certification that the funding allocated will supplement, not replace, the current level of effort on the part of the locality.

6. Projects will be prioritized for funding based on a technical score that considers pavement condition, traffic volume, and past expenditures on pavement maintenance by the locality.
7. Once projects have been identified and prioritized in accordance with the foregoing process, the project list will be presented to the full Board for its consideration and approval.
8. The Commissioner of Highways is directed to establish administrative procedures to ensure adherence to and compliance with the provisions of this policy and legislative directive.

**High Volume Unpaved Road Program Policy**
**Approved: 6/18/2014**

Comment [d19]: Road Systems

WHEREAS, §33.1-23.1(B) of the Code of Virginia allows the Commonwealth Transportation Board (Board) to set aside funding for paving unpaved roads; and WHEREAS, the statute previously authorized funding only for higher volume roads carrying more than 200 vehicles per day but will change effective July 1, 2014 pursuant to Chapters 87 and 741 of the 2014 Acts of Assembly to provide for funding based on a reduced threshold and thus will authorize funding for roads carrying more than 50 vehicles per day; and

WHEREAS, it is recognized there are still a large number of high volume unpaved roads in Virginia that likely have higher construction costs; and

WHEREAS, the Board has expressed a desire to establish a policy to utilize a portion of this funding to accept applications for funding projects to pave high volume unpaved roads under this set aside; and WHEREAS, after reviewing the proposed policy, the Board believes the policy for selection of high volume unpaved road projects should be adopted as set forth below.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board adopts the following policy and criteria governing the selection of high volume (more than 500 vehicles per day) unpaved road projects for funding pursuant to §33.1-23.1(B):

1. The Board will set aside 10% of the CTB formula set-aside for paving unpaved roads carrying more than 50 vehicles per day [which equates to 0.5% of the total CTB formula set-aside pursuant to §33.1-23.1(B)] to fund projects on unpaved roads that carry more than 500 vehicles per day.
2. VDOT will solicit applications from counties on an annual basis to provide supplemental funding for providing a hard-surface on such unpaved roads.
3. The maximum request permitted under the program will be $300,000 per locality, per fiscal year.
4. Projects will be prioritized for funding based on a technical score that considers traffic volume, project readiness, local funding, safety, and access to community facilities.
5. Once projects have been identified and prioritized in accordance with the foregoing process, the project list will be presented to the full Board for its consideration and approval.
6. The Commissioner of Highways is directed to establish administrative procedures to ensure adherence to and compliance with the provisions of this policy and legislative directive.

**CMAQ Policy**
**Approved: 2/16/2011**

Comment [d20]: Road Systems

WHEREAS, Section 33.1-12 (9)(b) of the Code of Virginia, requires the Commonwealth Transportation Board (Board) to adopt by July 1 of each year a Six-Year Improvement Program (SYIP) of anticipated

projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and,

WHEREAS, the Board is required by Code of Virginia Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and,

WHEREAS, Section 33.1-12 (9)(b) of the Code of Virginia provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, by adopting a Six-Year Improvement Program; and,

WHEREAS, Section 58.1-638 authorizes allocations to local governing bodies, transportation district commissions, or public service corporations for, among other things, capital project costs for public transportation and ridesharing equipment, facilities, and associated costs; and

WHEREAS, the Commonwealth receives approximately $50 million annually in federal Congestion Mitigation and Air Quality Funds as defined in 23 USC 149; and,

WHEREAS, CMAQ funds may be used to fund projects that reduce air pollution and reduce congestion in designated nonattainment or maintenance areas or outside of nonattainment or maintenance areas where they contribute to air quality improvements in those areas; and,

WHEREAS, the Commonwealth Transportation Board (CTB) has historically delegated the authority to program CMAQ funds to the metropolitan planning organizations (MPOs) in the Commonwealth's nonattainment and maintenance areas; and,

WHEREAS, Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436 contains certain conditions regarding the efficient use of CMAQ funds; and,

WHEREAS, the Board is committed to aligning priorities, improving project execution, improved planning, and increased accountability of CMAQ funds; and,

WHEREAS, the Board believes that direct involvement by the Board in the allocation of these federal funds will facilitate the efficient use of these funds; and,

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that, beginning with the FY12-17 SYIP, the district CTB member will work with appropriate MPOs and VDOT and DRPT staff to recommend to the Board a list of CMAQ projects for inclusion in the SYIP in order to allocate all six years of CMAQ funds anticipated to be available to the MPOs; and,

BE IT FURTHER RESOLVED, that CMAQ funds will be programmed to facilitate maximization of the use of federal funds, including fully funding project phases according to current schedules and estimates; and

BE IT FURTHER RESOLVED, that CMAQ allocations will be programmed centrally by VDOT and DRPT staff based on the recommended CMAQ projects according to CTB priorities and federal eligibility requirements; and,

BE IT FURTHER RESOLVED, that the CTB supports revisions to the Appropriations Act regarding the efficient use of CMAQ and Regional Surface Transportation Program (RSTP) funds to revise obligation

and expenditure timeframes for RSTP funds, to eliminate CMAQ requirements, to eliminate retroactive implementation of fund withdrawal, and to provide localities with an opportunity to address deficiencies prior to withdrawing state match for RSTP; and,

BE IT FURTHER RESOLVED, that legislative direction regarding the efficient obligation and expenditure of CMAQ funds, as specified in Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436, will be implemented by the CTB beginning in fiscal year 2012.

**Annual Certification for Systematic Review of Funding Policy**
**Approved: 2/18/2015**

Comment [d21]: Financial/Funding

WHEREAS, the Commonwealth Transportation Board (CTB) adopted a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it was the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS; on October, 18, 2007, the Commonwealth Transportation Board, by resolution, adopted a policy that required (i) the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of a project had been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; (ii) VDOT's Inspector General to audit the VDOT certification as part of the annual audit plan; and (iii) the Auditor of Public Accounts to be notified of this certification requirement for both VDOT and DRPT, (set forth as attachment A and hereinafter referred to as the "Systematic Review of Funding Policy"); and

WHEREAS, on December 4, 2013, to amend the requirements relating to annual certification for Systematic Review of Funding Policy, the CTB found the measures and processes implemented by VDOT and DRPT for systematic project closeout and reallocation of unused funds to be satisfactory, meeting the objectives and purposes intended and established by the Systematic Review of Funding Policy; and

WHEREAS, the CTB amended the policy to only require the certification by the Chief of Planning and Programming of VDOT and the Chief Financial Officer of DRPT annually that unused funds are timely reallocated; and

WHEREAS, VDOT's Chief of Planning and Programming's responsibility for conducting the annual certification is now performed by VDOT's Chief Financial Officer as a result of organizational changes; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board requires certification by the Chief Financial Officers of VDOT and DRPT annually that unused funds are timely reallocated.

**Repeal (sic) of Systematic Review of Funding Policy**
**Approved: 12/4/2013**

Comment [d22]: Financial/Funding

WHEREAS, the Commonwealth Transportation Board (CTB) adopted a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail & Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it was the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS, on October, 18, 2007, the Commonwealth Transportation Board, by resolution, adopted a policy that required (i) the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of a project had been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; (ii) VDOT's Inspector General to audit the VDOT certification as part of the annual audit plan; and (iii) the Auditor of Public Accounts to be notified of this certification requirement for both VDOT and DRPT, (set forth as attachment A and hereinafter referred to as the "Systematic Review of Funding Policy"); and

WHEREAS, VDOT's Chief Financial Officer's responsibility for conducting the annual certification is now performed by VDOT's Chief of Planning and Programming as a result of organizational changes; and

WHEREAS, VDOT's Chief of Planning and Programming/Chief Financial Officer have, since 2007, fulfilled the annual certification requirement in effect by: (1) ensuring that the annual certification was adequately supported and completed by the deadline established pursuant to the Systematic Review of Funding Policy; (2) taking reasonable steps to achieve the results contemplated in the CTB Policy; and (3) consistently determining that allocations identified as no longer required for the execution of projects were timely reallocated or otherwise distributed in accordance with the CTB Policy; and

WHEREAS, VDOT has implemented several organizational changes and improved processes to include creation of Planning and Investment Offices in each VDOT District, improved accountability for allocation of funds managed by others, issuance of a department memorandum to formalize policies and procedures for the financial management of projects, and new financial reports to facilitate reviews and analysis; and

WHEREAS, VDOT actively manages construction funds through on-going reviews of allocations and obligations at project lifecycle and key milestones and during annual development of the Six Year Improvement Program and federal strategy, has complied and continues to comply with annual FHWA audit requirements (otherwise referred to as Financial Integrity Review and Evaluation) that ensure a systematic review of inactive federally funded projects as candidates for project closeout and final vouchering, and submits on a monthly basis to the CTB fund transfers resulting from such allocation reviews for approval; and,

WHEREAS, DRPT's Chief Financial Officer has, since 2007, reported that unused funds allocated to it are systematically reviewed and reported to the CTB on an annual basis and are reallocated by the

CTB. This annual certification was provided by the Chief Financial Officer of DRPT to the CTB within six months of each year end close; and,

WHEREAS, On April 18, 2007, the CTB authorized DRPT to allocate to certain agency initiatives, deobligated funds which were discovered after the agency implemented a systematic process to reconcile all project balances to the revenues collected by the agency and expenditures made on each project ("reconciliation process"); and,

WHEREAS, DRPT performs this reconciliation process on a monthly basis and reports the results to CTB each quarter, identifying all unobligated funds by funding source; and,

WHEREAS, DRPT manages it projects according to department policies that require each project to be systematically reviewed for potential closeout and with controls that include project based budgeting, project end dates that are linked to the financial system expenditure process, automated system reporting of projects with no activity, and mandatory linking in the financial system of project budgets to revenue sources; and,

WHEREAS, DRPT must annually submit and certify the financial activity of each federal award in Financial Status Reports to both the Federal Transit Administration and the Federal Railroad Administration.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Commonwealth Transportation Board finds that the measures and processes implemented by VDOT and DRPT relating to systematic project closeout and reallocation of unused funds satisfy the objectives and purposes intended and established by the Systematic Review of Funding Policy adopted by the Board on October 18, 2007 but desires that certain aspects of the policy continue; and

BE IT FURTHER RESOLVED that the **Commonwealth Transportation Board hereby amends the Policy previously adopted by the Board on October 18, 2007 to only require the certification by the Chief of Planning and Programming of VDOT and the Chief Financial Officer of DRPT annually that unused funds are timely reallocated.**

## Systematic Review of Funding

**Approved: 10/18/2007**

Comment [d23]: Financial/Funding

WHEREAS, the Commonwealth Transportation Board (CTB) passed a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail & Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it is the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS, the Commonwealth Transportation Board has been provided a draft policy that requires the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of the project have been reallocated by the CTB or distributed or reallocated to the locality

designated in the original allocation. VDOT's Inspector General will audit the VDOT certification as part of the annual audit plan and the Auditor of Public Accounts will be notified of this certification requirement for both VDOT and DRPT;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the attached policy.

BE IT FURTHER RESOLVED, that consideration be given to drafting legislation that will codify this CTB policy for the 2009 General Assembly session.

**Systematic Review of Funding Policy Statement**

**Purpose**
This policy will ensure all funds available to the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) are used effectively.

**Background**
On April 19, 2007 the Commonwealth Transportation Board (CTB) unanimously adopted a resolution requiring the VDOT and the DRPT to present to the CTB, at its September 2007 meeting, recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation.

**Policy**
The Chief Financial Officers of VDOT and DRPT will annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of the project have been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation. VDOT's Inspector General will audit the VDOT certification as part of the annual audit plan and the Auditor of Public Accounts will be notified of this certification requirement for both VDOT and DRPT.

**Effective Date**
This policy will be effective upon approval of the CTB.

**Urban Maintenance and Construction Program Policy**
**Approved: 12/14/2006**

Comment [d24]: Operations; 24VAC325

WHEREAS, the General Assembly has from time to time amended Section 33.1-41.1 of the *Code of Virginia*, which authorizes the Commonwealth Transportation Commissioner to make payments to qualifying cities and towns for maintenance, construction, and reconstruction of qualifying roads and streets; and

WHEREAS, the General Assembly has from time to time amended Section 33.1-23.3 of the *Code of Virginia*, which provides the basis of funding and the distribution of such funding for urban construction projects in qualifying municipalities; and

WHEREAS, the Department filed two Administrative Process Act (APA) -exempt regulations, 24 VAC 30-320 (Urban Division Manual Chapter II) and 24 VAC 30-330 (Urban Division Manual Chapter III), by description in the Virginia Administrative Code to provide internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns; and

WHEREAS, these regulations have become outdated due to changes in the *Code of Virginia* and the Virginia Department of Transportation's (VDOT's) organizational structure; and

WHEREAS, it is the sense of this Board that an updated policy should be established to guide the implementation of the Urban Construction and Maintenance Programs as established by Section 33.1-41.1 and Section 33.1-23.3 of the *Code of Virginia* (1950).

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the following policy to govern the use of urban maintenance and construction funding pursuant to Section 33.1-41.1 and Section 33.1-23.3, as amended, of the *Code of Virginia* (1950):

NOW, THEREFORE, BE IT RESOLVED, that 24 VAC 30-320 (Urban Division Manual Chapter II) and 24 VAC 30-330 (Urban Division Manual Chapter III) are hereby repealed.

BE IT FURTHER RESOLVED that this policy shall become effective upon filing with the State Registrar of Regulations.

*Editor's Note:* The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for 24VAC30-325.

*Funds - Transfers*

**Revisions to Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24 VAC 30-61)**
**Approved: 3/16/2011**

Comment [d25]: Operations (24 VAC 30-61)

WHEREAS, the Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities (24 VAC 30-61) is an Administrative Process Act-subject regulation that sets forth the rules for transporting hazardous materials through state-owned bridge-tunnel facilities; and

WHEREAS, under authority granted by §§ 33.1-12 (3) and 33.1-49 of the Code of Virginia, the Commonwealth Transportation Board previously adopted the regulations in their current format on September 21, 1995; and

WHEREAS, pursuant to Executive Order Number 107 (09), which was subsequently superceded by Executive Order 14 (10), the Virginia Department of Transportation (VDOT) conducted a review to determine whether the regulations should be amended or retained as written, and found that minor, non-substantive amendments are necessary to update, correct, and clarify the regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board amends its resolution of September 21, 1995, and adopts the amended Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities (24 VAC 30-61), attached herein; and

BE IT FURTHER RESOLVED, that the effective date of the regulatory action approved herein shall be as provided for by the regulatory submission requirements established by the Code of Virginia, Executive Order 14 (10), and the State Registrar of Regulations.

*Editor's Note: The referenced Rules and Regulations may be accessed at http://www.ctb.virginia.gov/resources/2011/mar/resol/Agenda_Item_6_Tunnels_HazMat_Regulation_-_Updated_Text.pdf*

**Adoption of Secondary Street Acceptance Requirements Pursuant to Chapter 870 of the 2011 Acts of Assembly**
**Approved: 10/19/2011**

Comment [d26]: Operations (24VAC30-92)

WHEREAS, Chapter 870 of the Acts of Assembly of 2011 requires that the Commonwealth Transportation Board (CTB) solicit and consider public comment in the development of revisions to the Secondary Street Acceptance Requirements (SSAR) regulations; and

WHEREAS, the SSAR regulations are used to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, Chapter 870 requires that the CTB adopt such revised regulations prior to November 30, 2011; and

WHEREAS, the original SSAR legislation, Chapter 382 of the Acts of Assembly of 2007, provides that the regulations shall include, but not be limited to (i) requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network, (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary streets and associated cost recovery fees; and

WHEREAS, the purpose of these and other provisions in the regulation is to improve the effectiveness of the overall regional and local transportation network; reduce reliance on arterial roadways for local trips; provide direct and alternative routes for emergency service providers; reduce subdivision street widths, where appropriate; and recover VDOT's costs related to street acceptance; and

WHEREAS, this regulatory action is exempt from the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); and

WHEREAS, VDOT completed extensive outreach and communication with localities, agencies, organizations, and developers in each construction district between April and May 2011, and between August and September 2011; as well as conducting a public information meeting and online broadcast on September 22, 2011; and

WHEREAS, all public comments received during the public comment periods and from the public information meeting have been reviewed and considered by a VDOT Technical Committee and an external Policy Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the revised Secondary Street Acceptance Requirements (24 VAC 30-92) attached hereto to become effective January 1, 2012, in accordance with Chapter 870 of the Acts of Assembly of 2011.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-92. The CTB corrected this resolution in February of 2009. On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.*

**Adoption of Secondary Street Acceptance Requirements (24 VAC 30-92)**
**Approved: 12/18/2008**

Comment [d27]: Operations (24VAC30-92)

WHEREAS, Chapter 382 of the Acts of Assembly of 2007 requires the Commonwealth Transportation Board (CTB) to develop Secondary Street Acceptance Requirements (SSAR) to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, Chapter 382 of the Acts of Assembly of 2007 provides that the regulations shall include, but not be limited to (i) requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network, (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary streets and associated cost recovery fees; and

WHEREAS, the purpose of these and other provisions in the regulation is to improve the effectiveness of the overall regional and local transportation network; reduce reliance on arterial roadways for local trips; provide direct and alternative routes for emergency service providers; reduce subdivision street widths, where appropriate; and recover VDOT's costs related to street acceptance; and

WHEREAS, this regulatory action is exempt from the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); however, Chapter 382 of the Acts of Assembly of 2007 requires that the CTB consider public comment in the development of this regulation; and

WHEREAS, to this end, the CTB published a Notice of Intended Regulatory Action (NOIRA) on June 11, 2007 to solicit public input; and

WHEREAS, the proposed regulation was published in the Virginia Register on April 14, 2008, four public hearings were held throughout the state, and public comments were received through June 30, 2008; and

WHEREAS, outreach with localities and developers in each district has been ongoing; and

WHEREAS, public comments received during the public comment periods and from the public hearings have been taken into account by a technical team and an implementation advisory committee working under the direction of the Secretary of Transportation and the CTB in drafting a final regulation.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the Secondary Street Acceptance Requirements (24 VAC 30-92) attached hereto to become effective January 1, 2009 in accordance with Chapter 382 of the Acts of Assembly of 2007.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby delegates to the Commissioner and his designees, the authority to accept into the secondary system of state highways those streets developed in accordance with the Secondary Street Acceptance Requirements.

BE IT FURTHER RESOLVED, that the Secretary of Transportation shall form a committee to monitor the implementation of this regulation.

BE IT FURTHER RESOLVED, that such committee provide the Board with a report on the status of implementation of the Secondary Street Acceptance Requirements three years after the effective date of the regulation's adoption.

**Revision of Criteria for Transferring Secondary Roads to the Primary System and Repeal of 24VAC30-470**
**Approved: 2/20/2013**

Comment [d28]: Operations (24VAC30-470)

WHEREAS, VDOT's Department Policy Memorandum (DPM) 8-1, Criteria for Transferring Secondary Roads to the Primary System, contains criteria used to make recommendations to the Commonwealth Transportation Board regarding transfers to the primary system pursuant to Paragraph A of §33.1-34 of the Code of Virginia; and

WHEREAS, the DPM was also filed by description in the Virginia Administrative Code (VAC) as an Administrative Process Act-exempt regulation under the ID number 24VAC30-470 in 1995; and

WHEREAS, the Board last approved revised criteria in 1998; and

WHEREAS, as a result of secondary system route evaluations conducted to fulfill Item 4.2.2 of VDOT's FY13-FY14 Business Plan, the criteria were evaluated to determine if changes were necessary; and

WHEREAS, VDOT's Transportation and Mobility Planning Division has determined that the criteria should be updated to reflect current traffic conditions and available data sources; and

WHEREAS, in conjunction with Governor McDonnell's Regulatory Reform effort to streamline Virginia's inventory of regulations, VDOT has determined that the criteria are more appropriately classified as a Guidance Document rather than a VAC regulation; and

WHEREAS, the Board has reviewed and concurs with the recommendations regarding the criteria which should be used by VDOT in making a determination whether to bring before the Board a proposed transfer of a secondary road to the primary system under paragraph A of §33.1-34 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board approves the proposed revision to DPM 8-1, as attached, to become effective upon the signature of the Commonwealth Highway Commissioner or his designee.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby repeals the regulatory entry for the criteria as 24VAC 30-470, and directs VDOT to take actions necessary to implement repeal of the regulation, revise the DPM, and maintain it as a Guidance Document, pursuant to applicable policies and procedures established by the Governor, the Department of Planning and Budget, and the State Registrar of Regulations.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation is undergoing repeal. The DPM text shown below is the replacement text that will be signed by the Commissioner and appear as part of the VDOT Guidance Document List on the Department of Planning and Budget's Virginia Regulatory Town Hall website for VDOT.*

**VDOT DEPARTMENT POLICY MEMORANDA (DPM) MANUAL**

Date: DPM Number: 8-1
Approved: Supersedes: 8-1 (1/8/99)

## CRITERIA FOR TRANSFERRING SECONDARY ROADS TO THE PRIMARY SYSTEM

**Introduction**

Recommendations to the Commonwealth Transportation Board for transfers from the Secondary System to the Primary System will be based upon this policy's criteria.

| TERM | MEANING |
|---|---|
| Activity Center | An area that has a concentration of activities that generate significant vehicular traffic such as central business districts, towns, urban development areas, major commercial centers, airports, military bases, and tourist sites. |
| Arterial | A highway which carries trips of longer length and generally higher speed than other highways. In federal functional classification terms, for the purposes of this memorandum, this is a Rural Minor Arterial, Rural Other Principal Arterial, Urban Minor Arterial, Urban Other Principal Arterial, or Urban Freeway and Expressway. |
| Bus | All vehicles manufactured and utilized as traditional passenger-carrying buses with two axles and six tires or three or more axles. This category includes only traditional buses (including school buses) functioning as passenger-carrying vehicles. |
| Tractor-trailer | All vehicles consisting of two or three units, one of which is tractor or straight truck power unit. |

**Criteria**

Roads may be recommended by the Virginia Department of Transportation to the Commonwealth Transportation Board for transfer from the Secondary System to the Primary System if:

- The road connects to an existing Primary or Interstate Highway and
- The road meets a majority of the following criteria:
  - Provides a reasonably direct connection between activity centers that are not already connected by existing primary or Interstate highways;
  - Carries at least 10,000 vehicles per day;
  - Carries at least 200 tractor-trailers and buses per day;
  - Is classified in the federal functional classification system as an arterial;
  - Is designated as a National Highway System (NHS) facility; and
  - Meets the lane width and shoulder width design standards for a highway of its current functional classification and traffic volume.

**Reference**

- Code of Virginia, § 33.1-34.
- Commonwealth Transportation Board Minutes, 12/17/98, 2/20/13.

**Repeal of Guide for Additions, Abandonments, and Discontinuances (24VAC30-290) from the Virginia Administrative Code**
**Approved: 7/15/2015**

Comment [d29]: Operations (24VAC30-290)

WHEREAS, on the advice of the Office of the Attorney General (OAG), when the Virginia Administrative Code was created, VDOT filed as an Administrative Process Act-exempt regulation the Guide to Additions, Abandonments, and Discontinuances (the Guide), a reference manual primarily for VDOT staff outlining the statutory and policy requirements involved in implementing changes to the inventory of roads in the Secondary System of State Highways; and

WHEREAS, a 2009 Task Force on Regulatory Reform established by the OAG recommended that the Guide be repealed and reclassified as a Guidance Document; and

WHEREAS, VDOT has determined that the current Guide has largely been rendered obsolete due to changes in the Code of Virginia, and an updated Guide would be useful in the administration of this program.

NOW, THEREFORE, BE IT RESOLVED, that the Board directs VDOT to take actions necessary to repeal the Guide for Additions, Abandonments, and Discontinuances (24VAC30-290) as a regulation; and

BE IT FURTHER RESOLVED, that VDOT is directed to file the revised Guide as a Guidance Document as recommended by the OAG Task Force.

**Subdivision Street Requirements – Proposed Revision**
**Approved: 9/16/2004**

Comment [d30]: Operations (24VAC30-91) Note: Retained in VAC due to "grandfathering" provision in 24VAC30-92.

WHEREAS, the Commonwealth Transportation Board (the "Board") is authorized, under Sections 33.1 12, 33.1 69, and 33.1 229 of the *Code of Virginia*, as amended, to establish appropriate requirements for additions to the secondary system of state highways for maintenance; and

WHEREAS, in the interest of public welfare and safety, the Department of Transportation has, since 1949, prescribed minimum requirements ("Subdivision Street Requirements") for the acceptance and maintenance of subdivision streets as part of the secondary system of state highways under its jurisdiction, periodically revising the requirements as necessary to properly address changes in conditions throughout the Commonwealth, the latest such revision having been adopted by this Board on October 19, 1995; and

WHEREAS, Department staff initiated an update and revision to the Subdivision Street Requirements in July 2002; and

WHEREAS, the public, local governments, and the development industry were afforded an opportunity to provide suggestions for the update and comment on the proposed revisions during a public involvement process that included five regional stakeholder meetings in April 2003 and five regional public hearings in May 2004; and

WHEREAS, Department staff and a special advisory committee of local government officials and representatives of the development industry carefully considered the comments received during the public involvement phase and were guided by those comments in developing and recommending revisions to the Subdivision Street Requirements; and

WHEREAS, Department staff recommends that the Board approve and adopt the proposed revisions of the Subdivision Street Requirements,

NOW, THEREFORE, BE IT RESOLVED that the proposed revision of the Subdivision Street Requirements submitted to this Board, as recommended by Department staff and endorsed by the special advisory committee, is hereby approved and adopted.

BE IT FURTHER RESOLVED, Department staff should proceed and move the Subdivision Street Requirements to the next phase prescribed by the Administrative Process Act for the implementation of these Requirements by January 1, 2005, or as soon as possible thereafter.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. At this meeting, the previous regulation, listed as 24 VAC 30-90 was repealed, and a replacement regulation under the same title but a different VAC number was approved. For the current official version of this regulation, see entry for VAC 24 VAC 30-91 in the Virginia Administrative Code (VAC). On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.*

**Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from Interstate 564 to Interstate 264 and TFRA Funding Authorization**
**Approved: 10/19/2016**

Comment [d31]: Road Systems

WHEREAS, pursuant to the provisions of § 33.2-502 of the Code of Virginia, the Commonwealth Transportation Board (the "CTB") may designate one or more lanes of any highway, including lanes that may have previously been designated as High Occupancy Vehicle (HOV) lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as High Occupancy Toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-309 of the Code of Virginia, the CTB may, in accord with federal and state statutes and requirements, impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth; and

WHEREAS, pursuant to 23 USC §166 (a)(4), a public authority may allow vehicles not otherwise exempt from HOV requirements to use a HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C)
establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged; and

WHEREAS, the Virginia Department of Transportation (VDOT) has analyzed the traffic congestion that is being experienced through a feasibility analysis that indicated a reduction in traffic in the general purpose lanes during peak periods could be achieved through the conversion of the HOV lanes to HOT lanes; and

WHEREAS, the Virginia Department of Transportation (VDOT) has concluded from the analysis and advised that the reversible HOV-2 lanes on Interstate 64 from Interstate 564 to Interstate 264 in Hampton Roads are underutilized, with additional capacity that could help to reduce congestion in the general purpose lanes in the area; and

WHEREAS, VDOT has concluded and has advised that allowing vehicles not meeting the vehicle occupancy requirements to use the HOV-2 lanes on Interstate 64 from Interstate 564 to Interstate 264 by paying a toll would increase utilization of these lanes, as well as increase capacity, reduce congestion and increase speeds and reliability in the general purpose lanes, and improve speeds in the HOV/HOT lanes during rush hour, thereby increasing throughput in the corridor; and

WHEREAS, VDOT has recommended and requested that the CTB designate the existing Interstate 64 HOV-2 reversible lanes from Interstate 564 to Interstate 264 as HOT-2 and further that the CTB authorize use of dynamic tolling to adjust tolls based on real-time traffic
conditions; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the conversion of the HOV lanes to HOT lanes, extend the operational hours of the HOV lanes from Monday – Friday 6:00am – 8:00am (Westbound), 4:00pm -6:00pm (Eastbound) to Monday
– Friday 5:00am – 9:00am (Westbound), 2:00pm – 6:00pm (Eastbound), at such time that tolling on the lanes commences; and

WHEREAS, funding is needed to cover the costs of conversion of the existing Interstate 64 HOV-2 reversible lanes from Interstate 564 to Interstate 264 to HOT-2 lanes and implementation of tolling associated therewith, with the most immediate need being funding to cover costs associated with work necessary to prepare for and administer the procurement of the needed tolling infrastructure and related services; and

WHEREAS, as a potential toll facility, the CTB may provide advance funding for this effort from the Toll Facilities Revolving Account pursuant to Section 33.2-1529 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the Code of Virginia and 23 USC §166, the Commonwealth Transportation Board authorizes dynamic tolling of vehicles utilizing the HOV reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, during the Westbound AM peak period of 5:00 a.m. to 9:00 am on weekdays and during the Eastbound PM peak period of 2:00 pm to 6:00 pm on weekdays for vehicles carrying less than two occupants (collectively, HOT Lanes-2 designation), to be implemented at such time that the infrastructure and improvements necessary to commence tolling on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that until tolling commences on the HOV-2 reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, the hours of operation of said HOV-2 lanes shall continue to be Monday – Friday 6:00am – 8:00am (Westbound) and 4:00pm -6:00pm (Eastbound).

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that an amount up to $5,000,000 be advanced from the Toll Facilities Revolving Account and allocated to pay the costs associated with work necessary to prepare for and administer the procurement of the needed tolling infrastructure and related services associated with conversion of these lanes from HOV-2 to HOT-2 , and that requests for additional funding from the Toll Facilities Revolving Account or other sources shall be presented to the Board prior to or at such time that the contract for the tolling infrastructure and related services is presented to the Board for its approval.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from this facility will be used in accord with section 33.2-309, including the reimbursement of funding advanced from the Toll Facilities Revolving Account authorized herein in accord with section 33.2-1529 of the Code of Virginia.

**Extension of HOV-2 lanes from Gainesville to Haymarket on Interstate 66, Conversion of HOV-2 Lanes to HOV-3 and Tolling on Interstate-66 Inside the Beltway and Consolidation of Record Regarding HOV/HOT Designations on Interstate 66**
**Approved: 7/28/2016**

**Comment [d32]:** Road Systems

WHEREAS, pursuant to the provisions of § 33.2-501 of the Code of Virginia, the Commonwealth Transportation Board ("CTB") may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as High Occupancy Vehicle ("HOV") lanes and if so designated such lanes shall be reserved for high-occupancy vehicles of a specified number of occupants and at such times as determined by the Board; and

WHEREAS, the Department contracted with Shirley Contracting Company, LLC to construct two additional lanes along Interstate-66 ("I-66") under State Project No. 0066-076-003, C501, B674, B675

(UPC 93577), thereby adding one general purpose lane and one HOV Lane in each direction from Gainesville in the vicinity of Route 29 to Haymarket in the vicinity of Route 15; and

WHEREAS, the construction to complete the HOV lane extension from Gainesville to Haymarket will be complete in August 2016 and CTB designation of the HOV lanes on this segment of I-66 is necessary; and

WHEREAS, various phases of projects relating to the location, design and construction of segments and lanes, including HOV lanes, on I-66 both inside and outside Interstate - 495 (Beltway) have been considered and approved by the CTB throughout the years; and

WHEREAS, on June 14, 2016, the CTB designated two lanes in each direction on I-66 from University Boulevard (Gainesville) in Prince William County to I-495 in Fairfax County as HOT lanes with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 (see Board Resolution adopted June 14, 2016 entitled "Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3") ("I-66 OTCB HOT Lanes Resolution"); and

WHEREAS, on June 14, 2016, in the I-66 OTCB HOT Lanes Resolution, the CTB also issued a finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990 and in turn, then designated the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020; and.

WHEREAS, by resolution dated December 9, 2015, the CTB (i) authorized dynamic tolling of the I-66 corridor beginning at the intersection of I-66 and the Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County ("I-66 Inside the Beltway") at such rates as are necessary to comply with federal law; and (ii) approved the Memorandum of Agreement between the CTB, VDOT and the Northern Virginia Transportation Commission relating to implementation of Transform 66: Inside the Beltway ("NVTC MOA"), authorizing the Secretary and Commissioner to execute the NVTC MOA on behalf of the Board and VDOT, respectively; and

WHEREAS, the NVTC MOA, now executed, requires, among other things, that "VDOT and the CTB shall take the required actions necessary to change the [Transform 66: Inside the Beltway] Project HOV-2 designation to HOV-3 the later of 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway"; and

WHEREAS, the CTB seeks to ensure the necessary Board designations have been made and actions taken pursuant to §§ 33.2-309, 33.2-501 and 33.2-502 of the Code of Virginia (i) to provide authorization for dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM

peak periods for vehicles not meeting HOV-2 occupancy requirements by the time the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are completed and ready for operation; and (ii) to conform to the National Capital Region Transportation Planning Board's policy and Constrained Long Range Plan relating to HOV requirements on I-66 and to comply with the NVTC MOA by establishing an HOV-3 requirement and authorizing dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting the HOV-3 requirements, to be implemented at the time that the HOV-3 and HOT Lanes designations for I-66 outside the Beltway are implemented; and

WHEREAS, the CTB further desires to reiterate and establish a single consolidated record relating to the designation status of the HOV and HOT lanes, and tolling, on I-66 inside and outside the Beltway.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the authority granted under the provisions of § 33.2-501 of the Code of Virginia, the inside lane of I-66 Eastbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and the inside lane of I-66 Westbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays, with implementation of the designation to occur upon completion of construction and opening of said lanes to traffic.

BE IT FURTHER RESOLVED that the CTB hereby clarifies that its written finding, issued on June 14, 2016, relating to changing the "HOV-2 designation of I-66 outside the Capital Beltway to HOV-3", applies to only that portion of I-66 outside the Beltway that will be encompassed by the I-66 HOV/HOT Lanes Project, namely two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County. Accordingly, the Board hereby clarifies and restates its finding in the June 14, 2016, I-66 OTCB HOT Lanes Resolution as follows:
"that pursuant to § 33.2-501(F) of the Code of Virginia, the CTB hereby approves the VDOT 501(F) Finding and hereby makes its written finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3 on two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990."

BE IT FURTHER RESOLVED, that the CTB hereby clarifies that its designation of and the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 in the June 14, 2016 I-66 OTCB HOT Lanes Resolution, made pursuant to and in compliance with §§ 33.2-501(F) and 33.2-502, also applies to that portion of I-66 from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

BE IT FURTHER RESOLVED, that in accord with §33.2-502 (i) the Board authorizes dynamic tolling of vehicles utilizing the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays for vehicles carrying less than two occupants (collectively, HOT Lanes-2 designation) to be implemented at such time that the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are determined by the Commissioner of Highways to be completed and ready for operation; and (ii) the Board approves conversion of the HOV-2 designation to HOV-3 and authorizes dynamic tolling of vehicles carrying less than three occupants utilizing the lanes, on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays (collectively HOT Lanes-3 designation), to be implemented at such time that the designation of HOT Lanes with a high occupancy requirement of HOV-3 on the Eastbound and Westbound lanes of I-66 outside the Beltway, on two lanes in each direction, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, adopted by the Board on June 14, 2016, is implemented.

BE IT FURTHER RESOLVED, that in order to document and summarize in a consolidated record the existing status of the HOV/ HOT lanes/tolling designations for I-66, the Board reiterates their approval of the following designations:

(i) the HOV-2 designation of the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period (between 6:30 a.m. and 9:00 a.m.) and on Westbound I-66 Inside the Beltway during the Westbound PM peak period (between 4:00 p.m. and 6:30 p.m.) on weekdays, with (1) a change in the Eastbound AM peak period to 5:30 a.m. to 9:30 a.m. and in the Westbound PM peak period to 3:00 p.m. to 7:00 p.m., to be implemented at such time that dynamic tolling on I-66 Inside the Beltway commences; and (2) the conversion of such designation to HOV-3 with the revised peak periods, to be implemented at the time the change on I-66 outside the Beltway from HOV-2 to HOV-3 set forth in (iv) is implemented; and

(ii) the HOT Lanes designations and dynamic tolling during peak periods, on I-66 Inside the Beltway of vehicles not meeting the HOV requirements in effect at the time, to first be implemented at the time the Commissioner of Highways determines that the infrastructure and improvements necessary for tolling on said portion of I-66 are completed and operational; and

(iii) subject to implementation of the HOT Lanes designation with the change from HOV-2 to HOV-3 upon the date specified in (iv), the HOV-2 designation of the HOV lanes on Eastbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and on Westbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays; and

(iv) the designation of two HOT Lanes with the high occupancy requirement of HOV-3, in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, in accordance with the I-66 OTCB HOT Lanes Resolution adopted by the Board on June 14, 2016, and as clarified herein, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed

Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020.

**Policy on Motorcycles Using HOV Lanes**
**Approved: 6/22/1995**

Comment [d33]: Road Systems

WHEREAS, in 1985, in accordance with Section 163 of the Surface Transportation Act of 1982, Virginia was granted approval by the Federal Highway Administration to restrict use of motorcycles on the HOV lanes on Routes I-95, I-66, and I-64, and Route 44 based on certification submitted by the Virginia Department of Transportation that motorcycles constituted a safety hazard on the HOV lanes; and

WHEREAS, Section 1056 of the Intermodal Surface Transportation Efficiency Act of 1991 (hereafter referred to as "the Act") amends Section 163 of the Surface Transportation Act of 1982 to read as follows:

"Notwithstanding any provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid Highways shall be obligated for a project for construction, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid Highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles. Upon certification by the State to the Secretary, after notice in the Federal Register and an opportunity for public comment, and acceptance of such certification by the Secretary, the State may restrict such use by motorcycles if such use would create a safety hazard. Any certification made before the effective date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides and opportunity for public comment on such language." (Amended language underlined.)

WHEREAS, a study has been completed by the Department regarding the safety impacts of allowing motorcycles to use HOV lanes based on actual use of such facilities; and

WHEREAS, the study has determined that at this time, motorcycles do not present a safety risk on HOV lanes.

NOW, THEREFORE, BE IT RESOLVED that motorcycles shall continue to be allowed on all HOV lanes within the Commonwealth.

BE IT FURTHER RESOLVED that if, at any time upon further study, the Commissioner determines that the accident rate for motorcycles exceeds the accident rate for other types of vehicles on the HOV lanes during the restricted periods and/or adversely affects HOV operations compared to other vehicles, the Commissioner is directed to advise the Commonwealth Transportation Board and, with their concurrence, to immediately initiate the certification procedure to prohibit motorcycles on all HOV lanes as set forth under Section 1056 of the Act. Absent such findings, motorcycles shall be granted continued use of the HOV lanes without additional Board action.

BE IT FURTHER RESOLVED that the Board directs the Department to make this resolution known to the public throughout the Commonwealth and to immediately provide a copy of this resolution to the Virginia State Police.

**Industrial Access Railroad Track Repayment Policy (Resolution A)**
**Approved: 1/14/2015**

Comment [d34]: Finance/Funding

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

1. Forgive repayment from six grantees identified by the Director who would have received a positive funding recommendation based on the actual number of carloads achieved even though they failed to meet the anticipated carloads specified in their grant agreements.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

1. Forgive repayment from six grantees identified by the Director who would have received a positive funding recommendation based on the actual number of carloads achieved even though they failed to meet the anticipated carloads specified in their grant agreements.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

**Industrial Access Railroad Track Repayment Policy (Resolution B)**
**Approved: 1/14/2015**

Comment [d35]: Finance/Funding

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

Forgive repayment from two grantees identified by the Director who would not have received a positive funding recommendation based on the actual number of carloads achieved, but have pursued program goals in good faith despite the recession.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

## Industrial Access Railroad Track Repayment Policy (Resolution C)

**Approved: 1/14/2015**

Comment [d36]: Finance/Funding

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

Grant a two-year extension to two grantees identified by the Director who have completed their five-year performance window, are pursuing program goals in good faith but have not yet achieved their performance requirements, and have not previously been granted a time extension.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

## Industrial Access Railroad Track Repayment Policy (Resolution D)

**Approved: 1/14/2015**

Comment [d37]: Finance/Funding

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

Pursue repayment of one grantee that has ceased business operations in Virginia and is not utilizing the rail built with Rail Industrial Access funds.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

**Industrial Access Railroad Track Repayment Policy Location: Commonwealth of Virginia**
**Approved: 5/15/2013**

Comment [d38]: Finance/Funding – don't know if 11/16/95 Policy is still in effect.

WHEREAS, § 33.1-221.1:1 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.1-221.1:1 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.1-221.1:1, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites, administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance data as a condition of the grant funding, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and the Department has notified them that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current RIA program process and funding agreements require full repayment if performance targets are not achieved; and

WHEREAS, because some Grantees have nearly achieved their performance requirements despite economic conditions that were not forseeable at the time of the entry into the grant agreement, the Department, in fairness, wishes to modify its repayment process to allow recognition of the public benefit achieved by each Grantee; and

WHEREAS, the Department proposes a repayment policy which provides proportionate credit of the public benefit achieved per the performance requirements of the grant agreement with the Grantee.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves a repayment policy of the Rail Industrial Access Program whereby repayment of grant funds provides a proportionate credit for the partial public benefit achieved by RIA Grantees. This policy shall apply to all projects whose performance period began after January 1, 2006.

Partial public benefit achieved shall be defined as the highest actual number of revenue rail carloads run over the RIA grant funded tracks divided by the target performance stated in the grant agreement between the Department and the Grantee.

Repayment shall be calculated as follows:

1. Calculate the percentage of public benefit achieved by the Grantee by dividing the highest carload count of the first five years of performance by the target performance for revenue rail carloads specified in the grant agreement.

2. Determine the public benefit not achieved by the Grantee by subtracting the percentage of the public benefit achieved from 100 percent.

3. Determine the repayment based on the percentage of public benefit not achieved by multiplying the amount of grant funds paid to the Grantee by the percentage of public benefit not achieved.

Repayment schedules shall be as specified in the grant agreement between the Department and the Grantee. Any interest will be applied as per the terms of the grant agreement. The Director of the Department of Rail and Public Transportation is authorized to implement this policy and enter into repayment agreements satisfactory to the Director.

**Integrated Directional Signing Program**
**Approved: 6/16/2005**

Comment [d39]: Operations (24VAC30-551)

WHEREAS, Section 46.2-830 of the *Code of Virginia* authorizes the Commonwealth Transportation Board to provide a uniform system of marking and signing highways under the jurisdiction of the Commonwealth; and

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the Minimum State Criteria by which gas, food, lodging, and camping establishments may qualify for participation in the Virginia Department of Transportation's (VDOT) Travel Services (Logo) Signing Program on the right of way of interstate highways in rural areas; and

WHEREAS, from time to time, the Commonwealth Transportation Board has adopted, by subsequent resolutions, revisions to the fees and criteria for participation in Virginia's highway signage programs, and

WHEREAS, on September 16, 2004, the Commonwealth Transportation Board adopted the current criteria for participation and annual fees for the Integrated Directional Signing Program and authorized the Department of Transportation to modify existing operating procedures and develop additional operating procedures, as required, to administer the Integrated Directional Signing Program, and directed that should net revenue be generated, in excess of the funds required contractually with the private contractor and by the Department of Transportation to administer the Integrated Directional Signing program, all such additional net revenue shall be allocated for the maintenance and improvement of Virginia's Rest Areas and Welcome Centers; and

WHEREAS, Chapter 491 of the 2005 Virginia Acts of Assembly directed the Commonwealth Transportation Board to establish reasonable fees for the Integrated Directional Signing Program which shall be used solely to defray the actual costs of supervising and administering the signage program with a reasonable margin, not to exceed ten percent; and

WHEREAS, Chapter 491 of the 2005 Virginia Acts of Assembly further directed a review of the change in Gas Category I from 16 hours per day operation to 24 hours per day; and

WHEREAS, a public comment period was held from May 6, 2005, to June 6, 2005, to solicit comments on a proposed annual fee reduction and possible change in the Gas Category I criteria.

NOW, THEREFORE, BE IT RESOLVED, that, the criteria for participation in the Integrated Directional Signing Program are established as set forth in the attached Integrated Directional Signing Program Participation Criteria (June 16, 2005), and other previously established criteria for the Integrated Directional Signing Program are hereby rescinded; and

BE IT FURTHER RESOLVED, that, effective June 16, 2005, the annual fees for the Integrated Directional Signing Program are established as set forth in the attached Integrated Directional Signing Program Fees (June 16, 2005) and any other previously established fees for participation in the VDOT's Travel Service Signing Program are hereby rescinded; and

BE IT FURTHER RESOLVED, that participants in the Logo Program between September 16, 2004 and June 16, 2004, and who remain on the program as of October 1, 2005, will receive a one time prorated credit on their next bill in this manner: the difference in the amount paid between September 16, 2004

and June 16, 2004, and the amount paid times the ratio of the June 16, 2005 fee divided by the September 16, 2004 fee rounded to the next higher whole dollar; and

BE IT FURTHER RESOLVED, that the Department of Transportation is authorized to modify existing operating procedures and develop additional operating procedures, as required, to administer the Integrated Directional Signing Program.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-551. Promulgation of this regulation also involved repeal of Guidelines for the Logo Program (24 VAC 30-550), and the Terms for Installation and Cost Of Supplemental Signs Erected By VDOT (24 VAC 30-600). The Policy Division cannot document CTB approval of 24 VAC 30-600, but a copy of the last version of the regulation (8/19/99) before repeal can be obtained by contacting the Policy Division.*

**Authorization to Amend the Land Use Permit Regulations (24VAC30-151) to allow mobile food vending in accordance with Chapter 466 of the 2015 Acts of Assembly**
**Approved: 7/15/2015**

Comment [d40]: Operations (24VAc30-151)

WHEREAS, the Commonwealth Transportation Board (CTB) adopted the Land Use Permit Regulations (24VAC30-151) on October 15, 2009, which prohibited vending on state highway right of way; and

WHEREAS, Chapter 466 of the 2015 Acts of Assembly directs the Commonwealth Transportation Board to amend its regulations to allow mobile food vending on state highway rights-of-way except on limited access highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) is directed to solicit input from localities and other stakeholders in the process of amending the regulations; and

WHEREAS, VDOT issued a general notice on April 2, 2015 that was published in the Virginia Register and online through the Department of Planning & Budget's Virginia Regulatory Town Hall soliciting comments regarding mobile food vending on state highway rights-of-way; and

WHEREAS, VDOT contacted the Virginia Association of Counties, the Virginia Municipal League, the Fairfax County Chamber of Commerce, Fairfax County, and the DC- Maryland-Virginia Food Truck Association for comments; and

WHEREAS, the general notice expired on May 4, 2015 with 6 comments received; and

WHEREAS, comments received to date have been positive and in support of the recommended action; and

WHEREAS, the Commonwealth Transportation Board finds that amending the Land
Use Permit Regulations to allow mobile food vendors to operate in accordance with Chapter 466 should be accomplished expeditiously.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board approves the amendments to the Land Use Permit Regulations (24VAC30-151) as shown in Attachment A as required by Chapter 466 of the 2015 Acts of Assembly; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs VDOT to process the amendments as required under procedures established by the Code of Virginia, the Governor, the Registrar of Regulations, and the Department of Planning and Budget for the amendment of regulations under the Administrative Process Act.

**Adoption of Land Use Permit Regulations (24 VAC 30-151) and Repeal of Land Use Permit Manual (24 VAC 30-150)**
**Approved: 10/15/2009**

Comment [d41]: Operations (24VAc30-151)

WHEREAS, Section 33.1-12 (3) of the *Code of Virginia* gives the Commonwealth Transportation Board the authority to make regulations concerning the use of the system of state highways and § 33.1-206.1 of the *Code of Virginia* requires the Board to establish regulations concerning the erection of roadside memorials; and

WHEREAS, the Board has exercised its authority to maintain the rights-of-way along the highways in a manner necessary to preserve the integrity, operational safety, and service of function of the roadway, using a permit process, administered by the Virginia Department of Transportation (VDOT), that minimizes the risk that work performed on Board or VDOT property will result in any damage to existing structures or utilities; and

WHEREAS, the Land Use Permit Manual defines what uses may be permitted on the right-of-way under control of the Board and VDOT; and

WHEREAS, the Land Use Permit Manual, currently filed in the Virginia Administrative Code (VAC) as 24 VAC 30-150, was approved by the State Highway and Transportation Commission, predecessor to the Board, at its August 11, 1983, meeting; and

WHEREAS, the Land Use Permit Regulations, to be filed as 24 VAC 30-151, were developed to simplify the Land Use Permit Manual requirements, proscribe the use and standards of roadside memorials, adjust permit fees to reflect increases in administrative costs, add accommodation fees for utilities within limited access right-of way, and eliminate redundant or obsolete provisions; and

WHEREAS, the promulgation of the Land Use Permit Regulations makes it necessary to repeal the Land Use Permit Manual; and

WHEREAS, this combined regulatory action is subject to the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); and

WHEREAS, to this end, the Board published an initial Notice of Intended Regulatory Action (NOIRA) on March 12, 2001, and a second NOIRA reflecting a change in regulatory scope on February 24, 2004, to solicit public input; and

WHEREAS, the proposed regulation was published in the Virginia Register on July 9, 2007, three public hearings were held throughout the state, and public comments were received through September 9, 2007; and

WHEREAS, public comments received during the public comment periods, from the public hearings, and from subsequent meetings with stakeholders have been taken into account by VDOT in drafting a final regulation; and

WHEREAS, the General Assembly enacted legislation, Chapters 863 and 928 of the 2007 Acts of the Assembly, which was later amended by Chapters 454 and 274 of the 2008 Acts of Assembly, to require the Commonwealth Transportation Commissioner to develop comprehensive highway access management standards; and

WHEREAS, to meet the deadlines imposed by the legislature, VDOT promulgated highway access management regulations separately from the proposed Land Use Permit Regulations, which had addressed the subject in broad detail; and

WHEREAS, VDOT has developed access management standards for preserving and improving the efficient operation of the state systems of highway through the promulgation of the Access Management Regulations: Principal Arterials (24 VAC 30-72), effective July 1, 2008, and Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24 VAC 30-73), effective October 14, 2009, therefore allowing the Land Use Permit Regulations to be finalized and acted upon by the Board.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the Land Use Permit Regulations (24 VAC 30-151) attached hereto, and simultaneously repeals the Land Use Permit Manual (24 VAC 30-150); and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the revisions made to the following regulations in the VAC, as attached hereto, to replace references to the Land Use Permit Manual, or any of its provisions, with citations to the Land Use Permit Regulations, and to address outdated references to the VDOT organizational structure:

- Subdivision Street Requirements (24 VAC 30-91)
- Secondary Street Acceptance Requirements (24 VAC 30-92)
- Comprehensive Roadside Management Regulations (24 VAC 30-121)
- Vegetation Control Regulations on State Rights-of-Way (24 VAC 30-200)
- Change of Limited Access Control (24 VAC 30-401); and

BE IT FURTHER RESOLVED, that the effective date of the regulatory actions approved herein shall be as provided for by the regulatory submission requirements established by the *Code of Virginia*, Executive Order 36 (2006), and the State Registrar of Regulations; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby repeals its resolution dated February 20, 2003, which established a Roadside Memorial Program for all state highways.

*Editor's Note: The Land Use Permit Regulations (24 VAC 30-151) became effective March 17, 2010. Revisions to the other regulations cited became effective on May 11, 2011, to reflect a combined Fast-Track action to repeal the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20) and the Minimum Standards of Entrances to State Highways (24 VAC 30-71) and promulgate a replacement regulation for the General Rules (24 VAC 30-21).*

**Repeal of Minimum Standards of Entrances to State Highways (24 VAC 30-71) and General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20) and Promulgation of Replacement General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-21)**
**Approved: 10/15/2009**

Comment [d42]: Operations (24VAC30-21)

WHEREAS, Chapters 863 and 928 of the Acts of Assembly of 2007 amended §§ 33.1-13, 33.1-198, and 33.1-199 of the *Code of Virginia*, and added § 33.1-198.1 to the *Code of Virginia* to require the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards; and

WHEREAS, Chapters 274 and 454 of the Acts of Assembly of 2008 directed the Commissioner to promulgate these comprehensive access management regulations and standards in phases; and

WHEREAS, in accordance with these directives, the Commissioner promulgated the Access Management Regulations: Principal Arterials (24 VAC 30-72), which went into effect July 1, 2008, and the Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24 VAC 30-73), which went into effect October 14, 2009; and

WHEREAS, these new regulations and design standards will replace and supersede the Minimum Standards of Entrances to State Highways (24 VAC 30-71), originally adopted by the Commonwealth Transportation Board (CTB) on June 12, 1997; and

WHEREAS, the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20), adopted by the CTB on July 18, 1974, contains provisions that are obsolete or superseded by statute or other regulation, making it necessary to repeal the existing regulation and promulgate a replacement regulation; and

WHEREAS, the repeal of the Minimum Standards of Entrances to State Highways and the General Rules and Regulations of the Commonwealth Transportation Board, and promulgation of a replacement General Rules and Regulations of the Commonwealth Transportation Board are subject to the requirements of the Administrative Process Act; and

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the Minimum Standards of Entrances to State Highways (24 VAC 30-71), repeals the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20) and adopts the replacement regulation General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-21) as attached hereto; the effective date of the regulatory actions approved herein shall be as provided for by the regulatory submission requirements established by the *Code of Virginia*, Executive Order 36 (2006), and the State Registrar of Regulations, and the Virginia Department of Transportation shall process these actions as expeditiously as possible.

*Editor's Note: These actions became effective on March 3, 2011.*

**Change of Limited Access Control Policy**
**Approved: 11/17/2005**

Comment [d43]: Operations (24VAC30-401)

WHEREAS, the Commonwealth Transportation Board (CTB) approved a Department Policy Memorandum (DPM) on December 20, 1990 addressing disposal of access rights and conditions under which access would be allowed to adjoining properties; and

WHEREAS, the policy was designated as DPM 2-11 (Disposal of Limited Access) and signed by the Commissioner on May 17, 1991; and

WHEREAS, DPM 2-11 was determined to be an Administrative Process Act (APA)-exempt regulation by the Office of the Attorney General in 1993, and was also filed with the Registrar of Regulations as 24 VAC 30-400; and

WHEREAS, the CTB revised the policy/regulation on September 18, 1997, to include a provision concerning the responsibilities for any safety and operational movements belonging to the party requesting the abandonment in access rights; and

WHEREAS, the Virginia Department of Transportation (VDOT) presented revisions to the policy for the CTB's consideration at the workshop on November 16, 2005; and

WHEREAS, the CTB concurs with the revisions to the policy as presented.

NOW, THEREFORE, BE IT RESOLVED, that the CTB rescinds DPM 2-11, and adopts the new Limited Access Policy presented as 24 VAC 30-400 on November 16, 2005, which is attached hereto.

*Editor's Note: Due to the scope of changes to the former Disposal of Limited Access Policy, originally filed as DPM 2-11 and approved at this meeting as Change of Limited Access Control, 24 VAC 30-400, the State Registrar of Regulations subsequently changed the VAC chapter number from 400 to 401, and listed Chapter 400 as repealed. For the current official copy of this regulation, see the VAC entry for 24 VAC 30-401. On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.*

**Designation of Interstate Highways as Limited Access Highways**
**Approved: 10/4/1956**

Comment [d44]: Road Systems

Moved by Mr. Flythe, seconded by Senator Nelson, that , it so be declared that, Whereas, by action of the Congress if the United States, whereby all routes on the National System of Interstate and Defense Highways are to be constructed to interstate standards and whereas, one of the requirements of interstate standards is the control of access to these routes; Therefore, be it resolved that all routes on the National System of Interstate and Defense Highways within the confines of the Commonwealth of Virginia, upon determining the final location of said routes, including all necessary grade separations, interchanged, ramps, etc., are here and now designated Limited Access Highways, pursuant to Article 3, Chapter 1, Title 33, of the *Code of Virginia* of 1950, as amended. Motion carried.

**Designation of Limited Access Highways**
**Approved: 3/29/1956**

Comment [d45]: Road Systems

WHEREAS, the increasing volume of motor vehicle transportation has brought to Virginia the problem of providing for safe and orderly movement of traffic on the highways of the Commonwealth, and

WHEREAS, it is the duty of the State Highway Commission to provide for the safe movement of motor vehicles on roads serving through as well as local traffic, and

WHEREAS, the Legislature of Virginia has enacted in 1942 what is now Article 3, Chapter 1, Title 33 of the 1950 *Code of Virginia*, providing for the establishment of Limited Access Highways, and
WHEREAS, in order to guarantee the present and future use of these highways at design capacity and to accomplish the purpose set out in the foregoing legislation, it is necessary for the Commission to spend large sums of money for right of way and construction of limited access highways;

NOW, THEREFORE, BE IT RESOLVED by the Highway Commission of Virginia that the Commission may declare highways and streets subject to controlled access by designating the same as "Limited Access" under the following conditions: 1. Principal and through highways where roadside development threatens the orderly movement of traffic and the volume and character of the traffic justifies such designation. 2. All distribution routes and by-passes constructed through or around cities and towns on Class I and Class II roads. 3. Such other routes as the Commission may deem necessary or advisable in order to protect the public interest.

**Discretionary Maintenance Payments to the Richmond Metropolitan Authority**
**Approved: 5/15/2008**

Comment [d46]: Finance/Funding

WHEREAS, pursuant to § 33.1-288 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may use highway funds at its discretion to aid in the payment of the cost to toll revenue bond projects; and

WHEREAS, on August 17, 1972, the State Highway Commission, predecessor to the CTB, approved a resolution to provide aid from highway funds to the RMA, subject to the following conditions:

- the aid shall consist of actual maintenance of the expressway system, exclusive of the Boulevard Bridge, as segments of the system are opened to traffic;
- the aid shall be limited to ordinary maintenance activities as defined in the Virginia Department of Transportation's (VDOT) "Activity Code Manual," and to pavement markings; and
- the aid shall not include other maintenance replacement activities nor any costs incurred from toll collection expenses; and

WHEREAS, routine maintenance for the RMA is currently provided by a Turnkey Asset Maintenance Services contract managed by the Richmond District; and

WHEREAS, termination of the CTB subsidy would put the RMA on an equal basis with private toll roads and allow fair competition.

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the August 17, 1972 resolution concerning maintenance payments to the RMA be rescinded and all financial aid to the RMA for maintenance activities be discontinued effective June 30, 2008.

**Repeal of Existing State Noise Abatement Policy (24VAC 30-80) and Approval of Updated State Noise Abatement Policy**
**Approved: 6/15/2011**

Comment [d47]: Operations – see direction to file as Guidance Document.

WHEREAS, in response to a preceived need for a single policy covering noise abatement, VDOT developed such a policy for consideration by the Commonwealth Transportation Board in 1988; and

WHEREAS, the Board approved the existing *State Noise Abatement Policy* (24VAC30-80) at its August 8, 1988 meeting, to become effective January 4, 1989; and

WHEREAS, the Board approved revisions to the policy based on experience gained from application of the policy over many years, plus input from citizens and elected officials, at its November 21, 1996 meeting, to become effective January 1, 1997; and

WHEREAS, the Federal Highway Administration (FHWA) published a proposal in the *Federal Register* on September 17, 2009, to make revisions to its *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, and solicited input from state DOTs in further development of a final rule, which was published in the *Federal Register* on July 13, 2010; and

WHEREAS, VDOT determined that the existing policy was obsolete due to the new rule, as well as changed business conditions since the policy was last amended; and

WHEREAS, an updated policy with detailed implementation procedures prepared in a separate guidance manual (the *Highway Traffic Noise Impact Analysis Guidance Manual)* was developed; and

WHEREAS, the FHWA gave formal approval to VDOT's updated *State Noise Abatement Policy and Highway Traffic Noise Impact Analysis Guidance Manual* by correspondence dated March 15, 2011.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the existing *State Noise Abatement Policy* (24VAC 30-80), and approves the following VDOT policy to govern the analysis of highway traffic noise:

STATE NOISE ABATEMENT POLICY

I. Policy.

The Federal Highway Administration (FHWA) regulates highway traffic noise impact analysis, abatement procedures, criteria, coordination requirements, and reporting guidance in Title 23 Code of Federal Regulations, Part 772 (23 CFR 772) and published guidance. All transportation improvement projects developed in conformance with the Virginia Department of Transportation's guidelines shall be in conformance with those federal highway traffic noise impact analysis and abatement procedures and guidance mandated by FHWA.

Whenever the Commonwealth Transportation Board or the Department plan for or undertake any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, first consideration should be given to the use of noise reducing design and low noise pavement materials and techniques in lieu of

construction of noise walls or sound barriers. Vegetative screening, such as the planting of appropriate conifers, in such a design would be utilized to act as a visual screen if visual screening is required.

II. Administration of State Noise Abatement Policy.

The Commonwealth Transportation Commissioner or his designee, on behalf of the Commonwealth Transportation Board, is authorized to issue administrative procedures and additional guidance as may be necessary to implement this policy.

The Chief Engineer, on behalf of the Commonwealth Transportation Board, is authorized to make the final determination on all noise abatement related issues and will consult with the FHWA when those determinations involve federal regulation, policy and guidance.

The Chief Engineer will brief the Commonwealth Transportation Board members on all proposed changes to the Highway Traffic Noise Impact Analysis Guidance Manual.

BE IT FURTHER RESOLVED, under authority granted by § 33.1-12 (7) of the *Code of Virginia*, that the Commonwealth Transportation Board also hereby approves the *Highway Traffic Noise Impact Analysis Guidance Manual,* which the Office of the Attorney General has determined meets the criteria to be classified as a "Guidance Document" under § 2.2-4001 of the Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby directs VDOT to submit the regulatory action to comply with the regulatory and Guidance Document submission requirements established by the *Code of Virginia*, Executive Order No. 14 (2010), and the State Registrar of Regulations, as appropriate, so that the action shall become effective on July 13, 2011.

**Hauling Permit Manual - Repeal of Hauling Permit Manual (24 VAC 30-111)**
**Approved: 12/8/2010**

Comment [d48]: Operations – retaining resolutions of repealed regulations - this was transferred to DMV.

WHEREAS, the Commonwealth Transportation Board (CTB) and its predecessors have exercised the authority granted by §§ 33.1-12(3), 33.1-49 and Article 18 (§ 46.2-1139 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia to regulate the issuance of oversize or overweight permits for vehicles traveling over Virginia's highways with loads that, when reduced to their smallest dimensions, exceed maximum legal limits; and

WHEREAS, the CTB last took action on the subject by approving the Hauling Permit Manual (listed in the Virginia Administrative Code as 24 VAC 30-111) on August 17, 1995; and

WHEREAS, Chapter 314 of the 2003 Acts of Assembly transferred responsibility for the administration of hauling permit program activities from the Virginia Department of Transportation (VDOT) to the Department of Motor Vehicles (DMV), and also provided that the hauling permit regulations promulgated by VDOT would remain in force until amended, modified or repealed by DMV; and

WHEREAS, DMV promulgated a new regulation, Hauling Permit Regulation (24 VAC 20-81), that became effective on September 30, 2009, to replace the existing Hauling Permit Manual (24 VAC 30-111).

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the Hauling Permit Manual (24 VAC 30-111) and directs VDOT to take all necessary actions to remove the Hauling Permit Manual (24 VAC 30-111) from the Virginia Administrative Code.

*Editor's Note: Pursuant to Chapter 314 of the 2003 Acts of Assembly, administration of hauling permits was transferred from VDOT to DMV. VDOT's Hauling Permit Manual (24 VAC 30-111) was directed to remain in effect until changed by DMV. DMV's replacement regulation, Hauling Permit Regulation (24 VAC 20-81) became effective on September 29, 2009. Repeal of VDOT's Hauling Permit Manual by the CTB was effective on February 2, 2011. For a copy of the attachment, contact the Policy Division.*

## Rules and Regulations for the Administration of Parking Lots and Environs
**Approved: 7/18/1974**

Comment [d49]: Operations; 24VAC30-100

WHEREAS, pursuant to § 9-6.1 et seq. of the *Code of Virginia* (1950), as amended, a public hearing was conducted July 8, 1974 at 3:30 p.m. in the Highway and Transportation Department auditorium, Richmond, Virginia, to present to revisions to the Rules and Regulations of the Commission for the Administration of Parking Lots and Environs; and

WHEREAS, no interested citizen other than representatives of the Department appeared to offer oral statements, objections or amendments; and

WHEREAS, no written statements, objections or amendments were received by the Department within 5 days as set out in the public notice.

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations of the Commission for the Administration of Parking Lots and Environs as published and as presented at the public hearing are hereby adopted to be effective November 1, 1974.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For a copy of the regulation adopted by the Commission, contact the Policy Division. For the current official version of this regulation, see 24 VAC 30-100.*

## Dashboard
**Approved: 3/17/2005**

Comment [d50]: General Administration; see VDOT website (http://dashboard.vasmartscale.org/)

WHEREAS, prior to 2002, VDOT did not have a clear and consistent method of establishing and monitoring performance goals,

WHEREAS, taxpayers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds, and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, the 2003 General Assembly amended § 33.1-12 of the *Code of Virginia* to require the Commissioner to provide a periodic report on the current status of all highway construction projects in the Commonwealth that may be supplied through the Internet; and

WHEREAS, VDOT concurrently perfected a new tool for quick and simple assessment of project status, which will allow VDOT to be held accountable for its work in a very public way; and

WHEREAS, this new tool – the Project Dashboard - was made available to the public by way of the Internet in March 2003, and has since generated interest and earned acclaim from the public, the press, other State governments, even other countries for openness in government, and easy access to information;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Directs VDOT to continue to have a performance measurement system, such as the Dashboard or similar system, that provides true and transparent representation of the Department's operations and performance, and that is based on auditable information from source data in business systems used by the Department; and
- Ratifies the Dashboard as an official and valuable way of providing information to the public and to VDOT managers; and
- Directs VDOT to maintain the Dashboard or other performance measurement system, and to make improvements from time to time and to add areas of information, as they can be developed.

**VDOT Quarterly Report Card**
**Approved: 4/21/2005**

Comment [d51]: General Administration; see VDOT website (http://www.virginiadot.org/info/ctb-qtrlyrpt.asp)

WHEREAS, the *Code of Virginia* requires the Commissioner to provide periodic reports on the status of all highway construction projects in the Commonwealth; and

WHEREAS, tax payers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds, and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, VDOT has developed new performance reporting tools, such as the Quarterly Report Card and the Project Dashboard, which provide comprehensive program and project status, allowing VDOT to be held accountable for its work in a very public way; and

WHEREAS, the Quarterly Report Card, made available to the public by the internet, is the primary tool used to report programmatic performance to the Commonwealth Transportation Board (CTB).

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Endorses the use of a Quarterly Report Card as a valuable way of providing information to the CTB, the public and VDOT managers; and
- Encourages VDOT to continue to have a performance reporting tool, such as the Quarterly Report Card, that provides transparency of the Department's operations and performance, and that is based on auditable information from source data in business systems used by the Department.

## Priority Transportation Fund
**Approved: 1/20/2000**

Comment [d52]: Finance/Funding

WHEREAS, the Commonwealth Transportation Board supports and endorses Governor Gilmore's proposal for a new transportation fund to be called the "Priority Transportation Fund" to be funded by the securitization of 40% of the Master Settlement Agreement ("the tobacco settlement funds") and the dedication of general funds.

NOW, THEREFORE, the Commonwealth Transportation Board hereby resolves to provide future Priority Transportation Fund monies in an objective and equitable manner on a statewide basis to all modes of transportation. The Board will work cooperatively to ensure that all regions of the Commonwealth benefit from Priority Transportation Fund allocations.

**Adoption of Model Public Participation Guidelines for the Enactment of Regulations**
**Approved: 10/16/2008**

Comment [d53]: Operations; 24VAC30-11

WHEREAS, § 2.2-4007.02 of the *Code of Virginia* requires state agencies to develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations under the Administrative Process Act (APA); and

WHEREAS, the 2008 General Assembly noted that a lack of consistency in the scope, comprehensiveness, and level of detail of state agency public participation guidelines impeded the ability of the public to participate fully and readily in the formulation of regulations; and

WHEREAS, Chapters 321 and 575 of the Acts of Assembly of 2008 requires the Department of Planning and Budget (DPB), in consultation with the Office of the Attorney General (OAG), to develop Model Public Participation Guidelines meeting the requirements of § 2.2-4007.02 of the *Code of Virginia*; and

WHEREAS, before December 1, 2008 agencies must either adopt the Model Public Participation Guidelines issued by DPB, or, if they need to make significant changes to the guidelines, to file a fast-track regulatory action with DPB pursuant to § 2.2-4012.1 of the Code of
Virginia; and

WHEREAS, adopting the Model Public Participation Guidelines as provided by DPB and the AG will be exempt from the operation of the APA as delineated in Article 2 (§2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the *Code of Virginia*; and

WHEREAS, the Virginia Department of Transportation (VDOT) previously promulgated Public Participation Guidelines (24 VAC 30-10) to facilitate administration of its regulations under the APA; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) currently has no regulations subject to the APA, but public participation guidelines are recommended for DRPT in the event that regulations are adopted in the future; and

WHEREAS, VDOT and DRPT recommend that the Model Public Participation Guidelines developed by DPB, in consultation with the OAG, be adopted by the Board as presented for each agency, and that the current VDOT Public Participation Guidelines be repealed.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the new Public Participation Guidelines as presented for each agency, and repeals the current VDOT Public Participation Guidelines previously approved by the Commonwealth Transportation Board on May 21, 1992.

BE IT FURTHER RESOLVED, that the Public Participation Guidelines, as adopted herein for each agency, shall apply to the promulgation of regulations for which a notice of intended regulatory action is filed in accordance with § 2.2-4007.01 of the *Code of Virginia* on or after January 1, 2009.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-11.*

**Policy for Facilitating Public Comment on Toll Rate Adjustments**
**Approved: 1/18/2006**

Comment [d54]: Operations; 24VAC30-620

WHEREAS, §33.1-12(3) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (the "Board") to make rules and regulations for the use of systems of state highways; and

WHEREAS, it is necessary for the Board to consider adjustments in toll rates from time to time for the use of certain state highways and facilities; and

WHEREAS, the Board believes the public comment should be solicited in matters concerning toll rate adjustments for the use of certain state highways and facilities; and

WHEREAS, the establishment of procedures for such public comment shall not limit or alter the rights vested in the Board to establish and collect tolls, nor shall it impair or affect the rights and remedies of bondholders of any obligations secured in any manner by toll revenues or impair or affect any agreements between the Board and the Treasury Board to preserve the integrity of bonds issued by the Board pursuant to Article X, Section 9(c) of the Virginia Constitution or the credit ratings of any other bonds issued by the Board or the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the following guidelines govern the solicitation of public comment in the consideration of toll rate adjustments:

1. A minimum of 45 days public notice with respect to any proposed adjustment in toll rates will be posted in accordance with the means listed in §2.2-3707 of the *Code of Virginia* prior to the Board work session presentation;
2. After posting of the public notice, VDOT will attend meetings in areas affected by a proposed toll rate adjustment to explain the proposed toll rate adjustment;
3. A public comment session shall be held at a Board work session prior to the Board business meeting during which any proposed toll rate adjustment is to be considered;
4. Public comment may also be received via the Internet or any other communication means following the Board's work session presentation;
5. The final date for collecting public comments shall be not later than 30 days prior to the Board business meeting in which any toll rate adjustment is considered.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Commonwealth Transportation Commissioner is directed to work to encourage other toll facility operators in Virginia to adopt a similar resolution and guidelines.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. VDOT promulgated a regulation Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (24 VAC 30-620), amendments to which concerning toll rates are to follow this policy. For the current official version of this regulation, see 24 VAC 30-620.*

**Policy on Public Hearings**
**Approved: 10/13/1966**

Comment [d55]: . *Operations. Also DPM 1-11.* For the current official version of this regulation, which has been amended administratively without CTB involvement, see 24 VAC 30-380.

WHEREAS, the State and Federal highway laws require that public hearings be held by the State Highway Commission under certain conditions prior to the establishment of a highway, and

WHEREAS, after careful study and investigation it is deemed advisable to set forth a general policy under which such hearings will be held, and

WHEREAS, the State Highway Commission, on January 5, 1956, adopted a resolution setting forth a statement of policy on public hearings, which statement of policy is presently in need of amendment in order to meet the changing problems present by highway development:

NOW, THEREFORE, BE IT RESOLVED, that the following policy on public hearings be and the same is hereby adopted by this Commission:

1) For All Interstate System Projects –
   (a) A public hearing will be held.
   (b) Thirty days' written notice of the proposed public hearing, showing the time and place, shall be given to the Clerk of the Circuit Court of the county in which the road is proposed, in accordance with § 33-17 of the 1950 *Code of Virginia*, as amended.

2) For All Primary System Projects –
   (a) A public hearing will be held, or a notice of willingness to hold a public hearing will be stated in public advertisement. If a written request is received, the hearing will be held in accordance with Federal and State statutes.

3) For All Secondary System Projects –
   A notice of willingness to hold a public hearing will be state in public advertisement, or a public hearing will be held on any project to be financed with Federal Aid Secondary funds, which involves the by-passing of, or going through, any city, town or village, either incorporated or unincorporated. If a request is received for a public hearing, the public hearing will be held in accordance with Federal and State statutes. The willingness to hold a public hearing may be advertised or a public hearing may be held on other projects where there is an unusual amount of public interest.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, which has been amended administratively without CTB involvement, see 24 VAC 30-380.*

**Public Comments Policy for CTB Business Meetings**
**Approved: 12/15/2005**

Comment [d56]: General Administration

WHEREAS, the Commonwealth Transportation Board (CTB) is committed to promoting good governance through open communication with the citizenry; and

WHEREAS, public participation increases understanding and improves decision-making; and

WHEREAS, it is the desire of the CTB to provide the public opportunity to comment on matters considered by the Board; and

WHEREAS, a public comments policy will encourage citizen input and ensure business meetings are efficient and productive;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board rescinds it current guidelines for public comments and hereby adopts the attached "Public Comments Policy for CTB Business Meetings."

**Public Comments Policy for CTB Business Meetings**

**Purpose**
The purpose of this policy is to provide the public an opportunity to comment on matters considered by the Commonwealth of Transportation Board (CTB) at its business meetings.

**Policy**

- The CTB encourages and values citizen input at its business meetings. To ensure CTB business meetings are efficient and productive, the following protocol is established.
- CTB meetings are open to the public.
- Public comments will be scheduled as the first agenda item for each CTB business meeting. No public comments will be accepted at CTB workshops.
- Any member of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the public comment portion of the business agenda, and provide their name, address, the name of the organization they represent (if any), and the general topic or issue on which the desire to comment.
- Individuals offering public comment should limit remarks to not more than three minutes. A maximum time limit of 30 minutes will be allocated for the public comment at any one CTB business meeting. If the number of individuals on the sign-up sheet would exceed the allotted 30-minute timeframe, the Chairman has the latitude to limit individual remarks to a shorter time period. Individuals represented by a common organization or association may be asked to select one individual to speak for the group. Individuals who speak for less than their allotted time may not yield their remaining time to another speaker.
- Public comments made at CTB meetings must be relevant to the Board's functions and responsibilities.

- Individuals may submit written comments to the Secretary of Transportation. All written comments will be forwarded to CTB members.
- Speakers shall direct all comments to the Board, not to individual CTB members.
- Profane or vulgar language, partisan political statements, and comments related to the conduct or performance of CTB members or agency staff are not permitted.
- Public comment is received without Board comment or response. However, CTB members may seek clarification or additional information from speakers through the Chairman.
- The Chairman has the right to exercise discretion in the implementation of this policy.

**Effective Date**

The effective date of this policy is immediately upon passage by the CTB. This policy rescinds the public participation guidelines adopted by the CTB on June 19, 1986, and amended in 1995.

**A Resolution to Recommend Adoption of the 2014 Virginia PPTA Manual and Guidelines by the Virginia Department of Transportation and the Department of Rail and Public Transportation Approved: 11/12/2014**

**Comment [d57]:** Financial/Funding

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 ("PPTA"), (*Code of Virginia* §§ 33.2-1800 *et seq.*), the Virginia Department of Transportation (the "VDOT") and the Department of Rail and Public Transportation (the "DRPT") are defined as Responsible Public Entities ("RPEs") and are required, in accordance with §33.2-1803, to develop guidelines that establish a process for acceptance and review of proposals to develop and/or operate qualifying transportation facilities; and

WHEREAS, the Commonwealth Transportation Board (the "Board), by resolution dated May 14, 2014, directed the Director of the Office of Transportation Public-Private Partnerships (the "OTP3") to undertake an extensive and exhaustive review of the processes, policies, manual and guidelines used by the OTP3 in soliciting, developing, negotiating, and implementing public-private transportation projects in order to increase transparency, the competitive process, public involvement and more direct involvement by the Board in the development, negotiation, and implementation of public private transportation projects; and

WHEREAS, the OTP3 organized its review through a team that included OTP3, VDOT, Office of the Attorney General and other professionals and has completed a six-month public outreach and comment solicitation process on its existing 2012 version of the Virginia PPTA Implementation Manual and Guidelines (the "PPTA Manual and Guidelines") that produced more than one hundred responses; and

WHEREAS, stakeholder comments confirmed the value of public-private partnership (P3) transportation project delivery in Virginia, the importance of attracting private capital to invest in transportation infrastructure, the need for greater public engagement and transparency in the process, and the expectation that private equity and risk-sharing would remain important elements of future P3s; and

WHEREAS, the OTP3 has, in accord with the direction of this Board and taking into consideration stakeholder comments, made recommendations for an improved, consistent and transparent PPTA process, which are incorporated into the 2014 version of the PPTA Manual and Guidelines, attached hereto as Appendix A; and

WHEREAS, an improved, consistent, transparent PPTA process with clear decision points anchored in appropriate oversight boards, as embodied in the 2014 version of the PPTA Manual and Guidelines, will prompt more competitive, successful P3's across all transportation agencies of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD, that the Board hereby, accepts the recommendations of the Director of the OTP3 in response to the Board's May 14, 2014 resolution and endorses the 2014 version of the PPTA Manual and Guidelines as presented to the Board; and

BE IT FURTHER RESOLVED, that the Board herby recommends that the VDOT and the VDRPT, as RPEs pursuant to the PPTA, adopt the 2014 version of the PPTA Manual and Guidelines.

**Approval of Guidelines and Criteria for the Transportation Partnership Opportunity Fund**
**Approved: 2/17/2016**

Comment [d58]: Finance/Funding

WHEREAS, Chapter 684 of the 2015 Acts of Assembly (the "Act") updated the eligible applicants and projects for the Transportation Partnership Opportunity Fund (the "Fund"), created by section 33.2-1529.1 of the Code of Virginia; and

WHEREAS, in accordance with the Act, the Commonwealth Transportation Board (CTB), in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria that shall be used in awarding grants or making loans from the Fund; and

WHEREAS, no grant or loan shall be awarded until the Governor has provided copies of the guidelines and criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation; and

WHEREAS, in accordance with the Act, the guidelines and criteria shall include provisions including the number of jobs and amounts of investment that must be committed in the event moneys are being used for an economic development project, a statement of how the studies and analysis to be completed using moneys from the Fund will advance the development of a transportation facility, a process for the application for and review of grant and loan requests, a timeframe for completion of any work, the comparative benefit resulting from the development of a transportation project, assessment of the ability of the recipient to repay any loan funds, and other criteria as necessary to support the timely development of transportation projects. The criteria shall also include incentives to encourage matching funds from any other local, federal or private source; and

WHEREAS, [t]he Governor shall provide grants and commitments from the Fund in an amount not to exceed the total value of the moneys contained in the Fund.

NOW, THEREFORE BE IT RESOLVED by the Commonwealth Transportation Board hereby approves the proposed Guidelines and Criteria, dated January 20, 2016, for use in determining the award of financial assistance from the Transportation Partnership Opportunity Fund, and directs VDOT to deliver the Guidelines and Criteria to the Governor for his dissemination to the chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation.

**Rail Industrial Access – Repayment Policy**
**Approved: 10/15/2014**

Comment [d59]: Finance/Funding

WHEREAS, pursuant to the 2014 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, Section 33.2-1600 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, on May 15, 2013, the Commonwealth Transportation Board ("Board") authorized the Department of Rail and Public Transportation ("Department") to pro-rate repayment based on proportionate credit of the public benefit achieved per the performance requirements of the grant agreement; and

WHEREAS, the Department has followed the Board's prior direction to grant a two-year reprieve to exercising the payback for failure to meet performance requirement; and those two year extensions are coming to a close; and

WHEREAS, on October 14, 2014, the Department briefed the Board on the status of the two-year extensions, described requests by certain Grantees for exceptions to the Repayment Policy, and reviewed several options for the Board to consider in enforcing and/or amending the repayment policies; and

WHEREAS, the Board wishes to provide clear guidance to the Department for the consistent administration of the Rail Industrial Access program policies and ensure public funds are spent to achieve public benefits; and

NOW THEREFORE, BE IT RESOLVED, that the Board hereby directs the Director of the Department of Rail and Public Transportation to do the following:

1. Conduct a review and report back to the Board within 90 days on the Rail Industrial Access Program repayment procedures and recommendations to the Board on the procedures for granting extensions. This review will include an assessment of whether these projects could have achieved a positive recommendation to the Board under the Board established program policy and procedures; and,

2. The Board also instructs the Director to conduct a more detailed review and report back to the CTB within 180 days as to how the Rail Industrial Access Tracks Program could better function as an incentive program that provides for program delivery under its legislative intent, including changes to the criteria utilized by the Department to evaluate and score applications, and the requirements incorporated into grant agreements. This review will be conducted with the participation of a subcommittee of CTB board members; and,
3. The Board authorizes the Director to take no action regarding Grantee repayment for failure to perform during the 90 day period of program evaluation.

**Rail Enhancement Fund Policy Update**
**Approved: 12/9/2015**

Comment [d60]: Finance/Funding

WHEREAS, on October 28, 2015, the CTB adopted the Rail Programs Legislative, Policy, and Expenditure Review of 2015 dated October 16, 2015 and the Rail Enhancement Fund 2015 Policy Goals; and

WHEREAS, the CTB Rail Committee recommends the CTB adopt an updated version of the Rail Programs Legislative, Policy, and Expenditures Review of 2015 (Attachment A) which clarifies and aligns the report more clearly with the Rail Enhancement Fund 2015 Policy Goals (Attachment B); and

WHEREAS, § 33.2-1601 establishes the Rail Enhancement Fund; and

WHEREAS, in § 33.2-1601 the General Assembly declared it to be in the public interest that railway preservation and development of railway transportation facilities are an important element of a balanced transportation system of the Commonwealth for freight and passengers; and

WHEREAS, pursuant to § 33.2.-1601, the General Assembly further declared it to be in the public interest that the retention, maintenance, improvement, and development of freight and passenger railways are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Enhancement Fund (REF), subject to the approval of the Commonwealth Transportation Board (CTB) and their finding that project benefits exceed the amount of Rail Enhancement funds invested in a project; and

WHEREAS, pursuant to Chapter 684 of the 2015 Acts of Assembly (House Bill 1887), the General Assembly directed the Commonwealth Transportation Board to develop no later than December 1, 2015, a proposal to revise the public benefit requirements of the Rail Enhancement Fund; and

WHEREAS, pursuant to Section 427 Subsection O of the FY2016 and FY2017 Appropriations Act (Chapter 665 of the 2015 Acts of Assembly (HB 1400)) the Secretary of Transportation, in conjunction with the Department, shall provide a comprehensive review to the Chairmen of the House and Senate Transportation Committees, House Appropriations Committee and Senate Finance Committee on the usage of monies deposited in the Rail Enhancement Fund since its establishment in fiscal year 2006; and, that such a review shall include the amounts of funds allocated to rail freight projects, the amounts allocated to rail passenger projects, and the outstanding commitments to each type of project by year, accounting for funds transferred into and out of the REF and the Intercity Passenger Rail Operating and Capital Fund, and that such a review shall assess the outstanding needs for rail projects and any needed modifications to the rail programs of the Commonwealth; and

WHEREAS, the CTB Rail Committee worked with the Department to review rail grant funding programs, solicit stakeholder input, revise policy goals, clarify prioritization criteria, and adjust administrative practices; and

WHEREAS, the results of the CTB Rail Committee's review efforts pursuant to House Bill 1887 and the Appropriations Act directive are summarized in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report; and

WHEREAS, the CTB Rail Committee recommends updating the Rail Enhancement Fund policy goals adopted by the CTB on October 20,2005 based on the findings presented in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report;

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the findings and recommendations of the CTB Rail Committee presented in the "Rail Programs Legislative, Policy, and Expenditure Review of 2015" report, provided as Attachment A to this resolution, which recommends a legislative proposal to the General Assembly pursuant to House Bill 1887 to transfer uncommitted Rail Enhancement funds to the Rail Preservation Fund and to provide better funding support for the Rail Preservation Fund; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the "Rail Enhancement Fund 2015 Policy Goals" provided as Attachment B to this resolution, which supersedes and replaces the Rail Enhancement Fund Policy Goals adopted on October 20, 2005.

**Industrial Access Railroad Track Program Policy Changes**
**Approved: 4/15/2015**

Comment [d61]: Finance/Funding

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by the Virginia Department of Transportation ("VDOT"); and

WHEREAS, the Department of Rail and Public Transportation (the "Department") administers the Rail Industrial Access ("RIA") program, which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, at its October 2014 meeting, the CTB asked the Department to conduct a two-phase review of the Rail Industrial Access program to identify ways to improve administration and performance and to encourage widespread use of the RIA program; and

WHEREAS, at its January 2015 meeting, the CTB considered the first phase of the review related to grantee performance and took action on repayment forgiveness; and

WHEREAS, as part of the second phase of the review, the Department presented policy considerations and policy options to the CTB Rail Committee at their March 2015 meeting, and the committee provided guidance; and

WHEREAS, the proposed recommendations incorporate the CTB Rail Committee's guidance, are intended to improve program administration and performance and encourage widespread use of the funds for economic development along the Commonwealth's railroad network.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the following changes to the RIA program:

1. Applications shall require the grantee to estimate the rail and truck utilization ratio of the proposed facility.

2. Performance shall be based on achieving a minimum threshold for rail cars, with the following criteria:

A. The performance evaluation period shall last three years.

B. The minimum threshold is defined as the minimum number of rail cars required to achieve 50 application points.

C. The minimum threshold must be met in at least one of the three years of performance.

3. The Director of the Department may grant one (1) three-year extension to the performance period, subject to the following:

A. Determination of the extension shall include an evaluation of the actual mode split between rail and truck carloads compared to the forecasted mode split.

B. If an extension is granted, the grantee must meet the target threshold at least once during the total six-year performance period.

C. Determination of the extension shall also include evaluation of the grantee's progress toward its performance targets, including a review of the actual mode split of rail and truck loads.

4. The Department will maintain the current 15-year interest in the tracks.

5. Repayment shall be based on the percentage of performance target achieved. The percentage for partial repayment of the grant amount shall be determined by the difference between the highest actual carload count reported and the minimum threshold necessary to achieve 50 application points.

These changes shall be included in the grant agreements between the Department and the grantees.

**Recreational Access Policy**
**Approved: 2/20/2008**

Comment [d62]: Finance/Funding

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access roads and bikeways to public recreational areas and historical sites was amended and reenacted by the 2005 session of the General Assembly; and

WHEREAS, the Commonwealth Transportation Board, with the concurrence of the Director of the Department of Conservation and Recreation, is authorized by this section of the Code to make certain regulations to carry out the provisions of the law; and

WHEREAS, it is deemed necessary by the Department of Transportation and the Department of Conservation and Recreation to amend the previously adopted policy on the use of such funds.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds its previous policy adopted on October 25, 1989, and adopts the following policy governing the use of recreational access funds, which new policy has been concurred in by the Director of Conservation and Recreation pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The Commonwealth Transportation Board adopts this policy to govern the use of recreational access funds pursuant to Section 33.1-223 of the *Code of Virginia*, as amended. The statute provides that the concept of access be applicable to facilities for motor vehicles and bicycles, whether in separate physical facilities or combined in a single facility. In the event independent bikeway access is deemed appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designated to provide for bicycle access to the recreational area or historical site as a connecting link to an existing bikeway or otherwise recognized bicycle route.

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to or within publicly owned or operated recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way or adjustment of utilities. These funds are to be used only for the actual engineering and construction of a road or bikeway access facility adequate to serve traffic generated by the public recreational area or historical site.

3. The identified need or demand for the road or bikeway access facilities will be analyzed and mutually agreed upon between the Commonwealth Transportation Board and the Director of the Department of Conservation and Recreation for access to a public recreational area or the Director of the Department of Historic Resources for access to a public historical site. The decision to construct or improve an access facility to a public recreational area or historical site will be based upon verification by the Department of Transportation of sufficient public demand and justification for connection with similar public motor vehicle or bikeway access facilities to support the construction of the planned access facilities.

4. Recreational access funds will not be considered for providing adequate recreational road or bikeway access until such time as adequate assurance has been given that the recreational area or

historical site is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and bikeway access may be considered as either combined facilities or separate entities. Funding limitations have been established by statute, for qualified projects, as follows:

   A. Not more than $400,000 of recreational access funds may be allocated for an access road to any recreational area or historical site operated by a state agency and not more than $250,000 for an access road to any recreational area or historical site operated by a locality or an authority with an additional $100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources.
   B. Not more than $75,000 of recreational access funds may be allocated for a bikeway to any recreational area or historical site operated by a state agency and not more than $60,000 for a bikeway to any recreational area or historical site operated by a locality or an authority with an additional $15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

6. Prior to the formal request for the use of recreational access funds to provide access to a public recreational area or historical site, the location of the access road or bikeway shall be submitted for approval by the Department of Transportation and to either the Director of the Department of Conservation and Recreation or to the Director of the Department of Historic Resources, as relevant to the type of area or site to be accessed. In making recommendations, personnel of the Department of Transportation and the Department of Conservation and Recreation or the Department of Historic Resources shall take into consideration the cost of the access road or bikeway as it relates to the location, the possibility of any future extension to serve other public recreational areas or historical sites, and the anticipated future development of the area traversed. The Recreational Access Program is not intended to facilitate the development of any land use other than public recreational or historical facilities.

7. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly-owned or operated recreational areas or historical sites, as designated by the appropriate agency.

   The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the recreational area or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which "adequate access" is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be interpreted as the first point at or within the recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

8. It is the intent of the Commonwealth Transportation Board that recreational access funds not be anticipated from year to year.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This policy was repealed as a regulation (24VAC30-301) in favor of filing a Program Guide as a Guidance Document instead, effective August 6, 2014.*

**Amendments to the Rules and Regulations Governing Relocation Assistance (24VAC-30-41)**
**Approved: 7/16/2014**

Comment [d63]: Operations (24VAC30-41

WHEREAS, on July 6, 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law by the President; and WHEREAS, MAP-21 amended several provisions of federal law regarding relocation assistance in Sections 1302 (Advance Acquisition of Real Property Interests) and 1521 (Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 Amendments); and WHEREAS, the foregoing provisions of MAP-21 become effective on October 1, 2014 and to ensure compliance, states must, by October 1, 2014, adopt and enact measures necessary to comply with said amendments to federal law; and

WHEREAS, in order to bring the Code of Virginia into compliance with MAP-21's changes to federal law relating to advance acquisition of real property interests and uniform relocation assistance and real property acquisition, the General Assembly enacted Chapter 218 (HB 990) during the 2014 legislative session, which affects and requires amendment of the Rules and Regulations Governing Relocation Assistance; (Regulations) and

WHEREAS, the legislation, which takes effect October 1, 2014, increases the maximum authorized relocation payment to a displaced homeowner from $22,500 to $31,000, reduces from 180 to 90 the number of days that may pass between displacement and negotiations for the acquisition of property before such payment is authorized, and increases from $5,250 to $7,200 the maximum relocation payment permitted to a person leasing or renting a comparable replacement dwelling for a period of 42 months and the Regulations require amendments reflecting said changes.
NOW, THEREFORE, BE IT RESOLVED, that the Board approves the amendments to the Rules and Regulations Governing Relocation Assistance as shown in Attachment A, and directs VDOT to process them as required under procedures established by the Code of Virginia, the Governor, the Registrar of Regulations, and the Department of Planning and Budget for the amendment of regulations under the Administrative Process Act.

*Editor's Note: For additional details concerning relocation assistance in connection with highway construction projects, see the current text of 24 VAC 30-41, Rules and Regulations Governing Relocation Assistance.*

**Rules and Regulations Governing Relocation Assistance**
**Approved: 9/20/2001**

Comment [d64]: Operations (24VAc30-41)

WHEREAS, Federal law requires the Commonwealth of Virginia to assure the Federal Highway Administration that the Department is able under State law to pay fair and reasonable relocation payments and to provide assistance for persons displaced by federally funded programs before authorizing distribution of federal funds for projects; and

WHEREAS, the General Assembly enacted Chapter 6 of Title 25 to enable the VDOT to give such assurances; and

WHEREAS, pursuant to § 25-253 of the *Code of Virginia*, the Board enacted regulations governing relocation assistance and payments to displaced persons; and

WHEREAS, VDOT is repealing 24 VAC 30-40-10 et seq., Rules and Regulations Governing Relocation

Assistance, and promulgating a replacement regulation 24 VAC 30-41 et seq., Rules and Regulations Governing Relocation Assistance; and

WHEREAS, the replacement regulation is intended to streamline procedures to improve operational efficiency and effectiveness. The text in the replacement regulation is revised and reformatted to make the regulations more understandable to VDOT personnel and the public; and (sic)

NOW, THEREFORE BE IT RESOLVED that the Board approves repealing the existing regulation 24 VAC 30-40-10 et seq., Rules and Regulations Governing Relocation Assistance, and adopting the replacement regulation, 24 VAC 30-41 et seq., Rules and Regulations Governing Relocation Assistance, to become effective (i) upon the signature of the Commonwealth Transportation Commissioner or his designee; (ii) upon VDOT's compliance with the appropriate filing requirements for APA-subject regulations issued by the Governor, the Department of Planning and Budget, and the State Registrar of Regulations. The repeal of the existing regulation and the promulgation of the replacement regulation shall be effective on the same date (barring any objections) which shall be 30 days after publication of the actions in The Virginia Register, or November 21, 2001, based on a publication date of October 22, 2001.

## Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways

**Approved: 10/16/2003**

Comment [d65]: Operations (24VAcC0-580)

WHEREAS, the General Assembly of Virginia in its 2003 session amended Section 46.2-809 to provide that the Commonwealth Transportation Board, or its designee, should have the authority to prohibit or restrict the use by through truck traffic of any part of a primary highway, in addition to secondary highways, if a reasonable alternate route is provided, and

WHEREAS, the Virginia Department of Transportation has developed Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways that apply to any truck or truck and trailer or semi trailer combination, except a pickup or panel truck, pursuant to Section 46.2-809 of the *Code of Virginia*, which are attached hereto; and

NOW THEREFORE BE IT RESOLVED, that the Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways, including all primary and secondary highways under the jurisdiction of the Virginia Department of Transportation, pursuant to Section 46.2-809 of the *Code of Virginia*, is hereby adopted by this Board, and

BE IT FURTHER RESOLVED, pursuant to Section 46.2-809 of the *Code of Virginia* that this Board delegates the authority to approve or deny such through truck traffic restrictions for secondary highways, subject to these Guidelines adopted by this Board, to the Commissioner of the Virginia Department of Transportation. The Board will retain authority to approve or deny such through truck traffic restrictions for primary highways.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-580.*

## Policy and Procedures for Control of Residential Cut-Through Traffic

**Approved: 5/9/1996**

Comment [d66]: Operations (24VAC30-590)

It is Commonwealth Transportation Board policy that the Virginia Department of Transportation (VDOT) will recognize the problems associated with residential cut-through traffic and implement appropriate remedial measures wherever feasible.

**INTRODUCTION**

This policy and attendant procedures identify the specific responsibilities and requirements of VDOT and of the affected county/town in addressing concerns relating to cut-through traffic on local residential streets.

VDOT and the Counties/Towns are partners in the administration of these processes and procedures. A good working relationship between VDOT and the Counties/Towns is important for this partnership to function effectively.

**DEFINITIONS**

Residential Cut-Through Traffic is traffic passing through a specific residential area without stopping or without at least one trip end within the area. It is traffic that would be better served by the local street system intended for through traffic, but, for various reasons, uses the residential street system.

Local Residential Streets are streets within a neighborhood that provide direct access to abutting land uses and serve only to provide mobility within that locality.

Primary Use Area is all local residential streets within a community whose traffic operational characteristics may be altered by operational changes to the candidate street(s) for residential cut-through traffic study, or by a change to any street that provides access to that community.

**PURPOSE**
The purpose of these procedures is to provide clear guidelines for studying the issues of residential cut-through traffic and implementing the recommended remedial measures.

**COUNTY/TOWN RESPONSIBILITIES**
To initiate these procedures, the county/town must:

- Identify the problem of residential cut-through traffic.
- Request, by resolution of the local governing body, that VDOT review and address possible solutions to the identified problem. This request is submitted to the local resident engineer, along with the following support data.

Support Data Requirements

1. Functional classification of the street(s) in question as a local residential street and its relationship to the comprehensive plan.
2. Identification of the primary use area, including all streets that are accessed primarily by using the street(s) in question and the associated peripheral roadway networks. Also, include the functional classification and relationship to the comprehensive plan for all streets in the primary use area.
3. Verification by the county/town that cut-through traffic on the local residential street to be studied is 40% or more of the total one hour, single direction volume, and that a minimum of 150 cut-through trips occur in one hour in one direction. Acceptable planning techniques may be used to determine the amount of cut-through traffic. A description of the technique used should be provided to VDOT along with the vehicle volume data.
4. Verification by the county/town that a petition outlining the perceived problem and signed by at least 75 percent of the total occupied households within the primary use area is valid.
5. Identification of alternative routes for through traffic if travel is restricted on the street(s) in question.

*It is suggested that the support data requirements be collected in the above order as a means of screening requests.
*It is further suggested that the county/town consider documenting procedures for performing its responsibilities.
*If the support data requirements are not met, the process is terminated, except as otherwise set forth herein.

**VDOT RESPONSIBILITIES**
It is the responsibility of VDOT to complete a study of the roadway network identified in the formal request. This study will be conducted in the following four phases:

1. The resident engineer, upon receipt of the adopted resolution, will review and submit it, along with any recommendations, to the district administrator.

   When the county/town submits a study request to VDOT, a field meeting should be held between the county/town and VDOT staff. If a simple solution can be agreed upon at this meeting, an initial study or public hearings may not be necessary. VDOT should implement the solution and, following an after study, modify as needed.

   When the solution is expected to generate a great deal of public interest or to significantly impact access and traffic circulation, a task force of representatives from VDOT, county/town board of supervisors, and county residents may be formed to support and advise the study effort.

2. As directed by the district administrator, the district traffic engineer will conduct the necessary studies and the evaluation of the county/town request. The district traffic engineer's study may include, but not necessarily be limited to:

   - Detailed traffic counts on existing affected streets and potentially affected streets.
   - Intersection analyses on the proposed alternative route(s). (Residential cut-through traffic controls can be imposed only if there are acceptable alternate routes) .
   - Identification of potential adverse safety impacts.
   - Identification of the geometries of the existing facilities in light of the traffic analysis.
   - Speed analyses on affected street(s).
   - Pedestrian circulation and safety analyses in the study area.

3. Subsequent to completing the necessary traffic studies, the district traffic engineer will provide the district administrator with his findings and recommendations. These recommendations will include alternatives for addressing residential cut-through traffic, including any sketches or diagrams necessary to implement the alternatives and the impact of each alternative on the existing roadway network.

4. The district administrator will determine the appropriate alternatives and advise the resident engineer, who will convey the findings and recommendations of VDOT to the county/town.

Note: If the local governing body and the district administrator fail to agree on the remedial measures to be implemented, the governing body may appeal to the Commonwealth Transportation Commissioner. The Commonwealth Transportation Commissioner will analyze all the supporting data and render a decision, which will be binding.

**COUNTY/TOWN/VDOT JOINT RESPONSIBILITIES**

1. The county/town, upon receipt of the VDOT findings and recommendations, shall solicit and receive written comments thereon from appropriate local agencies such as fire, police, rescue, school transportation, and so forth.

2. A formal public hearing shall be held jointly by VDOT and the county/town to provide for citizen input on the VDOT findings and recommendations. Advance notice of the public hearing must be provided by VDOT and will consist of:

   - VDOT publishing notice in a newspaper published in or having general circulation in the county/town once a week for two successive weeks.

- County/Town posting notice of the proposed hearing at the front door of the courthouse of the county/town ten days prior to the hearing.
- VDOT placing signs on the affected street(s) identifying, by name and telephone number or address, an individual to answer questions concerning the findings and recommendations.

3. The county/town shall furnish the resident engineer a synopsis and transcript of the public hearing and an approved resolution of the actions desired.

**IMPLEMENTATION**
Implementation of remedial measures to remedy the residential cut-through situation shall be accomplished through the following sequence:

- The resident engineer shall notify the appropriate local governing body and media of the action to be taken and of the estimated date of implementation.
- Signs will be placed on the affected street(s) identifying, by name and telephone number or address, an individual to answer questions concerning the pending action.
- The resident engineer will implement the remedial measures, some of which may be of temporary construction pending evaluation of their effectiveness.

**EVALUATION**
Evaluation of the remedial measures shall be accomplished as follows:

- After the remedial measures have been in place for generally not less than 30 days, but not more than six months, the district traffic engineer will re-study the roadway network and convey his findings and any recommendations to the district administrator.
- The district administrator will review the district traffic engineer's report and will provide this information to the resident engineer for transmittal to the local governing body.
- If it is determined that the implemented remedial measures are not appropriate, the district administrator may terminate such measures and may consider alternate measures, with notification of such action to the local governing body. If the local governing body fails to agree on the remedial measure, it may appeal to the Commonwealth Transportation Commissioner. The Commonwealth Transportation Commissioner will analyze all the supporting data and render a binding decision.
- If it is determined that the implemented remedial measures are an appropriate action, the local governing body will identify the source of funding for any permanent construction, as needed.

**FUNDING**
Remedial measures utilized on local residential streets that meet the support data requirements set forth above may be fully funded with state secondary roads funds with concurrence of the local boards of supervisors.

**CONTROL OF RESIDENTIAL CUT-THROUGH TRAFFIC FOR CERTAIN COLLECTOR ROADS AND LOCAL RESIDENTIAL STREETS NOT MEETING THE RESIDENTIAL CUT-THROUGH TRAFFIC SUPPORT DATA REQUIREMENTS**

**COLLECTOR ROADS**
Some roads, although officially classified as collector, function more like local streets and remedial measures may be appropriate in these cases. Further, it is recognized that each county or town may have unique needs, and difficulties exist in applying a statewide policy to meet all of these needs. The

collector roads mentioned above may otherwise qualify for remedial measures but their official classifications make them ineligible under the current support data requirements.

VDOT will therefore cooperate with those counties and towns who wish to pursue a more aggressive program to include certain collector roads provided an agreement is reached between VDOT and the county/town as to the types of remedial measures and the amount of VDOT funding participation (up to 50 percent of the cost) prior to any individual study being conducted.

**LOCAL RESIDENTIAL STREETS NOT MEETING SUPPORT DATA REQUIREMENTS**
For local residential streets not meeting the support data requirements (e.g., insufficient cut-through traffic), VDOT will cooperate with those counties and towns who wish to pursue a more aggressive program provided an agreement is reached between VDOT and the county/town as to the types of remedial measures and the amount of VDOT funding participation (up to 50 percent of the cost) prior to any individual study being conducted.

**MEMORANDUM OF UNDERSTANDING**
Prior to providing remedial measures on individual collector roads and local roads not meeting the residential cut-through traffic support data requirements, a Memorandum of Understanding or Memorandum of Agreement shall be negotiated and agreed upon between the local government and the VDOT district administrator.

**ALLOWABLE REMEDIAL MEASURES**
Traffic control techniques that do not conform with national standard practices for the type of road where the proposed remedial measures are to be placed will be excluded. For example, a collector road identified for remedial measures can not have speed humps installed to discourage residential cut-through traffic. As a second example: Note that four way stops are acceptable.

**PROCEDURES**
Once the Memorandum of Understanding has been negotiated and agreed upon, processes and procedures as outlined for local residential streets shall be followed.

*Editor's Note: This policy has been filed by description as an Administrative Process Act-exempt regulation under 24 VAC 30-590. For the current official version of this regulation, contact the Policy Division.*

## Through Truck Restriction Policy

**Approved: 10/16/2003**

Comment [d67]: Operations (24VAC30-580)

**Background**
It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system. The Board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The Board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

**Process**

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such restrictions can apply to any truck, truck and trailer or semi trailer combination, or any combination of those classifications. Consideration of all such restrictions by the Commissioner is subject to these guidelines as adopted by the Board. The Commonwealth Transportation Board retains the authority to restrict through truck traffic on primary highways.

In order to conform to the requirements of the *Code of Virginia* and to insure that all concerned parties have an opportunity to provide input, the local governing body must hold a public hearing and make a formal request of the Department. The following must be adhered to:

A. The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
B. A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
C. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
D. The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. The Commonwealth Transportation Board and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

**Criteria**

Travel by any class of vehicle should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any users of the transportation network. The Virginia Department of Transportation will consider criteria 1 through 4 in reviewing a requested through truck restriction. The proposed restriction must meet both the first and second criteria in order to be approved:

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and safety related impacts. To be considered “reasonable”, the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

   In addition to meeting the first two criteria, the proposed restriction must meet either the third or the fourth criteria in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria 1 and 2, and either criteria 3 or 4 will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board when deemed necessary may modify or revise any provisions or criteria contained in these guidelines.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This policy has been filed as 24VAC30-580.*

**Endorsement of Enhanced Sponsorship, Advertising, and Vending (ESAV) Program**
**Approved: 12/8/2010**

Comment [d68]: General Administration

WHEREAS, Virginia's Safety Rest Areas and Welcome Centers (rest areas) are critical assets to ensure convenient and safe stopping locations on Interstate highways, provide valuable information to tourists, and promote economic development; and
WHEREAS, Virginia's 42 rest areas, one of which is located on U.S. Route 13, serve more than 30 million people in the Commonwealth each year; and

WHEREAS, federal law permits vending services at rest areas in accordance with 23 U.S.C. §111(b), and

WHEREAS, as part of his governmental reform initiatives, Governor Robert F. McDonnell directed VDOT to identify and implement long-term strategies to streamline the operating costs of Virginia rest areas and make them more efficient; and

WHEREAS, in response to this initiative, VDOT is developing the Enhanced Sponsorship, Advertising, and Vending Program, which will provide, in part, enhanced vending services at Virginia's rest areas, thereby providing greater convenience and more consumer choices for the traveling public, enhanced marketing exposure and business opportunities, and reduced operating costs to the Commonwealth; and

WHEREAS, the Rules and Regulations for the Administration of Waysides and Rest Areas (24 VAC 30-50, adopted pursuant to §§ 33.1-12(3) and 33.1-218) state that no article or thing may be offered for sale within such facilities without permission of the Commonwealth Transportation Board.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby endorses the Enhanced Sponsorship, Advertising, and Vending Program as it pertains to enhanced vending services, and approves the list of potential merchandise to be offered at Virginia rest areas, as outlined in the accompanying attachment.

**Operation and Maintenance of Rest Areas**
**Approved: 4/20/1995**

Comment [d69]: General Administration

WHEREAS, Section 33.1-217 of the *Code of Virginia* declares that it is in the public interest to acquire and establish recreational waysides to promote safety, convenience and enjoyment on highways in this Commonwealth; and

WHEREAS, the Commonwealth has a proud heritage and a continuing commitment to the natural beauty found along its roadways, both of which are embodied by the design of its rest areas; and

WHEREAS, for many out-of-state travelers, the rest area respite may be the only exposure these visitors have to the state; and

WHEREAS, many of the Commonwealth's rest areas are in need of an expanded capacity, an upgraded utility system or customary maintenance and repairs; and

WHEREAS, there exists a tenuous balance between providing legitimate services to the traveling public and avoiding becoming a competitor with existing private sector enterprises, such as truck stops; and

WHEREAS, the combined costs of complying with Federal environmental regulations, providing major renovations and constructing new facilities have become prohibitive; and

WHEREAS, opportunities exist through the private sector for improved management, for increased recoupment of rest area expenditures and, in some cases, for fully commercialized facilities.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board does hereby adopt as its policy that the State's rest areas will be operated and maintained in a cost-conscious manner to provide for the safety, comfort and convenience of the traveling public.

BE IT FURTHER RESOLVED that rest areas will be evaluated on a case-by-case basis by the Commonwealth Transportation Board to provide the least costly upgrades to meet affordable capacity, regulatory and system needs, and that, when warranted and fully justified, any modifications to existing facilities or any new construction will retain the existing "Williamsburg" design character.

FINALLY, BE IT RESOLVED that the Department expand the use of the talents and opportunities of the private sector to manage, to generate revenue and, where possible, to commercialize the State's rest areas.

## Rules and Regulations for the Administration of Waysides and Rest Areas
**Approved: 2/19/1987**

**Comment [d70]:** Operations (24VAC30-50) Note: this regulation was refiled with the Registrar's Office in 1995 without CTB involvement when the VAC was being created to verify and reformat text. That filing accommodated changes made not captured in the version on file at that time.

WHEREAS, Section 7 of the Rules and Regulations of the Commonwealth Transportation Board for the Administration of Waysides and Rest Areas states: "No domestic animals shall be permitted to go at large. Dogs must be kept on leash and shall not be taken into any shelter or other building"; and

WHEREAS, Section 51.01-44 of the *Code of Virginia* allows every totally or partially blind person to be accompanied in all public places by a trained guide dog and every deaf or hearing impaired person to be accompanied by a dog trained as a hearing dog; and

WHEREAS, the Board believes it is necessary to modify its present Section 7 which is in apparent conflict with the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED, that this Board amends Section 7 to read: "No domestic animals shall be permitted to go at large. Dogs must be kept on leash and shall not be taken into any shelter or other building; guide or hearing dogs as defined by the *Code of Virginia* are an exception to this rule."

**Waysides and Rest Areas**
**Approved: 7/18/1974**

Comment [d71]: Operations (24VAC30-50)

WHEREAS, pursuant to Section 9-6.1 et seq of the *Code of Virginia* (1950) as amended, a public hearing was conducted July 8, 1974 at 2:00 p.m. in the Highway and Transportation Department auditorium, Richmond, Virginia, to present the revisions to the Rules and Regulations of the Commission for the Administration of Waysides and Rest Areas; and

WHEREAS, no interested citizen other than representatives of the Department appeared to offer oral statements, objections or amendments; and

WHEREAS, no written statements, objections or amendments were received by the Department within 5 days as set out in the public notice.

NOW THEREFORE, BE IT RESOLVED, that the Rules and Regulations of the Commission for the Administration of Waysides and Rest Areas as published and as presented at the public hearing are hereby adopted to be effective November 1, 1974.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for VAC 24 VAC 30-50.*

**Policy and Guidelines for the Revenue Sharing Program (Revision)**
**Approved: 7/19/2017**

Comment [d72]: Financial/Funding

WHEREAS, § 33.2-357 of the Code of Virginia specifically stipulates that the Commonwealth Transportation Board (Board) shall establish guidelines for the purpose of distributing and administering revenue sharing program funds allocated by the Board; and

WHEREAS, it is the sense of the Board that the existing Revenue Sharing Program Policy and the program guidelines adopted by the Board on July 15, 2015 should be amended to provide additional clarification in administration of the revenue sharing program.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following policy to govern the use of revenue sharing funds pursuant to § 33.2-357 of the Code of Virginia:

1. The Revenue Sharing Program shall provide a matching allocation up to $5 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality with up to $5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town. The maximum total matching allocation, including transfers, that the Board may approve per project shall not exceed $10 million.

2. Revenue Sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.2-357 B of the Code of Virginia and, then, as further outlined in the Revenue Sharing Program Guidelines.

3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the adjacent locality. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Funds may be administratively transferred by the Department of Transportation from one revenue sharing project to another existing revenue sharing project. Upon request of the locality, VDOT will review a requested transfer for eligibility and then seek concurrence by the respective VDOT District Board member. If approved by the Board, revenue sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet an advertisement or award date scheduled within one year of the request or to address a completed project which is in deficit. The Department may deallocate the transferred funds if the recipient project has not been advertised or awarded within one year. The Department will establish deallocation procedures. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All transfer requests must include the reasons for the request and the status of both projects. Funds from a cancelled project will be returned to the statewide Revenue Sharing Program account and these funds can only be reallocated by the Board. Any funds transferred from a project cannot be backfilled by future allocation requests or transfers.

5. The Revenue Sharing Program is intended to provide funding for immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and commit locality funding amounts as

necessary to complete the project. Projects receiving revenue sharing funds shall be initiated and at least a portion shall be expended within one year of the allocation. For any project that has not been initiated within one year, the Board has the discretion to defer consideration of future allocations until the project moves forward. If a project having funds allocated under this program has not been initiated within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the Board.

BE IT FURTHER RESOLVED that the Board approves the Revenue Sharing Program Guidelines as revised and attached hereto.

BE IT FURTHER RESOLVED that the Board will reevaluate this Policy and the approved guidelines after two Revenue Sharing application cycles and prior to five years from the effective date of this Policy.

BE IT FURTHER RESOLVED that the Board supports funding the Revenue Sharing Program at a minimum of $100 million annually.

BE IT FURTHER RESOLVED that the Board should consider increasing the funding provided to the Revenue Sharing Program over a two year period should biennial funding for SMART Scale exceed $1.2 billion.

BE IT FURTHER RESOLVED that the above policy shall become effective August 1, 2017, and all revenue sharing program policies previously adopted heretofore by the Board governing the use of revenue sharing funds shall be rescinded simultaneously.

*Editor's Note: The Revenue Sharing Program Guidelines referenced above are accessible from the following link:*
**http://www.virginiadot.org/business/resources/local_assistance/Revenue_Sharing_Guidelines2012.pdf**

**Policy and Guidelines for the Revenue Sharing Program**
**Approved: 4/20/2011**

**Comment [d73]:** Operations –repeal of Policy as a regulation (24VAC30-281) and filing of Program Guide as Guidance Document

WHEREAS, the General Assembly, during the 2011 general session, amended § 33.1-23.05 of the Code of Virginia (1950) relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, § 33.1-23.05, as amended, specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue-sharing program funds allocated by the CTB; and

WHEREAS, the CTB approved a Revenue-Sharing Program Policy on April 17, 2008, published by the State Registrar of Regulations as an Administrative Process Act regulation (24VAC30-281), to comply with changes to the revenue-sharing program made by the General Assembly that year; and

WHEREAS, it is the sense of the CTB that its existing Revenue-Sharing Program Policy and the accompanying guidance should be amended to reflect the changes made by the 2011 General Assembly to the revenue-sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue-sharing funds pursuant to Section 33.1-23.05, as amended, of the Code of Virginia (1950):

1. The Revenue-Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality.

2. Revenue-Sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.1-23.05 B. of the Code of Virginia and then, as further outlined in the Revenue Sharing Program Guidelines.

3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the other locality. Towns not maintaining their own streets are not eligible to receive Revenue-Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Funds may be administratively transferred by the Department of Transportation from one revenue sharing project to another existing revenue-sharing project upon request of the locality. If approved by the CTB, revenue-sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.

5. The Revenue-Sharing Program is intended to provide funding for, immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and amounts necessary to complete the project. Revenue-sharing funds are normally expected to be used within the fiscal year following their allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective July 1, 2011, and all revenue-sharing program policies previously adopted heretofore by the CTB and the regulation published as the Revenue-Sharing Program Policy, 24VAC30-281, shall be repealed simultaneously.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation is directed to process the regulatory repeal action approved herein as provided for by the submission requirements established by the Code of Virginia, Executive Order 14 (10), and the State Registrar of Regulations.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation, 24 VAC 30-281*, was repealed as of July 1, 2011.

**Comprehensive Roadside Management Program Regulations**
**Approved: 9/15/2005**

Comment [d74]: Operations (24VAC30-121)

WHEREAS, Section 33.1-223.2:9 of the *Code of Virginia* directs the Virginia Department of Transportation (VDOT) to promulgate regulations for a comprehensive roadside management program, to include, but not be limited to, opportunities for participation by individuals, communities, and local governments and shall address items to include safety, landscape materials, services, funding, recognition, and appropriate signing; and

WHEREAS, VDOT has followed the provisions of the Administrative Process Act (APA) (§ 2.2-4000 et seq.) in developing a regulation to:

- Provide a standard framework to enable and encourage communities to participate in the improvement and beautification of state rights-of-way;
- Establish a standard and uniform means of recognizing those entities that contribute to the improvement, and criteria to determine when such recognition is warranted, consistent with federal guidelines;
- Ensure that the safety of the traveling public and those performing the work within state rights-of-way are not compromised; and
- Establish a process to allow appropriate opportunity for public comment; and

WHEREAS, VDOT has complied with the APA to develop a final regulation, designated as 24 VAC 30-121-10 et seq., that meets the requirements of Section 33.1-223.2:9 of the *Code of Virginia*, and the final regulation is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board, pursuant to Sections 33.1-12(3) and 33.1-12(7) of the *Code of Virginia*, approves the Comprehensive Roadside Management Regulations (24 VAC 30-121-10 et seq.) presented by VDOT, to become effective 30 days after completion of final Executive Branch review, approval and publication in The Virginia Register.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for VAC 24 VAC 30-121 in the Virginia Administrative Code (VAC). On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.*

**Roadway and Structure Lighting Policy**
**Approved: 7/20/1995**

Comment [d75]: Operations (24VAC30-530) Also DPM 9-5 - Proposed for repeal and refiling as Guidance Document

WHEREAS, the Department has had a long-standing policy regarding roadway and structure lighting and it has been many years since the policy has been reviewed; and

WHEREAS various localities have requested that this policy be studied to broaden its scope; and

WHEREAS, the Department established a committee to review and propose recommendations for updating the policy; and

WHEREAS, recommendations are proposed to modify the roadway and structure lighting policy to provide the conditions when the Department may pay for the construction and maintenance of lighting and when costs should be borne by others.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the roadway and structure lighting policy as presented in the revised Department Policy Memoranda, DPM 9-4 dated July 20, 1995.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation was filed by description under 24 VAC 30-530. For the current official version of this regulation, contact the Policy Division. This regulation is being processed for repeal and reclassification as a Guidance Document pursuant to a recommendation by the Regulatory Task Force established by the Office of the Attorney General in 2009. For the status of this action, contact the Policy Division.*

**Powers and Duties of VDOT with Respect to Virginia Scenic Highways and Byways**
**Approved: 5/19/1988**

Comment [d76]: Operations (24VAc30-390)

WHEREAS, Section 33.1-62 et seq. of the *Code of Virginia* grants to the Commonwealth Transportation Board (formerly the State Highway and Transportation Commission) the authority to designate any highway in the Commonwealth as a scenic highway or as a Virginia Byway; and

WHEREAS, the Commonwealth Transportation Commissioner, on behalf of the Commonwealth Transportation Board, has entered into an agreement with the Department of Conservation and Historic Resources setting forth criteria and procedures for reviewing and designating scenic highways and Virginia Byways; and

WHEREAS, although it is important to maintain the integrity of these highways as scenic highways or Virginia Byways once designated as such by the Board, it is the sense of this Board that such designation should not limit the Virginia Department of Transportation from exercising its general power and duties to locate, construct, improve, and maintain all highways in the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED, that the designation of highways as scenic highways or Virginia Byways shall in no way limit the right of the Virginia Department of Transportation to exercise all of its power and duties in locating, constructing, improving, and maintaining highways in the Commonwealth.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, filed by description as 24 VAC 30-390, contact the Policy Division.*

**Rules and Regulations Governing Outdoor Advertising and Other Signs**
**Approved: 2/19/1976**

Comment [d77]: Operations (24VAc30-120)

WHEREAS, on August 11, 1975 at 9:45 a.m. pursuant to newspaper advertisement, informational proceedings as to proposed Rules and Regulations governing Outdoor Advertising and Other Signs were conducted by Mr. W.S.G. Britton, the Commissioner's specially designated subordinate; and

WHEREAS, the proposed Rules and Regulations are in four numbered sections:

I. Controlling Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas.

Based on an agreement with Federal Authorities entered into July 13, 1967, the proposed amendment was to make explicit the requirement that the Commissioner must certify to Federal Highway Administration whether comprehensive zoning exists in each locality.

II. Applicable to Directional Other Official Signs and Notices (Located off highway right of way).

The proposed amendment was to return to the Department the final authority for determination of eligibility for status as a directional sign with the criteria being made more explicit.

III. Applicable to Signs on Right of Way of the Interstate and Other Controlled Access Highways.

The proposed amendment was to incorporate the Commission's resolution adopted December 17, 1970, with other sign regulations.

V. Controlling and Continuance of Non-conforming Signs, Advertisements, and the Advertising Structures.

The proposed Rules and Regulations elucidate the procedures presently utilized by the Department to enforce the present Virginia statutes and to carry out existing federal-state agreements. The definition of non-conforming sign was included. The criteria for the maintenance and continuance of said signs, advertisements, or advertising structures was also set out.

WHEREAS, the proposed Rules and Regulations and proposed amendments to present Rules and Regulations are necessary to insure continued receipt of federal-aid funds without penalty and to facilitate administration of Virginia Outdoor Advertising laws and are authorized as follows:

a) Sections I, II, and V under the authority of Section 33.1-370 and Section 33.1-371 of the *Code of Virginia* (1950), as amended.
b) Section III under the authority of Section 46.1-174, Section 33.1-371, and Section 33.1-12(3) of the Code.

WHEREAS, Mr. Britton reported to the Commission that no testimony other than the written statement submitted by the Department was presented, either orally or in writing as to Sections II and III; and

WHEREAS, Mr. Britton advised that changes had been suggested at the public hearing by oral and written testimony provided by Mr. Paul D. Stotts, Esquire, on behalf of the Virginia Outdoor Advertising Association

| | |
|---|---|
| Section I, B4 Size of Signs - | To make it clear that a double-faced sign would be allowed. |
| Section I, A&C - | Transfer to regulations of signs, etc. from the Commission's Rules to the locality's zoning ordinances. |
| Section V, 2(b)(1) Non-conforming Signs - | To permit change of height of such sign under certain conditions. |
| Section V, 2(b)(3) Non-conforming Signs - | Blank Signs – to eliminate cancellation if blank for any period. |
| Section V, 2(b)(4) Non-conforming Signs - | To increase the percentage of total damage required before a permit would be cancelled. |
| New 4 | To buttress the statutory provision for Transfer of Permits. |

There were also some grammatical changes suggested; and

WHEREAS, the Commission referred Mr. Britton's report to the Sign Committee, chaired by Mr. Morrill N. Crowe, for further hearing; and

WHEREAS, prior to the meeting of the Sign Committee, the staff revised some of the language to meet the suggestions advanced as to Section I; and

WHEREAS, the Sign Committee met with Mr. Stotts, heard his position on Section V and made its recommendation to the Commission as shown in the minutes of the Sign Committee which are incorporated herein by reference; and

WHEREAS, the Sign Committee recommends that the proposed Rules and Regulations as amended be adopted effective April 1, 1976; and

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations governing Outdoor Advertising and Other Signs be, and they are, hereby adopted as amended.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This action was filed as 24 VAC 30-120. At the recommendation of the OAG's Regulatory Task Force, this regulation was recommended to be consolidated into a single regulation with 24 VAC 30-200 (Vegetation Control Regulations on State Rights-of-Way). For the current status of this action, contact the Policy Division. Also, copies of the regulations as adopted by the Commission above and copies of the Minutes of the Sign Committee, as referenced above, are maintained by the Policy Division.*

**Six-Year Improvement Program Development Policy**
**Approved: 12/7/2016**

Comment [d78]: Road Systems

WHEREAS, Section 33.2-214(B) of the Code of Virginia requires the Commonwealth Transportation Board (Board) to adopt by July 1st of each year a Six-Year Improvement Program (SYIP) of anticipated projects and programs and that the SYIP shall be based on the most recent official revenue forecasts and a debt management policy; and
WHEREAS, the Board believes it is in the public interest that transportation funds be programmed to projects and strategies that demonstrate the ability to address identified transportation needs in a cost-effective manner and that such programming of funds be prioritized to advance critical projects and strategies as quickly as possible; and,

WHEREAS, the past programming practice of providing partial funding to projects and funding projects by phase did not support the Board's commitment to advancing projects from development to completion and created inefficiencies in the use of transportation funding; and,

WHEREAS, it is the policy of the Board that any project added to the SYIP with funding from the State of Good Repair Program, High Priority Projects Program, or Construction District Grants Program shall be fully funded;

WHEREAS, in Chapter 726 of the 2014 Acts of Assembly the General Assembly declared the use of a statewide prioritization process for the programming of construction funds to be in the public interest; and,

WHEREAS, in Chapter 684 of the 2015 Acts of Assembly the General Assembly established the State of Good Repair Program (§33.2-369), High Priority Projects Program (§33.2-370), and Construction District Grants Program (§33.2-371).

WHEREAS, the Board adopted a policy entitled Six-Year Improvement Program Policy Related to HB2 (2014) and HB1887 (2015) regarding the development of the Six- Year Improvement Program pursuant to §33.2-214 on October 27, 2015 (Policy), and directed that the Policy shall sunset on January 1, 2017 unless reaffirmed by the Board; and

WHEREAS, the Board has reviewed the prior Policy and determined that amendment and adoption of a revised policy is warranted.

NOW THEREFORE, BE IT RESOLVED, that beginning with the Fiscal Year 2018- 2023 SYIP update, allocations available in the following funding programs will be programmed in the SYIP annually:

- State of Good Repair Program pursuant to §33.2-369;
- Regional Surface Transportation Program funds provided to metropolitan planning; organizations pursuant to 23 U.S.C. §133;
- Congestion Mitigation Air Quality funds pursuant to 23 U.S.C. §149;
- Highway Safety Improvement Program pursuant to 23 U.S.C. §148 and §154; and

BE IT FURTHER RESOLVED, that beginning with the Fiscal Year 2018-2023 SYIP update, allocations available in the fifth and sixth year of the SYIP under development for the following funding programs will be programmed in even-numbered fiscal year SYIP updates:

- High Priority Projects Program pursuant to §33.2-370;
- Highway Construction District Grants Program pursuant to §33.2-371; and

BE IT FURTHER RESOLVED, that beginning with the fiscal year 2019 update, allocations available in the first and second year of the SYIP under development for the following funding programs will be programmed in odd-numbered fiscal year SYIP updates:

- Revenue Sharing Program pursuant to §33.2-357;
- Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to 23 U.S.C. §133; and,

BE IT FURTHER RESOLVED, in general, it is the Board's intent to demonstrate commitment to projects selected for funding in the SYIP by fully funding the projects through construction; and

BE IT FURTHER RESOLVED, it is the policy of the Board that any project added to the SYIP with funding from the State of Good Repair Program, High Priority Projects Program, or Construction District Grants Program shall be fully funded; and

BE IT FURTHER RESOLVED, subject to the provisions governing each of these programs, the Board may adjust the timing of funds programmed to projects from previously adopted programs to meet the cash flow needs of the individual projects, maximize the use of federal funds, or to address revised revenue projections and project priorities; and

BE IT FURTHER RESOLVED, that as part of the annual SYIP update, funds no longer needed for the delivery of a project will be reallocated consistent with Board's priorities for programming funds and federal/state eligibility requirements; and

BE IT FURTHER RESOLVED, it is the policy of the Board that any funds from the State of Good Repair Program, High Priority Projects Program, or Construction District Grants Program no longer needed for the delivery of a project and will be reserved to address budget adjustments on existing projects selected within those programs or reserved for allocation in the next solicitation cycle for those programs; and

BE IT FURTHER RESOLVED, the Board will develop a program of projects and strategies for the High Priority Projects Program and Highway Construction District Grants Program as follows:

- The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds for re-scoring identified in the SMART SCALE Implementation Policy.
- The Board may only program funds from these two programs to projects selected in accordance with the SMART SCALE Prioritization Process and only if such projects will be fully-funded with the programming of such funds.
- In the event of revenue reductions that impact the funds available to support the projects previously committed to by the Board, the Board will maintain its commitment to previously approved projects by committing funds from a subsequent solicitation cycle. In the event of

revenue increases that impact the funds available for a previous solicitation cycle, the additional funds will be set- aside and made available in the next solicitation cycle.

- A project that has been selected for funding may be cancelled only by action of the Board. In the event that a project is not advanced to the next phase of construction when requested by the Board, the locality or metropolitan planning organization may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the project.
- In cases where a project has been selected for funding which identified other sources of funding, those other funds are considered to be committed to the project so that any funds no longer needed for the delivery of the project are designated as either Highway Construction District Grant Program or High Priority Project Program funds, as applicable. Adjustments may be made to the spending priority as necessary to maximize the use of federal funds as required by the Appropriations Act.
- In the event the CTB elects to submit up to two projects to be evaluated and considered for funding, the projects will be considered for funding in the Construction District Grant Program with the endorsement of the applicable local governments and/or the High Priority Projects Program.

BE IT FURTHER RESOLVED, that development of the SMART SCALE program will be completed according to the following schedule:

- October Board meeting
  - Release of list of submitted projects to the Board and the public.
  - The Secretary will coordinate with the Board and develop, if necessary, a list of up to two additional projects identified by members of the Board to be evaluated and considered for funding.
- November/December Board meeting
  - Consideration of resolution based on the list compiled by the Secretary of up to two additional projects to be evaluated and considered for funding, if necessary.
  - Consideration of amount of funds to allocate from the High Priority Project Program to the Innovation and Technology Transportation Fund
  - Consideration of amount of funds to allocate from the Highway Construction Districts Grant Program to the Unpaved Roads Program
- January Board meeting
  - Release the results of the screening and analysis of candidate projects and strategies, including the weighting factors and the criteria used to determine the value of each factor no later than 30 days prior to a vote on such projects or strategies to the Board and the public pursuant to Section 33.2-214.1 D.
  - Release and discussion of a preliminary funding scenario determined as follows
    - For purposes of determining priorities, scores will be based on benefit relative to SMART SCALE cost. Scores based on benefit relative to total cost will also be provided to the Board for their consideration.
    - Step 1 – Fund top scoring projects within each district eligible for Highway Construction District Grant Program funds using Highway Construction District Grant Program funds until remaining funds are insufficient to fund the next highest scoring project.
    - Step 2 – Fund top scoring projects within each district that would have otherwise been funded with available Highway Construction District Grant Program funds,

but were not because they are only eligible for High Priority Projects Program funds, using High Priority Projects Program funds, as long as their SMART SCALE cost does not exceed the total amount of Construction District Grant Program funds available to be programmed based on their rank.

- Step 3 – Fund projects with a benefit relative to SMART SCALE score greater than an established threshold based on the highest project benefit using High Priority Projects Program funds until funds are insufficient to fund the next unfunded project with the highest project benefit.
- Remaining balances will be reserved to address budget adjustments on selected projects according to the thresholds established in the SMART SCALE Prioritization Process or reserved for allocation in a subsequent round.

- March Board meeting
  - Modification of the base funding scenario, if necessary.
- April Board meeting
  - Release of the Draft SYIP for review and comment.
- May Board meeting
  - Consideration of proposed modifications to the High Priority Projects Program, if necessary.
  - Consideration of proposed modifications to the Highway Construction District Grants Program for each district, if necessary.
- June Board Meeting
  Consideration of the proposed Final SYIP for adoption.

**Integrated Six-Year Improvement Program Process**
**Approved: 4/21/2005**

Comment [d79]: Road Systems

WHEREAS, the Virginia Department of Transportation's (VDOT) Six-Year Improvement Program process is the means by which the Commonwealth Transportation Board (CTB) allocates anticipated revenues for transit, rail, bicycle, pedestrian transportation projects, and interstate and primary highway construction projects that are being studied, designed or built over a six-year period;

WHEREAS, the Governor and General Assembly have outlined policies and processes that shall be followed by VDOT in the development of the Six-Year Improvement Program; and

WHEREAS, taxpayers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, in 2003, VDOT developed a programming management system known as the integrated six-year improvement program (iSYP) to produce and manage the Six-Year Improvement Program, allowing VDOT to gather scheduling, cost, expenditure and other information from existing source data business systems; and

WHEREAS, iSYP is the system by which the Six-Year Improvement Program has been made available on the Internet since 2003, and has contributed to the openness in government and easy public access to information;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Ratifies the iSYP as an official and valuable way of providing the Six-Year Improvement Program to the public and to VDOT managers; and
- Directs VDOT to maintain the iSYP, or other programming system, to produce and manage the Six-Year Improvement Program, and to make future system improvements, providing additional information as it is needed and can be developed.

**Policy Goals of the Six-Year Improvement Plan**
**Approved: 4/17/2003**

Comment [d80]: Road Systems

WHEREAS, Chapters 533 and 560 of the 2003 Acts of Assembly, require the Board to adopt by July 1 of each year a Six-Year Improvement Program of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, Section 33.1-12(7) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to review and approve policies and objectives of the Department of Transportation and the Department of Rail and Public Transportation; and

WHEREAS, the Board fulfilling its statutory and policy role has determined certain policy goals should be followed in the development and execution of the Six-Year Improvement Program,

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that the policy goals that shall be followed for the development and execution of the 2003-2009 Six-Year Improvement Program are:

- Promote the safety of our citizens,
- Maintain the existing infrastructure,
- Use official revenue projections,
- Use best available project cost estimates,
- Minimize the use of debt,
- Pay off deficits on completed projects and do not create new deficits,
- Fully fund construction projects by the time they are complete,
- Bring phased projects or programs to a reasonable stage of completion,
- Require that new projects added to the program be eligible for federal funds,
- Focus funding and project development on deficient and insufficient bridges,
- Focus funding on congestion relief
- Recognize alternative modes, including transit, rail, bicycle and pedestrian pathways, as viable transportation alternatives, and
- Seek opportunities to leverage state funds through agreements with other public entities and the private sector.

**Aid to Toll Revenue Bond Facilities - Discontinuance of Discretionary Maintenance Payments to the Richmond Metropolitan Authority (RMA)**
**Approved: 5/15/2008**

Comment [d81]: Finance/Funding – see DPM 7-2

WHEREAS, pursuant to § 33.1-288 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may use highway funds at its discretion to aid in the payment of the cost to toll revenue bond projects; and

WHEREAS, on August 17, 1972, the State Highway Commission, predecessor to the CTB, approved a resolution to provide aid from highway funds to the RMA, subject to the following conditions:

- the aid shall consist of actual maintenance of the expressway system, exclusive of the Boulevard Bridge, as segments of the system are opened to traffic;
- the aid shall be limited to ordinary maintenance activities as defined in the Virginia Department of Transportation's (VDOT) "Activity Code Manual," and to pavement markings; and
- the aid shall not include other maintenance replacement activities nor any costs incurred from toll collection expenses; and

WHEREAS, routine maintenance for the RMA is currently provided by a Turnkey Asset Maintenance Services contract managed by the Richmond District; and

WHEREAS, termination of the CTB subsidy would put the RMA on an equal basis with private toll roads and allow fair competition.

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the August 17, 1972 resolution concerning maintenance payments to the RMA be rescinded and all financial aid to the RMA for maintenance activities be discontinued effective June 30, 2008.

**Aid to Toll Revenue Bond Facilities - Discontinuance of Maintenance Payments to the Chesapeake Bay Bridge Tunnel**
**Approved 6/21/2007**

Comment [d82]: Finance/Funding – see DPM 7-2

*Editor's Note: In accordance with § 33.1-288 of the Code of Virginia, which authorizes the Board to make certain discretionary payments from highway funds, Commission practice was to provide aid from highway funds to the Chesapeake Bay Bridge-Tunnel Authority (generally classified as an urban facility), beginning July 1, 1974. Although a Department Policy Memorandum (DPM) was signed by the Commissioner in 1974 memorializing this practice, It appears that no formal action was approved by the Commission.*

*Board approval of the FY 2007-2008 VDOT Annual Budget on June 21, 2007 effectively discontinued the discretionary practice of making maintenance payments to the Chesapeake Bay Bridge Tunnel by excluding the facility from its allocation of maintenance payments.*

**Aid to Toll Revenue Bond Facilities - Powhite Parkway Extension Toll Road**
**Approved 7/17/1986**

Comment [d83]: Finance/Funding – see DPM 7-2

BE IT RESOLVED, by the State Highway and Transportation Board of the Commonwealth of Virginia that the Memorandum of Understanding dated August 1, 1986, between the Treasury Board and the State Highway and Transportation Board regarding the Powhite Parkway Extension Toll Road is hereby approved in the form presented at this meeting, with such minor changes, insertions and omissions as may be approved by the State Highway and Transportation Commissioner, his signing of said Memorandum of Understanding to be conclusive evidence of his approval of such changes, insertions, and omissions.

*Editor's Note: On July 17, 1986, the CTB formally approved the above referenced Memorandum of Understanding dated August 1, 1986, which expressed its intent to annually allocate maintenance funds for the Powhite Parkway Extension Toll Road. These allocations for maintenance will continue until the toll road's revenue can assume the responsibility.*

**Aid to Toll Revenue Bond Facilities - Transfer of Route 13 Mileage at the Chesapeake Bay Bridge-Tunnel to the Primary System**
**Approved 4/21/1966**

Comment [d84]: Finance/Funding – see DPM 7-2

THAT WHEREAS, the General Assembly of Virginia at its 1964 Session adopted Senate Joint Resolution No. 50 creating a Commission to study and report upon the toll projects financed under the State Revenue Bond Act, Sec. 33-228 of the *Code of Virginia*, and

WHEREAS, pursuant to this Resolution the Study Commission was appointed by Governor Harrison with instructions that studies and recommendations be made of (1) toll rates charged on these projects, (2) whether the cost of maintenance could be financed from State Highway Department funds, and (3) such other matters deemed appropriate by the Commission, and

WHEREAS, the Study Commission made the study and submitted its report and recommendations to the Governor and the General Assembly on December 3, 1965, in the form of Senate Document No. 10, recommending, among other considerations, that State Highway funds be apportioned to finance the cost of maintaining all approach roads on the present Toll Revenue Bond Act projects and the cost of policing these facilities, beginning July 1, 1966, estimated at approximately $200,000 annually now being paid from toll income, and

WHEREAS, Senate Joint Resolution No. 42 was adopted by the General Assembly of 1966 requesting the State Highway Commission to give every practical consideration to assuming this cost from state funds and to also consider the assumption of maintenance at state expense of the freeway mileage on Route 13 north of the Chesapeake Bay Bridge Tunnel Project, now being maintained from toll income on this facility, and

WHEREAS, these recommendations have been thoroughly studied by the State Highway Commission that, effective July 1, 1966, the following sections of approach roads and streets now being financed from toll funds be transferred to the Interstate and Primary road systems for maintenance by the State Highway Department or the cities, as applicable, and that the cost of these be financed from highway funds:

- City of Norfolk: Route 168 Tidewater Drive from E. End Willoughby Traffic Circle to Little Creek Road (Rt. 170) – 5.5 miles
- City of Hampton: LaSalle Avenue Route 167 from Shell Road to 0.10 Mile North of Route I-64 (Armstead Ave.) – 1.0 mile
- City of Newport News: Route 17 and 258 from Warwick Blvd. (Rt. 60) to 0.10 Mi. North of James River Bridge (Entrance to City Park) – 0.40 Mile
- Interstate Route 64 from West end Route 17 Overpass to Hampton Roads Tunnel Toll Plaza – 10.7 Miles
- Interstate Spur to Route 64: Newport News Connector from Victoria Blvd. (Route 351) to Int. Route 64 (Exit 7) – 3.0 Miles
- Primary Route 13 Northampton County from 2.17 Mi. S. Sec. Route 683 to Sec. Rt. 600 (.4 Mile North of Ches. Bay toll Plaza) – 2.91 Miles

BE IT FURTHER RESOLVED, that the cost of policing of the Hampton Roads Bridge Tunnel System by the Department of State Policy, heretofore financed from toll funds on this facility, be transferred to highway funds effective July 1, 1966.

**Adoption of Manual on Uniform Traffic Control Devices (MUTCD), Virginia Supplement to the MUTCD, and Related Regulatory Consolidation**
**Approved: 12/07/2011**

Comment [d85]: Operations (24VAC30-315)

WHEREAS, on March 15, 1979, the State Highway and Transportation Commission (Commission), predecessor to the Commonwealth Transportation Board (Board), adopted the 1978 edition of the National Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) as the standard for all highways under the jurisdiction of the Virginia Department of Transportation (VDOT), which had previously been approved by the Federal Highway Administration (FHWA) as the national standard for highways open to public travel; and,

WHEREAS, in recognition of the fact that some state standards exceeded minimum federal requirements and some design, installation, and operation details were not covered in the federal MUTCD for streets and highways, the Commission adopted the Virginia Supplement to the Manual on Uniform Traffic Control Devices (Virginia Supplement) on November 20, 1980; and,

WHEREAS, on February 18, 1988, the Board approved Department Policy Memorandum (DPM) 9-1, Classifying and Marking State Highways, which establishes the rules that the Commonwealth Transportation Commissioner, as authorized by the Board, will follow in matters relating to classifying, designating, and marking state highways, and the posting of signs and markings; and,

WHEREAS, the Board adopted revisions and rulings to subsequent editions of the MUTCD on November 16, 1989, September 19, 2002, and March 17, 2005; and, WHEREAS, the FHWA published the 2009 MUTCD in the Federal Register on December 16, 2009, as a Final Rule, under which states had up to two years to adopt the new edition of the MUTCD as the standard for traffic signs, traffic signals and markings, and to revise any state Supplements to the MUTCD; and,

WHEREAS, the FHWA has approved a new Virginia Supplement to be used with the 2009 MUTCD; the Virginia Work Area Protection Manual (WAPM) is included in the Virginia Supplement and considered a part thereof, but is physically separate to facilitate its use in instruction and field operations; and,

WHEREAS, the Office of the Attorney General (OAG) established a Government and Regulatory Reform Task Force to review governmental rules and regulations regarding education and transportation construction infrastructure in order to increase efficiencies, reduce bureaucracy and mitigate adverse impacts on Virginia businesses and individuals; and,

WHEREAS, to comply with the provisions of Chapter 735 of the 1993 Acts of Assembly, the MUTCD and Virginia Supplement were filed as Administrative Process Act-exempt regulations along with Department Policy Memorandum 9-1 (Classifying and Marking State Highways) in the Virginia Administrative Code; and,

WHEREAS, the OAG Task Force determined that the following three traffic engineering regulations relate to traffic signals, signing and marking highways in accordance with the MUTCD and could be combined into one regulation -the Virginia Supplement to the Manual on Uniform Traffic Control Devices, including the Virginia Work Area Protection Manual (24 VAC 30-310), Classifying and Marking State Highways (24 VAC 30-520), and Adoption of the Federal Manual on Uniform Traffic Control Devices (24 VAC 30-561).

NOW THEREFORE BE IT RESOLVED, that the Board approves (i) the MUTCD (2009 edition) as the standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a) and (ii) the Virginia Supplement to the MUTCD (2011 edition), of which the WAPM (2011 edition) is considered a part of, to be the standard for all highways under the jurisdiction of the Virginia Department of Transportation, and that adoption of these standards will be effective January 1, 2012.

BE IT FURTHER RESOLVED, to become effective January 1, 2012, that the Commonwealth Transportation Board hereby approves the adoption of the consolidated Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24 VAC 30-315) attached hereto as Attachment A, repeals the Virginia Supplement to the Manual on Uniform Traffic Control Devices (24 VAC 30-310), Classifying and Marking State Highways (24 VAC 30-520), and Adoption of the Federal Manual on Uniform Traffic Control Devices (24 VAC 30-561) attached hereto as Attachment B, and rescinds all prior resolutions concerning these regulations.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation is directed to process the regulatory actions approved herein as provided for by the submission requirements established by the *Code of Virginia*, Executive Order 14 (10), and the State Registrar of Regulations.

**ATTACHMENT A**
**CONSOLIDATED MUTCD-RELATED REGULATION**

**Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways**

**Chapter 315.**

**24 VAC 30-315-10. General provisions.**

A. The Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition, (MUTCD) is incorporated by reference in the Code of Federal Regulations (CFR) (23 CFR Part 655, Subpart F), and is accessible from http://mutcd.fhwa.dot.gov/. Title 23, part 655, section 603 of the Code of Federal Regulations adopts the MUTCD as the national standard for any street, highway, or bicycle trail open to public travel in accordance with the United States Code (USC) (23 USC 109 (d) and 402 (a)).

B. The 2009 edition of the MUTCD, along with any revisions or associated rulings, when effective, shall be the standard for all highways under the jurisdiction of the Virginia Department of Transportation, with the following exceptions: (i) the Virginia Supplement to the 2009 MUTCD, 2011 Edition, contains standards and guidance that exceed minimum federal requirements concerning traffic control devices and presents additional pertinent traffic control parameters not addressed by the 2009 MUTCD, and (ii) VDOT uses the Virginia Work Area Protection Manual (WAPM), 2011 Edition, which is a part of the Virginia Supplement to the 2009 MUTCD, instead of the 2009 MUTCD Part 6, Temporary Traffic Control. All signs, signals, pavement markings, and other traffic control devices under the jurisdiction of the Virginia Department of Transportation shall conform accordingly.

C. Where state standards exceed the minimum federal requirements, or where the MUTCD does not cover some design, installation, and operation details, or where additional guidance on traffic control devices is needed, the Commissioner of Highways or a designee is authorized to establish and distribute appropriate documentation, including but not limited to, standards, specifications and

instructional memoranda. The Virginia Supplement to the 2009 MUTCD, the WAPM and subsequent revisions and additions to these Manuals shall be applicable for all highways under the jurisdiction of the Virginia Department of Transportation. If there is a conflict between the 2009 MUTCD and the Virginia Supplement to the 2009 MUTCD, the Virginia Supplement shall govern.

D. The Commissioner of Highways or a designee is authorized to make revisions to the Virginia Supplement to the MUTCD or the Virginia Work Area Protection Manual, or both, to reflect changes to the Code of Virginia or to the MUTCD as incorporated into the Code of Federal Regulations and to be consistent with the Code of Virginia where discretion is allowed.

E. In addition to the authority referenced in subsection C of this section, the Commissioner of Highways is authorized to act for and on behalf of the Commonwealth Transportation Board in matters relating to classifying, designating, regulating, and marking state highways and the installation of signals, signs, and markings to regulate, control, and manage traffic movement.

**DOCUMENTS INCORPORATED BY REFERENCE**

The following documents may be obtained using the contact information provided:

A. Virginia Supplement to the 2009 MUTCD, 2011 Edition, Virginia Department of Transportation, 1401 E. Broad St., Richmond, Virginia 23219, or
http://www.virginiadot.org/business/trafficeng-default.asp

B. Virginia Work Area Protection Manual (WAPM), 2011 Edition, Virginia Department of Transportation, 1401 E. Broad St., Richmond, Virginia 23219, or
http://www.virginiadot.org/business/trafficeng-WZS.asp

**ATTACHMENT B**
**MUTCD- RELATED REGULATIONS TO BE REPEALED**

**CHAPTER 310**
**VIRGINIA SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES**

**24VAC30-310-10. Supplement to Uniform Traffic Control Devices Manual** (filed by description with the Registrar of Regulations).

Description: By resolution dated November 20, 1980, the State Highway and Transportation Commission adopted the *Virginia Supplement to the Manual on Uniform Traffic Control Devices*. A subsequent board resolution dated February 18, 1988, referred to the need to keep the classification, marking, and signing of highway systems current. Therefore, the resolution affirmed current and revised versions to the federal *Manual on Uniform Traffic Control Devices* (filed as 24VAC30-300-10) as the standard for all highways under the Department of Transportation's jurisdiction. The resolution also affirmed current and revised versions of the Virginia supplement as promulgating state standards for traffic control devices that exceed minimum federal requirements and present pertinent traffic control parameters not addressed by the federal *Manual on Uniform Traffic Control Devices*.

Effective January 1996, Part VI of the *Virginia Supplement to the Manual on Uniform traffic Control Devices for Streets and Highways (MUTCD)* was made available to users of the Virginia supplement as a separate document entitled *Virginia Work Area Protection Manual*. This approach was taken to accommodate changes in federal regulations, as well as to improve its utility as a teaching tool. The

*Virginia Work Area Protection Manual* retains the same numbering format and is still part of the *Virginia Supplement to the Manual on Uniform Traffic Control Devices*.

Document available for inspection at the following location:
Virginia Department of Transportation
Traffic Engineering Division
1401 E. Broad St., Room 206
Richmond, VA 23219

**CHAPTER 520**
**CLASSIFYING AND MARKING STATE HIGHWAYS**

**24VAC30-520-10. Authority**.

The Commonwealth Transportation Commissioner is authorized to act for and on behalf of the Commonwealth Transportation Board in matters relating to classifying, designating, and marking state highways and the installation of signs and markings.

**24VAC30-520-20. Classification and marking.**

A. All signs, signals, pavement markings, and other traffic control devices shall conform to the 1988 edition of the federal *Manual on Uniform Traffic Control Devices for Streets and Highways*, along with any revisions or associated rulings, when effective, as referenced in the *Adoption of the Federal Manual on Uniform Traffic Control Devices* (24VAC30-561-10 et seq.).

B. Where state standards exceed the minimum federal requirements, or where the *Manual on Uniform Traffic Control Devices for Streets and Highways* does not cover some design, installation, and operation details, the *Traffic Engineering Division Instructional Memoranda* (1996-2001) and the *Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways* (24VAC30-310-10 et seq.) will govern.

**DOCUMENTS INCORPORATED BY REFERENCE** (24VAC30-520)
*Manual on Uniform Traffic Control Devices for Streets and Highways* (1988 Edition).
*Traffic Engineering Division Instructional Memoranda* (1996-2001).

**CHAPTER 561**

**ADOPTION OF THE FEDERAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES**

**24VAC30-561-10. Adoption of the federal Manual on Uniform Traffic Control Devices**.

Effective November 16, 1989, the Commonwealth Transportation Board adopted the 1988 edition of the federal *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, along with any revisions or associated rulings, when effective, as the standard for all highways under the jurisdiction of the Virginia Department of Transportation. The board also authorized the Commonwealth Transportation Commissioner, at his discretion, to publish changes in the *MUTCD* appearing in the *Code of Federal Regulations* in advance of receiving the published revisions. The Traffic Engineering Division, on behalf of the commissioner, is authorized to distribute changes in the *MUTCD* as published in the *Code of Federal Regulations*.

**24VAC30-561-20. Incorporation by reference of the federal Manual on Uniform Traffic Control Devices.**

The *MUTCD* originally approved by the FHWA in accordance with Title 23 USC§§ 109 (b) and (d) and 402 (a), and 23 CFR 1204.4, is incorporated by reference in 23 CFR Part 655, Subpart F.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this replacement regulation, see entry for 24VAC30-315.*

**Adoption of Transit Capital Project Revenue Advisory Board Principles for Addressing Future Transit Capital Revenues, Needs, and Prioritization**
**Approved: 7/19/2017**

Comment [d86]: Financing/Funding

WHEREAS, the 2016 Virginia General Assembly enacted Section (sic) 33.2-1840 through 33.2-1844 of the *Code of Virginia* establishing the Transit Capital Project Revenue Advisory Board (Revenue Advisory Board) to examine the effects of the loss of state transit capital funds, identify additional sources of revenue, and develop proposals for prioritization of transit capital funds;

WHEREAS, the Secretary of Transportation appointed two members nominated by the Virginia Transit Association, one member nominated by the Community Transportation Association of Virginia, one member nominated by the Virginia Municipal League, one member nominated by the Virginia Association of Counties, and two members nominated by the Director of the Department of Rail and Public Transportation to serve on the Revenue Advisory Board;

WHEREAS, public transportation in the Commonwealth plays a key role in congestion mitigation, economic development, and environmental stewardship by providing 200 million essential passenger trips annually;

WHEREAS, approximately 80 percent of state transit capital funds are used for State of Good Repair and the remaining for major expansion and minor enhancement projects;

WHEREAS, an evaluation of the Commonwealth's documented funding needs and projected revenues has conservatively identified an average annual revenue gap of $130 million over the next ten years, representing a drop of over 40 percent from existing funding levels;

WHEREAS, this reduction in state funding along with increasing uncertainty in federal funding will result in an increased burden on local governments to either fill the gap or reduce or eliminate transit services;

WHEREAS, without additional funding, it is anticipated that the Commonwealth will only be able to support rolling stock replacement by 2021 with state participation rates, which are currently 68 percent, projected to drop below 30 percent by 2027;

WHEREAS, the Revenue Advisory Board is preparing a report to be submitted to the General Assembly, outlining the future of transit capital in the Commonwealth as well as recommendations regarding funding and prioritization;

NOW THEREFORE BE IT RESOLVED by the Board that it endorses the Transit Capital Project Revenue Advisory Board's policy principles for revenue and project prioritization to the Virginia General Assembly as detailed below.

- The Commonwealth needs a steady and reliable stream of dedicated revenues for its transit capital program to meet state of good repair and transit expansion needs;
- The Commonwealth should consider the following funding approach:
  - A combination of revenue sources to spread the impact or a single statewide source that is predictable and sustainable;
  - Revenue sources that increase gradually to address future gaps and needs;
  - A combination of statewide and regional sources with the majority coming from statewide sources;
  - Regionally derived funds shall be directed to prioritized needs within that region;
  - A floor on regional taxes; and
  - Excess Priority Transportation Fund revenues after debt service dedicated to transit capital as this source becomes available.
- It is possible and desirable to prioritize transit capital projects using technical scoring/ranking based on quantitative and qualitative measures;
- The policy and provisions of such a prioritization process should be developed by the Commonwealth Transportation Board via Board policy to allow for ongoing process improvement;
- To support prioritization, the transit capital program should be split into two programs – one for State of Good Repair/Minor Enhancement and one for Major Expansion, with a minimum of 80% directed to State of Good Repair/Minor Enhancement with the Commonwealth Transportation Board having the discretion to move additional funding into State of Good Repair;
- A single consistent match rate should be applied across asset types in order to provide greater predictability in funding, with State of Good Repair/Minor Enhancement matched at a higher rate than major expansion projects; and
- Local matching requirements (minimum of four percent) should remain part of the program structure.

**Adoption of Transit Service Delivery Advisory Committee (TSDAC) Tiered Capital Allocation Methodology**
**Approved: 5/20/2015**

Comment [d87]: Financial/Funding

WHEREAS, § 58.1-638(A)(4)(b)(1)(c) and § 58.1-638(A)(4)(b)(2)(d) of the Code of Virginia authorize the Commonwealth Transportation Board (CTB) to allocate 25 percent of the Commonwealth Mass Transit Trust Funds for capital purposes based on asset need and anticipated state participation level and revenues; and

WHEREAS, § 58.1-638(A)(4)(b)(2)(b) establishes a Transit Service Delivery Advisory Committee (TSDAC) who, along with the Director of the Department of Rail and Public Transportation (DRPT), evaluate the distribution of Mass Transit Trust Funds for capital funds utilizing a tiered approach to be established by the CTB; and

WHEREAS, the CTB adopted the current tiered capital allocation methodology recommended by the DRPT Director and TSDAC on December 4, 2013; and

WHEREAS, the CTB recognized that with the change to the allocation process there may be negative financial impacts to certain jurisdictions with transit providers, and requested that the TSDAC and DRPT review the results of the first year of allocations under the new methodology to determine if transitional financial assistance or changes to the methodology were warranted; and

WHEREAS, DRPT performed detailed analysis of the Revised FY 2015 capital allocations authorized by the CTB, and several scenarios were modeled, with a focus on changing the cost basis and tiers to match the prior methodology; and

WHEREAS, the TSDAC held a meeting on April 24, 2014, which was open to the public and included two public comment periods, to review the analysis performed on the first year of capital allocations under the new methodology; and

WHEREAS, the review work performed is available for public review on the DRPT website; and

WHEREAS, because the review indicated that no jurisdiction experienced a reduction in funds from the new methodology and the accompanying funding, the TSDAC and DRPT Director recommend that no transitional financial assistance is warranted for any jurisdictions.

NOW THEREFORE BE IT RESOLVED by the CTB that, based on the review performed on the first year of capital allocations made pursuant to the adopted tiered allocation approach authorized on December 4, 2013, no transitional assistance is deemed necessary to any jurisdiction; and

BE IT FURTHER RESOLVED, the CTB requests that the TSDAC and the Director continue to review the results of the capital allocations under this new Capital Allocation Methodology as part of their normal activities, and propose any revisions to the methodology to be considered by the CTB, as needed.

## Transit Sustainability and Investment Policy

**Approved: 10/16/2008**

Comment [d88]: Finance/Funding

### Purpose

The purpose of this policy is to provide guidance regarding the allocation of transit funds.

### Policy

The CTB supports the efficient operation and improvement of transit service throughout Virginia, including transit initiatives that are responsive to market needs, provide the highest and best use of funds, increase transit ridership, and improve the environment and quality of life for Virginians. Accordingly, the CTB shall consider the following goals and principles of transit sustainability, asset management, local maintenance of effort and public benefit in the allocation of public funds for transit.

- Policy Goals:
  - Increase transit ridership per capita by at least 3% annually
  - Maintain existing transit assets as the first funding priority
  - Support improved land use, protect the environment and maximize the use of available funding

- Core Principles:

- Develop a financially sustainable transit program
- Match new investments with quantifiable service needs and local commitments
- Improve transportation system integration and efficiency
- Improve quality of life for Virginians

- Asset Management:
  - The asset management system shall support the development of a statewide transit and human service capital replacement and improvement program. Beginning in FY2010, DRPT shall submit a report to the CTB on asset management in the early development stages of the annual Six-Year Improvement Program.

- Service Design Guidelines:
  - Service design guidelines shall provide guidance on the actions and conditions necessary to effectively implement and operate various modes of transit service. Accordingly, service design guidelines shall be used to evaluate proposals to implement new transit services. Guidelines shall focus on matching transportation needs with project proposals, with emphasis on a number of key criteria that help ensure success for the proposed mode. Guidelines shall help to determine if the proposed mode is the most feasible and appropriate mode for the market and operational environment, and if the proposed mode is the most cost effective option.

- Capital Project Programming and Evaluation Process:
  - All proposed transit projects shall include sufficient justification for funding and shall clearly address an identified transit need. Proposed projects shall include an implementation plan that adequately addresses the need for any necessary clearances and approvals. Proposed projects shall be advanced to a state of readiness for implementation in the target year indicated in the grant application. A project shall be considered ready if grants for the project can be obligated and the project can be initiated within one year of the award date, or in the case of larger construction or procurement projects, obligated according to an accepted implementation schedule.
  - To be eligible for replacement or rehabilitation, transit assets shall have reached the end of their useful life or the appropriate rehabilitation interval as specified by the Federal Transit Administration. Exceptions may be considered if unforeseen circumstances result in irreparable damage to a transit asset, if a grantee has secured approval by the Federal Transit Administration or, in the case of projects that do not receive federal funds, if the transit operator provides sufficient justification in terms of safety, security or financial rationale.
  - All project requests submitted for transit capital funding shall be categorized by project category in accordance with DRPT's allocation process, which is detailed in program guidance.
  - All new projects exceeding $2 million and/or that involve construction of transit facilities to include fixed guideway systems shall conform to threshold requirements detailed in program guidance before the project may be considered eligible for state funding.

- Transit Operating Maintenance of Effort Requirement:
  - The maintenance of effort requirement is intended to ensure that total public investment in each transit system in Virginia is either maintained or expanded each year in accordance with the level of transit service operated.
  - This requirement will be evaluated based on a two-tiered evaluation process.

        - The first tier will examine the miles of revenue service that will be operated by the transit system based on their proposed budget. If the number of proposed revenue miles is the same or greater than the number of revenue miles currently operated, the maintenance of effort requirement will have been met.
        - If the number of proposed revenue miles is less than the number currently operated by the transit system, a second tier evaluation will be conducted. This evaluation will establish if local funding for a transit system has been maintained from the previous year. The sum of anticipated operating revenues and local subsidy for the upcoming grant year will be compared to the same calculation for the current year. If the sum of anticipated operating revenues and local subsidy for the upcoming grant year is greater than the same calculation for the current year, the maintenance of effort requirement will have been met.
    - If both of these requirements are unmet, then the operator's funding allocation will be reduced until local funding levels as calculated in the second tier evaluation are maintained.

- Program Guidance:
    - DRPT shall develop and maintain program guidance that explains and supports this policy for each federal and state transit financial assistance program administered by DRPT. These guidelines shall be made available to all existing recipients of state transit funding and to the general public.

- Public Benefit:
    - DRPT shall evaluate the public benefits of major transit capital projects considered to be new starts for transit service.
    - DRPT shall evaluate the public benefits of the entire transit program on an annual basis to demonstrate the return on investment for transit.

- The Commonwealth Transportation Board has the right to exercise discretion in the implementation of this policy.

**Effective Date**

The effective date of this policy is immediately upon passage by the CTB.

**Policy for Selection of Transportation Alternatives Projects and Process for Transportation Enhancement/Transportation Alternatives Program De-allocation, Project Transfer, and Inactive Projects**
**Approved: 7/17/2013**

Comment [d89]: Finance/Funding

WHEREAS, the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) provides for a statewide Transportation Alternatives Program, using federal transportation funds and state or local matching funds; and

WHEREAS, from federal funds appropriated to the Transportation Alternatives (TA) program the Commonwealth Transportation Board (Board) shall approve the selection of projects on an annual basis and in accordance with §33.1-12(5) of the Code of Virginia and MAP-21; and

WHEREAS, the Board has expressed a desire to establish a selection policy in order to conform with MAP-21 required policies and to ensure timely allocation of Transportation Alternatives funds; and

WHEREAS, after reviewing the proposed policy changes, the Board believes the policy for selection of Transportation Alternatives project should be adopted as set forth below; and

WHEREAS, in association with the changes under MAP-21 relating to funding for the projects eligible under the Transportation Alternatives Program, it is necessary to adopt a replacement for the current "Enhancement Program De-allocation, Project Transfer and Inactive Project Process" in order to ensure that funding for Transportation Alternatives Projects is utilized within certain timeframes.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby rescinds its previous Interim Policy for Selection of Transportation Alternatives Projects adopted on October 17, 2012 and adopts the following policy and criteria governing the selection of Transportation Alternatives Program projects:

1. As required by MAP-21 the MPOs representing urbanized areas with populations greater than 200,000 (the Transportation Management Areas) will select Transportation Alternatives projects in their areas up to the amount of funding provided them in MAP-21.
2. The Secretary and CTB At-Large members will select Transportation Alternatives projects with the funds made available for population areas less than 200,000, up to the amount provided in MAP-21 for that requirement.
3. Statewide Transportation Alternative funds (remaining 50% of allocation and available for use anywhere in the state) will be apportioned equally among the District CTB members up to total amount of $9M. The District members will select eligible Transportation Alternatives projects with these funds.
4. If the statewide funds mentioned in item 3 above exceed $9M, the Secretary and CTB At-Large members will collectively select projects that address statewide funding gaps or needs up to the amount of the additional funding.
5. All projects selected must be under construction within four (4) years of the project's first allocations availability, unless that time is extended for a documented reason.
6. All projects selected by the Board shall receive not less than 50% of the amount of Transportation Alternative program funds requested in the application. In addition, all projects selected by the Board will be fully funded to the requested Transportation Alternatives Program amount, if that amount is $200,000 or less and such amount is all that is required to complete the project.
7. Once various project selections have been made in accordance with the foregoing process, the project list will be presented to the full Board for its consideration and approval.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Board approves the Transportation Enhancement/Transportation Alternatives Program De-allocation, Project Transfer, and Inactive Project Process dated June 26, 2013 and attached hereto to guide the Department's efforts in ensuring that funds for Transportation Alternatives Projects are utilized within the established timeframes and hereby rescinds the Enhancement Program De-allocation, Project Transfer and Inactive Project Process previously approved by the Board on December 8, 2010.

**Policy on Placing Utility Facilities Underground**
**Approved: 5/9/1996**

Comment [d90]: Operations (24VAC30-210)

WHEREAS, the Commonwealth Transportation Board at its April 15, 1993 meeting adopted a Policy on Placing Utility Facilities Underground in connection with projects constructed in accordance with Section 33.1-44 of the *Code of Virginia*, which primarily consists of the urban system of highways; and

WHEREAS, the Policy authorizes the Department to reimburse utility companies fifty (50) percent of the additional cost to place the utility facilities underground, from an locality's urban allocation, where the locality elects to have utility facilities placed underground and provided certain other criteria are met; and

WHEREAS, the Board determined that it was in the public's interest, in many urban areas, to place utility facilities underground in connection with transportation improvement projects in order to enhance the safety, economic and environmental impact of the project on the community; and

WHEREAS, the Commonwealth Transportation Board, in adopting a Policy on the urban system, determined that since the urban system funds were allocated to the individual localities, rather than on a statewide basis, the localities should be allowed the option of electing to lace utility facilities underground in connection with transportation projects; and

WHEREAS, the Board, on September 16,1993, modified the Policy to include the urban county of Arlington County; and

WHEREAS, the current Policy provides a cap on the maximum reimbursement by the Department at $3,000,000 for any single project and, in certain localities, this cap has made it financially impractical for the localities to carry out a plan for undergrounding utility facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby modifies Section 7.00 of the Policy on Placing Utility Facilities Underground, adopted on April 15, 1993, by raising the maximum reimbursement to utility companies from project funds for any Part B cost to $5,000,000 on any projects.

*Editor's Note: This policy has been filed by description as an Administrative Process Act-exempt regulation as 24 VAC 30-210. For the current official version of this regulation, contact the Policy Division.*

## Amendments to the Vegetation Control Regulation
**Approved: 9/20/2007**

Comment [d91]: Operations (24VAC30-200)

WHEREAS, the 2006 session of the Virginia General Assembly amended § 33.1-371.1 of the *Code of Virginia* to expand the authority of the Commonwealth Transportation Commissioner for vegetation control on public rights-of-way in municipalities; and

WHEREAS, the 2006 session of the Virginia General Assembly granted the Commonwealth Transportation Commissioner authority to delegate the issuance of vegetation control permits to local governments under § 33.1-371.1 (A)(4); and

WHEREAS, the 2006 session of the Virginia General Assembly established an appeals process with the Commonwealth Transportation Commissioner for either local government staff or vegetation control permittees aggrieved by landscaping requirements; and

WHEREAS, § 33.1-371.1 (A)(3) mandates the Commonwealth Transportation Commissioner promulgate regulations to implement this statute; and

WHEREAS, the Vegetation Control Regulation on the State Rights-Of-Way (24 VAC 30-200), which were last amended by the Commonwealth Transportation Board in 1998 require additional technical, non-substantive amendments.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the amendments to become effective as provided for by the rules established by for Administrative Process Act exempt actions by the *Code of Virginia* and the State Registrar of Regulations.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This action was filed as 24 VAC 30-200. At the recommendation of the OAG's Regulatory Task Force, this regulation was recommended to be consolidated into a single regulation with 24 VAC 30-120 (*Rules and Regulations Controlling Outdoor Advertising and Directional And Other Signs And Notices*). For the current status of this action, contact the Policy Division.*

## Brush and Tree Trimming Policy
**Approved: 12/18/2001**

Comment [d92]: Road Systems

**Purpose**
To preserve the natural beauty of our roadsides while effectively addressing maintenance and safety issues.

**Definitions**
The following words and terms, when used in this policy, shall have the following meanings:

“Body of Water” means any estuary, lake, pond, river, stream, wetland, or other natural or manmade area.

"Brush" means shrubs, bushes, small trees, and other vegetation less than two inches in diameter to be measured at ground level.

"Certified Arborist" means an individual who has passed the certification examination sponsored by the International Society of Arboriculture and who maintains a current certification.

"Cold Spot" is an area within the travel way which receives limited sunlight due to vegetation, terrain, etc. and requires application of additional materials during inclement weather conditions.

"Inspector" is any employee designated by VDOT to inspect the work performed under authority of this policy.

"Invasive" species is an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health, as defined by the Department of Agriculture.

"Mechanical Trimming" means the cutting of plant parts by any power-drive method other than chainsaw or boom-axe.

"Native" means a species that historically occurred in a physiographic region of Virginia.

"Riparian Buffer" means a band of trees, shrubs, or grasses that border a body of water.

"Side Wall" means the practice of removing limbs on one side of a tree or shrub.

"Specifications" means the Virginia Department of Transportation's Road and Bridge Specifications.

"Tree" means woody vegetation two inches or greater in diameter to be measured at ground level.

"Vista" means a scenic view from the roadway.

**Tree and Brush Removal on the Right of Way**

A. Trees in one or more of the following conditions may be removed from the right of way with appropriate authorization for the purposes of safety, slope reclamation, or maintenance:
    1. Those that are dead, in an advanced stage of decline, or are significantly damaged.
    2. Those that are affected by pest infestation and are a significant threat to surrounding healthy trees.
    3. Those located above the ditch line or beyond the break of a fill slope.
    4. Those that create an unacceptable risk/safety hazard to the motoring public such as blocking sight distance, situated within the clear zone, obscuring signs, or leaning toward the roadway in such a manner that could cause the tree to fall into the roadway or damage an existing asset.
    5. Those species that are invasive or not native such as Ailanthus (Tree of Heaven).
    6. Those blocking potential scenic vistas.
    7. Those that will negatively impact assets including, but not limited to, right of way fences, concrete or paved ditches, headwalls, wing walls, bridge abutments, and curbs and sidewalks.

B. Trees not in one of the previous categories shall not be removed unless approved by the District Environmental Manager.

C. Dogwood trees shall not be removed unless approved by the District Environmental Manager.
D. No vegetation may be removed within a riparian buffer unless approved by the District Environmental Manager.
E. When removing trees, they will be cut flush with the ground where possible and stump treatment should be applied.
F. Trees of Special Interest
    1. Trees designated by local, state, or federal government to be of "Historical, environmental, or social importance" shall not be removed unless approved by the District Environmental Manager.

G. When removing brush, it will be cut flush with the ground where possible and stump treatment should be applied.

**Pruning on the Right of Way**

A. The current version of the following publications shall govern vegetative pruning:
    1. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)
    2. American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.I)
    3. International Society of Arboriculture (ISA), Tree-Pruning Guidelines

B. General Provisions:
    1. A boom-axe shall not be used to prune trees or shrubs.
    2. In any pruning operation, the natural form of the tree should be maintained when possible.
    3. No more than 25% of a tree's foliage shall be removed during any one growing season.
    4. No branches are to overhang the roadway below 20 feet and no live branches are to be cut above 20 feet unless it is necessary to provide adequate sight distance, roadway clearance, and/or minimize known cold spots.
    5. Trees that do not affect line of sight, interfere with vertical or horizontal clearance requirements, or contribute to pavement cold spots should not be pruned.
    6. Trees should not be side walled or topped. Removal may be an alternative.
    7. Branches should be cut close to the tree trunk or parent limb without cutting into the branch collar or leaving a stub. Cuts should not be made flush with the trunk and should not injure the branch collar.
    8. Clean cuts shall be made at all times.
    9. Larger branches must be pre-cut to prevent splitting or peeling the bark. The three-cut method will be used. The resulting stub shall be cut to the branch collar.
    10. Mechanical trimming may be authorized on selected rural secondary routes that meet the criteria for mechanical trimming. The District Environmental Manager may authorize mechanical trimming in compliance with this policy and the following criteria:
        a) The height of cuts will not exceed 20 feet.
        b) Mechanical trimming will not be used on Virginia byways, scenic highways or on roads with major tourist attractions.
        c) Mechanical trimming will not be used if opposed by the public or property owners.
        d) Mechanical trimming will be used only on roads with low to moderate traffic counts relative to system averages.
        e) The District Environmental Manager will be responsible for designating those routes where mechanical trimming will be authorized.
        f) Manual trimming to achieve ANSI 300 Standards shall be conducted within seven work days of mechanical trimming.

11. All cut vegetation shall be chipped, beneficially used, or immediately removed and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board.

- Exceptions:
  - Wood can remain on the right of way outside of the clear zone for no longer than seven days. Wood should be cut into lengths that can easily be handled by one individual.
  - Vegetation may be left on a fill slope, as authorized by the District Environmental Manager.

12. The use of climbing irons or spurs is positively forbidden in any tree not being removed unless they are to be used to rescue a climber.
13. Limited crown raising of trees may be allowed, as authorized by the District Environmental Manager.
14. Dead wooding and crown cleaning is an accepted pruning practice.
15. Trees designated to be of historical, environmental, or social importance shall not be pruned unless approved by the District Environmental Manager.

**Vegetation on Private Property**

Trees and shrubs located on private property adjacent to the right of way that pose an unacceptable safety risk to the traveling public may be pruned or removed with the property owner's written permission. The following processes shall be used:

A. Determine if pruning can be performed in compliance with current ANSI A300 Standards without entering onto private property.
B. If this cannot be accomplished:
   1. Contact the property owner(s) to request that he/she perform the desired work.
   2. If the property owner(s) is not willing to perform the desired work, written permission must be requested from the property owner(s) for VDOT to enter and perform any required work.

C. Procedure for performing work on private property:
   1. Send a letter to the property owner(s) notifying him/her of the potential hazard to the motoring public and request permission to perform the work at state expense.
   2. Include a copy of the Right of Entry Agreement for Vegetation Management to be signed by both the property owner(s) and a VDOT representative prior to entry upon the property.
   3. After the work is completed, document the comment section regarding completion of the work and attach pre- and post-work photographs of the site.
   4. Should a property owner(s) refuse VDOT entry to the property, the district shall notify the State Maintenance Engineer.
   5. In those situations when the property owner will not authorize access to the property, pruning will not extend beyond VDOT property and, therefore, may not be in accordance with current ANSI A300 Standards.
   6. The State Maintenance Engineer shall approve revisions to this procedure.

**Listing of Documents Incorporated by Reference**

A. 24 VAC 30-150-10 et seq., Land Use Permit Manual (current edition), Maintenance Division, VDOT
B. VDOT Road and Bridge Specifications (current edition), Construction Division, VDOT
C. 24 VAC 30-310-10, Virginia Supplement to the Manual on Uniform Traffic Control Devices (Virginia work Area Protection Manual), Traffic Engineering Division, VDOT
D. 4 VAC 50-30-10 et seq., Virginia Erosion and Sediment Regulations, Division of Soil and Water Conservation, Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia 23219
E. 9 VAC 20-80-10 et seq., Solid Waste Management Regulations, Waste Division, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219

F. American National Standards Institute (ANSI) Standard for Tree Care Operations, Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices – ANSI A300 (current edition), American National Standards Institute, 11 West 42nd Street, New York, NY 10036
G. Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements – ANSI Z133.I (current edition), American National Standards Institute, 11 West 42nd Street, New York, NY 10036
H. Tree Pruning Guidelines (current edition), International Society of Arboriculture, P. O. Box 3129, Champaign, IL 61826-3129

**Approval of Revised Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank**
**Approved: 9/21/2016**

Comment [d93]: Finance/Funding

WHEREAS, Article 1 of Chapter 15 of Title 33.2 of the Code of Virginia (§§ 33.2-1500 through 33.2-1507) sets out authorization for and establishes the statutory framework relating to the Virginia Transportation Infrastructure Bank (VTIB or the "Bank") which was established for the purpose of making loans and other financial assistance to localities, private entities and other eligible borrowers; and

WHEREAS, Chapter 684 of the 2015 Acts of Assembly modified certain statutory provisions and requirements relating to the VTIB, including among other things requirements set forth in §33.2-1503 relating to project selection for the Bank; and

WHEREAS, in accordance with§ 33.2-1503 as amended, the Commonwealth Transportation Board (Board), in consultation with the Manager, is required to issue guidelines for scoring projects in accord with subsection B of §33.2-214.1 and any other criteria deemed necessary and appropriate for evaluating projects and awarding assistance from the Bank; and
WHEREAS, pursuant to §33.2-1507, no loan or other financial assistance shall be awarded from the Bank until the Secretary of Transportation has provided copies of the Management Agreement and related guidelines and selection criteria documents to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation; and

WHEREAS, by resolution dated September 21, 2011, the Board adopted the VTIB Program Overview, Guidelines and Selection Criteria to guide the award of financial assistance from the Bank; and

WHEREAS, the Virginia Department of Transportation (VDOT) has proposed revisions to the VTIB Program Overview, Guidelines and Selection Criteria to render the document and requirements contained therein in compliance with the law as amended by Chapter 684 of the 2015 Acts of Assembly.

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board, hereby approves and adopts the VTIB Program Overview, Guidelines and Selection Criteria, as revised and attached hereto as Attachment A.

BE IT FURTHER RESOLVED, that in accord with §33.2-1507, the Commonwealth Transportation Board directs the Secretary of Transportation, as soon as practicable, to provide copies of the revised VTIB Program Overview, Guidelines and Selection Criteria to the Chairmen of the House Committees

on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation.

BE IT FURTHER RESOLVED, that the Board hereby directs VDOT to submit the revised Program Overview, Guidelines and Selection Criteria as a Guidance Document in accordance with applicable requirements established by the Code of Virginia and the State Registrar of Regulations.

**Supplement 2 to October CTB Presentation: Policies Adopted by the CTB – Proposed for Repeal**

This document includes policies adopted by the CTB since 1918 that are proposed for repeal. Policies are categorized by subject area and listed in alphabetical order within each category. The category title is listed in the upper right hand corner on the following pages. In addition, a hyperlinked listing of categories is placed below to facilitate searches via the "Find" command on the Toolbar.


Administration
Airport Access Fund
Airports
Bicycle and Pedestrian Facilities
Bridges and Structures
Cash and Debt Management
Census Equalization Fund
Conflicts of Interest
Construction and Design
Contracting and Procurement
Contracting and Procurement – Debarment
Contracting and Procurement – Qualification
Convict Labor
Corridors of Statewide Significance
Economic Development Access Fund
Employment and Personnel
Equipment
Ferries
Funds – Allocations, Apportionments, and Expenditures
Funds – Transfers
Hazardous Materials
Highways – Acceptances, Additions, and Abandonments
HOV Facilities
Industrial Access Railroad Track Fund
Integrated Directional Signing Program
Junkyards
Land Use
Land Use – Commercial Entrances
Limited Access Control
Maintenance
Maps
Noise Abatement
Overdimensional or Overweight Vehicles
Parking
Performance Reporting
Policy Book
Priority Transportation Fund
Protection and Use of Roads
Public Involvement
Public Private Partnerships
Rail and Grade Crossings
Recreational Access
Relocation Assistance
Research
Residential Traffic Management
Rest Areas and Waysides
Revenue Sharing
Right of Way – General
Right of Way – Minimum Standards
Road and Bridge Specifications
Roadside Management
Roadway Lighting
Scenic Highways and Byways
Sidewalks, Storm Sewers, and Drainage Structures
Signs – Markers and Memorials
Signs – Outdoor Advertising
Six-Year Improvement Program
Soil Conservation
Toll Facilities and Rates
Traffic Control
Transit
Transportation Enhancement Program
Transportation Trust Fund
Urban System
Utilities
Vegetation
Virginia Transportation Infrastructure Bank
VTrans Plans
Weight Restrictions

Work Zone Management

**Commission Membership When Adverse Interests are Represented**
**Approved: 4/11/1951**

Comment [d1]: General Administration

WHEREAS, at a regular meeting of the Highway Commission held on the 9th day of April, 1951, at Roanoke, Virginia, the propriety of members of this Commission acting in any capacity to represent an interest adverse to this Commission, the Commissioner, or the Virginia Department of Highways, was discussed; and

WHEREAS, it is felt that a member so acting may constitute just cause for criticism of this Commission;

NOW, THEREFORE, BE IT RESOLVED that it is the sense of this Commission that member thereof should refrain from acting in any capacity to represent an interest adverse to this Commission, the Commissioner, or the Virginia Department of Highways.

**Central Highway Building**
**Approved: 7/13/1939**

Comment [d2]: General Administration

Moved by Mr. Shirley, seconded by Mr. Rawls, that whereas past experience of the State Highway Commission in dispossessing any agency of Highway Department space temporarily occupied, has been sad and expensive; that space was curtailed and not assigned to it, constructed with Highway funds, and later was required to pay rent for such space; therefore be it resolved that no space of any kind in the new building being constructed exclusively for the Highway Department, be assigned to any other department or agency. Motion carried.

**Insurance on State Automobiles**
**Approved: 4/28/1927**

Comment [d3]: General Administration

Moved by Mr. Sproul, seconded by Mr. Gilmer, that the Commission take out insurance on the passenger cars belonging to the State, provided the Insurance Companies will not claim exemption from liability due to the fact that the State cannot be sued and give protection to the Commission and other State Highway employees using same, and further that competitive bids be asked for same. Motion carried.

**Office Building Property**
**Approved: 11/9/1937**

Comment [d4]: General Administration

Moved by Mr. Massie, seconded by Mr. East, that the Chairman of the State Highway Commission be authorized to buy all the remaining land in the block on which is located the Motor Vehicle Department, and the same be allowed to be used for a building site, provided the department be relieved of all rent now being paid for a period of ten years. Motion carried.

**Tax Rebate on Gasoline**
**Approved: 3/26/1931**

Comment [d5]: General Administration

Moved by Mr. Shirley, seconded by Mr. East, that as it is the opinion of the State Highway Commission that tax rebates should not be given on gasoline used for transportation, except for special purposes,

that no request be made for rebate on gasoline used on ferries operated by the State Highway Department. Motion carried.

**Use of Airport Access Funds**
**Approved: 4/18/1996**

Comment [d6]: Finance/Funding

WHEREAS, the General Assembly has from time to time amended Section 33.1-221 of the *Code of Virginia* (1950), relating to the fund for the construction of improvement of access roads to industrial sites and publicly-owned airports within the counties, cities, and towns of the Commonwealth; and

WHEREAS, the Secretary of Transportation initiated a strategic planning process known as Virginia Connections which included a study of Access Funds administered by the Department of Transportation to promote flexibility in the use of such funds for all modes of transportation and to enhance economic development throughout the Commonwealth; and

WHEREAS, the task force appointed by the Secretary of Transportation reviewed the rail, industrial, airport, and recreational access programs and recommended certain changes in the airport access program; and

WHEREAS, Section 33.1-221 of the *Code of Virginia* has been revised by Chapters 85 and 128 of the 1996 Acts of the General Assembly to change the eligibility for Airport Access Funding from only publicly owned airports to licensed, public use airports effective July 1, 1996; and

WHEREAS, the existing policy governing the use of this fund in providing access to airports was adopted some years ago and it is the sense of this Board that certain revisions and restatements of this policy is warranted.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds the Airport Access Policy adopted July 16, 1981, and adopts the following policy to govern the use of funds available for access to airports pursuant to Section 33.1-221 of the *Code of Virginia* (195), as amended:

1. The program for implementation of this policy and the funding available for this program shall be designated respectively as the Airport Access Roads Program and the Industrial, Airport, and Rail Access Fund.
2. The use of Industrial, Airport, and Rail Access Funds for airport access shall be limited to assisting in the financing of adequate access to a licensed, public use airport. Termination of access to a licensed, public use airport shall be at the property line of the airport.
3. No expenditure of Industrial, Airport, and Rail Access Funds shall be made for costs incurred prior to this Board's approval of an allocation from such fund. Costs incurred or contracts executed by or on behalf of a local government before all parties sign any required local-state project agreement are the responsibility of the local government and will not be reimbursed from the Industrial, Airport, and Rail Access Fund.
4. Industrial, Airport, and Rail Access Funds shall be used only for the design and construction of the roadway, including preliminary environmental review and standard drainage and storm water facilities required solely by construction of the road. Industrial, Airport, and Rail Access Funds shall not be used for the acquisition of right of way, the adjustment of utilities, or the attainment of necessary environmental permits.

5. Eligible items in the design and construction of an airport access road shall be limited to those essential for providing an adequate roadway facility to serve traffic generated by the airport's operations. Ineligible items normally shall include such features as storm sewers, curb and gutters, and any pavement width estimated to result from the development of the airport. Normally, a two-lane rural typical section shall be constructed but additional lanes will be considered if warranted by existing or projected traffic. A 30' pavement width on a rural typical section may be constructed in towns and cities maintaining their own street systems where the access road will consist of a new facility or an existing facility not presently eligible for highway maintenance payment under Section 33.1-41.1.
6. The governing body of a city, county, or town in which the proposed airport access road is located shall serve as the applicant and submit a formal resolution to request Industrial, Airport, and Rail Access Funds from this Board. A town whose streets are maintained under either Sections 33.1-79 or 33.1-82, *Code of Virginia*, shall file the application through the governing body of the county in which it is located. The resolution of request shall include a commitment to provide without cost to the Industrial, Airport, and Rail Access Funds, the right of way, adjustment of utilities, and necessary environmental permits.
7. Not more than $450,000 ($300,000 unmatched and $150,000 matched dollar for dollar) of the Industrial, Airport, and Rail Access Funds may be used in any fiscal year to provide access for any one airport. Local matching funds shall be provided from funds other than those administered by this Board.
8. The Department shall determine a location for the new access road and base the estimated cost on a roadway facility adequate for the anticipated traffic.
9. The Board will consult with and may rely on the recommendations of the Virginia Department of Aviation in determining the use of Industrial, Airport, and Rail Access Funds for airport access.
10. Industrial, Airport, and Rail Access Funds may be authorized only after all contingencies of this Board's allocation of funding to the project have been met for airport access.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for 24VAC30-450*.

**Use of Airport Access Funds**
**Approved: 7/16/1981**

Comment [d7]: Finance/Funding

WHEREAS, the 1980 General Assembly amended Section 33.1-221 of the *Code of Virginia* (195) relating to the fund for the construction of industrial access roads within the counties, cities and towns of the Commonwealth to include access roads to publicly owned airports; and

WHEREAS, the biennial budget expressly cosigns $500,000 annually to access roads to public airports; and

WHEREAS, it is the sense of this Commission that the needs associated with airport access are divergent from those associated with access to industrial sites; and

WHEREAS, the present policy governing the use of industrial access funds does not address the particular needs for access to public airports;

NOW, THEREFORE, BE IT RESOLVED, that the Highway and Transportation Commission hereby adopts the following policy to govern the use of industrial access funds to publicly owned airports pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of airport access funds shall be limited to the purpose of providing adequate access to publicly owned airports.
2. Airport access funds shall not be used for the acquisition of rights of way or the adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to accommodate the traffic to be served by the access road.
3. The Highway and Transportation Commission will consult and work closely with the Department of Aviation in determining the use of airport access funds and may rely on the recommendations of that agency in making decisions as to the allocation of these funds.
4. Prior to the Commission's allocation of funds for such airport access projects, the governing body of the county, city, or town shall by resolution request the access funds and make a commitment for the right of way and utility adjustment as needed.
5. Not more than $250,000 annually shall be allocated to serve any one airport.

BE IT FURTHER RESOLVED, that the above policy shall become effective immediately; it does not in any way obviate the stipulations of the Commission's current policy governing the use of industrial access funds to industrial sites dated November 20, 1980, and shall hereafter be identified as the Airport Access Policy.

## Air Landing Fields
**Approved: 4/30/1930**

Comment [d8]: Other

Moved by Mr. Gilmer, seconded by Mr. East, that the Commissioner be authorized to classify the various air landing fields, contributing the Class “A” fields $2,000.00, Class “B” fields $1,500.00 and Class “C” fields $1,000.00. Motion carried.

## Airport Landing Fields
**Approved: 3/16/1928**

Comment [d9]: Other

Moved by Mr. Gilmer, seconded by Mr. Truxtun, that the Chairman be instructed to confer with the Federal Government as to the type of landing fields and take up with the various towns and cities the furnishing of such fields, the Commission to contribute towards the construction as well as furnishing equipment to put them in the condition, provided the towns or cities will lease or purchase the fields and will put up the difference between what is contributed by the State and what is necessary to put them in proper condition. Motion carried.

**Bicycle Facilities**
**Approved: 12/19/2002**

Comment [d10]: Road Systems

**I. General Guidelines for Bicycle Facilities**

A. Local governments are encouraged to develop bicycle facilities on a local and regional basis in order to satisfy the demands within each geographic area.
B. The Department's participation in bicycle participation in bicycle facilities is oriented toward facilities that may be constructed either as part of a highway construction project or an independent transportation project.
C. Bicycle facilities can include shared wide highway lanes, paved highway shoulders, bicycle lanes, bicycle paths, multipurpose paths, and other physical improvements to better accommodate bicyclists.
D. Bicycle facilities may be constructed for access purposes when the conditions under Section V are met.

**II. COMPREHENSIVE BICYCLE PLAN DEVELOPMENT**

A. The Department will participate in comprehensive bicycle facility planning in the urbanized areas of the State (population greater than 50,000) as part of the Continuous, Comprehensive, and Cooperative ("3C") transportation planning process.
B. The Department may assist all other local governments and Planning District Commissions in developing a comprehensive bicycle facility plan when requested. This may be either technical or financial assistance.

**III. DEPARTMENT PARTICIPATION IN BICYCLE FACILITIES**

A. The Department will consider financially participating in the construction of a bicycle facility where all the following conditions are satisfied:
   1. The bicycle facility will not impair the safety of the bicyclist, motorist, or pedestrian, and is designed to meet current AASHTO guidelines and/or VDOT guidelines.
   2. The bicycle facility will be accessible to users and will form a segment located and designed pursuant to a comprehensive bicycle plan that has been adopted by the local jurisdiction or is part of the AASHTO approved Interstate Bicycle Route System.
   3. It is reasonably expected that the bicycle facility will have sufficient use in relation to cost to justify expenditure of public funds in its construction and maintenance, or the bicycle facility is a significant link in a comprehensive bicycle system that is needed for route continuity.
   4. The Department will initiate bicycle facility construction only at the request of the affected local government, with the exception of the AASHTO approved Interstate Bicycle Route System. Local government is defined as follows:

      1. Primary System Projects
         a. County Boards of Supervisors
         b. City/Town Councils
      2. Secondary System Projects
         a. County Boards of Supervisors
      3. Urban System Projects
         a. City/Town Councils

   5. Bicycle facility design plans must be coordinated with the affected local government and approved by the Department prior to any official implementation by the Department.

B. All proposed highway projects involving major construction or redevelopment along the AASHTO approved Interstate Bicycle Route System should provide the necessary design features to facilitate bike travel along those routes.
C. The Department may elect not to participate in the construction of a bicycle facility even if all the conditions in IIIa and IIIb are met.

**IV. FINANCIAL PARTICIPATION**

A. For a Department approved bicycle facility project that is constructed either concurrently with a highway project or built as an independent transportation project, the Department may financially participate as follows:

1. Primary System - in all jurisdictions, except towns under 3,500 population where the Department maintains the Primary System highways, all additional preliminary engineering, right-of-way, and 1/2 of the construction costs for the bicycle facility may be borne by the Primary System highway construction funds allocated for the Construction District. For the following exceptions, the additional costs may be borne totally by the Primary System funds allocated:
    - Towns under 3,500 population
    - Relocated Existing Bicycle Facilities
    - Paved Shoulders and Shared Roadways where provisions for such are necessary to provide for proper motor vehicle traffic service
    - AASHTO Approved Interstate Bicycle Route System (Item IV a.4)
2. Secondary System - In counties and towns where the Department maintains the Secondary System highway, all additional preliminary engineering, right-of-way, and 1/2 of the construction costs for the bicycle facility may be borne by the Secondary System highway construction funds allocated for the county. For the following exceptions, the additional costs may be borne totally by the Secondary System funds allocated:
    - Relocated Existing Bicycle Facilities
    - Paved Shoulders and Shared Roadways for highways functionally classified as Arterials or Collectors where provisions for such are necessary to provide for proper motor vehicle traffic service
    - AASHTO Approved Interstate Bicycle Route System (Item IV a.4)
3. Urban System - In all cities and towns that maintain their own highways, the cost for additional preliminary engineering, right-of-way, and construction of bicycle facilities may be borne by the Urban System construction funds allocated to the locality with the same local match required by law for construction of the highway project.
4. AASHTO Approved Interstate Bicycle Route System - For all bicycle projects located along the AASHTO approved Interstate Bicycle Route System on the Primary and Secondary Systems, the additional costs for preliminary engineering, right-of-way, and construction of the bicycle facility may be borne totally by the funds allocated by law for those systems. The additional costs for those Interstate Bicycle System projects on the Urban System may be borne by the urban funds allocated to the locality with the same local match required by law for construction of the highway project.

B. For a Department approved bicycle facility project that is built as an independent transportation project and is not associated with the primary, secondary, or urban systems, the Department's funding participation will be determined through a negotiated agreement with the locality involved.

**V. BICYCLE ACCESS FACILITIES**

The Department may participate in the development of bicycle access facilities to serve public recreational areas and historic sites based upon the current Recreational Access Fund Policy.

**VI. EXISTING ROADS**

In some instances, for route continuity, bicycle facilities may be routed over existing facilities which are not planned for expansion. In these cases, these facilities are an operational feature and usually result in the identification of a bike lane, restriction of parking, or some other physical modification to accommodate bicycle travel. It is necessary for the Transportation Planning Engineer to coordinate with the District Administrator, the District Traffic Engineer, and appropriate Divisions in the Central Office to assure agreement on the method of treatment for a bikeway over an existing route. All of the conditions of Sections III and IV need to be met. Financial participation will be the same as in Section IV.

**VII. MAJOR DEVELOPMENTS AND SITE PLANS**

A. When bicycle facilities are considered as a part of the total development of a tract of property where the road system will be maintained in the future by the Department and the local government requires bikeways in new developments, the following conditions must be satisfied:
   1. The bicycle element of the entire plan for the development must be reviewed and approved by the local government prior to final approval by the Transportation Planning Engineer. Appropriate review must be made, and communication regarding the resolution of bicycle facility systems must be carried on between the Resident Engineer, District Traffic Engineer, and the Transportation Planning Engineer.
   2. Along any roadways identified in the site plan, which will be maintained in the future by the Department, a bike trail may be incorporated into the development parallel to but off of the right-of-way dedicated for street purposes. The maintenance and the responsibility for operating the bike trail would fall on the owner which would be either the locality, the developer, or other entity with the responsibility of maintenance of the common land of the development and not the responsibility of this Department. The bike trail right-of-way will be exclusive of the road right-of-way; thus, future changes and/or modifications in the bike trail would not be the responsibility of this Department.
   3. Bikeways within the roadway right-of-way shall be designed to meet AASHTO guidelines and/or VDOT guidelines.

B. For major developments and site plans where the road system will not be maintained in the future by the Department, all bicycle facility connections to Department maintained facilities shall be subject to review and approval by the District Administrator.

**VIII. MAINTENANCE**

The department will maintain approved bicycle facilities located within the right-of-way for roadways which are under its operational control, except for snow and ice removal. If the Department does not maintain the adjacent road then the bicycle facility must be maintained by others.

## Bicycle Facilities

**Approved: 12/20/1990**

Comment [d11]: Road Systems

### I. General Guidelines for Bicycle Facilities

A. Local governments are encouraged to develop bicycle facilities on a local and regional basis in order to satisfy the demands within each geographic area.

B. The Department's participation in bicycle facilities is principally oriented toward facilities that may be constructed with a roadway improvement as part of the highway construction project.

C. Bicycle facilities can include shared wide highway lanes, paved highway shoulders, bicycle lanes, bicycle paths, multipurpose paths, and other physical improvements to better accommodate bicyclists.
D. Bicycle facilities may be constructed for access purposes when the conditions under Section V are met.

**II. Comprehensive Bicycle Plan Development**

A. The Department will participate in comprehensive bicycle facility planning in the urbanized areas of the State (population greater than 50,000) as part of the Continuous, Comprehensive, and Cooperative ("3C') transportation planning process.

B. The Department may assist all other local governments and Planning District commissions in developing a comprehensive bicycle facility plan when requested. This may be either technical or financial assistance.

**III. Department Participation in Bicycle Facilities**

A. The Department will consider financially participating in the construction of a bicycle facility where all the following conditions are satisfied:

1. The bicycle facility will not impair the safety of the bicyclist, motorist, or pedestrian, and is designed to meet current AASHTO guidelines and/or VDOT guidelines.
2. The bicycle facility will be accessible to users and will form a segment located and designed pursuant to a comprehensive bicycle plan that has been adopted by the local jurisdiction or is part of the AASHTO approve Interstate Bicycle Route System.
3. It is reasonably expected that the bicycle facility will have sufficient use in relation to cost to justify expenditure of public funds in its construction and maintenance, or the bicycle facility is a significant link in a comprehensive bicycle system that is needed for route continuity.
4. The Department will initiate bicycle facility construction only at the request of the affected local government, with the exception of the AASHTO approved Interstate Bicycle Route System. Local government is defined as follows:

    1. Primary System Projects
        a. County Boards of Supervisors
        b. City/Town Councils
    2. Secondary System Projects
        a. County Boards of Supervisors
    3. Urban System Projects
        a. City/Town Councils

5. Bicycle facility design plans must be coordinated with the affected local government and approved by the Department prior to any official implementation by the Department.
6. The bicycle facility is constructed concurrently with a highway construction project with the exception of the conditions in Sections V and VI.

B. All proposed highway projects involving major construction or redevelopment along the AASHTO approved Interstate Bicycle Route System should provide the necessary design features to facilitate bike travel along those routes.

C. The Department may elect not to participate in the construction of a bicycle facility even if all the conditions in IIIa and IIIb are met.

**IV. Financial Participation**

A. For a Department approved bicycle facility project that is constructed concurrently with a highway project, the Department may financially participate as follows:

1. Primary System – in all jurisdictions, except towns under 3,500 population where the Department maintains the Primary System highways, all additional preliminary engineering, right-of-way, and ½ of the construction costs for the bicycle facility may be borne by the Primary System highway construction funds allocated for the Construction District. For the following exceptions, the additional costs may be borne totally by the Primary System funds allocated:

    i. Towns under 3,500 population
    ii. Relocated Existing Bicycle Facilities
    iii. Paved Shoulders and Shared Roadways where provisions for such are necessary to provide for proper motor vehicle traffic service
    iv. AASHTO Approved Interstate Bicycle Route System (Item IV a.4)

2. Secondary System – In counties and towns where the Department maintains the Secondary System highway, all additional preliminary engineering, right-of-way, and ½ of the construction costs for the bicycle facility may be borne by the Secondary System highway construction funds allocated for the county. For the following exceptions, the additional costs may be borne totally by the Secondary System funds allocated:

    i. Relocated Existing Bicycle Facilities
    ii. Paved Shoulders and Shared Roadways where provisions for such are necessary to provide for proper motor vehicle traffic service
    iii. AASHTO Approved Interstate Bicycle Route System (Item IV a.4)

3. Urban System – In all cities and towns that maintain their own highways, the cost for additional preliminary engineering, right-of-way, and construction of bicycle facilities may be borne by the Urban Systems construction funds allocated to the locality with the same local match required by law for the construction of the highway project.

4. AASHTO Approved Interstate Bicycle Route – For all bicycle projects located along the AASHTO approved Interstate Bicycle Route System on the Primary and Secondary Systems, the additional costs for preliminary engineering, right-of-way, and construction of the bicycle facility may be borne totally by the funds allocated by law for those systems. The additional costs for those Interstate Bicycle System projects on the Urban System may be borne by the urban funds allocated to the locality with the same local match required by law for construction of the highway project.

**V. Bicycle Access Facilities**

A. The Department may participate in the development of bicycle access facilities to serve public recreational areas and historic sites based upon the current Recreational Access Fund Policy.

## VI. Existing Roads

In some instances, for route continuity, bicycle facilities may be routed over existing facilities which are not planned for expansion. In these cases, these facilities are an operational feature and usually result in the identification of a bike lane, restriction of parking, or some other physical modification to accommodate bicycle travel. It is necessary for the Transportation Planning Engineer to coordinate with the District Administrator, the District Traffic Engineer, and appropriate Divisions in the Central Office to assure agreement on the method of treatment for a bikeway over an existing route. All of the conditions of Sections III and IV need to be met except for III.a.6. Financial participation will be the same as in Section IV.

## VII. Major Developments and Site Plans

A. When bicycle facilities are considered as a part of the total development of a tract of property where the road system will be maintained in the future by the Department and the local government requires bikeways in new developments, the following conditions must be satisfied:

    1. The bicycle element of the entire plan for the development must be reviewed and approved by the local government prior to final approval by the Transportation Planning Engineer. Appropriate review must be made, and communication regarding the resolution of bicycle facility systems must be carried on between the Resident Engineer, District Traffic Engineer, and the Transportation Planning Engineer.
    2. Along any roadways identified in the site plan, which will be maintained in the future by the Department, a bike trail may be incorporated into the development parallel to but off of the right-of-way dedicated for street purposes. The maintenance and the responsibility for operating the bike trail would fall on the owner which would be either the locality, the developer, or other entity with the responsibility of maintenance of the common land of the development and not the responsibility of this Department. The bike trail right-of-way will be exclusive of the road right-of-way; thus, future changes and/or modifications in the bike trail would not be the responsibility of this Department.
    3. Bikeways within the roadway right-of-way shall be designated to meet AASHTO guidelines and/or VDOT guidelines.

B. For major developments and site plans where the road system will not be maintained in the future by the Department, all bicycle facility connections to Department maintained facilities shall be subject to review and approval by the District Administrator.

## VIII. Maintenance

The Department will maintain approved bicycle facilities located within the right-of-way for roadways which are under its operational control, except for snow and ice removal. If the Department does not maintain the adjacent road then the bicycle facility must be maintained by others.

## Policy for Signs Requiring Operators of Motor Vehicles to Yield the Right-of-Way To Pedestrians in Crosswalks

**Approved: 3/15/2001**

Comment [d12]: Operations

**PURPOSE**

The purpose of this policy is to establish the criteria for the design, location and installation of signs requiring operators of motor vehicles to yield the right-of-way to pedestrians in crosswalks in certain localities as prescribed in § 46.2-924 of the *Code of Virginia*.

**CRITERIA**

The signs used to identify those specific crosswalks where the increased penalty will be enforced shall be in accordance with the attached sign design. Location of such signs may be at any crosswalk on any non-limited access highway as determined by the localities prescribed in § 46.2-924 of the *Code of Virginia*.

Installation and maintenance of such signs shall be accomplished by the localities and shall conform to the applicable requirements of the Federal Manual on Uniform Traffic Control Devices for Streets and Highways.

This sign is intended to be used in conjunction with § 46.2-924 of the *Code of Virginia* to indicate that motorists must yield to pedestrians in the crosswalks and to notify them of the monetary range of the fine when found to be in violation of this regulation.

| | | |
|---|---|---|
| **SHAPE** | | Horizontal Rectangle |
| **COLOR** | Message and Border: | Black (Non-Reflectorized) |
| | Field: | White (Reflectorized) |
| **SIZE** | Horizontal: | 36” |
| | Vertical: | 30” |
| **MESSAGE** | Line 1 Capitals: | 4” D |
| | Line 2 Capitals: | 3” C |
| | Line 3 Capitals: | 3” C |
| | Bar: | 5/8” |
| | Line 4 Capitals: | 3” C |
| | Line 5 Capitals: | 3” C |
| **MARGIN WIDTH** | | 3/8” |
| **BORDER WIDTH** | | 5/8” |
| **CORNER RADIUS** | | 1 ½” |

Note: Vertical spacing between the lines of message is 2". Vertical spacing between Lines 3 and 4 and the bar is 111/32". Length of the bar is 32". Message shall be centered vertically and horizontally between the borders. Where conditions prevent the installation of this sign due to its size, the sign may be downsized appropriately provided the message is retained and is of sufficient size for motorist legibility.

## Policy for Signs Requiring Operators of Motor Vehicles to Yield the Right-of-Way To Pedestrians in Crosswalks

**Approved: 9/21/2000**

Comment [d13]: Operations

**PURPOSE**

The purpose of this policy is to establish the criteria for the design, location and installation of signs requiring operators of motor vehicles to yield the right-of-way to pedestrians in crosswalks in certain localities as prescribed in § 46.2-924 of the *Code of Virginia*.

**CRITERIA**

The signs used to identify those specific crosswalks where the increased penalty will be enforced shall be in accordance with the attached sign design. Location of such signs may be at any crosswalk on any non-limited access highway as determined by the localities prescribed in § 46.2-924 of the *Code of Virginia*.


Installation and maintenance of such signs shall be accomplished by the localities and shall conform to the applicable requirements of the Federal *Manual on Uniform Traffic Control Devices for Streets and Highways*.

This sign is intended to be used in conjunction with Section 46.2-924 of the *Code of Virginia* to indicate that motorists must yield to pedestrians in the crosswalks and to notify them of the monetary range of the fine when found to be in violation of this regulation.

| | | |
|---|---|---|
| **SHAPE** | | Horizontal Rectangle |
| **COLOR** | Message and Border: | Black (Non-Reflectorized) |
| | Field: | White (Reflectorized) |
| **SIZE** | Horizontal: | 36” |
| | Vertical: | 30” |
| **MESSAGE** | Line 1 Capitals: | 4” D |
| | Line 2 Capitals: | 3” C |
| | Line 3 Capitals: | 3” C |
| | Bar: | 5/8” |
| | Line 4 Capitals: | 3” C |
| | Line 5 Capitals: | 3” C |
| **MARGIN WIDTH** | | 3/8” |
| **BORDER WIDTH** | | 5/8” |
| **CORNER RADIUS** | | 1 ½” |

Note: Vertical spacing between the lines of message is 2". Vertical spacing between Lines 3 and 4 and the bar is 1 11/32". Length of the bar is 32". Message shall be centered vertically and horizontally between the borders. Where conditions prevent the installation of this sign due to its size, the sign may be downsized appropriately provided the message is retained and is of sufficient size for motorist legibility.

**State Participation in Building Sidewalks**
**Approved: 1/13/1938**

Comment [d14]: Road Systems

Moved by Mr. Wysor, seconded by Mr. Rawls, that the question of building sidewalks adjacent to highways having been carefully considered, that the Commission is of the opinion that the State should not pay more than 50% of the total cost of the improvement, and that the property owner and county pay the other 50%. Motion carried.

**Erecting Bridges**
**Approved: 4/28/1927**

Moved by Mr. Gilmer, seconded by Mr. Massie, that the Commission require of any Bridge Company erecting bridges across the James River, the Nansemond River, and Chuckatuck Creek, to meet the same conditions as provided in the Act of the Legislature chartering the James River Bridge Company. Motion carried.

Comment [d15]: Road Systems

**Fishing from Bridges**
**Approved: 10/10/1940**

Moved by Mr. Rawls, seconded by Mr. Shirley, that the previous ruling of the Commission prohibiting fishing from State bridges, be confirmed. Motion carried.

*Editor's Note: The General Rules and Regulations of the Commonwealth Transportation Board addresses fishing from bridges. This regulation, 24VAC30-20*, was repealed as of Marc3, 2011, and replaced with 24VAC30-21, which became effective on the same date.

Comment [d16]: Road Systems

**Fishing from Bridges**
**Approved: 7/25/1940**

Moved by Mr. Shirley, seconded by Mr. Rawls, that all privileges for fishing off of State highway bridges be withdrawn and no fishing be allowed from any primary or secondary bridge. Motion carried.

Comment [d17]: Road Systems

**Census Equalization Fund**
**Approved: 4/20/1961**

Comment [d18]: Finance/Funding

WHEREAS, the 1960 census has shown that some of the counties have not increased in population at a rate as great as has the State as a whole; and

WHEREAS, this change in ratio of population adversely affects the distribution of Secondary funds by formulae to those counties; and

WHEREAS, it is the feeling of the Commission that the needs in each county are such that any large reduction in funds allocated therefor would prevent the satisfactory maintenance and improvement of the Secondary roads in those counties adversely affected by the results of the 1960 census;

NOW, THEREFORE, BE IT RESOLVED: That the total allocation by formulae to the several counties be the same as for 1960-61 and after providing for other necessary items that the balance of the Secondary allocation for 1961-62 be set up as a CENSUS EQUALIZATION FUND to be distributed to the counties adversely affected by the census in direct proportion to the difference between their allocation by formulae for fiscal 1960-61 and 1961-62; and

BE IT FURTHER RESOLVED: That in future years, as additional funds for allocation become available to the Secondary System, the above referred to CENSUS EQUALIZATION FUND which has been distributed to counties shall diminish as the funds distributed by formulae increase, until such time as the amount distributed to each county by formulae shall equal the amount distributed by formulae to each county in 1960-61.

**Adoption of the Virginia Conflict of Interests Act as Official Policy of the Department of Highways and Transportation**
**Approved: 6/16/1983**

Comment [d19]: General Administration

WHEREAS, the Virginia Conflict of Interests Act, Sections 2.1-347 to 358 of the *Code of Virginia* of 1950, as amended, regulates nepotistic practices by prohibiting the employment of an individual in a direct supervisory capacity over a spouse or any other relative residing in the same household, where the annual salary of the subordinate employee is ten thousand dollars or more; and

WHEREAS, it was the intent of the General Assembly in writing the Conflict of Interests Act "to establish a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests so that the standards of conduct of such officers and employees may be uniform throughout the Commonwealth"; and

WHEREAS, it is the recommendation of the Department's Personnel Office and the Director of Administration, concurred in by the Office of the Attorney General, that in the interest of consistency and uniformity the application of state law and administrative procedures, the Virginia Conflict of Interests Act be adopted in lieu of the Department's current policy on nepotism;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Conflict of Interests Act is hereby adopted as the official policy of the Department of Highways and Transportation, and that all previous policies in the area of conflict of interests or nepotism are hereby repealed; and

BE IT FURTHER RESOLVED, that pursuant to Section 2.1-348(f)(5) of the *Code of Virginia* of 1950, as amended, particular employees may be exempted from the maximum salary or other requirements of the Act under exceptional circumstances upon the request of the State Highway and Transportation Commissioner to the appropriate cabinet secretary, which request may be based upon written recommendation of the District Engineer or the Division Head for the District or Division where the employee is located; and

BE IT ALSO FURTHER RESOLVED, that in the event that an employee is exempted from the restrictions of the Act as outlined above, all subsequent decisions related to hiring, promotion, termination, transfer, disciplinary actions, merit increases, salary raises or decreases, or evaluations of the subordinate employee will be made by higher level of authority than the person in the supervisory position, as required by Section 2.1-348(f)(5) of the *Code of Virginia* of 1950, as amended.

**Conflicts of Interest Concerning Highway Commission or Board Members**
**Approved: 5/23/1962**

Comment [d20]: General Administration

WHEREAS, during recent investigations of Highway Construction practices in many states questions have arisen in regard to conflicts of interest on the part of certain highway commission or board members; and

WHEREAS, while no questions have arisen in regard to any conflicts of interest on the part of any member of the Highway Commission of Virginia, it is felt that it would be advisable for this Commission to state its policy in regard to the matter.

NOW, THEREFORE, BE IT RESOLVED: That no member of the Highway Commission of Virginia, during his term of office, shall have, directly or indirectly, any financial or other personal interest in any contract or subcontract entered into by the Virginia Department of Highways.

**Nepotism**
**Approved: 4/21/1960**

Comment [d21]: General Administration

WHEREAS, a study has been made of the Highway Department's present policy on nepotism to determine the necessity for revision and a restatement by the Highway Commission of its policy; and

WHEREAS, this study has revealed that the present policy has worked satisfactorily for over twenty years and has effectively kept the Department from overstaffing its organization with an excess of related personnel; and

WHEREAS, it has been further revealed that the emergency has ceased to exist for which the policy was relaxed in 1956 to permit the employment of trainees for technical positions, but the necessity still exists for allowing employment of civil engineering graduates within the prohibited relationship;

NOW, THEREFORE, BE IT RESOLVED: That all prior action of the State Highway Commission relating to nepotism be and is hereby rescinded, and the policy in the future shall be that no person shall be employed on a permanent basis in the Department where the relationship by blood is husband, wife, father, mother, brother, sister, son, daughter, uncle, aunt, nephew, or niece; no person shall be employed where the relationship by marriage is father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; and no employee may be in charge of any other employee who is related to him in the degree of first cousin or closer by blood or marriage.

BE IT FURTHER RESOLVED: That as long as an emergency exists, the above policy shall be relaxed to permit employment of graduate civil engineers within the prohibited relationship. Motion carried.

**Nepotism**
**Approved: 8/9/1956**

Comment [d22]: General Administration

WHEREAS, the Department is losing the service of many good college and high school graduates due to our strict policy covering nepotism, and

WHEREAS, with the increased highway program the competition is keen in recruiting personnel, and

WHEREAS, we must increase our forces by recruitment and training of these recruits for technical positions;

NOW, THEREFORE BE IT RESOLVED, that during this emergency our policy be relaxed to permit employment of persons who are qualified to hold technical positions, such as college, preparatory school and high school graduates who will be employed as trainees for technical positions.

**Nepotism**
**Approved: 6/25/1936**

Comment [d23]: General Administration

Moved by Mr. East, seconded by Mr. Massie, that the Commission adopt a policy of not employing any close relatives, that is in the immediate family, of the employees and officers of the Department, but that it be not retroactive against any now employed.

## Arterial Network Policy
**Approved: 3/19/1964**

Comment [d24]: Road Systems

WHEREAS, this Commission has been presented a report by the department's engineers covering the establishment of an Arterial Network of Highways throughout the Commonwealth and further that this need was evidenced in a report submitted to the Governor of Virginia and the General Assembly by the Highway Study Commission, and;

WHEREAS, the General Assembly, as a result of this Study Commission's recommendations, did amend the *Code of Virginia* Section 23.1, authorizing the State Highway Commission to establish within the State Highway System an arterial network of highways to supplement and complement the Interstate System, and;

WHEREAS, according to the *Code of Virginia*, as amended, highways qualifying for inclusion in the Arterial Network must meet the following criteria:

1) Supplement and complement the Interstate System to form a complete network of through highways to serve both interstate and principal interstate traffic flow;
2) Carry a sufficient volume of traffic by 1975 to warrant a minimum of four lanes;
3) Carry a substantial volume of heavy trucks and buses in through traffic;
4) Serve as the principal routes of major traffic corridors;
5) Provide reasonable connections to or between the major cities and towns in the State; and
6) Have been declared by resolution of the State Highway Commission to be portions of the Arterial Network of the State Highway System, and;

WHEREAS, this Commission has previously endorsed the Study Commission's recommendations as well as those of the Department's engineers in the 1962 Highway Needs Report.

NOW, THEREFORE, BE IT RESOLVED, that a system of highways hereafter designated as the Arterial Network be established consisting of approximately 1,672 miles and comprising the primary highways as described by the attached listing by the highway construction districts and indicated on the accompanying map.

*Editor's Note: The referenced attachment and map are not included here. To obtain copies, contact the VDOT Policy Division.*

## Construction of Highways
**Approved: 4/22/1936**

Comment [d25]: Road Systems

Moved by Mr. Wysor, seconded by Mr. Rawls, that the following policy of the Commission relative to the construction of the highway system.

There has been constructed on the primary 3,500 miles of durable type surfacing and approximately 500 miles of oiled and bituminous surfaced roads.

It costs approximately $25,000.00 per mile for the durable type and about $2,500.00 for the oil treated. If the Commission had surfaced the 5,000 miles of oiled roads with a more durable surface it would have cost 125 million, whereas there has only been expended 12 and one-half million for the oiled

roads. This would make a difference of one-hundred-twelve and one-half (112 ½) million dollars which the Commission did not have. Interest on the 1,112 ½ million at 4% would amount to 4 ½ million annually.

It costs about $200.00 per mile per year more to maintain an oiled road than a more durable type and this excess cost on 500 miles would be one million, leaving three and one-half million interest charges that would have been built and there would be only 4,000 miles of surfaced roads in the highway system, whereas we have 8,500 miles that can be traveled in comfort without mud or dust 365 days of the year.

During the past fourteen years the oiled surface roads have only broken up once or twice and can be restored at not a great cost.

The figures given by the Bureau of Public Roads, that there is saved approximately 3¢ per vehicle per mile in traveling over surfaced roads rather than mud and dusty roads, show a large savings to the traveling public has been affected by the plan used.

There is traveled in the State approximately four and one-half (4 ½) billion vehicle per miles per year, 70% of which is outside of the cities and about one billion traveled on the 5,000 miles of oiled roads, making a saving of thirty million dollars per year by oiling the 5,000 miles. This, plus the three and one-half (3 ½) million interest charge would make an annual savings of 33 ½ million dollars to the traveling public.

The plan adopted also had the advantage of giving a surfaced road to every incorporated town, county seat and connecting every city, as well as giving tourist access to the many points of historical and other interests in the State. This trade has been estimated at a value between seventy and eighty million dollars annually.
The method used is known as “stage construction” and gives the maximum road service to the largest number of people with the funds in hand. If a bond issue has been authorized, making a large sum available immediately, the logical thing to have done would have been to construct the principal primary roads of the most durable materials; but where the pay-as-you-go plan had to be used it spread over a much very longer period. It was, therefore, necessary to give as much road service as possible with the funds in hand and not to use a so expensive surface.

We have also been mindful of those citizens who have paid their license fees and gas tax for some years and expected to have the roads of their communities improved, but this fulfillment would have been long delayed had the more durable type of surfacing been used.

The law passed in 1932 requiring the Commission to take over approximately 38,000 miles of county roads also reduced the funds available for the construction of the primary system as part of the burden of maintaining these roads was placed against the State highway primary funds. This, however, relieved the tax payers of the counties of between three and four million dollars annually that they heretofore had to pay in taxes on their property.

Of the five cent of gas tax, three cents goes to maintenance and construction of the roads in the secondary system and two cents to the primary system.

In addition to the large amount of highway funds transferred to the secondary system, the Commission was instructed to reorganize the department so as to give as much relief work as possible and it has been operating for the past four years on this basis. All projects were located where the unemployment

was the greatest and to increase the amount of work hand labor and local materials were used wherever possible. Thousands of people were given work and a livelihood who otherwise would have been in dire need and distress.

If sufficient funds were available it would be the policy of the Commission to immediately construct the main trunk highways with the most modern and durable surface, and all Federal aid funds are now being used to this end; but, due to the large mileage in the highway system the present plan of construction and maintenance cannot be greatly deviated from until additional funds have been provided. Motion carried.

**Design and Construction of Roads in Government Reservations**
**Approved: 9/5/1940**

Comment [d26]: Road Systems

Moved by Mr. Massie, seconded by Mr. Wysor, that the Commissioner be authorized to cooperate with the Federal Government in building roads within Government Reservations, provided the Government pays all costs. Motion carried.

**Erecting Bridges**
**Approved: 4/28/1927**

Comment [d27]: Road Systems

See Erecting Bridges

**Establishment of Objective Criteria for the Selection of Design-Build Projects**
**Approved: 10/17/2001**

Comment [d28]: Road Systems

**BACKGROUND**

During the 2001 Virginia Legislative Session, the General Assembly of Virginia amended and reenacted § 33.1-12 of the *Code of Virginia*, relating to powers and duties of the Commonwealth Transportation Board authorizing the award of design-build contracts.

**POLICY**

The Commonwealth Transportation Board may award contracts for the construction of transportation projects on a design-build basis with following limitations:

1. The Board may annually award five design-build contracts valued at no more than $20 million each.
2. The Board may also award design-build contracts valued at more than $20 million each, provided that no more than five of these contracts are in force at the same time.
3. The Commonwealth Transportation Commissioner shall make a written determination, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed.

**DEFINITIONS**

The words defined herewith shall have the meaning set forth below throughout this document.

a) “Best Value” means the overall combination of quality, price and various elements of the required services that in total are optimal relative to VDOT’s needs, as predetermined in the solicitation.
b) “Board” means The Commonwealth Transportation Board.
c) “Design-Build Contract” means a contract between VDOT and a design-build firm in which the design-build firm agrees to both design and build the structure, roadway, or other item in the contract.
d) “Design-Build Firm” means any company, firm, partnership, corporation, association, joint venture, or other entity permitted by law to practice engineering, architecture and construction contracting in the Commonwealth of Virginia which has the capability, in all

e) respects, to perform fully the contract requirements and business integrity and reliability which will assure good faith performance, and which has been prequalified, if required.
f) "Fixed Price" means the price of services provided by the design-build firm is fixed before bidding by VDOT. The bids are judged on the overall combination of quality and various other elements of the required services which in total are optimal relative to VDOT's needs, as predetermined in the solicitation.
g) "Low Bid" means the contract will be awarded to the design-build firm with the lowest priced responsive bid.
h) "Project" or "Transportation Project" means any project that VDOT is authorized by law to undertake including, but not limited to, a highway, tollway, bridge, mass transit, intelligent transportation system, traffic management, traveler information services, or any other project for transportation purposes.
i) "Request for Proposal (RFP)" means all documents whether attached or incorporated by reference utilized for soliciting proposals. The RFP is the second step of a two step competitive negotiation process in which VDOT issues a written request to those design-build firms which have been prequalified to submit both technical and price proposals.
j) "Request for Qualifications (RFQ)" means all documents whether attached or incorporated by reference utilized for soliciting interested persons to apply for prequalification. The RFQ is the first step of a two step competitive negotiation process for the purpose of inviting interested qualified design-build firms to apply for prequalification.
k) "VDOT" means the Virginia Department of Transportation, or any duly authorized representative thereof.

**PROCEDURE**

VDOT will prepare a finding of public interest and shall include the appropriate justification showing why the design-build process is in the best interest of the Commonwealth of Virginia. The finding shall indicate how the Commonwealth of Virginia will benefit from the design-build procurement process. The finding may include anticipated savings such as time, cost, or reduced administrative burdens through expedited delivery; benefits derived from warranties such as improved service life, safety, or quality; preservation of VDOT's capital assets; or reduction in the risks associated with transportation projects.

Upon the Commonwealth Transportation Commissioner's determination that the proposed project meets the Objective Criteria approved by the Board, the Commonwealth Transportation Commissioner will authorize the use of the design-build procurement process for the development of the project. The Board may award the design-build contract upon completion of the VDOT's successful invitations for bids and negotiations of the contract.

**OBJECTIVE CRITERIA**

The objective criteria for selecting projects for design-build procurement process contracts shall include one or more criteria items listed below. The criteria include expedited schedule, established budget, well defined scope, favorable risk analysis, prequalification of design-build firms and use of a competitive bidding process.

Expedited Schedule - The project has an expedited schedule or fixed completion date. Using the design-build procurement method will reduce the overall project completion time compared to the design-bid-build method.

Established Budget – The project has an established budget. VDOT requires that the project be completed at or near the established cost without significant overruns. The design-build procurement method will reduce the overall project cost compared to design-bid-build method.

Well-defined scope - The project has a well-defined scope and performance requirements. VDOT has clear understanding of the project scope and the final project. The scope is defined to achieve desired results with room for innovation in the design and construction efforts.

Risk Analysis - The project imposes limited risk to VDOT with the exception of directed changes. The project has a limited number of issues that must be resolved such as utility conflicts, right-of-way acquisitions, geo-technical conditions, hazardous materials, wetlands and environmental concerns or other such issues. Risk management plans have been fully developed.

Prequalification of Design-Build Firms - The project requirements clearly define the necessary qualifications that a design-build firm must have. The prequalification requirements and process shall be established in writing and sufficiently in advance of the filing date to allow potential design-build firms a fair opportunity to complete the process. The design-build firm wishing to submit a proposal on a design-build project shall be prequalified under existing process if there is no project RFQ, or must be qualified based on evaluation criteria set forth in the project RFQ.

Competitive Bidding Processes - The project affords an opportunity for competition in its procurement. VDOT will review the overall design-build program and select projects of various size and scope to ensure maximum participation and competition among qualified design-build firms. VDOT will facilitate fairness by incorporating appropriate measures for competitive design-build proposals. The RFPs for the projects selected for the design-build program will clearly state the selection criteria and evaluation method in determining the successful design-build firm. VDOT may include, but is not limited to, the following types of projects for the design-build contracts:

- Emergency and repair projects;
- Projects directly impacting public safety;
- Projects directly supporting economic development/enhancement;
- Projects using specialty or innovative designs and construction methods or techniques;
- Projects to maximize the use of available funding (i.e. Federal, Bonds, FRANS, etc.); and
- Projects deemed by VDOT to have expedited scheduling requirements.

VDOT may also use various bases for awarding a design-build contract as appropriate. The bases of awarding such contracts shall be adequately described in the RFP for the transportation projects. Such bases may include, but are not limited to, the following:

- Best Value,
- Low Bid,
- Fixed Price.

## Location of State Highways

**Approved: 4/21/1955**

Comment [d29]: Road Systems

WHEREAS, in view of the rapid change in highway development and the need to establish an over-all program to keep pace with such change and development, the Virginia State Highway Commission desires to state and define its policy and procedure with reference to the adoption of the location and relocation of any State highway which is to be constructed as a part of the Interstate System, or as a By-Pass, or other extraordinary project in the State Highway System involving the control of access, and

WHEREAS, Section 33-51 of the *Code of Virginia* of 1950, as amended, provides, that, "The roads embraced within 'The State Highway System' shall be established, constructed and maintained exclusively by the State under the direction and supervision of the Commissioner, with such State funds as may hereafter be appropriated and made available for such purposes, together with such appropriations as may be hereafter made by any county, district, city or town in this State. The State Highway Commission may apply funds becoming available for the State Highway System from proceeds of the tax on motor fuel to the maintenance of roads and projects in the State Highway System, as well as to the construction thereof, as now provided by law.", and

WHEREAS, Section 35-12 of the *Code of Virginia* of 1950, as amended, provides in part as follows: "The State Highway Commission shall be vested with the following powers . . . (1) To locate and establish he routes to be followed by the roads comprising the State Highway System between the points designated in the establishment of such a system.", and

Whereas, Section 33-17 of the *Code of Virginia* of 1950, as amended, provides that, "When a route has already been located and established in pursuance of law no change shall be made in such route by the Commission under the provisions of paragraph (1) of Section 33-12, and the Commission shall not locate, and establish any route under such provisions unless and until thirty days' written notice of its proposed action shall have been given to the clerk of the circuit court of the county in which the route to be located and established, or any part thereof, is situated and also unless and until such notice shall have been published at least once in a newspaper published in such county or counties, or in some newspaper having general circulation therein, not less than thirty days before the proposed action of the Commission and until a local hearing shall have been had by the Commission, if the same be requested. Immediately upon the receipt of such notice, the clerk shall notify the board of supervisors or other governing body and the local road authorities of such county. Within thirty days after the filing of such report with the clerk of the court, the board of supervisors or other governing body or local road authorities of such county, or any fifty or more free holders thereof, may apply to the Commission for a rehearing of its decision location and establishing any such route and the Commission shall thereupon, within a reasonable time, hear such application and its decision on such rehearing shall be final.", and

WHEREAS, Section 33-35 of the *Code of Virginia* of 1950, as amended, provides, in part that, "The State Highway Commission may acquire by gift, purchase, exchange, condemnation or otherwise, such lands or interest therein, necessary or proper for the purpose, and may construct and improve thereon such by-passes or extensions and connections of the primary system of State highways through or around cities and incorporated towns, as the Commission may deem necessary for the uses of the State Highway System;" and

WHEREAS, Article III, Chapter I of Title 33, *Code of Virginia* of 1950, as amended, defines a limited access highway and empowers the State Highway Commission to plan, designate, acquire, construct, etc., such limited access highways, in the same manner as any other highways in this State, and Whereas, in order that the Commission may act in the best interest of the State in the selection and adoption of locations of State Highways, or sections thereof, being considered for adoption and construction as projects on the Interstate System involving the control of access, it is required by the Commission that it have before it all pertinent data relative thereto, including engineering and economic analysis respecting particular projects,

NOW, THEREFORE, BE IT RESOLVED by the Virginia State Highway Commission, that the following procedure is hereby established for determination of the location or relocation of any State Highway, or portion thereof, which is proposed to be constructed as a part of the Interstate System or as a By-Pass or any other extraordinary project in the State Highway System involving control of access.

1. A public meeting is to be conducted by the member of the State Highway Commission in whose district the project is proposed, assisted by the Highway Engineering Staff, for the purpose of informing the elected officials and other interested citizens of the proposed action, and to obtain suggestions.
2. Following such meeting the Department will then work up proposed lines with alternates on aerial photographs or maps, developing information pertaining to construction, right of way, utility costs, traffic and safety data, and other needed information, and the Chief Engineer and his Associates will review and submit the report to the Commission with recommendations. The Commission may: (1) approve the recommendations, or (2) require a public hearing.
3. If a public hearing is necessary, the Chief Engineer shall make the necessary arrangements, i.e. post notices, sent out publicity, exhibits, tape recording and other details. The Commissioner or a member of the Commission will preside. He will (1) Introduce officials. (2) State the purpose of the meeting. (3) Call on State Engineer to present the report with his recommendations. (4) Call on others to speak for or against recommendations.
4. In all cases in which a relocation of an existing primary road is proposed, at least thirty days prior to the adoption by the Commission of any such relocation written notice of the proposed action shall be given to the clerk of the Circuit Court of the county in which such road is situated and such notice published at least once in a newspaper having general circulation in the area. In the event an appeal to the Commission for a rehearing as provided in Section 33-17 of the *Code of Virginia* of 1950, as amended, such hearing shall be conducted insofar as possible in the manner set forth in paragraph 3 above.

**Time Extension for Construction**
**Approved: 9/29/1936**

Comment [d30]: Contracting

Moved by Mr. Massie, seconded by Mr. Rawls, that the policy of allowing five days extension of time on winter work projects be discontinued and the Chief Engineer be instructed to make recommendations as to the exact time that should be allowed contractors due to difficulties beyond their control. Motion carried.

*Editor's Note: For current policy concerning this topic, consult VDOT's Road and Bridge Specifications. The current edition is accessible from the VDOT Web site under the "Manuals" link.*

**Use of Cutback Asphalt**
**Approved: 7/18/1985**

Comment [d31]: Road Systems

WHEREAS, the Department agreed in 1978 to limit its use of cut-back type asphalt, such action was taken for the purpose of offsetting an increase in air pollution anticipated as a consequence of an oil refinery planned for the Tidewater area, the plans for which have been dropped, and

WHEREAS, the Department wishes to continue to assist in achieving state and national goals to improve air quality and, at the same time, provide for the use of cut-back in instances where there is a temporary shortage of emulsion-type material and/or where physical conditions dictate the use of cut-back,

NOW, THEREFORE, BE IT RESOLVED, that, where practicable, the Department will endeavor to limit its use of cut-back to no more than 10% of the total asphalt used statewide and will maintain records on its use of both cut-back and emulsion-type asphalts.

**Use of Cutback Asphalt**
**Approved: 5/18/1978**

Comment [d32]: Road Systems

WHEREAS, to assist in achieving State and national goals to improve the environment by reducing air pollution, the Virginia Department of Highways and Transportation will govern the use of cutback asphalt in maintenance and construction activities performed by the Department and its contractors; and

WHEREAS, emulsified asphalts have been improved in recent years and are now readily available for maintenance and construction activities both in the winter and summer months; and

WHEREAS, the use of emulsified asphalts reduce the total amount of hydrocarbons introduced into the air resulting in less pollution of our environment;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Highway and Transportation Commission does approve the use of emulsified asphalts in maintenance and construction activities, both by the Department and its contractors, and shall reduce the use of cutback asphalts statewide so as not to exceed ten percent of the total asphalt used, and shall limit its cutback asphalt in the Richmond, Suffolk, and Fredericksburg Highway Districts not to exceed 4,850 tons per year.

## Annual Bond for Bidding Purposes
**Approved: 3/4/1947**

Comment [d33]: Contracting

Moved by General Anderson, seconded by Mr. DeHardit, that the Commission allow an annual bond for bidding purposes as an alternate to the present procedure of putting up a certified check or bid bond with each bid by contractors who bid on highway work. Motion carried.

## Bidding Procedures for Highway Projects
**Approved: 9/18/1980**

Comment [d34]: Contracting

The Department's practices in this area are not foolproof, but Mr. King stated the Commission, the Department, the people of Virginia, and the industry must be assured that we have done everything in our power to eliminate deceit in bidding on highway contracts paid for by public funds. The objective of our evaluation has been to tighten the present procedures even further, and it is toward that objective that the following changes will occur:

1. The Department's Management Services Division conducts an audit of the contract award procedures every two years. In the future, the audit will be performed annually, and its scope and depth will be expanded.

2. The Attorney General has offered to develop a training program for our personnel to help them recognize illegal activities if and when they occur in the bidding procedures. We will accept this offer.

3. The Attorney General has offered to help us develop a charting system which may lead to the detection of any unusual bidding patterns, similar to a system used in his own office. We will also accept this offer.

4. Some concern has been expressed about gatherings of contractors at a Richmond area hotel on the evening before the opening of bids. The Department does not participate in those gatherings, and we have no knowledge of our employees having attended them in the past. However, we will formally advise our employees that they are specifically prohibited from attending such meetings.

   Some have suggested that our practice of placing a bid box in the hotel's public lobby for an hour on bid-opening mornings tends to encourage these gatherings of contractors. The box has been placed there in the past, with two of our employees with it, because of the parking problems near our offices downtown and in the interest of encouraging competition in bidding. However, because of questions which have been raised about the box, it will be used no longer. Contractors will be required to submit their bids at our downtown offices, and we will attempt to make provisions to alleviate the probable parking problems.

5. For many years, the Department has required all bids to be accompanied by a notarized statement stating that the bid is not a result of collusion or fraud. At its 1980 session, the General Assembly passed a new Governmental Frauds Act that makes collusion or fraud in bidding on public contracts a Class 6 felony. In the future, we will require with each bid a statement as authorized under this Act that it has not been fraudulently developed.

6. As part of our prequalification procedures, contractors will be required in the future to notify the Department within 10 days of any changes made in the officers or ownership of their organizations.

7. The estimating section in our Construction Division will be expanded from three to approximately seven or eight employees to strengthen our estimating procedure. The section will be assigned the responsibility of obtaining actual cost figures for labor, materials, and equipment instead of relying primarily on historical cost data in preparing cost estimates.

**Bonds on Contracts**
**Approved: 10/9/1929**

Comment [d35]: Contracting

Moved by Mr. Truxtun, seconded by Mr. East, that the Commissioner be authorized to increase the amount of bond on contracts from 30% to 100% less the cost of cement. Motion carried.

**Certified Check Required of Contractors**
**Approved: 3/27/1923**

Comment [d36]: Contracting

Moved by Mr. Sproul, seconded by Mr. Sanders, that in submitting bids the contractors will be required to put up a certified or cashier's check for $500.00 on contracts amounting to less than $100,000.00 and $1,000.00 on contracts amounting to $100,000.00 or more. Motion carried.

**Contracts – Bituminous Material**
**Approved: 6/16/1942**

Comment [d37]: Contracting

Moved by Mr. Rawls, seconded by Mr. Wysor, that the Commissioner be authorized to cancel any Bituminous Material contracts reduced more than 25 percent under Federal regulations, if the contractor so desires. Motion carried.

**Disadvantaged Business Enterprises - Memorandum of Agreement**
**Approved: 11/16/1983**

Comment [d38]: Contracting

Mr. King briefed the Commission on pending federal legislation affecting Virginia, and the Disadvantaged Business Enterprise policies and goals were also discussed. On motion of Mr. Vaughan, seconded by Mr. Quicke, the Commission concurred in the execution of a Memorandum of Agreement between the Department and Secretary Fogarty on DBEs, as attached.

MEMORANDUM OF UNDERSTANDING
DBE Program

MEMORANDUM

To: Honorable Andrew B. Fogarty

As per our discussion with members of my staff, your office, and Secretary Diener and Carolyn Jefferson-Moss this day, we are asking your concurrence in the Special Provisions.

Under the Department of Highways and Transportation's current Special Provisions covering contract requirements for the utilization of DBEs, the contractor is obligated to furnish a plan for utilizing DBEs during the various phases of operation, shown on the Schedule of Operations. The DBE Plans and Schedule of Operations are required to be submitted subsequent to award of the contract and within thirty days after the date of the Notice to Proceed. Names of DBEs, specific work they are to perform and the dollar amount to be paid to DBEs are to be submitted prior to beginning the phase during which DBE utilization is to occur.

The U.S. Department of Transportation regulations implementing the Surface Transportation Assistance Act of 1987 require that DBEs to be utilized on a contract be named prior to award of the contract. Inasmuch as there is a slight discrepancy between the Department's Special Provisions and the DOT regulations concerning the time for submission of DBE names, it as been determined that the Department should request, through the Federal Highway Administration, a variance from this part of the regulation to permit submission of DBE names subsequent to award of contract.

It has further been determined that in order to obtain DBE names earlier than is required under current Special Provisions, the Special Provisions will be revised to require submission of such names as part of the plan for utilization of DBEs within thirty days after the date of the notice to proceed. Sanctions for failure to carry out the plan will remain as currently required in the Special Provision.

The request for variation will include a request that the proposed changes in the Special Provision be accepted on an interim basis in order to allow for continued advertising until such time as the final DOT approval of the variance can be obtained.

In an effort to provide as much information as possible to contractors concerning available DBEs, the Office of Minority Business Enterprise will develop a directory of DBEs for distribution in December 1983. The directory will contain as much information as can be obtained from DBE firms concerning their capability, experience and capacity.

*Editor's Note: An APA-exempt regulation, "Certification Procedures for the Disadvantaged and Women-Owned Business Program has been filed by description as an Administrative Process Act-exempt regulation under 24 VAC 30-240.*

**Establishment of Objective Criteria for the Selection of Design-Build Projects**
**Approved: 10/17/2001**

Comment [d39]: Road Systems

See Establishment of Objective Criteria for the Selection of Design-Build Projects

**Gifts and Gratuities Policy**
**Approved: 6/271963**

Comment [d40]: General Administration

WHEREAS, the Virginia Highway Commission believes it necessary to establish a firm policy with regard to gifts to Department personnel by Contractors.

NOW, THEREFORE, BE IT RESOLVED, that the Department is authorized and directed to add the following special provision to the 1958 ROAD AND BRIDGE SPECIFICATIONS:

There shall be no gifts or gratuities given by the Contractor to any personnel of the Department. Any gifts of fuel, lubricants, antifreeze, batteries, tires, alcoholic beverages, foods, credit, wholesale credit,

loans or other financial assistance, or any favor or gratuity of any nature whatsoever by the Contractor shall be a violation of this provision.

If the Chief Engineer shall determine that the Contractor or the Contractor's employees, representatives, agents or any person acting in his behalf have violated this provision, the Contractor may, at the discretion of the Chief Engineer, be disqualified from bidding on future contracts with the Department and any implicated employees, agents or representatives of the Contractor may be prohibited from working upon any contract let by the Department within this Commonwealth.

The decision of the Chief Engineer shall be binding on all parties.

A Contractor, having been disqualified in accordance with the above, may be reinstated only by petition to any [sic] approval by the State Highway Commission.

**Insurance Provisions**
**Approved: 5/25/1932**

Comment [d41]: Contracting

Moved by Mr. Massie, seconded by Mr. Truxtun, that each contract carry a provision whereby the contractor and bondsman will be responsible for compensation insurance for all employees, including those of the subcontractor. Motion carried.

**Out-of-State Contractors**
**Approved: 10/6/1932**

Comment [d42]: Contracting

Moved by Mr. Shirley, seconded by Mr. East, that the Chairman be authorized to exclude contractors and those furnishing materials and other supplies from state where such restrictions have been placed against contractors and citizens of Virginia.

**Publishing of Contractor Names**
**Approved: 7/21/1966**

Comment [d43]: Contracting

WHEREAS, the Administration and Policy Committees and the Commission have studied the contract procedures of the Department; and

WHEREAS, the Committees have questioned the propriety of publishing the names of all contractors who take out bidding proposals without the consent of the contractor; and

WHEREAS, this matter has been thoroughly discussed by the Committees and a representative of the contractors has been heard; now, therefore,

BE IT RESOLVED, that in the event a contractor objects to his name being published and so states in writing, the Department will not publish his name; and

BE IT FURTHER RESOLVED, that this matter is to be left open in order that it may be further studied if it is felt wise to do so.

## Purchase of Stone for Roadwork
**Approved: 4/20/1934**

Comment [d44]: General Administration

Moved by Mr. Massie, seconded by Mr. Rawls, that the policy of the State Highway Commission in buying stone for State road work is to purchase it from the State Lime Grinding Plants where their bids are the lowest. Motion carried.

## Purchase Policy
**Approved: 9/20/1979**

Comment [d45]: General Administration

On motion of Mr. Mohr, seconded by Mr. Fralin, the Highway Purchasing Policy was revised to increase the limits in the amount of purchases as sealed bids from $200 to $500, except in cases of emergency.

## Purchase Policy - General
**Approved: 10/15/1964**

Comment [d46]: General Administration

- All purchases shall be controlled by the office of the Purchasing Agent.
- All purchases for which the gross amount is estimated to exceed $200 shall be purchased on the basis of sealed bids, except in cases of emergency.
- Specifications for highway materials, equipment and supplies shall be developed by the Purchasing Agent or appropriate engineer after consultation with the using division or divisions.
- Specifications shall be broad enough to permit full competition among all makes and products which are considered capable of giving satisfactory performance.
- So far as practicable, all materials, equipment and supplies purchased shall be makes and products considered to be standard in the industry.
- Requirements for special makes or modification of standard designs should be avoided.
- Bids shall be invited from all known sources of supply, and bidders lists should be maintained by the Purchasing Division.
- The award shall be made to the bidder submitting the lowest bid meeting the required specifications and conditions.
- It shall be understood that the right is reserved to reject any and all quotations, and to waive technicalities as may be in the best interest of the State.
- The Purchasing Agent may in his discretion require of the successful bidder a bond payable to the Department of Highways, in the sum of not less than one-third of the amount of the bid, to insure proper execution of the terms of the order.
- The Purchasing Agent shall prescribe and publish rules and regulations implementing this policy.

## Requirements for Contractors
**Approved: 3/27/1923**

Comment [d47]: Contracting

Moved by Mr. Massie, seconded by Mr. Sanders, that the State Highway Commission hereby give notice that all contractors doing work in the State of Virginia, must immediately get to work on their contracts and complete them within the time specified in the contract and that if the contracts are not completed on time the penalty set forth in such contracts will be strictly enforced. Motion carried.

## Submitting Bids
**Approved: 12/12/1934**

Comment [d48]: Contracting

Moved by Mr. Massie, seconded by Mr. East, that in submitting bids for supplies and contract, and hour be set as the time these bids should be in and that no changes, withdrawals or accepting of any bids be allowed after the hour so stated in the advertisement. Motion carried.

## Policy for Debarment of Contractors Applied to Bidders That Contract as Suppliers
**Approved: 7/21/1983**

Comment [d49]: Operations (24VAC30-340)

WHEREAS, in February 1981, this Commission adopted a Policy and Procedures for the Debarment of Contractors in order to better deal with the debarment and reinstatement of contractors involved in collusive activities or exhibiting a lack of moral responsibility; and

WHEREAS, the definition of contractor contained therein might be interpreted to restrict application of the Policy to only those contractors bidding construction work that are on the list of prequalified bidders; and

WHEREAS, the Virginia Public Procurement Act requires all debarment policies be in writing;

NOW, THEREFORE, BE IT RESOLVED, that the Commission Policy and Procedures for Debarment of Contractors be applied not only to prequalified bidders but to those bidders that contract with the Virginia Department of Highways and Transportation as suppliers through its Administrative Services Division; and

BE IT FURTHER RESOLVED, that the language of the Policy be amended to conform with the intent of this resolution so as to include contractors bidding to supply goods and services let by the Administrative Services Division of the Department.

*Editor's Note: This policy has been filed by description as an Administrative Process Act-exempt regulation under 24 VAC 30-340. For the current official version of this regulation, contact the Policy Division.*

## Policy and Procedures for the Debarment of Contractors
**Approved: 2/19/1981**

Comment [d50]: Operations (24VAC30-340)

I. Preamble – These guidelines embody in a general way certain policies and procedures employed by the Highway and Transportation Commission regarding the debarment of contractors in instances where there is cause to believe that a contractor lacks the necessary qualities of moral and/or ethical integrity which qualities are an integral part of any contractor's responsibility.

II. Purpose – These guidelines reflect policies which seek to protect the interests of the citizens of the Commonwealth generally and the Commission particularly in the award of contracts to firms and individuals who can qualify as lowest, responsible bidders. Among these interests are open competition in bidding, impartiality in selection of contracts bid, integrity in business practices and skillful performance of public contracts. The Commission, as the governing body of a public contracting agency is vest with wide discretion in the determination of a contractor's "responsibility" and particularly so as that term relates to its moral and ethical ingredients.

III. Definitions

A. Debarment – A disqualification from contracting with the Commission because of the perceived non-responsibility of the contractor.

B. Contractor – Any person, partnership, corporation or other business entity which is eligible to bid or desires to bid on construction work let by the Commission.

C. Affiliate – Any business entity which is closely connected or associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly, or, when a third party has the power to control or controls both, or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are a single entity.

D. Bidding Crime – Any act prohibited by state or federal law committed in any jurisdiction involving fraud, conspiracy, collusion, lying or material misrepresentation with respect to bidding on any contract public or private.

IV. Debarment

A. The Commissioner may in his sole discretion, debar a contractor or its affiliates from bidding on Commission contracts for any of the following reasons reflecting a lack of moral or ethical integrity:

1. Conviction of a bidding crime resulting from a jury or bench trial, any plea of guilty or nolo contendere, any public admission of any contractor, any presentation of an unindicted coconspirator, any testimony protected by a grant of immunity of any contractor in any jurisdiction.
2. Conviction of any offenses indicating a lack of moral or ethical integrity as may reasonably be perceived to relate to or reflect upon the business practices of the company.
3. Any other cause affecting responsibility as a VDHT contractor of a serious and compelling nature.
4. Debarment by some other state or federal agency for substantially any of the reasons listed above.

B. It is the policy of the Commission that the contractor be given an informal hearing, if he so requests, either before or after the debarment. The determination as to whether the hearing will be granted before or after the debarment shall be within the sole discretion of the Commissioner. In those situations where the Commissioner determines to hold the hearing prior to deciding whether debarment is proper, he shall send written notice to the affected contractor or its agent by mail stating: (1) that debarment is being considered, (2) the general reasons that suggest the debarment and (3) that the contractor will be accorded an opportunity for an informal hearing, if he so requests. His request must be in the hands of the Department no later than 13 days subsequent to the posting of the written notice. Further, unless by mutual agreement it is otherwise agreed, the hearing will be held no later than 14 days subsequent to receipt of the contractor's request for the hearing. The decision of the Commissioner will be rendered no later than 30 days subsequent to the next regularly scheduled meeting of the Commission.

C. In those circumstances where the Commissioner determines that the debarment is appropriate prior to hearing, the Commissioner shall send written notice to the affected contractor or its agent by registered mail stating: (1) that the affected contractor has been debarred, (2) the general reasons for the debarment and (3) that the contractor will be accorded the opportunity for a hearing, if he so requests, within 10 days of the receipt of the written notice of the debarment. If the contractor notifies the Commissioner that he desires the hearing, unless

mutually agreed otherwise, the hearing will be held no later than 14 days subsequent to the contractor's request. The decision as to whether to reinstate will be that of the Commission and will be rendered no later than 30 days subsequent to the next regularly scheduled meeting of the Commission.

D. Debarment shall be for a period of 36 months.

E. At the discretion of the Commission, a debarment may be lifted or suspended at any time, if it is in the public interest to do so. Any mitigating circumstances may be considered in the decision to impose or lift or suspend debarment and may include, but shall not be limited to: (1) the degree of culpability of the contractor, (2) whether under the facts and circumstances of the case a lengthy debarment will form a protection to the Commonwealth, (3) restitution by the debarred contractor to the Commonwealth for any perceived overcharges or other damages resulting from a bidding crime. The Commission believes such restitution may indicate an acknowledgement by the contractor of the wrongfulness of his act or acts and may indicate the sincerity of his desire to rectify his future conduct; (4) cooperation by the debarred contractor with the Commonwealth and the United States and/or other sovereign body in the investigation of bidding crimes, including a full and complete account of the contractor's particular involvement therein; (5) disassociation with individuals and firms that have been involved in a bidding crime.

F. The Commission recognizes that the passage of time alone may not necessarily cure a contractor's lack of responsibility as that term relates to moral and ethical integrity. Accordingly, the Commission, in its discretion, may direct the Commissioner to hold a hearing, no later than 15 days prior to the last day of the term of the debarment and require the contractor to show cause why the debarment should not continue. Upon the report of the Commissioner, if the Commission in its sole discretion determines that the contractor has failed to demonstrate that he meets the standard of a responsible bidder, then the Commission may continue the debarment for up to 12 additional months. The same show cause requirement of this rule shall apply to the added period of debarment and should the Commission determine another hearing is necessary, and the contractor at the next hearing fails to demonstrate to the sole satisfaction of the Commission that he meets the standard of responsibility, another period of up to 12 months debarment may be imposed by the Commission. These same procedures and provisions shall continue for each successive extension of the original debarment until such a time as the Commission has determined the contractor meets the criteria of a responsible bidder.

V. Rules Applicable to the Debarment

A. For purposes of debarment the illegal or improper conduct of an individual may be fully imputed to the business firm with which he is or was associated or by whom he is or was employed where that conduct was engaged within the course of his employment or with knowledge or approval of the business firm or thereafter ratified by it.

B. Debarment of a contractor in no way affects the obligations of the contractor to the Commonwealth for services to VDHT already under contract.

C. If the Commission finds that inquiry into and review of any debarment would not be in the public interest because such action may impede, hinder or delay federal or state investigations into a bidding crime, such inquiry may be delayed until those investigations are concluded. Such a

finding shall be made only after notice and an opportunity to be heard is afforded the affected contractor.

D. Any contractor currently qualified to bid by the Commission on its contracts shall have a duty to notify the Commissioner if it is convicted of any bidding crime within thirty days thereafter. Failure to do so is a serious and compelling offense sufficient to result in debarment in and of itself.

VI. Notice to Contractor

A copy of these guidelines shall be mailed to each prequalified contractor and to each contractor heretofore debarred or suspended.

*Editor's Note: This policy has been filed by description as an Administrative Process Act-exempt regulation under 24 VAC 30-340. For the current official version of this regulation, see Debarment and/or Suspension Policy.*

**Prequalification of Contractors**
**Approved: 8/18/1960**

Comment [d51]: Operations (24VAC30-130)

WHEREAS, the State Highway Commission is vested with the power and duty to let all contracts for the construction, improvement, and maintenance of roads comprising the four State Highway Systems; and

WHEREAS, § 33-101 of the *Code of Virginia* of 1950 provides that all such contracts are to be let to the lowest responsible bidder; and

WHEREAS, in order to determine whether or not a bidder is responsible requires the submission of detailed information so that he may be classified according to the type and amount of such work he is able to perform; now, therefore

BE IT RESOLVED: That all persons proposing to bid on State Highway work must furnish statements, under oath, in response to a questionnaire designated CONTRACTORS FINANCIAL EXPERIENCE AND SWORN STATEMENTS which has been formulated by the Commission and which may be changed from time to time. This questionnaire is designed to fully disclose the financial ability, adequacy of plant and equipment, organization, prior experience, and such other pertinent and material facts as are deemed desirable.

The information contained in the questionnaire will be made available to a three-member Committee which is herewith established within the Department of Highways composed of a representative of the Chief Engineer's office, a representative of the Construction Division, and the Fiscal Director. The Committee shall use this information in determining the classification of such bidder, according to the type and amount of work for which he is permitted to bid.

The contractor will be qualified according to financial ability in classes ranging from $50,000 to unlimited, in such amounts, and by such formula as may be determined.

One copy of this form must be submitted for original qualification and thereafter before June 1st of each year, and each prospective bidder may be required to file additional statements from time to time to keep the information herein contained current, and if deemed necessary by this Committee, to file with his bid on each proposal a revised statement to reflect conditions at the time of bidding.

Each prospective bidder will be advised of his classification as determined by the Committee. A contractor desirous of securing a change of classification due to change in financial condition may file an intermediate statement. Any contractor dissatisfied with his classification may make application to the State Highway Commissioner for a review of his case. Such application shall be in writing and shall set forth the reasons for the request. If upon review sufficient evidence is presented which justifies a change in classification of the contractor the same may thereafter be made.

A contractor may be furnished as many forms as desired, but, if his total bid price for all projects exceeds his rating, he will only be awarded projects up to the amount of his rating.

**Prequalification of Contractors – Limits for Minimum and No Plan Contracts**
**Approved: 4/21/1983**

Comment [d52]: Operations (24VAC30-140); repealed.

On motion of Mr. Vaughan, seconded by Mr. Guiffre, the Commission voted to extend from $100,000 to $300,000 the prequalification limits for minimum and no plan project contracts.

**Prequalification of Contractors - Minimum and No-Plan Improvements**
**Approved: 6/20/1974**

Comment [d53]: Operations (24VAC30-140); repealed

WHEREAS, the State Highway Commission has by previous resolution dated August 18, 1960, adopted a policy requiring all person proposing to bid on State Highway work to prequalify; and

WHEREAS, the State Highway Department from time to time lets contracts for minimum and no-plan improvements of existing State roads which are incidental to the operation of the Highway systems; and

WHEREAS, the Commission has deemed it advisable to adopt a limited prequalification system for contractors proposing to bid exclusively on minimum and no-plan construction, maintenance, or improvement projects.

NOW, THEREFORE, BE IT RESOLVED, that contractors proposing to bid on contracts let by the State Highway Department for minimum and no-plan improvements of State roads be required to prequalify in accordance with the "Rules and Regulations" of the Department for such projects wherein prequalification will be determined based upon financial ability, adequacy of equipment, experience and other pertinent facts as may be desired or required to establish eligibility to bid upon projects in the amount of up to $100,000.

**Qualification and Classification of Bidders**
**Approved: 8/18/1960**

Comment [d54]: Duplicate entry for above; remove.

WHEREAS, the State Highway Commission is vested with power and duty to let all contracts for the construction, improvement and maintenance of roads comprising the four State Highway Systems; and

WHEREAS, § 33-101 of the *Code of Virginia* pf 1950 provides that all such contracts are to be let to the lowest responsible bidder; and

WHEREAS, in order to determine whether or not a bidder is responsible requires the submission of detailed information so that he may be classified according to the type and amount of such work he is able to perform; now, therefore

BE IT RESOLVED: That all persons proposing to bid on State Highway work must furnish statements, under oath, in response to a questionnaire designated CONTRACTORS FINANCIAL EXPERIENCE AND SWORN STATEMENTS which has been formulated by the Commission and which may be changed from time to time. This questionnaire is designed to fully disclose the financial ability, adequacy of plant and equipment, organization, prior experience, and such other pertinent material facts as are deemed desirable.

The information contained in the questionnaire will be made available to a three-member Committee which is herewith established within the Department of Highways composed of a representative of the Chief Engineer's office, a representative of the Construction Division and the Fiscal Director. The Committee shall use this information in determining the classification of each bidder, according to the type and amount of work for which he is permitted to bid.

The contractor will be qualified according to financial ability in classes ranging from $50,000 to unlimited, in such amounts, and by such formula as may be determined.

One copy of this form must be submitted for original qualification and thereafter before June 1st of each year, and each prospective bidder may be required to file additional statements from time to time to keep the information herein contained current, and if deemed necessary by the Committee, to file with his bid on each proposal a revised statement to reflect conditions at the time of bidding.

Each prospective bidder will be advised of his classification as determined by the Committee. A contractor desirous of securing a change of classification due to change in financial condition may file an intermediate statement. Any contractor dissatisfied with his classification may make application to the State Highway Commissioner for a review of his case. Such application shall be in writing and shall set forth the reasons for the request. If upon review sufficient evidence is present which justifies a change in classification of the contractor the same may thereafter be made.

A contractor may be furnished as many bid forms as desired, but, if his total bid price for all projects exceeds his rating, he will only be awarded projects up to the amount of his rating.

**Registration of Subcontractors**
**Approved: 7/20/1989**

Comment [d55]: Operations (24VAc30-230) – repealed April, 1995

WHEREAS, the Department conducts a mandatory program of prequalification for contracting companies desiring to bid as prime contractors on highway improvement projects in the Commonwealth; and

WHEREAS, companies wishing to perform as subcontractors may do so at present without the direction of any regulatory process of the Department; and

WHEREAS, a proposed Subcontractor Registration Program has been developed to clarify requirements for subcontractors wishing to work on publicly-financed highway projects; provide a mechanism by which the Department may address problems resulting from failure of subcontractors to perform satisfactorily, and provide information hopeful to the Department in determining the full capacity of the contracting industry; and

WHEREAS, in the judgment of the Commonwealth Transportation Board the administration of the highway construction program will be strengthened by the registration program and that the program will not cause undue hardship on firms performing as subcontractors;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the Subcontractor Registration Program and directs the Department to proceed with its implementation.

**Rules and Regulations Governing Prequalification of Prospective Bidders**
**Approved: 9/30/1975**

Comment [d56]: Operations (24VAC30-130)

WHEREAS, on Tuesday September 23, 1975, at 9:45 a.m., pursuant to newspaper advertisement, informational proceedings as to proposed rules and regulations governing prequalification of prospective bidders were conducted by Mr. W. S. G. Britton, the Commission's specially designated subordinate; and

WHEREAS, the proposed rules and regulations are necessary to determine whether or not a bidder on a contract of the Commission is financially responsible and competent to perform the work bid so as to carry out the statutory mandate of Section 33.1-187 of the *Code of Virginia* (1950) as amended, to let all contracts "to the lowest responsible bidder."; and

WHEREAS, Mr. Britton reported to the Commission that no testimony other than the written statement submitted by the Department, which is made a part hereof, was presented, either orally or in writing; and

WHEREAS, the purpose of said proposed rules and regulations, which was elaborated on in the written statement submitted by the Department, is to set out wheat is required by the Commission as to financial ability, adequacy of plant, equipment and organization, experience, and the relevant information necessary to establish the competency and financial responsibility of the applicant. The proposed rules and regulation also describe the standards utilized in reaching a determination and the various classifications of bidders. The proposed rules and regulations explain the reasons that a Certificate of Qualification may be revoked and the procedures to appealing revocation or an adverse determination as to qualification. The proposed rules and regulations also incorporate the prequalification and classification of prospective bidders for minimum and no plan projects which are defined therein;

NOW, THEREFORE, BE IT RESOLVED, that the rules and regulations governing prequalification of prospective bidders be, and they are, hereby adopted as proposed, including all of the forms referred to in the text of said proposed rules.

PUBLIC NOTICE - RULES AND REGULATIONS GOVERNING PREQUALIFICATION OF PROSPECTIVE BIDDERS

Section 33.1-187 of the *Code of Virginia* of 1950 as amended provides that all Highway contracts be let to the lowest responsible bidder.

The State Highway and Transportation Commission is vested with the authority and responsibility to contract for construction improvements and maintenance of roads comprising the four State Highway Systems.

In order to determine whether or not a bidder is responsible, the submission of detailed information is requested prerequisite to bidding. Such information is utilized to prequalify the interested contractor as to the type and amount of each work the contractor is able to perform.

In the implementation of this procedure and objective, the presented rules and regulations governing the prequalification of prospective bidders have been developed. The objective of the proposed rules and regulation is to insure that a stable and efficient contract award program is maintained. Such as program will assure contracts awarded without undue delay after bids have been opened to financially responsible and competent contractors whose work will be performed without additional cost to the citizens of the Commonwealth.

A summary description of the published rules is as follows:

I. The purpose of the prequalifying effort is described:

A. To administer a stable and efficient contract award program.

B. To minimize delay in awarding contracts after bids have been opened.
C. To insure the Commonwealth and the public that all contracts are awarded to competent and financially responsible bidders.

II. Definitions of the various Terms utilized in the rules and regulations are presented.

III. This is a statement of requirements in general.

A. All persons proposing to bid work advertised by the Department must furnish a statement under oath in response to a questionnaire as furnished by the Commissioner or his designated agent.
B. Such statements shall fully develop the financial ability, adequacy of plant, the equipment and organization, experience and relevant information necessary to establish the competency and financial responsibility of the applicant.
C. Application for prequalification must be presented 30 days prior to the date on which the prospective bidders propose to submit a bid.

IV. Statements to be provided under oath.

The prospective bidder must furnish under oat the following statements:

A. A statement of financial ability.
B. A statement as to plant and equipment.
C. A statement as to organization.
D. A statement as to prior and current experience of the contractor.
E. A statement providing an accurate and sufficient record of the work performed in the past five years of the contractor.
F. A statement listing in detail any liens, stop notices, or claims filed against the contractor within the past five years.
G. A statement setting forth any other relevant, pertinent and material facts.

V. Classification.

Each bidder is required to state the classification desired; specifically,

1. General Highway Construction.
2. Grading and Minor Structures.
3. Major Structures.
4. Paving.
5. Miscellaneous Items.

The contractor may be classified in more than one type of work provided his equipment, organization and experience support such a presentation.

The maximum capacity rating represents the final stated prequalification and is defined in dollars. The maximum capacity rate is the product of the contractor's ability factor (scored from 2 to 12) times his financial statement as presented in Item IV stated above; specifically "A statement prepared by an independent certified public accountant as to financial ability."

VI. Appeals Procedure.

This describes the prospective bidder's rights to a hearing before the Prequalification Committee, should he be dissatisfied with his classification and/or rating. He further has the right to appeal the decision of the Prequalification Committee to a Board of Review whose decision will be final and binding.

VII. Bidding Authorization.

This requires prospective bidders to submit a prequalification assembly at least once every year in order to continue prequalification assembly at least once every year in order to continue prequalification. It states that no bids will be accepted from bidders who have not been prequalified no will bids be accepted for work proposed, for work different in type, or greater in amount than any prequalification entitles. The State Highway and Transportation Commissioner of Virginia reserves the right to reject any bid prior to the actual awarding of a contract when, in his opinion, developments subsequent to prequalification effect the capability or financial responsibility of the bidder. However, prior to taking such action, the bidder will be notified and he will be afforded the opportunity to present additional information as might substantiate the existing prequalification.

VIII. Certificate of Capacity.

In order that the total contract commitment of a contractor may be defined, a bidder must submit with each bid proposal a certification of prior contract commitment underway. Such commitment underway will be deducted from the proposed bidder's maximum capacity rating. In the event of a false certification, the contract may be required to forfeit the proposal guaranty and/or may be disqualified from bidding on future work for a 90-day period.

IX. Following the completion of all contract work, a Confidential Past Performance Report will be developed by the State Highway and Transportation District Engineer and this information will be utilized in developing the ability rating factor. The past performance report for the past five years or the five most recent reports on file with the Department, whichever is the lesser number, will be used in determining the contractor's ability factor.

X. Subcontractors.

A. All contractors proposing to sublet work contracted by the Department must comply with all the foregoing regulations in regard to prequalification.
B. No contractor engaged to work under contract with the Department will be permitted to sublet any part of the construction work to be performed under the terms of that contract to a contractor who has not been prequalified.

XI. False Statements in Questionnaire or at Hearing.

Any person who willfully makes or causes to be made any false, deceptive or fraudulent statement on the questionnaire required to be submitted or in the course of any hearing under these regulations may be temporarily or permanently disqualified from bidding on all work advertised by the Department.

XII. Joint Venture Bids.

Any combination of bidders may bid jointly, specifying the portion of the proposal for which each will be responsible, in which case each bidder must have sufficient bidding capacity to cover his share. In the

event bidders fail to designate the respective portions, the proposal amount will be equally divided among the joint bidders and each bidder must have sufficient bidding capacity to cover his specific share.

XIII. Subletting.

The contractor will be given credit only for sublet work on contracts with the Department and only for such work as listed on forms furnished by the Department in the proposal for the applicable project.

XIV. Revocation of Certificate of Qualification.

The certification of qualification may be revoked and a contractor disqualified if:

A. He has been declared in default on previous contracts.
B. The contractor has made false certifications on the bidder certification of prequalification or any of the other applications for prequalification.
C. It is determined that the contractor has violated 108.06 of the Road and Bridge Specifications. This section of the specifications speaks of the presentation of gifts and gratuities.
D. A Federal agency has debarred the contractor from performing on Federal-aid projects.
E. Any other action or inaction on the part of the contractor which the Prequalification Committee deems to be of sufficient magnitude as to warrant revocation.
F. It is determined that the contractor has participated in collusion.

In addition to the prequalification system heretofore discussed, the Department administers another system known as the Minimum and No Plan Prequalification System. This system was first authorized by the Commission on July 20, 1974 for those contractors who wish to bid on Minimum and No Plan projects having a value of $100,000 or less. Its requirements parallel the requirements, standards and procedures heretofore discussed.

*Editor's Note: This policy has been classified as an Administrative Process Act-exempt regulation, and was filed by description under 23 VAC 30-130. The current version of this regulation is accessible from the VDOT Web site at "Prequalification, DBE Certification, EEO, Equal Opportunity, and Bidding Process."*

**System for Prequalification of Contractors**
**Approved: 8/20/1964**

Comment [d57]: Operations (24VAC30-130)

WHEREAS, the State Highway Commission authorized the prequalification of contractors who desire to bid on contracts for the construction, maintenance or repair of roads comprising the various State highway systems in order to determine the lowest responsible bidder in a resolution adopted August 18, 1960;

WHEREAS, the Commission with the assistance of its Engineering Staff and the firm of Highway Management Associates has developed and established a system for the prequalification of contractors;

WHEREAS, this prequalification system is recommended by the Department's Engineering Staff and its Consultants and has been reviewed by the Commission's Planning and Finance Committee, and has been approved by this Committee; therefore,

BE IT RESOLVED, that the State Highway Commission hereby adopts this prequalification system as presented and proposed by the Engineering Staff of the Department and its Consultants.

**Convict Camps**
**Approved: 7/19/1962**

Comment [d58]: General Administration

WHEREAS, the Virginia State Highway Commission on June 6, 1956, adopted a resolution setting forth a policy on convict forces, which statement of policy is presently in need of amendment in order to meet problems presented by highway development.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commissioner be and is hereby authorized to approve appropriate directives for the administration of convict camp affairs.

BE IT FURTHER RESOLVED that all previous policies enacted by this Commission regarding convict camps be and the same are hereby repealed and rescinded.

*Editor's Note: No record can be found of a State Highway Commission having been held on June 6, 1956. It appears that the referenced action was adopted at the Commission's meeting on June 22, 1956.*

**Convict Camps – Allocations**
**Approved: 7/31/1935**

Comment [d59]: General Administration

Moved by Mr. Rawls, seconded by Mr. Massie, that the allocations to convict camps follow the camps. Motion carried.

**Convict Camps – Allocations**
**Approved: 9/10/1924**

Comment [d60]: General Administration

Moved by Mr. Truxtun, seconded by Mr. Huff that the chairman be authorized when necessary to appropriate sufficient money for the upkeep for convict camps to run them until other allocations are made. Motion carried.

**Convict Camps - Location**
**Approved: 6/16/1942**

Comment [d61]: General Administration

Moved by Mr. Rawls, seconded by Mr. Wysor, that the Commissioner be authorized to make any changes in the location of convict camps as he deems necessary, due to the changing conditions. Motion carried.

**Convict Camps – Number of Convicts**
**Approved: 3/16/1928**

Comment [d62]: General Administration

Moved by Mr. Massie, seconded by Mr. Gilmer, that the State Highway Commission is willing to take care of convicts not to exceed 2,000 and provide necessary equipment, etc, if the Prison Control Board will feed and clothe them, otherwise they have not funds available to take care of more than they have at the present time, namely 1,600. Motion carried.

**Convict Camps – Quarry Sites**
**Approved: 5/12/1936**

Moved by Mr. Wysor, seconded by Mr. Rawls, that the Chairman be authorized to purchase quarry sites at which to place the convict camps during the three or four winter months. Motion carried.

**Comment [d63]:** General Administration

**Convict Labor**
**Approved: 7/31/1930**

Moved by Mr. Massie, seconded by Mr. East, that Convict Labor be charged at the rate of 15¢ per hour for the actual convict labor used on projects. Motion carried.

**Comment [d64]:** General Administration

**Policy Concerning Payment to Non-Support Prisoners Sentenced to State Convict Road Force**
**Approved: 6/22/1956**

WHEREAS, § 20-63 of the *Code of Virginia* of 1950, as amended, provides in part that if a prisoner be sentenced for non-support of his wife or child or children to the State Convict Road Force a sum not less than $5.00 nor more than $15.00 for each week in the discretion of the Court shall be paid by the State Highway Commissioner out of the funds provided for the construction and maintenance of the public roads, and

WHEREAS, a concentration of non-support prisoner population in convict camps of certain counties has been greater than in convict camps of other counties, which greater concentration has brought about a disproportionate burden on the highway funds of the county in which the concentration has occurred,

NOW, THEREFORE BE IT RESOLVED, that in order to bring about a more equitable distribution of the burden of making payment for non-support of prisoners, the State Highway Commission will hereafter allow an additional five cents per hour for all convict labor, which additional amount shall be used for such payment.

**Comment [d65]:** General Administration

**Economic Development Access Program Project Bond Period Moratorium**
**Approved: 10/19/2016**

Comment [d66]: Operations (24VAC30-271)

WHEREAS, Section 33.2-1509 of the Code of Virginia provides for funds to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within localities to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Small Business and Supplier Diversity will be built under firm contract or are already constructed …"
or, "in the event there is no such establishment …, a locality may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited."; and

WHEREAS, the Commonwealth Transportation Board's policy for the administration of the Economic Development Access Fund establishes the maximum time limit for the bond to be five years beginning on the date of the allocation of the economic development access funds by the Board; and

WHEREAS, pursuant to Section 33.2-1509 of the Code of Virginia, the time limits of the bond shall be based on a regular review and consideration by the Board; and
WHEREAS, it is the sense of this Board that the sustained economic conditions have negatively impacted the ability of all localities within the Commonwealth to attract qualifying types of establishments and investment in order to satisfy this contingency of the allocation; and

WHEREAS, the Board indicated, on April 20, 2016, its desire to extend to January 1, 2017 the then-existing moratorium, established by resolutions of this Board on October 20, 2010, June 20, 2012 and February 19, 2014, to localities where Economic Development Access Program funds have been utilized and the original bonded time period for establishing qualifying capital outlay expired or was to expire between July 1, 2010 and July 1, 2016; and

WHEREAS, in April 20, 2016 the Board extended its moratorium on the forfeiture of funds by localities where Economic Development Access funds have been utilized and the bonded time period for qualifying capital outlay expired July 1, 2016 , and

WHEREAS it is the desire of the Board to extend the moratorium to include localities where Economic Development Access funds have been utilized and the bonded time period for qualifying capital outlay will expire on or before January 1, 2017

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby extends, until January 3, 2017, its moratorium on the forfeiture of funds by localities where Economic Development Access funds have been utilized and the bonded time period for establishing qualifying capital outlay will expire on or before January 1, 2017 contingent upon:

1. the extension of the bond or similarly appropriate surety until February 2, 2017. This surety may be released or reduced at an earlier date upon provision of documentation, acceptable to VDOT, of eligible capital outlay by a qualified establishment, or establishments.

BE IT FURTHER RESOLVED, that the time limits of the bond on Economic

Development Access projects whose original five year time limit terminates after January 1, 2017 as well as those affected by this action of the Board, pursuant to Section 33.2-1509 of the Code of Virginia, shall continue to be subject to regular review and consideration by the Board.

**Economic Development Access Program Project Bond Period Moratorium**
**Approved: 4/20/2016**

Comment [d67]: Operations(24VAC30-271)

WHEREAS, Section 33.2-1509 of the Code of Virginia provides for funds to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within localities to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Small Business and Supplier Diversity will be built under firm contract or are already constructed …"
or, "in the event there is no such establishment …, a locality may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited."; and

WHEREAS, the Commonwealth Transportation Board's policy for the administration of the Economic Development Access Fund establishes the maximum time limit for the bond to be five years beginning on the date of the allocation of the economic development access funds by the Board; and

WHEREAS, pursuant to Section 33.2-1509 of the Code of Virginia, the time limits of the bond shall be based on a regular review and consideration by the Board; and

WHEREAS, it is the sense of this Board that the sustained economic conditions have negatively impacted the ability of all localities within the Commonwealth to attract qualifying types of establishments and investment in order to satisfy this contingency of the allocation; and

WHEREAS, it is the desire of this Board to extend to January 1, 2017 the existing moratorium, established by resolutions of this Board on October 20, 2010, June 20, 2012 and February 19, 2014, to localities where Economic Development Access Program funds have been utilized and the original bonded time period for establishing qualifying capital outlay expired or will expire between July 1, 2010 and July 1, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby extends, until January 3, 2017, its moratorium on the forfeiture of funds by localities where Economic Development Access funds have been utilized and the bonded time period for establishing qualifying capital outlay will expire July 1, 2016 contingent upon:

1. the extension of the bond or similarly appropriate surety until February 2, 2017. This surety may be released or reduced at an earlier date upon provision of documentation, acceptable to VDOT, of eligible capital outlay by a qualified establishment, or establishments.

BE IT FURTHER RESOLVED, that the time limits of the bond on Economic Development Access projects whose original five year time limit terminates after July 1, 2016 as well as those affected by this action of the Board, pursuant to Section 33.2-1509 of the Code of Virginia, shall continue to be subject to regular review and consideration by the Board.

**Economic Development Access Program Project Bond Period Moratorium**
**Approved: 2/19/2014**

Comment [d68]: Operations (24VAC30-271)

WHEREAS, Section 33.1-221 of the Code of Virginia provides for funds to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities, and towns to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Small Business and Supplier Diversity will be built under firm contract or are already constructed …" or, "in the event there is no such establishment …, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited"; and

WHEREAS, the Commonwealth Transportation Board's policy for the administration of the Economic Development Access Fund establishes the maximum time limit for the bond to be five years beginning on the date of the allocation of the economic development access funds by the Board; and

WHEREAS, pursuant to Section 33.1-221 of the Code of Virginia, the time limits of the bond shall be based on a regular review and consideration by the Board; and

WHEREAS, it is the sense of this Board that the sustained economic conditions have negatively impacted the ability of all localities within the Commonwealth to attract qualifying types of establishments and investment in order to satisfy this contingency of the allocation; and

WHEREAS, it is the desire of this Board to extend to July 1, 2016 the existing moratorium, established by resolution of this Board on October 20, 2010 and June 20, 2012, to localities where Economic Development Access Program funds have been utilized and whose bond time limit expired or will expire between July 1, 2010 and July 1, 2014; and

WHEREAS, it is the desire of this Board to implement a moratorium to localities where Economic Development Access Program funds have been utilized and whose bond time limit will expire between July 2, 2014 and July 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby grants a moratorium on the forfeiture of funds by localities where Economic Development Access funds have been utilized and whose bond time limit expired or will expire between July 1, 2010 and July 1, 2016 contingent upon:

1. the extension of the bond or similarly appropriate surety until August 2, 2016. This surety may be released or reduced at an earlier date upon provision of documentation, acceptable to VDOT, of eligible capital outlay by a qualified establishment, or establishments.

BE IT FURTHER RESOLVED, that the time limits of the bond on Economic Development Access projects whose original five year time limit terminates after July 1, 2016 as well as those affected by this action of the Board, pursuant to Section 33.1-221 of the Code of Virginia, shall continue to be subject to regular review and consideration by the Board.

**Economic Development Access Fund Policy (Revision)**
**Approved: 6/20/2012**

Comment [d69]: Operations (24VAC30-271)

WHEREAS, The General Assembly has, from time to time, amended Section 33.1-221 of the *Code of Virginia* (1950) (the *Code*) relating to the fund for construction of economic development access roads; and

WHEREAS, this Board has also, from time to time, revised its policy for the administration of the Economic Development Access Program; and

WHEREAS, it is the sense of this Board that its present policy should be revised and restated to be more compatible with present conditions.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board (CTB) hereby adopts the following policy to govern the use of economic development access funds pursuant to Section 33.1-221, as amended, of the *Code*:

1. The use of economic development access funds shall be limited to: (a) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance; (b) improving existing roads that may not be adequate to serve the establishments as described in (a); and (c) providing for costs associated directly with program administration and management of project requests prior to CTB approval with such costs not expected to exceed 1% of the allocation annually.

2. Economic development access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding eligible establishments.

3. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in Section 33.1-221, are funded and administered separately).

4. No cost incurred prior to this Board's approval of an allocation from the economic development access fund may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with paragraph A. of Section 33.1-221 of the *Code*.

5. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period, the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more eligible establishments acceptable to the Board

shall be reimbursed to the Department of Transportation voluntarily by the locality or by forfeiture of the surety. In the event that, after the Department of Transportation has been reimbursed, but still within 24 months immediately following the end of the five-year period, the access funds expended come to be justified by eligible capital outlay of one or more eligible establishments, the locality may request a refund of one-half of the sum reimbursed to the Department of Transportation, which request may be granted if funds are available, on a first-come, first-served basis in competition with applications for access funds from other localities.

6. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists.

Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, economic development funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by new or expanding eligible establishment. In the event an economic development site has access according to the foregoing provisions of this policy, but it can be determined that such access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies which will discourage incompatible mixes such as industrial and residential traffic.

7. Not more than $500,000 of unmatched economic development access funds may be allocated in any fiscal year for use in any county, city or town which receives highway maintenance payments under Section 33.1-41.1, of the *Code*. A town whose streets are maintained under either Section 33.1-79 or 33.1-82, of the *Code*, shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 20% of the capital outlay of the designated eligible establishments and certain investment by the locality in the land and/or the
building on the site occupied by the designated eligible establishment. The unmatched eligibility may be supplemented with additional economic development access funds, in which case the supplemental access funds shall not be more than $150,000, to be matched dollar-for-dollar from funds other than those administered by this Board.

Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds $500,000. If an eligible site is owned by a regional industrial facility authority, as defined in Section 15.2-6400 et seq., of the *Code*, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction, with the same funding limitations as prescribed for other individual
projects.

8. Notwithstanding the provisions herein, for Major Employment and Investment (MEI) projects as defined in Section 2.2-2260, of the *Code* and administered by the Virginia Economic Development Partnership, the locality may receive up to the maximum unmatched allocation and matched allocation

for a design-only project. The local governing body shall guarantee by bond or other acceptable surety that plans for a MEI project will be developed to standards acceptable to VDOT.
In addition, for projects utilizing economic development access funds to serve approved MEI projects, the locality may receive up to the maximum unmatched allocation and an additional $500,000 matched allocation for a road construction project. Project allocations for a given MEI project may be cumulative for not more than two years. 9. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41.1, of the *Code*.

10. Except as provided for in paragraph item 8. pertaining to MEI projects, it is the intent of the Board that economic development access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

11. The Commonwealth Transportation Board will consult and work closely with the Virginia Economic Development Partnership (VEDP) and the Department of Business Assistance (DBA) in determining the use of economic development access funds and will rely on the recommendations of the VEDP and the DBA in making decisions as to the allocation of these funds. In making its recommendations to this Board, the VEDP and the DBA will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.

12. Prior to the formal request for the use of economic development access funds to provide access to new or expanding eligible establishments, the location of the access road shall be submitted for approval by the Virginia Department of Transportation. VDOT shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extension of the road to serve other possible eligible establishments, as well as the future development of the area traversed.

13. Prior to this Board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others interested. Engineers of the Virginia Department of Transportation will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

14. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

BE IT FURTHER RESOLVED that the above revised policy shall become effective immediately, and shall supersede all policies heretofore adopted by this Board governing the use of economic development access funds.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for* ***24VAC30-271****.*

**Economic Development Access Program Project Bond Period Moratorium**
**Approved: 10/20/2010**

Comment [d70]: Operations (24VAC30-271)

WHEREAS, Section 33.1-221 of the Code of Virginia provides for funds to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities, and towns to economic development sites on which manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters, or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance will be built under firm contract or are already constructed …" or, "in the event there is no such establishment …, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited"; and

WHEREAS, the Commonwealth Transportation Board's policy for the administration of the Economic Development Access Fund establishes the maximum time limit for the bond to be five years beginning on the date of the allocation of the economic development access funds by the Board; and

WHEREAS, pursuant to Section 33.1-221 of the Code of Virginia, the time limits of the bond shall be based on a regular review and consideration by the Board; and

WHEREAS, it is the sense of this Board that the present economic conditions have negatively impacted the ability of all localities within this Commonwealth to attract qualifying types of establishments and investment in order to satisfy the bond contingency of the allocation; and

WHEREAS, this Board believes it is in the public interest to grant a reprieve to localities where Economic Development Access Program funds have been utilized and whose bond time limit expired or expires between July 1, 2010 and July 1, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby grants a moratorium on the forfeiture of funds by localities where Economic Development Access funds have been utilized and whose bond time limit expired or expires between July 1, 2010 and July 1, 2012, contingent upon the extension of the bond or similarly appropriate surety until July 2, 2012. This surety may be released or reduced at an earlier date upon provision of documentation, acceptable to VDOT, of eligible capital outlay by a qualified establishment, or establishments.

**Economic Development Access Fund Policy**
**Approved: 7/16/2009**

Comment [d71]: Operations (24VAC30-271)

WHEREAS, The General Assembly has, from time to time, amended Section 33.1-221 of the *Code of Virginia* (1950) relating to the fund for construction of economic development access roads; and

WHEREAS, this Board has also, from time to time, revised its policy for the administration of the Economic Development Access Program; and

WHEREAS, it is the sense of this Board that its present policy should be revised and restated to be more compatible with present conditions.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the following policy to govern the use of economic development access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of economic development access funds shall be limited to: (1) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance; and (2) improving existing roads that may not be adequate to serve the establishments as described in (1).
2. Economic development access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding eligible establishments.
3. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, government installations, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in Section 33.1-221, are funded and administered separately).
4. No cost incurred prior to this Board's approval of an allocation from the economic development access fund may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more eligible establishments acceptable to the Board shall be reimbursed to the Department of Transportation voluntarily by the locality or by forfeiture of the surety. In the event that, after the Department of Transportation has been reimbursed, but still within 24 months immediately following the end of the five-year period, the access funds expended come to be justified by eligible capital outlay of one or more eligible establishments, then the locality may request a refund of one-half of the sum reimbursed to the Department of Transportation, which request may be granted if funds are available, on a first-come, first-served basis in competition with applications for access funds from other localities.
6. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, economic development funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by new or expanding eligible establishment. In the event an economic development site has access according to the foregoing provisions of this policy, but it can be determined that such

access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by- case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies which will discourage incompatible mixes such as industrial and residential traffic.

7. Not more than $500,000 of unmatched economic development access funds may be allocated in any fiscal year for use in any county, city or town which receives highway maintenance payments under Section 33.1-41.1, *Code of Virginia*. A town whose streets are maintained under either Section 33.1-79 or 33.1-82, *Code of Virginia*, shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 20% of the capital outlay of the designated eligible establishments. The unmatched eligibility may be supplemented with additional economic development access funds, in which case the supplemental access funds shall not be more than $150,000, to be matched dollar-for dollar from funds other than those administered by this Board. The supplemental economic development access funds over and above the unmatched eligibility shall be limited to 20% of the capital outlay of eligible establishments as previously described. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds $500,000. If an eligible site is owned by a regional industrial facility authority, as defined in §15.2-6400 et seq. of the *Code of Virginia*, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction, with the same funding limitations as prescribed for other individual projects.
8. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41.1, as amended, of the *Code of Virginia*.
9. It is the intent of the Board that economic development access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.
10. The Commonwealth Transportation Board will consult and work closely with the Virginia Economic Development Partnership (VEDP) and the Department of Business Assistance (DBA) in determining the use of economic development access funds and will rely on the recommendations of the VEDP and the DBA in making decisions as to the allocation of these funds. In making its recommendations to this Board, the VEDP and the DBA will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.
11. Prior to the formal request for the use of economic development access funds to provide access to new or expanding eligible establishments, the location of the access road shall be submitted for approval by the Virginia Department of Transportation. VDOT shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extension of the road to serve other possible eligible establishments, as well as the future development of the area traversed.
12. Prior to this Board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others interested. Engineers of the

Virginia Department of Transportation will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

13. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

BE IT FURTHER RESOLVED that the above policy shall become effective immediately, and all policies heretofore adopted by this Board governing the use of industrial access funds shall be rescinded simultaneously.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-271.*

**Economic Development Access Fund Policy**
**Approved: 6/15/2006**

Comment [d72]: Operations (24VAC30-271)

WHEREAS, item 492.D.6 of the 2005 Appropriations Act directed the Department of Transportation, in consultation with representatives of local governments and local, regional, and state economic development agencies to revise the definition of businesses and industry that qualify for access road funding; and

WHEREAS, the Department of Transportation submitted House Document No. 4, entitled Definition of Businesses and Industry that Qualify for Industrial Access Road Funding, to the Governor and the General Assembly of Virginia in response; and

WHEREAS, the General Assembly has amended Section 33.1-221 of the *Code of Virginia* (1950) relating to the fund for the construction of industrial access roads to focus on economic development sites within the counties, cities and towns of the Commonwealth; and

WHEREAS, it is the sense of this Board that its present policy should be revised to reflect Chapter 147 and Chapter 473 of the 2006 Virginia Acts of the Assembly and restated to be more compatible with present conditions and reflective of certain findings contained within House Document No. 4.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the following policy to govern the use of economic development access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of economic development access funds shall be limited to: (1) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance; and (2) improving existing roads that may not be adequate to serve the establishments as described in (1).
2. Economic development access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding eligible establishments.

3. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, government installations, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in Section 33.1-221, are funded and administered separately).
4. No cost incurred prior to this Board's approval of an allocation from the economic development access fund may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more eligible establishments acceptable to the Board shall be reimbursed to the Department of Transportation voluntarily by the locality or by forfeiture of the surety. In the event that, after the Department of Transportation has been reimbursed, but still within 24 months immediately following the end of the five-year period, the access funds expended come to be justified by eligible capital outlay of one or more eligible establishments, then the locality may request a refund of one-half of the sum reimbursed to the Department of Transportation, which request may be granted if funds are available, on a first-come, first-served basis in competition with applications for access funds from other localities.
6. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, economic development funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by new or expanding eligible establishment.
7. In the event an economic development site has access according to the foregoing provisions of this policy, but it can be determined that such access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies which will discourage incompatible mixes such as industrial and residential traffic.
8. Not more than $300,000 of unmatched economic development access funds may be allocated in any fiscal year for use in any county, city or town which receives highway maintenance payments under Section 33.1-41.1, *Code of Virginia*. A town whose streets are maintained under either Section 33.1-79 or 33.1-82, *Code of Virginia*, shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated eligible establishments. The unmatched eligibility may be supplemented with additional economic development access funds, in which case the supplemental access funds shall not be more than $150,000, to be matched dollar-for-dollar from funds other than those

administered by this Board. The supplemental economic development access funds over and above the unmatched eligibility shall be limited to 5% of the capital outlay of eligible establishments as previously described. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds $300,000.

9. If an eligible site is owned by a regional industrial facility authority, as defined in §15.2-6400 et seq. of the *Code of Virginia*, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction, with the same funding limitations as prescribed for other individual projects.
10. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41.1, as amended, of the *Code of Virginia*.
11. It is the intent of the Board that economic development access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.
12. The Commonwealth Transportation Board will consult and work closely with the Virginia Economic Development Partnership (VEDP) and the Department of Business Assistance (DBA) in determining the use of economic development access funds and will rely on the recommendations of the VEDP and the DBA in making decisions as to the allocation of these funds. In making its recommendations to this Board, the VEDP and the DBA will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.
13. Prior to the formal request for the use of economic development access funds to provide access to new or expanding eligible establishments, the location of the access road shall be submitted for approval by the Virginia Department of Transportation.
14. VDOT shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extension of the road to serve other possible eligible establishments, as well as the future development of the area traversed.
15. Prior to this Board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others interested. Engineers of the Virginia Department of Transportation will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.
16. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

BE IT FURTHER RESOLVED that the above policy shall become effective immediately, and all policies heretofore adopted by this Board governing the use of industrial access funds shall be rescinded simultaneously.

**Road Improvements Serving Newly Established Industries**
**Approved: 5/4/1955**

Comment [d73]: Operations (24VAC30-271)

WHEREAS, the State Highway Commission in 1946 adopted a policy for financing road improvements serving newly established industries throughout the state; and

WHEREAS, there has been some misunderstanding among various county authorities and civic associations concerning this policy and it is the desire of the State Highway Commission that this policy be reaffirmed and clearly communicated, and

WHEREAS, the Commission does not have funds to provide secondary road service to industries, other than the regular annual appropriations to counties, and inasmuch as a locality is benefited by the location of a new industry therein, now therefore,

BE IT RESOLVED, that any new road required by industry shall be established as a part of the secondary highway system, and the construction costs borne by secondary system funds for the county which will benefit from the industry, supplemented by contributions from other sources. On written request from the Board of Supervisors, the Highway Commission will allocate to a county during a given year a greater amount of secondary funds than would normally be allocated to such county. In such instances the Commission will reduce the amount normally allocated to this county during the ensuing three years in order to insure that the financing of any new roads or improvements to existing roads, as aforesaid, will be borne by the county.

ACCORDINGLY, the Commission believes that before commitments for road improvements are made to an industry proposing to locate in a county, the Board of Supervisors should be consulted and should be responsible for all negotiations with the industry and others interested. Highway Engineers will be available to consult with the Board of Supervisors and upon request, will prepare surveys, engineering studies and cost estimates. The use of secondary funds for such improvements must be approved by the Highway Commissioner. The Commission hereby directs that a copy of this resolution be forwarded to the Boards of Supervisors or other governing bodies of each county, Chambers of Commerce, and the State Department of Conservation and Development.

**Road Improvements Serving Newly Established Industries**
**Approved: 7/20/1954**

Comment [d74]: Operations (24VAC30-271)

Whereas, the State Highway Commission has consistently acted pursuant to a policy adopted in 1946 regarding the financing of road improvements serving newly established industries throughout the State, and whereas, there has been some misunderstanding among the various county authorities and interested civic associations as to what this policy is, and

Whereas, it is the desire of the State Highway Commission that this policy be reaffirmed and clearly communicated,

Now, therefore, be it resolved, that the Commission believes that industry should contribute substantially to roads which are to be constructed or improved primarily for industrial use of its employees. Accordingly, where a new industry proposes to locate in a given county, the Board of Supervisors should be responsible for all negotiations with the industry for participation in the cost of any desired road improvements.

In the event a new road is necessary, it must first be established as part of the Secondary System and subsequently financed by the industry and the county in cooperation with others interested. The use of Secondary funds for such improvements must be approved by the Commissioner.

In order to prevent embarrassing commitments, the Commission hereby directs that a copy of this resolution be forwarded to the Boards of Supervisors and the Chambers of Commerce of the counties of the State.

**Road Improvements Serving Newly Established Industries**
**Approved: 5/3/1946**

Comment [d75]: Operations (24VAC30-271)

A letter from the Commissioner to Senator Perrow, of April 16, 1946, regarding the location of a large industry in Campbell County for which various interests were calling on the Highway Commission for new roads and bridges, was read to the Commission. The Commission discussed the problems involved and decided that an industry locating in Virginia for water, labor, and other reasons, should probably contribute substantially to the building of highways and bridges which would be largely used by the industry and by its labor. It was thought that the county in which the industry locates might be willing to partially finance highway improvements from its additional tax revenues or possibly the county might request a diversion of a portion of its secondary funds to aid in building new highways and bridges. The Commission does not have the funds to serve the traffic now developed on our roads and it should not have to divert funds to build facilities for traffic not now existing. The Commission feels that each case is a separate case and must be studied on its merits but that the statements made above are applicable to the problem.

**Use of Industrial Access Funds**
**Approved: 3/16/1989**

Comment [d76]: Operations (24VAC30-271)

WHEREAS, the General Assembly has from time to time amended Section 33.1-221, of the *Code of Virginia* (1950), relating to the fund for the construction of industrial access roads within the counties, cities and towns of the Commonwealth; and

WHEREAS, it is the sense of his board that the present policy should be revised and restated to be more compatible with present conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the following policy to govern the use of industrial access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of industrial access fund shall be limited to the purpose providing adequate access to new or substantially expanding manufacturing, processing, and industrial facilities, or other establishments.
2. Industrial access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.
3. Industrial access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, government installations, or similar facilities, whether public or private. (Access roads to publicly owned airports, while provided for in Section 33.1-221, are funded and administered separately).
4. No cost incurred prior to this Board's approval of an allocation from the industrial access funds may be reimbursed by such funds. Industrial access funds shall be authorized only after certification that the manufacturing, processing or other establishments will be built under firm contract, or is already constructed, or upon the presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site. Nor shall the construction of a new access road to serve any industrial site on a parcel of land

which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for industrial access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, industrial access funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by the new or expanding industrial facility. Funds must be approved from other sources to address any current road inadequacies.

6. Not more than $300,000 of unmatched industrial access funds may be allocated in any fiscal year for use in any county, city or town which receives highway maintenance payments under Section 33.1-41.1, *Code of Virginia*. A town whose streets are maintained under either Section 33.1-79 or 33.1-82, *Code of Virginia*, shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated industry or industries. The unmatched eligibility may be supplemented with additional industrial access funds, in which case the supplemental access funds shall not be more than $150,000, to be matched dollar-for-dollar from funds other than those administered by this Board. The supplemental industrial access funds over and above the unmatched eligibility shall be limited to 5% of the capital outlay of the designated industry or industries. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the individual access improvement exceeds $300,000.
7. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic. Items such as storm sewers, curb and gutter, and extra pavement width will not normally be eligible. However additional pavement width may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41.1, as amended, of the *Code of Virginia* (1950).
8. It is the intent of the Board that industrial access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.
9. The Commonwealth Transportation Board will consult and work closely with the Governor's Department of Economic Development in determining the use of industrial access funds and may rely on the recommendations of this Department in making decisions as to the allocation of these funds. In making its recommendations to this Board, the Department of Economic Development will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia. The determination by the Department of Economic Development that the subject establishment impacts the economic growth of the Commonwealth to such an extent that an allocation should be made regardless of the manufacturing or distributive classification will be given considerable weight by this Board.
10. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Virginia Department of Transportation. The engineers shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extensions of the road to serve other possible industrial establishments, as well as the future development of the area traversed.
11. Prior to this Board's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county, city, or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the industries and others interested. Transportation engineers will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.
12. The Commonwealth Transportation Commissioner, through the Deputy Commissioner, is directed to establish administrative procedures to assure the provisions of this policy are adhered to and complied with.

BE IT FURTHER RESOLVED, that the above policy shall become effective immediately, and all policies heretofore adopted by this Board governing the use of industrial access funds rescinded simultaneously. Motion carried.

**Use of Industrial Access Funds**
**Approved: 12/18/1986**

Comment [d77]: Operations (24VAC30-271)

WHEREAS, the General Assembly has from time to time amended Section 33.1-221 of the *Code of Virginia* (1950) relating to the fund for the construction of industrial access roads within the counties, cities, and towns of the Commonwealth; and

WHEREAS, it is the sense of this Board that the present policy should be should be revised and restated to be compatible with the law and present construction costs.

NOW, THEREFORE, BE IT RESOLVED, that the Highway and Transportation Board hereby adopts the following policy to govern the use of industrial access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of industrial access funds shall be limited to the purpose of providing adequate access to new or substantially expanding manufacturing, processing, and industrial facilities, or other establishments.
2. Industrial access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.
3. Industrial access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, government installations, or similar facilities, whether public or private. (Access roads to publicly owned airports, while provided for in Section 33.1-221, are funded and administered separately.)
4. Industrial access funds shall be allocated only after certification that the manufacturing or industrial establishment is constructed and operating or will be constructed and operated under firm contract, or upon presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site.
6. Not more than $300,000 of unmatched industrial access funds may be allocated for use in any one county, including the towns located therein, or in any city in any fiscal year. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated industry or industries. The unmatched eligibility may be supplemented with additional matched industrial access funds, in which case the matched access funds shall not be more than $150,000, to be matched dollar-for-dollar from other than highway sources. The matched industrial access funds over and above the unmatched eligibility shall be limited to 5% of the capital outlay of the designated industry or industries.
7. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic. Items such as storm sewers, curb and gutter, and extra pavement width will not be eligible unless necessary to extend or connect an existing system or to qualify the road facility

8. It is the intent of the Board that industrial access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from on fiscal year to another.
9. The Highway and Transportation Board will consult and work closely with the Governor's Department of Economic Development in determining the use of industrial access funds and may rely on the recommendations of this Department in making decisions as to the allocation of these funds. In making its recommendations to the Highway and Transportation Board, the Department of Economic Development will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia. The determination by the Department of Economic Development that the subject establishment impacts the economic growth of the Commonwealth to such an extent that an allocation should be made regardless of the manufacturing or distributive classification will be given considerable weight by the Board.
10. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Virginia Department of Transportation. The engineers shall take into consideration the cost of the facility as it relates to the possibility of future extensions of the road to serve other possible industrial establishments, as well as the future development of the area traversed.
11. Prior to the Board's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county, city, or town, the governing body shall be responsible for the preliminary negotiations with the industries and other interested. Transportation engineers will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

BE IT FURTHER RESOLVED, that the above policy shall become effective immediately, and all policies heretofore adopted by this Board governing the use of industrial access funds rescinded simultaneously.

**Use of Industrial Access Funds**
**Approved: 2/21/1985**

Comment [d78]: Operations (24VAC30-271)

WHEREAS, the General Assembly has from time to time amended Section 33.1-221 of the *Code of Virginia* (1950) relating to the fund for the construction of industrial access roads within the counties, cities, and towns of the Commonwealth; and

WHEREAS, it is the sense of this Commission that the present policy should be revised and restated to be compatible with the law and present construction costs.

NOW, THEREFORE, BE IT RESOLVED, that the Highway and Transportation Commission hereby adopts the following policy to govern the use of industrial access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of industrial access funds shall be limited to the purpose of providing adequate access to new or substantially expanding manufacturing, processing, and industrial facilities, or other establishments.
2. Industrial access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.
3. Industrial access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, office buildings, shopping centers, apartment buildings, amusement

facilities, government installations, or similar facilities whether public or private. (Access roads to publicly owned airports, while provided for in Section 33.1-221, are funded and administered separately.)

4. Industrial access funds shall be allocated only after certification that the manufacturing or industrial establishment is constructed and operating or will be constructed and operated under firm contract, or upon the presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site.
6. Not more than $300,000 of unmatched industrial access funds may be allocated for use in any one county, including the towns located therein, or in any city in any fiscal year. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated industry or industries. The unmatched eligibility may be supplemented with additional matched industrial access funds, in which case the matched access funds shall not be more than $150,000, to be matched dollar-for-dollar from other than highway sources. The matched industrial access funds over and above the unmatched eligibility shall be limited to 5% of the capital outlay of the designated industry or industries.
7. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic. Items such as storm sewers, curb and gutter, and extra pavement width will not be eligible unless necessary to extend or connect an existing system or to qualify the road facility in a city or town for maintenance payments under Section 33.1-43, as amended, of the *Code of Virginia* (1950).
8. It is the intent of the Commission that industrial access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.
9. The Highway and Transportation Commission will consult and work closely with the Governor's Department of Economic Development in determining the use of industrial access funds and may rely on the recommendations of this Department in making decisions as to the allocation of these funds. In making its recommendations to the Highway and Transportation Commission, the Department of Economic Development will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.
10. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Highway and Transportation Department. The engineers shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of future extensions of the road to serve other possible industrial establishments, as well as the future development of the area traversed.
11. Prior to the Commission's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county, city, or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the industries and others interested. Highway engineers will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

BE IT FURTHER RESOLVED, that the above policy shall become effective immediately, and all policies heretofore adopted by this Commission governing the use of industrial access funds rescinded simultaneously.

**Use of Industrial Access Funds**
**Approved: 11/20/1980**

Comment [d79]: Operations (24VAC30-271)

WHEREAS, the General Assembly has from time to time amended Section 33.1-221 of the *Code of Virginia* (1950) relating to the fund for the construction of industrial access roads within the counties, cities, and towns of the Commonwealth; and

WHEREAS, it is the sense of this Commission that its present policy should be revised and restated to be compatible with the law and present construction costs;

NOW, THEREFORE, BE IT RESOLVED, that the Highway and Transportation Commission hereby adopts the following policy to govern the use of industrial access funds pursuant to Section 33.1-221, as amended, of the *Code of Virginia* (1950):

1. The use of industrial access funds shall be limited to the purpose of providing adequate access to new or substantially expanding manufacturing, processing, and industrial facilities, or other establishments.
2. Industrial access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.
3. Industrial access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, office buildings, shopping centers, apartment buildings, amusement facilities, government installations, or similar facilities, whether public or private.
4. Industrial access funds shall be allocated only after certification that the manufacturing or industrial establishment is constructed and operating or will be constructed and operated under firm contract, or upon the presentation of acceptable surety in accordance with paragraph (a) of Section 33.1-221, as amended, of the *Code of Virginia* (1950).
5. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site.
6. Not more than $300,000 of unmatched industrial access funds may be allocated for use in any one county, including the towns located therein, or in any city in any fiscal year. The maximum eligibility of unmatched funds shall be limited to 10% of the capital outlay of the designated industry or industries. The unmatched eligibility may be supplemented with additional matched industrial access funds, in which case the matched access funds shall not be more than $150,000, to be matched dollar for dollar from other than highway sources. The matched eligibility shall be limited to 5% of the capital outlay of the designated industry or industries.
7. Eligible items of construction and engineering shall be limited to those which are essential to providing and adequate facility to serve the anticipated traffic. Items such as storm sewers, curb and gutter, and extra pavement width will not be eligible unless necessary to extend or connect an existing system or to qualify the road facility in a city or town for maintenance payments under Section 33.1-41, as amended, of the *Code of Virginia* (1950).
8. It is the intent of the Commission that industrial access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward form one fiscal year to another.
9. The Highway and Transportation Commission will consult and work closely with the Governor's Division of Industrial Development in determining the use of industrial access funds and may rely on the recommendation of this Division in making decisions as to the allocation of these funds.
10. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Highway and Transportation Department. The engineers shall take into

consideration the cost of the facility as it relates to the location and as it relates to the possibility of future extensions of the road to serve other possible industrial establishments, as well as the future development of the area traversed.

11. Prior to the Commission's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county, city, or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the industries and others interested. Highway engineers will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates; and

BE IT FURTHER RESOLVED, that the above policy will become effective immediately, and all policies heretofore adopted by this Commission governing the use of industrial access funds rescinded simultaneously.

**Use of Industrial Access Funds**
**Approved: 5/14/1964**

Comment [d80]: Operations (24VAC30-271)

WHEREAS, the 1964 session of the General Assembly amended Section 33-136.1 of the *Code of Virginia* (1950), relating to the fund for construction of access roads to industrial sites, to allow the two counties not in the Secondary System and the cities and towns in the Commonwealth to participate in the fund and to provide for such roads to maintained as a part of the Secondary System or the road system of the locality after construction; and

WHEREAS, it is the sense of this Commission that its present policies should be revised and restated in accordance with the revised Act.

NOW, THEREFORE, BE IT RESOLVED, that the Highway Commission hereby adopts the following policy to govern the use of industrial access funds pursuant to Section 33-136.1, as amended, of the *Code of Virginia* (1950):

1. The use of industrial access funds shall be limited to the purpose of providing adequate access to new or substantially expanding manufacturing, industrial, or other establishments.
2. Industrial access funds shall not be used for the acquisition of right of way or for the adjustment of utilities necessitated by the construction of the access project. These funds are to be used only for actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding establishments.
3. Industrial access funds may not be used for the construction of access roads to airports, schools, hospitals, libraries, armories, amusement facilities, government installations, and other similar facilities, whether public or private.
4. Industrial access funds shall be allocated only after certification that that the manufacturing or industrial establishment is constructed and operating or will be constructed and operated under firm contract.
5. Industrial access funds shall not be used to construct or improve roads on a privately owned plant site.
6. Not more than $150,000 of industrial access funds may be allocated for use in any one county, including the towns located therein, or any city in any fiscal year unless these funds are supplemented by funds from non-public sources, in which case additional industrial access funds may be made available to match the amount contributed, dollar for dollar, but not to exceed a grand total of $250,000 of industrial access funds.
7. It is the intent of the Commission that industrial access funds not be anticipated from year to year.

8. The Highway Commission consults and works closely with the Governor's Division of Industrial Development and Planning in determining the use of industrial access funds and may rely on the recommendations of this Division in making decisions as to the allocation of these funds.
9. Prior to the formal request for the use of industrial access funds to provide access to new or expanding industries, the location of the access road shall be submitted for approval of the engineers of the Highway Department. The engineers shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of future extensions of the road to serve other possible industrial establishments, as well as the future development of the area traversed.
10. Prior to the Commission's allocation of funds for such construction or road improvements to an industry proposing to locate or expand in a county or city, the governing body should make recommendations and should be responsible for preliminary negotiations with the industries and others interested. Highway engineers will be available for consultation with the governing body and others, and will prepare surveys, plans, engineering studies, and cost estimates.

BE IT FURTHER RESOLVED, that the above policy shall become effective July 1, 1964, and all policies heretofore adopted by this Commission governing the use of industrial access funds are rescinded as of that date. Motion carried.

**Use of Industrial Access Funds**
**Approved: 12/20/1962**

Comment [d81]: Operations (24VAC30-271)

WHEREAS, in 1962 the General Assembly, realizing the increased industrial development in Virginia, amended and re-enacted Section 33-136.1 to increase the Industrial Access fund from $1,000,000 to $1,500,000; and

WHEREAS, the requests for use of Industrial Access funds, for the purpose of constructing new or improving existing roads to new or expanding manufacturing or industrial establishments, have continued to increase to the point where all of the increased funds are being obligated before the end of the fiscal year; and

WHEREAS, from time to time requests are received for the construction of access roads to facilities other than those normally associated with industrial sites on which manufacturing or processing establishments have been or are being established.

NOW, THEREFORE, BE IT RESOLVED, that it is the sense of the Commission that Industrial Access funds not be used for the construction of access roads to hospitals, libraries, armories, and other public or semipublic facilities. The Commission hereby directs that a copy of this resolution be forwarded to the Board of Supervisors of each county, the Chambers of Commerce, and the State Division of Industrial Development and Planning.

**Use of Industrial Access Funds**
**Approved: 3/29/1956**

Comment [d82]: Operations (24VAC30-271)

WHEREAS, Chapter 161 of the Acts of Assembly of 1956, provides for a revolving fund to be expended by the Commission for constructing, reconstructing, maintaining or improving access roads to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed, and

WHEREAS, this act provides that in deciding whether or not to construct or improve any such access road and in determining the nature of the road to be constructed, the Commission shall base its consideration on the costs thereof in relation to the volume and nature of traffic to be generated as a result of developing the industrial establishment, and

WHEREAS, the Commission finds it necessary in view of this act to readjust its policy heretofore adopted on May 4, 1955,

BE IT RESOLVED THAT: (1) It is the sense of the Commission that no more than fifteen per cent of the total industrial access road funds made available by this act may be allocated to any one country in any one fiscal year. (2) However, where any persons or agencies agree to supplement these funds from sources other than highway revenue, the allowance to any one country as above from the highway industrial access fund may be increased over and above the fifteen per cent and to the extent necessary to match the amount so contributed dollar for dollar. The total allowance of highway funds when increased in this manner may not then exceed twenty-five per cent of the total annual industrial access road fund. (3) It is not intended that access funds be anticipated from year to year. (4) Prior to the Commission's undertaking such construction or road improvements to an industry proposing to locate in a county, the Board of Supervisors should make recommendations and should be responsible for preliminary negotiations with the industries and others interested. Highway engineers will be available for consultation with the Board of Supervisors and others, and will prepare surveys, plans, engineering studies and cost estimates. The Commission hereby directs that a copy of this resolution be forwarded to the Board of Supervisors of each county, Chambers of Commerce and the State Department of Conservation and Development.

**Use of Industrial Access Funds – Time Limits for Bonds**
**Approved: 1/17/1991**

Comment [d83]: Operations (24VAC30-271)

WHEREAS, the General Assembly has enacted, and it has from time to time amended, Section 33,1-221 of the *Code of Virginia* (1950), to provide a fund to be used for the construction of industrial access roads within the counties, cities, and towns of the Commonwealth to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed; and

WHEREAS, the above-noted statute further provides that in the event that there is no such establishment already constructed or under firm contract, a county, city, or town may guarantee to the Commonwealth Transportation Board by bond or other acceptable device that such will occur and, should no establishment acceptable to the Board be constructed within the time limits of the bond, such bond shall be forfeited; and

WHEREAS, this Board has adopted, and from time to time has revised and restated a policy to govern the use of industrial access funds pursuant to Section 33.1-221, as amended, *Code of Virginia* (1950); and

WHEREAS, the above-noted policy of this Board does not address the question of time limits for bonds, leaving this matter instead to be determined in administrative procedures; and

WHEREAS, it is now the established procedure to have a maximum time limit of two years from date of this Board's allocation of funds for bonds; and

WHEREAS, following several years of experience with said two-year limit, there have been suggestions from counties, cities, and towns that the time limit should be expanded by six months or a year;

NOW, THEREFORE, BE IT RESOLVED, that it is the sense of this Board that the maximum time limit for a bond to be three years from the date of this Board's initial allocation of funds to an industrial access project, and the bond shall be forfeited unless one or more establishments acceptable to the Board shall have been constructed within the time limit of the bond.

BE IT FURTHER RESOLVED, that said maximum three year time limit shall be applicable to bonded industrial access allocations approved by this Board after January 31, 1991, upon request of a county, city, or town.

**Accident Penalty for Employees**
**Approved: 7/8/1943**

Comment [d84]: General Administration

Moved by General Anderson, seconded by Mr. Starling, that the penalty of employees involved in motor accidents be reduced to $7.50 in place of the present penalty of $15.00. Motion carried.

**Accidents Involving Use of a Highway Department Vehicle**
**Approved: 8/14/1951**

Comment [d85]: General Administration

In the case of an accident involving the use of a Highway Department vehicle, the Equipment Division shall repair the damaged vehicle, and, where there is no negligence on the part of the operator, shall stand the costs of such repairs. Where carelessness or negligence has been determined on the part of the operator, the Department will bear the costs of repairing the vehicle and whenever negligence of an operator of a Highway Department-owned vehicle has been determined as the cause of an accident, a penalty of not to exceed $10.00 shall be imposed on the operator by this Department, and such monies collected shall be credited to the Safety Division for use in the promotion of safety practices. When a Highway Department-owned vehicle has been damaged through gross negligence on the part of the operator, as determined by his department the Department may pass on to the operator the cost of repairs.

**Adoption of the Virginia Conflict of Interests Act as Official Policy of the Department of Highways and Transportation**
**Approved: 6/16/1983**

Comment [d86]: General Administration

See Adoption of the Virginia Conflict of Interests Act as Official Policy of the Department of Highways and Transportation

**Appointment of Chief Traffic Officer**
**Approved: 1/8/1924**

Comment [d87]: General Administration

Moved by Mr. Truxtun, seconded by Mr. Shirley, that where traffic congestion is such as to require a large number of special traffic officers, the Commission deems it advisable to designate one officer as Chief Traffic Officer. Motion carried.

**Appointment of Traffic Officers**
**Approved: 9/13/1922**

Comment [d88]: General Administration

Moved by Mr. Truxtun, seconded by Mr. Massie, that the Commission only appoint as traffic officers men who are recommended by the Local Road Authorities or by other reliable citizens. Motion carried.

**Commission Staff**
**Approved: 7/12/1932**

Comment [d89]: General Administration

Moved by Mr. Gilmer, seconded by Mr. Massie, that the Chairman be authorized to pay the salaries of two clerks to the Comptroller to the amount of $5,000.00; these clerks to be used on the work of the

State Highway Commission, provided that no further recommendation for transfers of road funds are made by the Comptroller and the Director of the Budget. Motion carried.

**Compensatory Leave for Retirees**
**Approved: 8/9/1956**

Comment [d90]: General Administration

WHEREAS, the Highway Commission by resolution requires retirement of its employees at 70 years of age and does not request continued employment as provided by Legislation, and

WHEREAS, the Department has several employees retiring each year with many years of State service, and

WHEREAS, where it has been determined by the Division of Organization & Public Relations, that these retiring employees have lost earned annual leave, have worked many Saturdays, Sundays and Holidays and have not been permitted to take vacation equal to the rest days they have worked,

THEREFORE BE IT RESOLVED, that upon retirement these employees may be given, as separation pay, their earned accumulated annual leave plus compensatory leave, not to exceed seven days, in appreciation of their loyalty to the Highway Department and their service to the Commonwealth above and beyond their regular call of duty.

**Department Work Routine**
**Approved: 4/13/1933**

Comment [d91]: General Administration

Moved by Mr. Massie, seconded by Mr. East, that the Department return to its regular routine of work on July first and abandon the stagger system; also that the rates of wage to be paid be those locally paid, not to exceed 25¢ per hour not less than 15¢ per hour. Motion carried.

**Division Heads**
**Approved: 2/23/1938**

Comment [d92]: General Administration

Moved by Mr. Rawls, seconded by Mr. East, that the following titles be adopted for the heads of the divisions, districts and residencies:

Locating and Planning Engineer
Construction Engineer
Bridge Engineer
Office Engineer
District Engineer
Maintenance Engineer
Testing Engineer
Equipment Engineer
Resident Engineer

**Emergency Relief Funds - Wages**
**Approved: 7/16/1935**

Comment [d93]: General Administration

Moved by Mr. Rawls, seconded by Mr. Wysor, that the wages recommended to the Government for State highway work with emergency relief funds, be as follows –

25¢ an hour unskilled labor
35¢ an hour intermediate labor
60¢ an hour skilled labor

**Employee Recruitment**
**Approved: 1/18/1973**

Comment [d94]: General Administration

WHEREAS, at its meeting on October 29, 1970, the Highway Commission endorsed procedures for recruiting employees to become effective November 1, 1970, and

WHEREAS, Item 1. of these procedures reads as follows:

"Resident Engineers and District Personnel Supervisors will solicit applicants for each position to be filled by advertising in local newspapers and by posting a notice at the courthouse of the appropriate city(s) or county(s), at least twenty-one (21) days before the position is to be filled", and

WHEREAS, the Commission Personnel Study Committee, after studying these procedures, in its report dated December 5, 1972, recommended that the specified time for advertisement and posting of notices be reduced to five (5) working days, and

WHEREAS, the Highway Commission at its meeting on December 21, 1972, adopted this report,

NOW, THEREFORE, BE IT RESOLVED, that Item 1. of the recruiting procedures endorsed November 1, 1970, be revised to read as follows:

Resident Engineers and District Personnel Supervisors will solicit applicants for each position to be filled by advertising in local newspapers and by posting a notice at the courthouse of the appropriate city(s) or county(s), at least five (5) days before the position is to be filled.

**Employee Recruitment**
**Approved: 10/29/1970**

Comment [d95]: General Administration

The following procedure for recruiting Highway Department employees, to be initiated throughout the Department effective November 1, 1970, was outlined by the chairman and unanimously endorsed by members of the Commission present:

This procedure is designed to establish and standardize recruitment and to ensure that whenever the Department needs to fill a vacant established position (monthly or hourly) that cannot be filled from within the organization by qualified employees, a specific procedure is followed for obtaining applicants, interviewing, processing applications, evaluating qualifications, and selecting an applicant to be offered the position.

1. Resident Engineers and District Personnel Supervisors will solicit applicants for each position to be filled by advertising in local newspapers and by posting a notice at the courthouse of the appropriate city(s) or county(s), at least twenty-one (21) days before the position is to be filled.
2. Applications for positions in Residencies will be processed by the Resident Engineer. Applications for positions in the District Office and Shop will be processed by the District Personnel Supervisor.
3. All applications will be evaluated to select the best qualified applicant by a committee consisting of the District Personnel Supervisor, and Assistant District Engineer and the Resident Engineer or District Section Head.
4. The District Personnel Supervisor will make the position offer to the applicant selected, sending copies of the offer letter to (1) the Assistant District Engineer or Resident Engineer, and/or (2) the Supervisor to whom the applicant is to report.

5. In order that this program will be properly monitored, all applications will be documented showing what disposition was made of them and the reasons for the actions taken.
6. All records of this program will be reviewed for compliance at least every quarter by the Department Employment Supervisor.

**Equal Employment Opportunity**
**Approved: 4/23/1970**

Comment [d96]: General Administration

WHEREAS, it has long been the policy of the State Highway Commission and the Department to avoid any discriminatory practices in the employment of personnel and in the management of its employees, and

WHEREAS, the Bureau of Public Roads, Federal Highway Administration, U.S. Department of Transportation, has requested that they be furnished with a formal policy statement, as part of the Department's Equal Employee Opportunity Program, be it

RESOLVED, that the Commission hereby reaffirms its previous policy and does declare it is the formal position of the Commission and the Department that all employment and personnel management practices be conducted without regard to race, color, sex, religion or national origin.

**Federal Emergency Relief Administration (F.E.R.A.)**
**Approved: 6/12/1934**

Comment [d97]: General Administration

Moved by Mr. Massie, seconded by Mr. East, that the Commission confirm the authorization to furnish equipment and supervision, and work men under F.E.R.A. on road projects; and that the men be examined the same as they did under the R.F.C. inasmuch as the State will be liable for compensation insurance. Motion carried.

**Gifts and Gratuities Policy**
**Approved: 6/27/1963**

Comment [d98]: General Administration

WHEREAS, the Virginia Highway Commission believes it necessary to establish a firm policy with regard to gifts to Department personnel by Contractors.

NOW, THEREFORE, BE IT RESOLVED, that the Department is authorized and directed to add the following special provision to the 1958 ROAD AND BRIDGE SPECIFICATIONS:

There shall be no gifts or gratuities given by the Contractor to any personnel of the Department. Any gifts of fuel, lubricants, antifreeze, batteries, tires, alcoholic beverages, foods, credit, wholesale credit, loans or other financial assistance, or any favor or gratuity of any nature whatsoever by the Contractor shall be a violation of this provision.

If the Chief Engineer shall determine that the Contractor or the Contractor's employees, representatives, agents or any person acting in his behalf have violated this provision, the Contractor may, at the discretion of the Chief Engineer, be disqualified from bidding on future contracts with the Department and any implicated employees, agents or representatives of the Contractor may be prohibited from working upon any contract let by the Department within this Commonwealth.

The decision of the Chief Engineer shall be binding on all parties.

A Contractor, having been disqualified in accordance with the above, may be reinstated only by petition to approval by the State Highway Commission.

**Group Insurance for Employees**
**Approved: 6/25/1936**

Comment [d99]: General Administration

Moved by Mr. Rawls seconded by Mr. Massie, that no action be taken in regard to group insurance on the employees of the State Highway Department, but that a request made by twenty-five of the employees to deduct from their monthly salaries a sufficient amount to pay any policy they may decide to take out so as to receive the benefit of group insurance, would be approved. Motion carried.

**Hourly Wage Rate**
**Approved: 3/18/1958**

Comment [d100]: General Administration

WHEREAS in the fall of 1957 this Commission realized the necessity of increasing the hourly pay for labor and authorized a study to be made to determine what could be worked out, and

WHEREAS, the study, when completed, indicated that to pay labor the minimum $1.00 per hour as recommended, the result would be that this type of employee could receive as much or more than our regular monthly employees in the lower grades, and

WHEREAS the request for increased salaries for those low grades was presented to the Governor and approved by him on February 19, 1958,

NOW BE IT RESOLVED that the Highway Commission confirm its action taken by letter ballot as of February 20, 1958, approving $1.00 per hour as the minimum rate of pay for labor, effective March 1, 1958.

**Hourly Wage Rate**
**Approved: 3/26/1946**

Comment [d101]: General Administration

At the request of the Chairman, Mr. DeHardit read to the Commission a memorandum of March 15 written by Mr. Mullen, the Chief Engineer, regarding wage rates. On recommendation of the Chairman, it was moved be Mr. Rawls, and seconded by Mr. DeHardit, that effective April first the wage rate for hourly labor be set at 55¢ an hour, including the bonus and effective July first the hourly rate be 55¢ and no bonus.

**Minimum Wage Rate**
**Approved: 5/22/1963**

Comment [d102]: General Administration

WHEREAS, it is proposed that the field forces work a 40-hour week with no decrease in salary;

WHEREAS, we have had a number of requests for an increase in the hourly rate of skilled and unskilled laborers; therefore,

BE IT RESOLVED, that the field forces as well as the Central Office work a 40-hour week; and

BE IT FURTHER RESOLVED, that the minimum rate for skilled and unskilled laborers be established at $1.15 instead of $1.00 per hour. Motion carried.

**Minimum Wage Rate in Metropolitan Zones**
**Approved: 2/24/1937**

Comment [d103]: General Administration

Moved by Mr. Rawls, seconded by Mr. Wysor, that the minimum wage rate of 35 cents per hour be established for the metropolitan zones around cities having more than the 2,000 population for a radius of five miles, as suggested by the Bureau of Public Roads, and when the major portion of a contract is within the zone paying the maximum rate it carry that rate; if the major portion of the contract is outside of the maximum rate zone it shall carry the rate outside. Motion carried.

**Moving Costs**
**Approved: 6/25/1931**

Comment [d104]: General Administration

Moved by Mr. Shirley, seconded by Mr. Gilmer, that in moving the District and Resident Engineers from one District or Residency to another, where no promotion or increase in salary is made, the State pay for the moving, but where there is an increase in salary or promotion, that the employee be required to do his own moving. Motion carried.

**Nepotism**
**Approved: 4/21/1960**

Comment [d105]: General Administration

See Nepotism

**Nepotism**
**Approved: 8/9/1956**

Comment [d106]: General Administration

See Nepotism

**Nepotism**
**Approved: 6/25/1936**

Comment [d107]: General Administration

See Nepotism

**Overtime**
**Approved: 9/5/1940**

Comment [d108]: General Administration

Moved by Mr. Shirley, seconded by Mr. Gilpin, that when employees are called on to do extra work more than one time in thirty days they be given an equal time off for the second call. Motion carried.

**Patrolmen Salaries**
**Approved: 5/25/1932**

Comment [d109]: General Administration

Moved by Mr. Massie, seconded by Mr. Gilmer, that salaries for patrolmen be graded according to their experience and worth, being Junior Patrolmen, Patrolmen, and Senior Patrolmen, at the general rates heretofore, les 10% and that all helpers rated at 15¢ per hour. Motion carried.

**Political Affiliations**
**Approved: 4/11/1929**

Comment [d110]: General Administration

Moved by Mr. Sproul, seconded by Mr. Truxtun, that the Commission deems it unfair to the citizens of the State to remove any employee from office because of his or her political affiliation or belief. Motion carried.

**Retirement Act**
**Approved: 6/16/1942**

Comment [d111]: General Administration

Moved by Mr. Rawls, seconded by Mr. Rogers, that the conditions set up in the Retirement Act for the release from active duty of State employees be applied by the Commission to all employees of the Department, and employees who have not become members of the Retirement System be released with no provision for compensation thereafter. Motion carried.

**Retirement Policy**
**Approved: 6/17/1971**

Comment [d112]: General Administration

WHEREAS, under provisions of the Virginia Supplemental Retirement Act, Title 51, Chapter 3.2 of the *Code of Virginia*, normal retirement date is defined as a State employee's sixty-fifth birthday and the employer may make retirement mandatory at any age after 65 but not later than age seventy, and

WHEREAS, it is the considered opinion of the State Highway Commission that the benefits provided by the Retirement System, together with Federal social security, are reasonably equitable under average circumstances, these benefits having been increased from time to time in the past and are expected to increase in the future as the economy requires, and

WHEREAS, experience in State Highway Departments, as well as in business and industry throughout the country, has shown that sixty-five is about the maximum age at which the efficiency, health, and general ability of the average employee may be expected to keep pace with most jobs [sic] requirements, and

WHEREAS, it is recognized that normally the interest of the Department as well as the employees will be best served by retirement at age sixty-five, it is also recognized that maximum effective utilization of available manpower can best be achieved by permitting service beyond that age when employees clearly demonstrate their ability to continue to perform in a satisfactory manner.

NOW, THEREFORE, BE IT RESOLVED by the State Highway Commission that effective January 1, 1972, each employee of the Virginia Department of Highways who desires to remain in service after the age of sixty-five, shall be evaluated by a board appointed by the Commissioner to determine if the best interest of the Department will be served by permitting the employee to continue in service, and accordingly to make recommendations for retaining or retiring the employee.

**Retirement Policy**
**Approved: 8/23/1949**

Comment [d113]: General Administration

WHEREAS, four years have elapsed since the satisfactory conclusion of the war with Japan and:

WHEREAS, it is now possible to secure and retain the services of capable employees and:

WHEREAS, Section 8, paragraph B of the Virginia Retirement Act provides that any member who has attained seventy years of age before the date of establishment of the retirement system, or who attains seventy years of age on or after such date, shall be retired forthwith; provided, that upon the request of his employer in the case of a teacher, or the head of the department, institution or agency by which he is employed, in the case of a State employee, he may remain in service not longer than the last day of the fiscal year during which he attains seventy years of age, or if he is a State officer appointed by the Governor, he may, in the discretion of the Governor, be retained in service during such period or periods for which he may be appointed by the Governor. Notwithstanding the foregoing provisions, however, until the conclusion of the war in which the United States is engaged at the time of the enactment of this act, upon the request of his employer, in the case of a teacher, or of the head of the department, institution or agency by which he is employed, in the case of a State employee, such member may remain in service for such period or periods as may be determined by such employer or department, institution or agency head, with the approval of the Board, if such member is mentally and physically able to perform his duties efficiently, but, upon conclusion of said war, any member so remaining in service shall be retired not later than the end of the fiscal year in which occurs the conclusion of the war.

THEREFORE BE IT RESOLVED, that the Highway Commission of Virginia authorizes that all Highway employees who are now seventy years of age or more or who will attain the age of seventy years by the end of the fiscal year June 30, 1950 be retired on that date; and, be it further resolved, that any Highway employee thereafter attaining the age of seventy be retired forthwith; or upon the request of the head of the department, such employee may remain in service but shall be retired not later than the end of the fiscal year in which the employee attains the age of seventy years.

**Retirement System Support**
**Approved: 8/28/1941**

Comment [d114]: General Administration

Whereas, a study for retirement of State employees is now underway by a sub-committee of the Advisory Legislative Council; and a report of their study is to be made to the 1942 General Assembly, and

Whereas, Four thousand four hundred and fifty six (4456) employees of the Commonwealth of Virginia, Department of Highways, have signed a statement as follows: "We the undersigned employees of the Commonwealth of Virginia, Department of Highways, wish to express our sincere interest in the enactment of legislation providing for a sound Retirement System for State employees. We are interested in a plan whereby we may participate by equitable contributions to such a plan. We respectfully urge that the next legislature provide for a sound for a sound Retirement System for State employees"; and

Whereas, there are at this time approximately one hundred (100) employees of the Department of Highways over sixty-five (65) years of age who should be retired from the standpoint of efficiency of the operation of the Department of Highways, and further, as a reward for their long and faithful service.

It is moved by Mr. Gilpin, seconded by Mr. Rawls, that the Commission is in favor of a sound Retirement System for State employees and requests that the State Highway Commissioner use his efforts in obtaining the passage by the legislature of such a retirement system for state employees.

**Reward for Arrests**
**Approved: 9/14/1939**

Comment [d115]: General Administration

Moved by Mr. Massie, seconded by Mr. Rawls, that in the cases of arrests for stealing, where there is a conviction and jail sentence of sixty days or more, to pay the $50.00 reward; where no sentence is served the amount of fine plus the cost is to be paid. Motion carried.

**Safety Engineer**
**Approved: 9/29/1936**

Comment [d116]: General Administration

Moved by Mr. Rawls, seconded by Mr. Wysor, that the position of Safety Engineer be created, and the salary be $3,000.00 per year. Motion carried.

**Salaries**
**Approved: 1/28/1936**

Comment [d117]: General Administration

Moved by Mr. Rawls, seconded by Mr. Wysor, that the Chairman be authorized to increase the salaries to the original basic salaries when approved by the Governor. Motion carried.

**Sick Leave**
**Approved: 9/7/1938**

Comment [d118]: General Administration

Moved by Mr. Rawls, seconded by Mr. Massie, that the rules and regulations governing sick leave and vacation, issued by the Governor for headquarters, be parallel for field and office forces outside of Richmond on an annual salary basis. Motion carried.

**Surplus Equipment Bidding or Purchasing by Employees**
**Approved: 8/16/1973**

Comment [d119]: General Administration

WHEREAS, the Highway Commission at its meeting on March 23, 1954, declared it to be against the policy of the Commission for any employee of the Department of Highways to submit a bid, or purchase, any surplus supplies or equipment sold by the Comptroller, and

WHEREAS, it has now been determined that this policy imposes a restriction on employees of the Department of Highways not imposed on employees of other state agencies, and

WHEREAS, surplus equipment is now sold by the Department of Purchases and Supply by sealed bid or public auction which affords equal opportunity to all prospective purchasers.

NOW, THEREFORE, BE IT RESOLVED, that the policy of the Commission be revised to permit employees of the Department of Highways to submit sealed bids or participate in public auctions of surplus supplies or equipment.

**Surplus Equipment Bidding or Purchasing by Employees**
**Approved: 3/23/1954**

Comment [d120]: General Administration

WHEREAS, it is the practice of the Department of Highways pursuant to the provisions of § 2-265 of the *Code of Virginia* to transfer surplus materials and equipment to the Comptroller for disposal; and, whereas, the said materials and supplies are offered for public sale to the highest bidder by the Comptroller; and whereas, this Commission deems it unwise for any employee of the Department of Highways to submit bids for or purchase any of the surplus supplies or equipment sold by the Comptroller;

NOW, THEREFORE, BE IT RESOLVED, that it is hereby declared to be against the policy of this Commission for any employee of the Department of Highways to submit a bid, or purchase, any surplus supplies or equipment sold by the Comptroller pursuant to the above section.

**Transfer of Engineers**
**Approved: 3/19/1964**

Comment [d121]: General Administration

WHEREAS, the State Highway Commission by a resolution passed on February 11, 1963, adopted a policy relative to the transfer of resident and district engineers whereby resident engineers would be transferred after eight years' service in one location and that district engineers would be transferred at the discretion of the Department;

BE IT RESOLVED, that the resolution of February 21, 1963 is hereby rescinded and that the policy of the Commission in the future will not specify a number of years' service at one location but will permit both resident and district engineers to remain one location regardless of the number of years' service. However, such engineers may be transferred by the Department whenever it is considered advantageous to do so.

**Transfer of Engineers**
**Approved: 2/11/1963**

Comment [d122]: General Administration

WHEREAS, the State Highway Commission by the resolution passed June 4, 1941, adopted a policy relative to the transfer of Resident and District Engineers whereby Resident Engineers would be transferred every six years and District Engineers would be transferred at the discretion of the Department;

BE IT RESOLVED, that the resolution of June 4, 1941 is hereby rescinded and that the policy of the Commission in the future will require that Resident Engineers be transferred after eight years and that District Engineers be transferred at the discretion of the Department. Such transfers are to be made each year on July first.

**Transfer of Engineers**
**Approved: 6/4/1941**

Comment [d123]: General Administration

Moved by Mr. Rawls, seconded by Mr. Gilpin, that the policy heretofore adopted relative to the transfer of Resident and District Engineers be changed whereby the Resident Engineers will only be transferred every six years, the change to be effective September first in the future instead of July first; and the District Engineers to be changed at the discretion of the Department. Motion carried.

**Wage Scale Increase**
**Approved: 8/28/1941**

Comment [d124]: General Administration

Moved by General Anderson, seconded by Mr. Rawls, that the Commission approve increase in wage scale where necessary for semi-skilled and skilled labor, that will be in line with allowances made for Common Labor. Motion carried.

**Work Hours**
**Approved: 7/19/1962**

Comment [d125]: General Administration

WHEREAS, the Virginia State Highway Commission on April 21, 1960, adopted a resolution setting forth a policy on employees' working hours, which statement of policy is presently in need of amendment in order to meet problems presented by highway development.

NOW, THEREFORE, BE IT RESOLVED that the Highway Commissioner be and is hereby authorized to approve appropriate directives for the administration of employee working hours.

BE IT FURTHER RESOLVED that the resolution of April 21, 1960, be and the same is hereby repealed and rescinded. Motion carried.

**Work Hours and Work Week**
**Approved: 4/21/1960**

Comment [d126]: General Administration

WHEREAS, Rule 9.1 of the Rules for the Administration of the Virginia Personnel Act of 1942 provides in part that "….the appointing authority of each agency shall prescribe the hours of duty during which attendance of employees in the agency shall be required. The minimum hours prescribed shall be at least forty hours a week for full-time employment….;" and

WHEREAS, at the present time the Central Office and Equipment Depot employees work 8 hours per day for 40 hours per week, the District, Residency and Shop Offices employees work 8-1/2 hours per day for 42-1/2 hours per week, and the Field and Shop Forces employees work 9-1/2 hours per day for 47-1/2 hours per week; and

WHEREAS, it is the desire of the State Highway Commission as far as practicable to have a uniform work week throughout the Department to eliminate any inequities in working hours and to work toward that goal;

NOW, THEREFORE, BE IT RESOLVED: That the work hours for employees of the Highway Department shall be as follows:

1. Central Office and Equipment Depot : 8-hour day – 40-hour week
2. District, Residency, and Shop Offices: 8-hour day – 40-hour week
3. Field and Shop Forces: 9-hour day – 45-hour week.

BE IT FURTHER RESOLVED: That the rate of pay for hourly employees shall be adjusted to enable such employees to receive the same compensation as they presently receive, as nearly as possible. This policy shall become effective on July 1, 1960.

**Claims Caused by Operation of Uninsured Equipment**
**Approved: 4/18/1944**

Comment [d127]: General Administration

Moved by General Anderson, seconded by Mr. DeHardit, that should a claim be made against the Department or any of its employees, resulting from an accident caused by the operation of uninsured equipment, such as tractors, motor graders, rollers, shovels, etc., the Department may pay in case of personal injury reasonable medical expenses, and in case of property damage the Department may pay reasonable repair bills. Any claim involving an expenditure of more than $500.00 shall be first passed on by the State Highway Commission. In the event an employee is sued as a result of his operation of uninsured equipment he may be represented by counsel as provided in Chapter 328, Acts of General Assembly 1938. Motion carried.

**Locality Equipment Reimbursement**
**Approved: 7/12/1932**

Comment [d128]: General Administration

Moved by Mr. Massie, seconded by Mr. East, that the Chairman be authorized to pay all counties fifty percent of the cost of their equipment and give certificates of indebtedness for the second half of those requesting it, to be payable in 1933. Motion carried.

**Rental of Equipment**
**Approved: 7/25/1940**

Comment [d129]: General Administration; see Section 33.2-277 – responsibility transferred to VDOT

Moved by Mr. Shirley, seconded by Mr. Wysor, that under Chapter 41, Act of 1940, the Commission rent equipment to any city, town, county or school board when it is available, at cost of operation and depreciation. Motion carried.

## Ferries
**Approved: 12/11/1923**

Comment [d130]: Road Systems

It was moved by Mr. Sproul, seconded by Mr. Truxtun, that the Chairman be authorized to take up with the various companies and with the Counsel of the Commission and work out some form of option that would be legal and binding on the various companies who are operating such utilities to sell to the State at some future date at a fixed price and to do no construction work on the roads leading up to such points until said options have been secured. Motion carried.

## Ferry Tolls
**Approved: 2/3/1930**

Comment [d131]: Road Systems

Moved by Mr. Gilmer, seconded by Mr. Truxtun, that the Commission recommend to the Governor an amendment to Chapter 222, Approved March, 14, 1918, Acts of the General Assembly, granting passes to the employees and officials of the State Highway Department, making it applicable to toll ferries also. Motion carried.

**Policy and Guidelines for Implementation of a Project Prioritization Process**
**Approved: 6/17/2015**

Comment [d132]: Road Systems

WHEREAS, Section 33.2-214.1 of the Code of Virginia, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to section 33.2-358 of the Code of Virginia, and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, requires the Board to select projects for funding utilizing the project prioritization process beginning July 1, 2016; and

WHEREAS, effective July 1, 2015, Chapter 684 of the 2015 Acts of Assembly (HB 1887) modifies section 33.2-358 and sets forth requirements relating to the allocations and establishment of a High Priority Projects Program and a District Grant Program with candidate projects under these programs to be screened, evaluated and selected according to the prioritization process established pursuant to Section 33.2-214.1; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

WHEREAS in March 2015, a Draft HB2 Implementation Policy Guide containing a draft/proposed prioritization policy and process was issued and posted at VirginiaHB2.org for purposes of gathering public review and comment; and

WHEREAS, such Draft HB2 Implementation Policy Guide incorporates the requirements and factors identified in Section 33.2-214.1 (B); and

WHEREAS, between February 19 and March 12, 2015, nine workshops were held in each VDOT highway construction district to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders, and nine public hearings were held on April 21, 2015 in Weyers Cave, April 22, 2015 in Lynchburg, April 23, 2015 in Chesapeake, April 28, 2015 in Fairfax, April 29, 2015 in Roanoke, April 30, 2015 in Fredericksburg, May 4, 2015 in Abingdon, May 5, 2015 in Midlothian, and May 11, 2015 in Culpeper, to receive public comments prior to the Board's adoption of the final prioritization policy and process; and

WHEREAS, after due consideration of comments received, changes were made to the draft prioritization policy and process and the Board believes the prioritization policy and process as set forth below should be adopted.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board herby adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1:

1. Application for Six-Year Improvement Program (SYIP) funding must be made by qualifying entities based on project type and as follows:

| Project Type | Regional Entity (MPOs, PDCs) | Locality (Counties, Cities, Towns) | Public Transit Agencies |
|---|---|---|---|
| Corridor of Statewide Significance | Yes | Yes, with a resolution of support from relevant regional entity | Yes, with resolution of support from relevant regional entity |
| Regional Network | Yes | Yes | Yes, with resolution of support from relevant entity |
| Urban Development Area | No | Yes | No |

2. Application for SYIP funding must be made for a qualifying need and, pursuant to section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with section 33.2-353 for all corridors of statewide significance and regional networks, and for the Construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with section 33.2-353 for corridors of statewide significance, regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and safety improvements.

3. Applications for SYIP funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located within the boundaries of the qualifying entity.

4. By majority vote of the Board, the Board may choose to submit up to two projects for funding through the High Priority Projects Program for each application cycle.

5. The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

| ID | Measure Name | Measure Weight |
|---|---|---|
| **Safety Factor** | | |
| S.1 | Number of Fatal and Severe Injury Crashes | 50%* |
| S.2 | Rate of Fatal and Severe Injury Crashes | 50% |
| **Congestion Mitigation Factor** | | |
| C.1 | Person Throughput | 50% |
| C.2 | Person Hours of Delay** | 50% |
| **Accessibility Factor** | | |
| A.1 | Access to Jobs | 60% |
| A.2 | Access to Jobs for Disadvantaged Populations | 20% |

| ID | Measure Name | Measure Weight |
|---|---|---|
| A.3 | Access to Multimodal Choices | 20% |
| **Environmental Quality Factor** | | |
| E.1 | Air Quality and Energy Environmental Effect | 50% |
| E.2 | Impact to Natural and Cultural Resources | 50% |
| **Economic Development Factor** | | |
| ED.1 | Project Support for Economic Development | 60% |
| ED.2 | Intermodal Access and Efficiency | 20% |
| ED.3 | Travel Time Reliability | 20% |
| **Land Use Factor** | | |
| L.1 | Land Use Policy Consistency | 100% |

Note*: 100% for Transit Projects

Note**: Only travel below the posted speed limited is determined to be delayed by the Board.

6. The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts:

| **Typology Categories** | | |
|---|---|---|
| **Region in which the Project is Located** | **Typology** | **Construction District** |
| Northern Virginia Transportation Authority (NVTA)/ Transportation Planning Board (TPB)[2] | Category A | Northern Virginia/Culpeper/Staunton |
| Hampton Roads TPO (HRTPO)[1] | Category A | Hampton Roads/Fredericksburg |
| Richmond Regional TPO (RRTPO) | Category B | Richmond |
| WinFred MPO | Category C | Staunton |
| Fredericksburg Area MPO (FAMPO) | Category A | Fredericksburg |
| Northern Shenandoah Valley RC | Category D | Staunton |
| George Washington RC | Category D | Fredericksburg |
| Richmond Regional PDC | Category D | Richmond |
| Charlottesville-Albemarle MPO | Category B | Culpeper |
| Harrisonburg-Rockingham MPO | Category C | Staunton |
| New River Valley MPO | Category C | Salem |
| Rappahannock-Rapidan RC[2] | Category C | Culpeper |
| Thomas Jefferson PDC | Category C | Culpeper/Lynchburg |
| New River Valley PDC | Category C | Salem |
| Roanoke Valley TPO (RVTPO) | Category B | Salem |
| Staunton-Augusta-Waynesboro MPO | Category C | Staunton |
| Tri-Cities MPO | Category C | Richmond |
| Roanoke Valley-Alleghany PDC | Category D | Salem/Staunton |
| Bristol MPO | Category D | Bristol |
| Central Virginia MPO | Category C | Lynchburg/Salem |

| Typology Categories | | |
|---|---|---|
| **Region in which the Project is Located** | **Typology** | **Construction District** |
| Crater PDC | Category D | Richmond/Hampton Roads |
| Region 2000 LGC | Category D | Salem/Lynchburg |
| Accomack-Northampton PDC | Category D | Hampton Roads |
| Central Shenandoah PDC | Category D | Staunton |
| Danville MPO | Category D | Lynchburg |
| Kingsport MPO | Category D | Bristol |
| Middle Peninsula PDC[1] | Category D | Fredericksburg |
| Mount Rogers PDC | Category D | Bristol/Salem |
| Commonwealth RC | Category D | Lynchburg/Richmond |
| Lenowisco PDC | Category D | Bristol |
| Northern Neck PDC | Category D | Fredericksburg |
| West Piedmont PDC | Category D | Salem/Lynchburg |
| Cumberland Plateau PDC | Category D | Bristol |
| Hampton Roads PDC | Category D | Hampton Roads |
| Southside PDC | Category D | Lynchburg/Richmond |

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

1. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

2. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

| Weighting Frameworks | | | | | | |
|---|---|---|---|---|---|---|
| **Factor** | **Congestion Mitigation** | **Economic Development** | **Accessibility** | **Safety** | **Environmental Quality** | **Land Use** |
| Category A | 45%** | 5% | 15% | 5% | 10% | 20%* |
| Category B | 15% | 20% | 25% | 20% | 10% | 10% |
| Category C | 15% | 25% | 25% | 25% | 10% | |
| Category D | 10% | 35% | 15% | 30% | 10% | |

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.
Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause for certain highway construction districts congestion mitigation must be weighted highest among the factors.

7. Scores for candidate projects will be used by the Board to inform their funding decisions beginning with the Fiscal Year 2017-2022 Six-Year Improvement Program.

8. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application. A project that has been selected for funding must be re-scored if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to cost would have substantially changed.

BE IT FURTHER RESOLVED, the methodology outlined in the HB2 Implementation Policy Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Office of Intermodal Planning and Investment to take all actions necessary to implement and administer this policy and process, including but not limited to issuance of a Policy Guide consistent with the intent of the policy and process adopted herein.

**2 ½% Clause**
**Approved: 10/8/1925**

Comment [d133]: Road Systems

Moved by Mr. Sproul, seconded by Mr. Massie, that it be the policy of the State Highway Commission to recommend the continuation of the 2 ½% additional mileage to the State System for construction, but that the 2 ½% for maintenance expiring in 1925 not be reenacted. The 100 miles added yearly for construction means an additional two and one-half million dollars annually as well as a heavy cost on the maintenance fund. Motion carried. (p. 143)

**Advance Funds from the Bureau of Public Roads**
**Approved: 10/1/1935**

Comment [d134]: Road Systems

Moved by Mr. Wysor, seconded by Mr. Massie, that the Chairman be authorized to request the advance fund from the Bureau of Public Roads if it is necessary. Motion Carried.

**Allocating Funds for Highway Construction Projects**
**Approved: 4/21/1955**

Comment [d135]: Finance/Funding

Whereas, present practice of the State Highway Commission in making allocations for highway construction projects is to base such allocations on the annual recommendation of the Engineering Staff, and

Whereas, the rapid change in highway development dictates that greater time will be allowed for projection of study in surveys, plans, right of way and other essentials, and

Whereas, the State Highway Commission can more feasibly plan its projects on a long range basis,

Now, therefore, be it Resolved by the State Highway Commission that the following policy is hereby adopted for allocating funds for highway construction projects: (1) The Commission will continue its present policy of publicly approving allocations for the construction program of the ensuing year, (2) For

administrative purposes the Commission will approve a program of tentative projects to be constructed during the ensuing five year period based on anticipated available funds; the anticipated funds so tentatively allocated not to exceed eighty (80) per cent of the amount so anticipated, it being understood that no portion of any such tentative funds will become obligated for such project until such funds have been appropriated for highway construction.

**Allocations for Construction Projects**
**Approved: 4/21/1955**

Comment [d136]: Finance/Funding

Whereas, present practice of the State Highway Commission in making allocations for highway construction projects is to base such allocations on the annual recommendation of the Engineering Staff, and

Whereas, the rapid change in highway development dictates that greater time will be allowed for projection of study in surveys, plans, right of way and other essentials, and Whereas, the State Highway Commission can more feasibly plan its projects on a long range basis,

Now, therefore, be it Resolved by the State Highway Commission that the following policy is hereby adopted for allocating funds for highway construction projects: (1) The Commission will continue its present policy of publicly approving allocations for the construction program of the ensuing year, (2) For administrative purposes the Commission will approve a program of tentative projects to be constructed during the ensuing five year period based on anticipated available funds; the anticipated funds so tentatively allocated not to exceed eighty (80) per cent of the amount so anticipated, it being understood that no portion of any such tentative funds will become obligated for such project until such funds have been appropriated for highway construction.

**Allocation of Funds for the Interstate Highway System**
**Approved: 3/3/1957**

Comment [d137]: Finance/Funding

WHEREAS, Item 315 of Chapter 716 of the Acts of Assembly of 1956 provides for the expenditure by the State Highway Commission of funds for the construction and reconstruction of State Highways to Federal-Aid and facilities necessary thereto, and

Whereas, Item 317 of the same act provides that the State Highway Commission may expend for construction and reconstruction of State Highway funds received from the Federal Government, and

Whereas, the Federal-Aid Highway Act of 1956 provides funds for the construction of a National System of Interstate Highways, the Federal share payable on any project in such system to be 90%, the State to pay the remaining 10%;

NOW, therefore, Allocations to the various construction districts of all funds made available for the construction of the National System of Interstate Highways will be made on the basis of estimated need.

**Allocation of Construction Funds to Cities**
**Approved: 6/12/1934**

Comment [d138]: Finance/Funding

Moved by Mr. Rawls, seconded by Mr. Massie, that in allocating the $500.00 per mile additional construction funds to the various cities, it must be used on projects submitted and approved by the Commissioner, but that no part of such funds can be applied to projects completed during the preceding fiscal year. Motion carried.

**Allocations - Reductions**
**Approved: 1/26/1943**

Comment [d139]: Finance/Funding

Moved by Mr. Shirley, seconded by Mr. Wysor, that the State Highway Commission abandon the stagger system as of July 1st on all projects being improved with State funds, the Governor having approved of this action. Motion carried.

**City Streets – Funding**
**Approved: 8/18/1932**

Comment [d140]: Finance/Funding

Moved by Mr. Massie, seconded by Mr. Truxtun, that the Commissioner be authorized to pay the cities at the rate of $1,500.00 per mile per year on a quarterly basis for approved work done or anticipated by the cities. Motion carried.

**Distribution of Highway Funds**
**Approved: 10/29/1959**

Comment [d141]: Finance/Funding

WHEREAS, over the past years the State Highway Commission has adopted many policy statements and resolutions relative to the distribution of highway funds; and

WHEREAS, in order to clarify and make reference thereto easier, it now appears desirable to consolidate all such previous statements and resolutions into one statement,

Now, therefore, BE IT RESOLVED, that the following is adopted as the policy and procedure for the distribution of funds to the Secondary, Primary, Interstate, and Urban Systems, in addition to present statutory requirements:

PRIMARY SYSTEM – Construction
State and Federal funds for Primary highway construction shall be allocated to the districts in proportion to the ratio that the total area, population (latest U.S. Census), and rural Primary mileage of each district bear to the total area, population (latest U.S. Census), and rural Primary mileage to the State. (See Section 33-32)

City Street Funds (Primary Extension)
Two-thirds of the City Street Fund allocation shall be taken from the amount allocated to the districts for Primary System construction (the remaining one-third to be paid by Primary Maintenance Fund). (See Section 33-113)

City Street Fund (Not Primary Extension)
Allocations shall be paid from funds available for maintenance and construction to the Primary System. (See Section 33-113.2)

Federal Aid Secondary

Thirty per cent of the Federal Aid Secondary apportionment to the State shall be allocated to the State Primary System in the same manner as set forth for the distribution of Primary construction funds.

SECONDARY SYSTEM

Extraordinary Winter and Storm Damage
Direction appropriation may be made to counties in the Secondary System which experienced extraordinary winter and storm damage. These appropriations shall be made by the Highway Commission on recommendation of the Chief Engineer for the Highway Department.

Discretionary and Rotating Fund
There shall be a sum of $150,000 set up from Secondary System funds to be expended on special or extraordinary projects on the Secondary System, and allocated to districts on a rotating basis.

Federal Aid Secondary Construction Funds
From seventy percent of the Federal Aid Secondary apportionment to the State, one and one-half per cent shall be deducted for planning. The balance shall be allocated to the 96 counties in the Secondary System and to Henrico County in the proportion to the ratio that rural area (excluding areas of places of 3,500 or more people); rural population (latest U.S. census, excluding population of places of 3,500 or more people); and Secondary System road mileage in each county bear to the State total for each of the foregoing.

State funds may be provided to match the one and one-half per cent in Federal funds for planning and to match equally the Federal Funds allocated to the 96 counties in the Secondary System.

Equalization Fund
An equalization fund of not less than $2,000,000 shall be allocated to the counties in the Secondary System in proportion to the ratio that the non-hardsurfaced Secondary road mileage in each county bears to the total amount of non-hardsurfaced road mileage in the State Secondary System.

Construction and Maintenance
After the above deductions have been made, the remainder of the Secondary road funds shall be allocated to the counties in the Secondary System in the proportion to the ratio that the rural area (excluding area of places of 3,500 or more people); rural population (latest Federal census, excluding populations of places of 3,500 or more); Secondary System road mileage; and vehicle miles of travel on Secondary roads in each county bear to the State total for each of the foregoing. (See Section 33-49).

URBAN SYSTEM
Federal Aid Urban funds shall be allocated to the districts in the ratio that the population of the municipalities and other urban places of 5,000 or more people in each district bears to the population of municipalities and other urban places of 5,000 or more population of the entire state. Generally, Urban Federal Aid projects are financed in the following manner: 50% Federal funds, 25% State, and 25% City. For Arlington County, such projects shall be financed 50% Federal and 50% State. Necessary State Funds to match Federal Aid Urban funds in Arlington County shall be taken from the sums allocated to the Culpeper District for Primary System construction. (See Section 33-114)

INTERSTATE SYSTEM
Federal Funds for the Interstate System shall be allocated to the highway district in the ratio that the estimated cost of completing the system in the district bears to the cost of completing the Interstate System in the entire state. State money required to match Federal Interstate funds shall be taken from

the amount apportioned to the districts for Primary System construction. (See Section 33-36.5 and Section 33-114)

**Division of Funds to Construction Districts**
**Approved: 3/28/1923**

Comment [d142]: Finance/Funding

Moved by Mr. Sproul, seconded by Mr. Sanders, that

Whereas, the State Highway Law requires that all road funds be distributed equitably between the Eight Construction Districts of the State, and whereas, after a careful study and investigation the Commission determined that the division of such funds should be made in proportion to the ratio that the State Road mileage, area and population of each District bears to the total State road mileage, and population of the entire State, to be a fair and equitable basis.

Therefore, be it resolved that the road funds of the State be divided between Eight Construction Districts in the proportion to the ratio that the State Road mileage, area, and population of each District bears to the total State Road mileage, area, and population of the State. Motion carried.

**Expenditures on Roads within Corporate Limits of Towns**
**Approved: 7/5/1922**

Moved by Mr. Truxtun that it be the policy of the Commission in arriving at the sum to be expended on State Routes within the corporate limits of towns of twenty-five hundred inhabitants or under, to allocate a sum predicated upon the amount which is contemplated by the Commission to be expended in the near future per mile on the route when improved leading to said town. Motion seconded and carried.

**Comment [d143]:** Finance/Funding

**Locality Request of Additional Funds**
**Approved: 8/18/1932**

Moved by Mr. Truxtun, seconded by Mr. East, that where additional funds are requested by a city, plans, specifications and estimate must be presented to the Commission for action on each project. Motion carried.

**Comment [d144]:** Finance/Funding

**Set-Aside of Secondary Funds for Non-Hard Surfaced Mileage**
**Approved: 12/8/1953**

Whereas, the State Highway Commission is desirous of obtaining the most equitable distribution of funds available for the roads comprising the Secondary System of State Highways in the several counties, and whereas, the State Highway Commission believes that a more equitable distribution will be effected if a fund is created to be distributed to the counties on the basis of the relation that the non-hard surfaced mileage in each particular county bears to the total amount of non-hard surfaced mileage in the State Secondary System,

Be it resolved, that in making the distribution of Secondary funds for the year 1954-55, and thereafter, that not less than the sum of $2,000,000 be set aside for distribution on the basis of the non-hard surfaced mileage in each county. Motion carried.

**Comment [d145]:** Finance/Funding

## Urban Construction Funds – Utilization of Balances and Amortization of Deficits

**Approved: 11/19/1964**

Comment [d146]: Finance/Funding

WHEREAS, the 1964 session of the General Assembly enacted certain legislation which necessitated changing the distribution of Urban Construction Funds from a district allocation basis to an apportionment basis to each individual city and town; and

WHEREAS, the transfer of funds, allocated prior to July 1, 1964, from district accounts to the various individual city and town accounts created sizeable balances and deficits in certain cities and towns;

NOW, THEREFORE, BE IT RESOLVED, that the policy for the complete utilization of the balances and the amortization of the deficits shall be as set forth below:

I. Balances

a. Any city or town that had accumulated a sizeable Urban Construction Fund balance prior to July 1, 1964, shall be given one year to select acceptable projects and official authorize surveys and plans for the full utilization of the balance.
b. An additional three years shall be given to get the work under contract.
c. Those funds not officially obligated at the end of one year or not under contract at the end of four years shall be withdrawn and transferred to areas where the needs are more acute.

II. Deficits

a. In those cities and towns that have utilized their Urban Construction Funds a number of years in advance of their apportionment, 50% of the Construction Funds apportioned for fiscal year 1964-65 and for each year following shall be credited toward the reduction of the overexpenditures.
b. The remaining 50% may be programmed for additional urban construction projects or plant mix projects, provided sufficient funds are on hand to completely finance the project upon its anticipated date of completion.

## Urban Federal Aid Projects

**Approved: 4/16/1964**

Comment [d147]: Finance/Funding

WHEREAS, the recent Session of the General Assembly enacted certain legislation to change the basis of participation by Municipalities in the cost of urban projects from 50% Federal, 25% State, 25% municipality on Federal-aid projects and, 50% State, 50% municipality on State projects to 85% State and Federal, 15% municipality on all projects; and

WHEREAS, it is deemed necessary and desirable to set forth a policy to govern the participation for urban projects now in the programming stage and those to be initiated by the municipalities between now and the effective date of the new legislation.

NOW, THEREFORE, BE IT RESOLVED, that the basis of financial participation for urban construction projects now programmed with the Highway Department and to be programmed in the future shall be as set forth below:

1. All urban projects presently under contract for construction will continue to be financed on a 75% State and Federal, 25% municipality or 50% State, 50% municipality basis.

2. All urban projects presently programmed with the Department but which are advertised for construction on or after April 1, 1964, will be financed as follows:

   a. Preliminary engineering and right of way acquisition will continue to be financed on a 75% State and Federal, 25% municipality or 50% State, 50% municipality basis; and

   b. Construction will be financed on an 85% State and Federal, 15% municipality basis.

3. All urban projects programmed after April 1, 1964, will be financed on an 85% State and Federal, 15% municipality basis.

BE IT FURTHER RESOLVED, that no contractual obligations based on the new legislation are to be incurred prior to June 26, 1964.

**Urban Highway Construction Funds**
**Approved: 7/21/1966**

Comment [d148]: Finance/Funding

WHEREAS, the State Highway Commission, on March 25, 1952, adopt a policy limiting the expenditure of Urban Construction Funds on other than Extensions of the State Primary System of Highways; and

WHEREAS, Legislation enacted by the 1964 and 1966 session of the General Assembly, plus the improvements that have been accomplished on these urban highways during the past fourteen years, have rendered this policy inconsistent and inadequate for the present and future needs of the Urban Highway Program,

NOW, THEREFORE, BE IT RESOLVED, that the following policy for the utilization of Urban Highway Construction Funds is hereby adopted by the Highway Commission:

Federal - Aid and State Urban Construction Funds are authorized for expenditure on projects duly approved by the Highway Department for the construction, reconstruction and improvement of streets and highways that are Extensions of the State Primary System or have an “Urban Transportation Planning Study” conducted by or for the Department of Highways.

BE IT FURTHER RESOLVED, that the Commission policy on this matter, which was adopted on March 1952, be and the same hereby is rescinded.

**Urban Highway Construction Funds – Expenditure on Other Than Extensions of the Primary System**
**Approved: 3/25/1952**

Comment [d149]: Finance/Funding

Moved by Mr. Rawls, seconded by Mr. Barrow, that it be the policy of the Department to utilize available Urban funds in municipalities in which there is (1) definite need for Urban construction, (2) the cities are ready and willing to put up their share of the funds, and (3) the work can be put under contract prior to deadline; no State matching funds to be transferred from one District to another; further that because of the difficulty in putting underway urban projects in many small urban communities that beginning with the 1952-1953 allocations the Commissioner make no attempt to allocate Federal-Aid Urban Funds directly to cities but allocate only on a district-wide basis and select projects within each District on the basis of need and the ability and willingness of the city to contribute its share of matching funds. Motion carried.

**Utilization of Federal-Aid and State Urban Construction Funds in Municipalities**
**Approved: 8/20/1987**

Comment [d150]: Finance/Funding

WHEREAS, on April 19, 1979, the Highway Commission passed a resolution adopting a policy for the utilization of federal-aid and state urban construction funds in municipalities in excess of 3,500; and

WHEREAS, this policy cited extensions of the state primary system or urban freeways designated by an “Urban Transportation Planning Study”; and

WHEREAS, the 1985 session of the legislature, in enacting Section 33.1-23.3. of the Code, made no reference to the primary extension designation or to urban freeways; and

WHEREAS, the 1987 session of the legislature, in amending Section 33.1-23.3 of the Code, included eight towns with populations of less than 3,500 with cities and towns eligible for urban construction funding; and

WHEREAS, the above legislative amendments render the policy of April 19, 1979 inappropriate;

NOW, THEREFORE, BE IT RESOLVED, that it shall be the policy of the Commonwealth Transportation Board that the utilization of federal-aid and/or state urban construction funds can be authorized for expenditure in cities and towns eligible to receive construction funding in any of the following categories:

a. Highways or streets designated in the state functional classification system as principal and minor arterials or collectors.
b. Needs designated by a study approved by the Department or included in the statewide highway needs.
c. Deficient bridges on public streets as defined by FHWA sufficiency index for rehabilitation or replacement.
d. Projects eligible for special federal categorical funding, such as: hazard elimination or railroad crossing protection.

BE IT FURTHER RESOLVED, that Commission Policy adopted on April 19, 1979 is hereby rescinded.

**Utilization of Federal-Aid and State Urban Construction Funds in Municipalities**
**Approved: 4/19/1979**

Comment [d151]: Finance/Funding

WHEREAS, the State Highway and Transportation Commission on July 21, 1966, adopted a policy authorizing the expenditure of urban construction funds on projects duly approved by the Highway and Transportation Department for the construction, reconstruction, and improvement of streets and highways that are extensions of the Primary System or have been designated as urban freeways or urban arterials by an Urban Transportation Planning Study, conducted by or for the Department of Highways and Transportation; and

WHEREAS, the Surface Transportation Act of 1978, adopted by the Congress of the United States, authorized funds for the replacement and rehabilitation of bridges which are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

WHEREAS, the present policy is inconsistent and inadequate, for the present and future needs of the urban highway program to replace and rehabilitate the unsafe bridges;

NOW, THEREFORE BE IT RESOLVED, that the following policy for the utilization of urban highway construction funds is hereby adopted by the Highway and Transportation Commission. Federal-aid and state urban construction funds are authorized for expenditure on projects duly approved by the Highway and Transportation Department for the construction, reconstruction, and improvement of streets and highways that are extensions of the State Primary System or have been designated as urban freeways or urban arterials by an Urban Transportation Planning Study, conducted by or for the Department of Highways and Transportation; and

BE IT FURTHER RESOLVED, that Federal-aid and state urban construction funds are authorized for expenditure on projects duly approved by the Highway and Transportation Department for the replacement and rehabilitation of deficient bridges (including necessary approaches) located on a public street or highway within the municipality; and

BE IT ALSO FURTHER RESOLVED, that the Commission policy on this matter, which was adopted on July 21, 1966, be and the same hereby is rescinded.

**Transfer of Balances for Flood Damage Repairs**
**Approved: 5/27/1937**

Moved by Mr. East, seconded by Mr. Wysor, that the Chairman be authorized to transfer any balances or unallocated funds to pay the cost of repairing flood damage. Motion carries.

**Transfer of Construction Balances to Reserve Fund**
**Approved: 6/25/1947**

Moved by Mr. Rawls, seconded by Mr. DeHardit, that after construction is completed and all obligations paid the Commission authorize the transfer of construction balances to the Reserve Fund in the district in which the balance occurs.

**Transfer of State Secondary Federal Aid**
**Approved: 6/25/1947**

The Chairman explained to the Commissioner the problems of the Department relative to the securing of right of way on the Secondary System. It is the sense of the Commission that where the Board of Supervisors do not aid in securing the right of way and do not want State Secondary Federal Aid expended on a specified Route that the money be transferred to some other county in the District.

**Comment [d152]:** Finance/Funding

**Comment [d153]:** Finance/Funding

**Comment [d154]:** Finance/Funding

**Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities**
**Approved: 9/21/1995**

Comment [d155]: Operations (24VAC30-61)

WHEREAS, on May 12, 1995 in Bluefield, Virginia, and on May 19, 1995 in Norfolk, Virginia, pursuant to the Administrative Process Act and after newspaper advertisements, public hearings were conducted as to the proposed revisions to Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities; and

WHEREAS, the authority to regulate the transportation of hazardous materials at bridge-tunnel facilities of the Commonwealth and to revise same is vested in the Commonwealth Transportation Board pursuant to Section 33.1-12(3) of the Code of Virginia, with further specific authority under Section 33.1-49 of the Code; and

WHEREAS, the public hearing oral and written comments have been reviewed and reported as attached, and changes were made to the proposed regulations as deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities adopted May 1988 be repealed and that the Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilties be adopted as set out in Attachment 1.

**Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities**

§ 1. Authority.

This regulation is promulgated under the Administrative Process Act (APA) (Chapter1.1:1, § 9-6.14:1 et seq. of Title 9) of the Code of Virginia. Section 33.1-12(3) of the Code of Virginia authorizes the Commonwealth Transportation Board to promulgate regulations "for the protection of and covering traffic on and the use of systems of state highways and to add to, amend or repeal the same. The Interstate System is part of the system of state highways and the Board has additional specific authority under § 33.1-49 to regulate its use." It applies to all bridge-tunnel facilities in the Commonwealth of Virginia, and establishes the rules by which all interstate, intrastate, and public and private transporters of hazardous materials are governed while traveling through these facilities. It becomes effective if appoved by the Commonwealth Transportation Board, and if VDOT receives no gubernatorial or legislative objection during the statutory review and post-publication periods required by the APA.

§ 2. List of bridge-tunnel facilities owned by the Commonwealth

The following table lists the six state owned bridge-tunnel facilities in the Commonwealth. The Virginia Department of Transportation operates all six facilities listed.

| Name of Facility | Telephone Number | Route |
|---|---|---|
| Big Walker Mountain Tunnel | 703-228-5571 | Interstate 77 |
| East River Mountain Tunnel | 703-928-1994 | Interstate 77 |
| Elizabeth River Tunnel – Downtown | 804-494-2424 | Interstate 264 |
| Elizabeth River Tunnel – Midtown | 804-683-8123 | Route 58 |
| Hampton Roads Bridge-Tunnel | 804-727-4832 | Interstate 64 |

| | | |
|---|---|---|
| Monitor-Merrimac Memorial Bridge-Tunnel | 804-247-2123 | Interstate 664 |

For purposes of this regulation, the facilities listed above are classified into two groups: rural and essentially distanced from bodies of water; and urban and essentially proximate to bodies of water.

§ 3. Restrictions on hazardous material transportation across urban and water-proximate facilities.

Hazardous materials are regulated in the four urban and water-proximate tunnels (Elizabeth River (Midtown and Downtown), Hampton Roads, and Monitor-Merrimac) based exclusively on the "hazard class" of the material being conveyed. The following tables list those categories of materials grouped under the designations "Prohibited," "No Restrictions," or "Restricted."

Please contact the Chesapeake Bay Bridge-Tunnel at (804) 331-2960 for information on their regulation.

*Editor's Note: The referenced tables are not reproduced here. Contact the Policy Division to obtain a copy. This regulation (24VAC 30-61) was amended as of October 12, 2011. Also, a 2001 revision to this policy to change telephone numbers was processed administratively without CTB involvement.*

**Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities**
**Approved: 12/17/1987**

WHEREAS, the Commonwealth Transportation Board as authorized by Section 33.1-12 and 33.1-49 did enter into a contractual agreement with Virginia Polytechnic Institute and State University, Blacksburg, Virginia on February 20, 1986 and approved by this Board on February 20, 1986, copy attached (sheet numbered 9a), to develop rules and regulations including operating requirements for the transportation of hazardous materials through bridge-tunnel facilities in form and content consistent with the Commonwealth of Virginia's regulations and in conformance with U.S. D.O.T. regulations, or identified in the Code of Federal Regulations (Title 49); and

WHEREAS, the Consultant has provided the Department of Transportation, as required in the contractual agreement, a final draft copy of a single manual of rules and regulations which are compliable with existing Federal regulations, provides for reasonable regulations and control in areas where Federal regulations do not exist; and

WHEREAS, these rules and regulations have been subjected to the full requirements of the Administrative Process Act; and

WHEREAS, upon approval the rules and regulations of this manual will supersede all previous regulations regarding the shipment of hazardous materials through bridge-tunnel facilities within the Commownealth; and

WHEREAS, it is of the utmost importance to enhance the Department's ability to maintain regulations that are compliable, enforceable and provide the desired levels of highway safety;

NOW, THEREFORE, BE IT RESOLVED, that these rules and regulations are adopted as The Hazardous Materials Transportation Rules and Regulations at Bridge-Tunnel Facilities in the Commonwealth of Virginia.

*Note: The referenced attachment is not reproduced here. Contact the Policy Division to obtain a copy. Also, due to length, the Rules and Regulations as approved in this resolution are not reproduced. Copies may be obtained by contacting the Policy Division.*

**Acceptance of Amendment to Subdivision Control Ordinance (Fairfax County)**
**Approved: 5/9/1950**

Comment [d156]: Road Systems

Moved by Mr. Rogers, seconded by Mr. Barrow, that the modified Subdivision Control Ordinance recommended by the Fairfax County Board of Supervisors on December 12, 1949 be accepted for Fairfax County in lieu of the Subdivision control policy adopted by the Highway Department effective July 1, 1949. The modified Ordinance recommended by the Board and accepted by the Commission is as follows:

PROPOSED AMENDMENT TO SUBDIVISION CONTROL ORDINANCE

AMEND SECTION V, SUB-SECTION A, PARAGRAPH 2a OF THE SUBDIVISION CONTROL ORDINANCE, EFFECTIVE SEPTEMBER 1, 1947, to read as follows:

| | Graded | Surfaced |
|---|---|---|
| (2) Service Drives | 32 ft. | 20 ft. |
| (3) Local Streets | 32 ft. | 20 ft. |
| (4) Local Thoroughfares | 36 ft. | 20 ft. |

AMEND SECTION V, SUB-SECTION A, PARAGRAPH 3, to read as follows:

3. Additional improvements required in subdivisions which include or involve any new public street, any easement or right-of-way connecting two (2) public streets, and which provide any building site containing an area of less than 21,781 square feet and/or a width of less than 100 feet. In the case of streets which are provided solely for access to adjoining undeveloped property and upon which no building sites of the subdivision front, or are intended to front, the construction of required improvements may be limited to that area enclosed by a line joining the right-of-way returns on such streets and the right-of-way line of the streets they intersect.

Streets shall be graded, surfaced, and surface treated to widths as follows:

| | Graded | Surfaced | Surface Treated |
|---|---|---|---|
| (1) Alleys | 20 ft. | 20 ft. | 20 ft. |
| (2) Service Drives | 32 ft. | 20 ft. | 20 ft. |
| (3) Local Streets | 32 ft. | 20 ft. | 20 ft. |
| (4) Local Thoroughfares | 36 ft. | 20 ft. | 20 ft. |

Surfacing shall be composed of 8 inches of compacted pit gravel or 6 inches of compacted crushed stone.

Motion carried.

**Addition of Roads, Bridges and Streets to the Primary System**
**Approved: 5/1/1957**

Comment [d157]: Road Systems

WHEREAS, §33-26 of the *Code of Virginia* of 1950, as amended, authorizes the State Highway Commission to transfer such roads, bridges and streets as the Commission shall deem proper from the Secondary System of State Highways to the Primary System of State Highways and to add such roads,

bridges and streets as it shall deem proper to the Primary System provided the total mileage of such roads, bridges and streets so transferred or added shall not exceed 50 miles during any one year; and

WHEREAS, §33-27 of the Code of 1950, as amended by the 1956 General Assembly of Virginia, authorizes the State Highway Commission to transfer from the Primary System to the Secondary System, not more than 150 miles of highway during any one year; and

WHEREAS, it has been the practice of the Highway Commission to consider requests for Additions to and Deletions from the Primary Allocations;

NOW, THEREFORE, BE IT RESOLVED that the official time for handling Additions and Deletions to and from the Primary System be here-after during the spring meeting of the Highway Commission at the time it considers Primary Allocations.

**Addition of Subdivision Streets to the Secondary System**
**Approved: 10/29/1959**

Comment [d158]: Road Systems

WHEREAS, many counties have enacted excellent subdivision control ordinances, thereby assuring proper design and construction of the subdivision streets therein; and

WHEREAS, the lack of proper design and construction of subdivisions in other counties is resulting in the Department's being requested to take into the Secondary System many streets which are not up to acceptable standards; and

WHEREAS, the acceptance of such streets results in the undue expenditure of public funds for maintenance, maintenance-replacements, and reconstruction; and

WHEREAS, refusing to accept such streets results in a hardship on person who have, in good faith, purchased property served by the said streets; and

WHEREAS, the State Highway Commission has previously set forth the policy for acceptance of subdivision streets in the System;

NOW, THEREFORE, BE IT RESOLVED; That the State Highway Commission does hereby reaffirm the above-mentioned policy which has been in effect since July 1, 1949, to-wit:

1. Addition of subdivision streets to the Secondary System will be approved only where these streets are constructed to standards established by the State Highway Commissioner.
2. The mileage limitation for additions to the Secondary System as set forth by the Commission will not apply to the inclusion of subdivision streets in the Secondary System. However, the funds required to maintain and improve subdivision streets accepted into the System, when combined with the funds required to maintain and improve all other additions, shall not exceed five per cent of the county's improvement fund.
3. The State Highway Department, when requested by the Boards of Supervisors, will cooperate in the planning and inspection of subdivision street construction where it is contemplated that the State Highway Department subsequently will be requested to add such streets to the Secondary System. The subdivider will be required, however, to pay the actual cost of such inspections.

BE IT FURTHER RESOLVED; that the above-mentioned policy be amended to include the following additions:

1. Where it is proposed that subdivision streets be taken into the Secondary System, the developer shall submit a plat and complete plans of his subdivision in order that they may be reviewed by the Department's engineer. If the plat and plans are found acceptable, they will be approved. All work is to be in accordance with approved plans and the current road and bridge specifications of the Department of Highways, on file in all offices of the Department.
2. Upon the satisfactory completion of the streets, they will be accepted for maintenance, provided:
    i. The developer dedicates the prescribed rights of way.
    ii. The Board of Supervisors makes the request by suitable resolution.
    iii. The streets render a public service; that is, from a standpoint of occupied dwellings and continuing traffic service to the same.
    iv. The streets have been properly maintained since completion.
    v. The developer furnishes the Department a bond in sufficient amount to guarantee the satisfactory performance of the streets for a period of one year from the time of acceptance; or, as an alternative, the developer may construct the streets under Highway Department inspection, the cost of said inspection to be borne by him.
3. Where the local subdivision control ordinance requirements exceed the requirements hereinabove mentioned, they shall become the Commission's policy and govern in that area – all effective on and after November 15, 1959. Motion carried.

**Addition of Subdivision Streets to the Secondary System**
**Approved: 5/14/1958**

Comment [d159]: Road Systems

WHEREAS, in considering roads in subdivisions for inclusion in the Secondary System of State Highways, the State Highway Commission, among other things, has required that the road be surface-treated; and

WHEREAS, in certain instances and on certain conditions which are hereinafter set out it is agreeable to the Commission that a road be taken into the Secondary System prior to it being surface-treated;

NOW THEREFORE, BE IT RESOLVED, that without affecting the other requirements established by the State Highway Commission before a road in a subdivision may be taken into the Secondary System that the requirement as to surface-treatment is modified as follows:

In the event local materials are used for the bases in any subdivision, which in the opinion of the Highway Department will benefit by being carried through a winter, the Department may waive the provision in regard to requiring the road to be surface-treated prior to acceptance, with the provision that the Board of Supervisors, by resolution, shall assure the Department that funds are in hand, in accordance with the Department's estimate, to maintain and surface-treat the roads so accepted, and shall transmit said funds along with the request for said addition. Motion carried.

**Additions to County Systems**
**Approved: 6/1/1938**

Comment [d160]: Road Systems

Moved by Mr. Rawls, seconded by Mr. Massie, that the Boards of Supervisors be advised that hereafter the Commission has decided to add one percent per year of the total mileage as of July 1, 1938, to the county system of each county; that in selecting the roads they wish added it is requested that they send in the mileage only to this amount. Motion carried.

**Additions to the Secondary System**
**Approved: 4/4/1939**

Comment [d161]: Road Systems

Moved by Mr. Massie, seconded by Mr. Wysor, that a new policy be adopted and hereafter each county be allowed one percent (1%) of its total secondary mileage existing July 1, 1938; and further that when a 30 ft. right of way is graded to a width of 22 ft. with satisfactory drainage and surfaced with a suitable surface 16 ft., an additional one percent of such roads may be added. Motion carried.

**Additions to the State Highway System**
**Approved: 11/18/1929**

Comment [d162]: Road Systems

Moved by Mr. East, seconded by Mr. Gilmer, that in keeping with their former policy, the Commission cannot recommend to the Legislature that any special road or roads be taken into the State Highway System. Motion carried. Mr. Truxtun voting No.

**Adoption of Secondary Street Acceptance Requirements (24 VAC 30-92)**
**Approved: 12/18/2008**

Comment [d163]: Road Systems

WHEREAS, Chapter 382 of the Acts of Assembly of 2007 requires the Commonwealth Transportation Board (CTB) to develop Secondary Street Acceptance Requirements (SSAR) to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, Chapter 382 of the Acts of Assembly of 2007 provides that the regulations shall include, but not be limited to (i) requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network, (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary streets and associated cost recovery fees; and

WHEREAS, the purpose of these and other provisions in the regulation is to improve the effectiveness of the overall regional and local transportation network; reduce reliance on arterial roadways for local trips; provide direct and alternative routes for emergency service providers; reduce subdivision street widths, where appropriate; and recover VDOT's costs related to street acceptance; and

WHEREAS, this regulatory action is exempt from the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); however, Chapter 382 of the Acts of Assembly of 2007 requires that the CTB consider public comment in the development of this regulation; and

WHEREAS, to this end, the CTB published a Notice of Intended Regulatory Action (NOIRA) on June 11, 2007 to solicit public input; and

WHEREAS, the proposed regulation was published in the Virginia Register on April 14, 2008, four public hearings were held throughout the state, and public comments were received through June 30, 2008; and

WHEREAS, outreach with localities and developers in each district has been ongoing; and

WHEREAS, public comments received during the public comment periods and from the public hearings have been taken into account by a technical team and an implementation advisory committee working under the direction of the Secretary of Transportation and the CTB in drafting a final regulation.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the Secondary Street Acceptance Requirements (24 VAC 30-92) attached hereto to become effective January 1, 2009 in accordance with Chapter 382 of the Acts of Assembly of 2007.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby delegates to the Commissioner and his designees, the authority to accept into the secondary system of state highways those streets developed in accordance with the Secondary Street Acceptance Requirements.

BE IT FURTHER RESOLVED, that the Secretary of Transportation shall form a committee to monitor the implementation of this regulation.

BE IT FURTHER RESOLVED, that such committee provide the Board with a report on the status of implementation of the Secondary Street Acceptance Requirements three years after the effective date of the regulation's adoption.

**Applications for Additions to the Secondary System**
**Approved: 8/4/1932**

Comment [d164]: Road Systems

Moved by Mr. Massie, seconded by Mr. Gilmer, that the Commissioner be empowered to reject all applications for additions to the Secondary System if the date set in Supervisors' notice expires before the Commission can meet to pass on the same. Motion carried.

**Criteria for Transferring Secondary Roads to the Primary System**
**Approved: 12/17/1998**

Comment [d165]: Road Systems

WHEREAS, VDOT's Department Policy Memorandum (DPM) 8-1, Criteria for Transferring Secondary Roads to the Primary System, contains criteria used to make recommendations to the Commonwealth Transportation Board for additions and transfers to the Primary System pursuant to § 33.1-34 of the *Code of Virginia* (1950) as amended; and

WHEREAS, DPM 8-1 has not been revised since 1991; and

WHEREAS, VDOT's Traffic Engineering Division has determined that the criteria outlined in the policy should be updated to reflect current traffic conditions; and

WHEREAS, the Board has reviewed and concurs with the VDOT Traffic Engineering Division's recommendations regarding the criteria to be used in making determinations under which § 33.1-34 of the *Code of Virginia* (1950) as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the proposed revisions to DPM 8-1, to become effective (i) upon the signature of the Commonwealth Transportation Commissioner or his designee, and (ii) upon VDOT's compliance with the appropriate filing requirements outlined in the State Registrar of Regulations' Form, Style, and Procedure Manual.

**Introduction**

Recommendations to the Commonwealth Transportation Board for additions to the Primary System will be based upon this policy's criteria.

**Definitions**

The following words and terms are important in understanding this policy:

| TERM | MEANING |
|---|---|
| Light Truck | Cargo-carrying vehicle with two axles and six tires. |
| Medium Truck | Cargo-carrying single-unit vehicle with three or more axles. |
| Tractor Trailer | Cargo-carrying vehicle with three or more axles (including semis and twin trailers). |

Note: This is an automated data collection process. Vehicle categories are determined by axle spacing.

**Criteria**

Roads may be transferred from the Secondary System to the Primary System if:

- the road:
  - serves as a link between interstate or intrastate highways, or both;
  - serves a site of historical or scenic interest;
  - connects county seats;
  - has a minimum traffic volume of 2,000 vehicles per day;

- the road carries a minimum of:
  - 7 percent out-of-state vehicles;
  - 20 percent light and medium trucks;
  - 2 percent tractor-trailers and buses.
  - 20 percent of traffic is on trips of 25 miles or more.
  - 5 percent of traffic is on trips of 100 miles or more.

**Degree of Conformance**

The degree of conformance with each of the criteria should be considered.

Those roads suited for additions to the Primary System should fully conform to a majority of the criteria.

**Reference**

- *Code of Virginia*, § 33.1-34.
- Commonwealth Transportation Board Minutes, 12/17/98.

**Rural Addition Policy**
**Approved: 2/18/1988**

Comment [d166]: Road Systems

1. Rural additions to the Secondary System of State Highways will be considered when requested by resolution of the Boards of Supervisors of the several counties where the proposed roads provide sufficient public service to warrant the expenditure of highway funds for maintenance and improvement thereof; provided, however, that a minimum 40' unrestricted right of way plus additional widths for cuts and fills where necessary, along with adequate drainage easements are established and recorded in the deed books of the county at no cost to the Commonwealth; except that a lesser right of way width, but no less than 30', may be considered where buildings or permanent structures (not including fences) were in place prior to December 31, 1961 [date of the Transportation Board's policy on right of way for the Secondary System]. Further, the resolution of the Board of Supervisors shall specifically guarantee the necessary right of way and easements for the proposed road addition. Where a county has policy requiring greater widths of right of way, its policy becomes the policy of the Commonwealth Transportation Board in that county.

2. Rural additions to the Secondary System will be limited during any one fiscal year to not more than 1% of each county's Secondary mileage at the end of the preceding calendar year, provided that the total mileage added to the system can be improved to a minimum standard for rural roads as established by the Department of Transportation with a maximum expenditure of not more than a sum equal to 5% of the allocation of construction funds for use on the Secondary System in such county.

3. Streets within subdivisions developed prior to July 1, 1949, may be considered as rural additions in accordance with Sections 1 and 2 aforementioned, provided that neither the original developer, developers, nor successor developers retain speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy. The Board of Supervisors requesting the addition of such subdivision streets meeting the requirements of Sections 1 and 2 shall submit with its resolution of request a certified copy of a plat of the area involved indicating street right of way, drainage easements, and place of recordation of the plat, including a detailed listing of the lot ownership at the time of submission.

4. The addition of streets in subdivisions developed subsequent to July 1, 1949, and prior to the adoption of a subdivision control ordinance in the county, the street requirements of the Department of Transportation for subdivision streets, or prior to November 15, 1959, (date of revised the Transportation Board's general policy on subdivision additions), whichever occurred first, may be considered under Sections 1 and 2 aforementioned provided all of the following are complied with:

    a. The county has passed a subdivision control ordinance having street requirements meeting or exceeding the Department of Transportation's Subdivision Street Requirements.
    b. Neither the original developer, developers, nor successor developers retain a speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy.
    c. One-half the Department of Transportation's estimate of cost of developing the streets to minimum rural standards as established by the Department of Transportation is donated through the county.

d. A certified copy of the plat indicating street right of way, drainage easements, and place of recordation and a detailed record of lot ownership, along with the required donation, shall be furnished with the submission of the resolution requesting the addition.

5. Where a county policy requires that a rural addition meeting the requirements of Section 1 be graded, drained, and surfaced to minimum standards for rural additions as established by the Department of Transportation or where this work has been accomplished by the property owners living thereon prior to recommendation for acceptance into the Secondary System, consideration may be given to the waiving of the mileage requirements. However, no consideration may be given to the waiting of the monetary limitations as set forth in Section 2 above, except with the express permission of the Commonwealth Transportation Commissioner.

6. The Commonwealth Transportation Commissioner, through the Deputy Commissioner and Chief Engineer, is directed to set up standards and administrative procedures to see that the provisions of this policy are adhered to and complied with.

7. All portions of the general policy for acceptance of subdivision streets into the Secondary System of State Highways, as approved by this Board on October 29, 1959 and subsequent revisions, in conflict with this policy are rescinded only to the extent of such conflict; and

8. The Boards of Supervisors of the several counties are urgently requested to instruct their appointed viewers or road engineer to give careful consideration to the public necessity for any requested addition, and to carefully weigh the need for the addition against other road needs in the county, so that the program of improving existing Secondary roads not he hindered by expenditures of available funds upon roads of questionable public service.

*Editor's Note: The Rural Addition Policy is contained in the Guide for Additions, Abandonments, and Discontinuances, filed by description as an APA-exempt regulation under 24 VAC 30-290. The Guide was approved by the CTB for repeal and reclassification as a Guidance Document on July 15, 2015, which is undergoing implementation.*

**Rural Addition Policy**
**Approved: 3/19/1964**

Comment [d167]: Road Systems

WHEREAS, due to changing conditions and increased costs, the policy for the acceptance of rural additions into the State-maintained Secondary System which became effective July 1, 1949 is no longer serving the intended purpose; and

WHEREAS, there are old subdivisions which were developed prior to the establishment of the Department's subdivision policy and where the developer is no longer at interest, thus leaving the residents therein without public service; and

WHEREAS, in many counties subdivisions were developed subsequent to the Department's subdivision policy but prior to the establishment of a subdivision control ordinance in the county and where the developer is no longer at interest; thus again leaving the residents therein without public service; and

WHEREAS, it is the sense of this Commission that the rural addition policy should be revised to provide for the changing conditions, increased costs and to aid in providing relief to the property owners in the aforementioned subdivisions.

NOW, THEREFORE, BE IT RESOLVED, that all previous policies regarding rural additions be and hereby are rescinded and the following is adopted as the rural addition policy of the Highway Commission for the acceptance of roads into the Secondary System under the provisions of Section 33-141 and subsequent sections of the 1950 Code, as amended, effective July 3, 1964.

**RURAL ADDITION POLICY**

1. Rural additions to the State-maintained Secondary System will be considered when requested by resolution of the Boards of Supervisors of the several counties where the proposed roads provide sufficient public service to warrant the expenditure of highway funds for maintenance and improvement thereof; provided, however, that a minimum 40' unrestricted right of way plus additional widths for cuts and fills where necessary, along with adequate drainage easements are established and recorded in the deed book of the county at no cost to the Commonwealth; except that a lesser right of way width, but not less than 30' may be considered where in place prior to December 31, 1961 (date of Commission's policy on right of way for Secondary System). Where a county has a policy requiring greater widths of right of way, its policy becomes the policy of the Highway Commission in that county.

2. Rural additions to the Secondary System will be limited during any one fiscal year to not more than 1¼% of each county's Secondary mileage at the end of the preceding calendar year, provided that the total mileage added to the system can be improved that the total mileage added to the system can be improved to a minimum standard for rural roads as established by the Highway Department and maintained with a maximum expenditure of not more than a sum equal to 2% of the initial allocation of funds for use on the Secondary System in such county.

3. Streets within subdivisions developed prior to July 1, 1949 may be considered as rural additions in accordance with Sections 1 and 2 aforementioned, provided that not more than 5% of the lots along such street or streets belong to a develop, land speculator, and/or subdivider. The Board of Supervisors requesting the addition of such subdivision streets meeting the requirements of Sections 1 and 2 shall submit with its resolution of request a certified copy of a plot of the area involved indicating street right of way, drainage easements, and place of recordation of the past, including a detailed listing of the lot ownership at the time of submission.

4. The addition of streets in subdivisions developed subsequent to July 1, 1949 and prior to the adaptation of a subdivision control ordinance, the street requirements of which are equal to or greater than the requirements of the Department of Highways for subdivision streets, or prior to November 15, 1959 (date of revised Commission policy on subdivisions additions), whichever occurred first, may be considered under Sections 1 and 2 aforementioned provided all of the following are complied with:

   (a) The county has passed a subdivision control ordinance having street requirements meeting or exceeding the Department of Highways' standards for subdivision streets.
   (b) Not more than 15% of the lots along such street or streets are owned by a subdivider, developer, and/or land speculator.
   (c) One-half of the Department of Highways' estimate of cost of developing the streets to a minimum rural standards as established further, if initial surface-treatment is desired, 75% of the estimated cost thereof shall also be donated through the county.

(d) A certified copy of the place of recordation and a detailed record of lot ownership, along with the required donation, shall be furnished with the submission of the resolution requesting the addition.

5. Where a county policy requires that a rural addition meeting the requirements of Section 1 be graded, drained, and surfaced to minimum standards for rural additions as established by the Department of Highways or where this work has been accomplished by the property owners living thereon prior to recommendation for acceptance into the highway system, consolidation may be given to the waiving of the mileage requirements. However, no consideration may be given to the waiving of the monetary limitations as met forth in Section 2 above, except with the express permission of the Commissioner of Highways by and with the approval of this Commission.

6. Requests for approval of additions to the Secondary System may be submitted to the State Highway Commissioner at any time during the year. However, the approval of such additions by the fiscal year following the year in which the application is made.

7. The Commissioner of Highways, through the Deputy Commissioner and Chief Engineer, is directed to set up standards and administrative procedures to see that the provisions of this policy are adhered to and complied with.

8. All portions of the policy for acceptance of subdivision streets into the Secondary System, as approved by this Commission on October 29, 1959, in conflict with this policy are rescinded only to the extent of such conflict.

BE IT FURTHER RESOLVED: that the Boards of Supervisors of the several counties are urgently requested to instruct their appointed viewers or road engineer to give careful consideration to the public necessity for any required addition, and to carefully weigh the need for the addition against other road needs in the county, so that the programs of improving existing Secondary roads not be hindered by expenditures upon roads of questionable public service, in view of the fact that the funds for improvement and maintenance thereof must of necessity be deducted from funds available for needed improvements to the routes of the existing system. Motion carried.

**Secondary System Additions**
**Approved: 3/16/1978**

Comment [d168]: Road Systems

WHEREAS, Sections 33.1-72 and 33.1-229 of the *Code of Virginia* (1950), as amended, provide for the acceptance of additions to the State Secondary System only with the approval of the State Highway and Transportation Commissioner; and

WHEREAS, historically certain standards have been established as prerequisites for the Commissioner's approval and agreement to such additions, one of which has been the requirement of a right of way guarantee by resolution of the Board of Supervisors of the county in which such proposed addition is located; and

WHEREAS, although such requirements have been implemented, they have never been promulgated simultaneously as a unified policy;

NOW, THEREFORE, BE IT RESOLVED, that the policy regarding additions to the State Secondary System as previously promulgated by the Commission, Commissioner, and the Virginia Department of

Highways and Transportation be reaffirmed, and that the policy of the Commissioner, which has required resolutions of the Boards of Supervisors of the several counties where the proposed roads are located be affirmed; in particular, the requirement of a guarantee of the right of way by the county Boards of Supervisors is specifically affirmed; and

BE IT FURTHER RESOLVED, that the Commissioner of Highways and Transportation, through the Deputy Commissioner and Chief Engineer, is directed to establish standards and administrative procedures to implement the policy for secondary additions.

**MINIMUM STANDARDS FOR NEW ADDITIONS TO THE SECONDARY SYSTEM**

For anticipated traffic volume five years hence of:

1. Not more than 10 vpd
   22' roadway – 14' lightsurface

2. 10 vpd to 25 vpd
   22' roadway – 16' all-weather surface

3. 25 vpd to 50 vpd
   24' roadway – 16' all-weather surface

4. 50 vpd to 100 vpd
   24' roadway – 16' hardsurface

5. Over 100 vpd
   Roadway width, base, and surface in accordance with criteria set forth in the Department's Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.

6. Grades and alignment for any Rural Addition shall not be less than the minimums as set forth in the Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.

7. Any bridge located on a rural addition shall be constructed to the applicable width and capacity as set forth in the Geometric Design Standards/Rural Road System for the anticipated traffic volume.

8. Deviations from the above shall be fully justified and approved by the Secondary Roads Engineer.

**Subdivision Street Requirements – Revision**
**Approved: 10/19/1995**

Comment [d169]: Operations

WHEREAS, the Commonwealth Transportation Board is authorized, under Sections 33.1-12, 33.1-69, and 33.1-229 of the *Code of Virginia*, 1950, as amended, to establish appropriate requirements for additions to the Secondary System for maintenance; and

WHEREAS, the Department of Transportation has, since 1949, prescribed minimum requirements that new subdivision streets must satisfy for acceptance as part of the secondary system; and

WHEREAS, these requirements have been revised over time to properly address changes in conditions throughout the Commonwealth, the last such revision being adopted by the Board on August 17, 1989; and

WHEREAS, "Virginia Connections" identified the need to revise the Subdivision Street Requirements to provide the flexibility to meet the changing needs of today's neighborhoods and communities; and

WHEREAS, the Department was authorized to proceed with changes to the current requirements; and

WHEREAS, an Advisory Committee, composed of qualified representatives of local governments, the development community, and state housing agencies has assisted Department in revising the requirements; and

WHEREAS, the concerns of and suggestions of citizens, local governments, and the development industry were solicited through five stakeholder meetings; and

WHEREAS, all comments received from the public involvement process, including five public hearings held throughout the Commonwealth, have been evaluated by the Department in cooperation with the Advisory Committee; and

WHEREAS, the proposed revision of these requirements was prepared in full compliance with the provisions of the Administrative Process Act.

NOW, THEREFORE, BE IT RESOLVED that the attached revision to the Subdivision Street Requirements is hereby adopted and shall become effective January 1, 1996, subject to final approval pursuant to the Administrative Process Act.

BE IT FURTHER RESOLVED that during the period January 1, 1996 through June 30, 1996, the Department will consider the approval of streets designed in accordance with either the 1990 requirements or those herein adopted, after which period, any street design initially submitted for the Department's approval shall be in accordance with the requirements herein adopted. (Documents on file in the Secondary Roads Division, Virginia Department of Transportation.)

*Editor's Note: The referenced attachment is not reproduced here. To obtain a copy, contact the VDOT Policy Division.*

**Subdivision Street Requirements – Revision**
**Approved: 8/17/1989**

Comment [d170]: Operations

WHEREAS, the Commonwealth Transportation Board is authorized, under Sections 33.1-12, 33.1-69, and 33.1-229 of the *Code of Virginia*, as amended, to establish appropriate requirements for additions to the Secondary System for maintenance; and

WHEREAS, in the interest of public welfare and safety, the Department of Transportation has, since 1949, prescribed minimum requirements for the acceptance of subdivision streets into the Secondary System; and

WHEREAS, these requirements have been revised from time to time as necessary to properly address changes in conditions throughout the Commonwealth, the latest such revision being adopted by this Board on January 17, 1980; and

WHEREAS, the staff of the Department was directed to draft suggested changes to the requirements currently in effect; and

WHEREAS, the public, local governments, and the development industry were afforded ample opportunity to review and comment on the proposed revision; and

WHEREAS, all comments received from the public involvement process have been duly considered and evaluated by the Department, resulting in many of the suggestions being fully or partially incorporated into the final draft for revision of these requirements; and

WHEREAS, a proposed revision to these requirements has been prepared in full compliance with the provisions of the Administrative Process Act; and

WHEREAS, it is the sense of this Board that the present Subdivision Street Requirements should be revised to provide for changing conditions and to enhance the level of safety and service provided subdivision streets.

NOW, THEREFORE, BE IT RESOLVED, that the attached revision to the Subdivision Street Requirements is hereby adopted and shall become effective January 1, 1990, subject to final adoption pursuant to the Administrative Process Act; and

BE IT FURTHER RESOLVED, that during the period of January 1, 1990 to March 31, 1990, the Department will consider approval of streets designed in accordance with either the former requirements (1980) or those herein adopted. Any street design initially submitted for approval by the Department after March 31, 1990, shall be in accordance with the requirements herein adopted.

*Editor's Note: The referenced attachment is not reproduced here. To obtain a copy, contact the VDOT Policy Division.*

**Subdivision Street Standards and Regulations**
**Approved: 1/17/1980**

Comment [d171]: Operations

Mr. Fralin reported on his committee's review of the Department's subdivision street standards and regulations. Participation was solicited from local governments, the home-building industry, and individual citizens. The Secondary Roads Division prepared a compilation of existing standards and regulations, and copies were sent for review to every local government and local home-builders' organization in the state and to a number of other groups. Public hearings were conducted by the committee in Richmond, Fairfax, Salem, Suffolk, and Wise, and approximately 75 persons participated or commented in writing. Based on this process, the committee proposes to public a manual in booklet form which will be distributed statewide to those concerned with subdivision development. The principal proposed changes recommended by the committee in administrative procedures and standards, with staff concurrence, are as follows:

1. A formal review procedure would be established, with appointment of an appeals committee in each of the eight districts to resolve differences as to interpretation and application of the standards.
2. Periodic informational seminars would be conducted by the department for its employees, local government representatives, and developers to encourage a broad understanding of the standards and to encourage uniformity in their application.
3. A tertiary streets classification would be authorized to permit lower road design speeds and shorter sight distances for subdivision streets with limited traffic and where geographic features make higher standards difficult to attain.
4. Right-of-way requirements would be amended to permit reduced widths in some instances, although a minimum of 50 feet would still be required for all major subdivision streets.
5. Maintenance fees and developers' performance surety would be increased to reflect the higher costs caused by inflation.
6. Blanket approval would be given by the department for certain pre-cast manhole and drainage inlets readily available from fabricators.
7. Stub streets would be accepted for state maintenance if their construction is required by local ordinance.

On motion of Mr. Fralin, seconded by Mr. Anderson, the Commission adopted the committee's recommendation.

**Use of Industrial Access Railroad Track Funds**
**Approved: 6/15/1989**

Comment [d172]: Finance/Funding

WHEREAS, the Commonwealth Transportation Board has adopted a policy to govern the use of industrial access railroad track funds; and

WHEREAS, from time to time it becomes necessary to revise or expand the policy based on experience with the administration of the program; and

WHEREAS, it is the sense of this Board that a portion of the present policy be revised;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the following revision to paragraph number 10 of the Board's policy, adopted June 18, 1987 and amended December 17, 1987, to govern the use of the Industrial Railroad Track funds:

10. No more than twenty-five percent of the funds shall be allocated to any one county, town or city in any fiscal year unless there are not sufficient applications prior to August 1 of each year to use the available funds. Additional allocations to any given county, town, or city which would exceed the twenty-five percent limitation will be considered in June of said fiscal year, provided funds are available for this purpose. Not more than $100,000 of unmatched funds may be allocated to any one project in any fiscal year. The unmatched funds may be supplemented with additional matched funds, in which case the matched funds shall not be more than $50,000 until June of said fiscal year. Any funds in excess of $100,000 shall be matched dollar-for-dollar by the recipient or other non-program sources. The amount of industrial access railroad track funds allocated to a project shall not exceed 15 percent of the capital outlay of the designated business. The 15 percent limitation may be waived at the discretion of the Board.

**Use of Industrial Access Railroad Track Funds**
**Approved: 12/17/1987**

Comment [d173]: Finance/Funding

WHEREAS, the Commonwealth Transportation Board has adopted a policy to govern the use of the industrial access railroad track funds; and

WHEREAS, from time to time it becomes necessary to revise or expand the policy based on experience with the administration of the program; and

WHEREAS, it the sense of this Board that a portion of the present policy should be revised;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the following revision to paragraph number 10 of the Board's policy, adopted June 18, 1987, to govern the use of the industrial access railroad track funds:

10. No more than twenty-five percent of the funds shall be allocated to any one county, town or city in any fiscal year unless there are not sufficient applications prior to August 1 of each year to use the available funds. Additional allocations to any given county, town, or city which would exceed the twenty-five percent limitation will be considered in June of said fiscal year, provided funds are available for this purpose. The amount of industrial access railroad track funds allocated to a project shall not exceed 15 percent of the capital outlay of the designated business. The 15 percent limitation may be waived at the discretion of the Board.

**Use of Industrial Access Railroad Track Funds**
**Approved: 6/18/1987**

Comment [d174]: Finance/Funding

WHEREAS, the General Assembly has declared it to be in the public interest to provide for the construction of industrial access railroad tracks and facilities to serve new or substantially expanded industrial or commercial businesses, as described in Section 33.1-221.1:1 of the *Code of Virginia*, as amended, and Chapter 723, Item 630.d, Acts of the General Assembly; and

WHEREAS, the administration of a program to ensure equitable allocation of available funds, to maintain consistent standards of facility construction and to protect the interest of the Commonwealth requires that several provisions of the law be more fully explicated; and

WHEREAS, the 1987 General Assembly amended the *Code of Virginia* pertaining to administration of the industrial access railroad track program;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby rescinds its previous interim policy adopted on August 21, 1986, and adopts the following policy to govern the use of the industrial access railroad track funds:

1. The industrial access railroad track fund will be administered by the Commissioner of the Department of Transportation in accordance with decisions of the Commonwealth Transportation Board. The Commissioner may consult with the Commissioner of Agriculture and Consumer Services, and the Director of the Department of Economic Development (or their designated representatives) concerning applications for funds in accordance with the *Code of Virginia*. The Rail and Public Transportation Division of the Department of Transportation will act as staff to receive and process applications, to make recommendations and to supervise the expenditure of funds.

2. All applications for industrial access railroad track funds shall be submitted by the applicant through the appropriate local government. Each applicant shall be accompanied by a resolution from the local governing body requesting that such funds be allocated to the proposed project.
3. All applications shall be submitted to the Rail and Public Transportation Division of the Virginia Department of Transportation in accordance with procedures outlined in the Procedural Memorandum. The Division will process the applications, including making recommendations and supervising the expenditure of funds, and transmit the same to VDOT Commissioner for review and concurrence prior to submittal to the Board. The Board will select projects and establish priorities, in accordance with the policies and procedures contained therein.
4. Funds for the construction of industrial access railroad tracks may be provided if the construction will have a positive impact upon the economic development of the State. Financial assistance will be limited to certain industrial or commercial sites where rail freight service is or may be needed by new or substantially expanded industry for the furnishing of rail freight trackage and facilities between normal limits of existing or proposed common carrier railroad tracks and facilities and the actual site of existing or proposed commercial or industrial buildings or facilities.
5. Funds may be used to construct, reconstruct, or improve part or all of the necessary tracks and related facilities on public or private property currently used or being developed, existent or prospective, for single industries or industrial subdivisions under firm contract or already constructed, including those subdivisions owned or promoted by railroad companies and others. No funds shall be expended until all agreements are executed and certifications are provided as set forth in Items 8, 9, and 13 of this Policy.
6. Industrial access railroad track funds shall not be used for the acquisition of right of way or the adjustment of utilities. If the total project costs exceed the available funds for a specific project, the expenditures will be approved in the following priority order: 1) track materials, 2) installation, 3) engineering, 4) drainage, and 5) grading. Eligible items of construction shall be limited to those necessary to provide adequate and safe rail service between the clear point and the industry being served. Construction shall not include siding track. A siding is defined by American Association of State Highway and Transportation Officials (AASHTO) as a track adjacent to a main or secondary track for meeting or passing trains.
7. Plans and construction of all projects utilizing industrial access railroad track funds shall be subject to approval by the serving railroad prior to transmittal to the Commissioner.
8. All facilities constructed or improved with industrial access railroad track funds shall be made available for use by all common carriers using the railway system to which they connect. The railroad company owning the main track to which an industrial access track is connected must acknowledge that any other carrier having trackage rights over the main track will also have unrestricted access to the industrial access track.
9. Industrial access railroad track funds shall be allocated only after certification that the manufacturing, industrial, or commercial establishment is constructed and operating, or will be constructed and operated under firm contract, or upon the presentation of acceptable surety in accordance with Section 33.1-221(a) of the *Code of Virginia* (1950), as amended.
10. No more than twenty-five percent of the funds shall be allocated to any one county, town, or city in any fiscal year unless there are not sufficient applications prior to August 1 of each year to use the available funds. Whether or not a finite amount of funds is set, the amount of industrial access railroad track funds allocated to a project shall not exceed 15 percent of the capital outlay of the designated business. The 15 percent limitation may be waived at the discretion of the Board.
11. The Board shall, in the evaluation of projects, consider the cost of construction of an access track in relation to the prospective volume of rail traffic, capital investment, potential employment, and other economic and public benefits.
12. Committed industrial railroad track funds are those funds which have been allocated to a project but not necessarily spent in the year of allocation. Committed by unexpended industrial access railroad

track funds will be allowed to accumulate and be carried forward from one year to another. These funds shall be expended within 24 months. Any funds allocated but not used, or returned, for any reason, will become part of the industrial access railroad track fund for the year in which the funds are not used or returned and would be available for distribution in that year. Uncommitted rail access funds will not be allowed to accumulate and carried forward form one year to another.

13. That portion of trackage and facilities constructed or improved with the use of industrial access railroad track funds shall become the property of the Commonwealth. Said portion shall be defined by agreement. Maintenance and liability of such facilities shall be the responsibility of the landowner, using business or developer. The landowner, using business or developer will maintain a continuous surety, bond or other security acceptable to the Commissioner on the tracks and facilities constructed with the industrial access railroad track funds to protect the Commonwealth's interest. Any cost involved in subsequent relocation or removal of industrial access railroad track facilities shall be borne by the landowner, using business or developer. Following relocation, the Commonwealth's interest will be re-defined. In case of removal, the Commonwealth will be reimbursed the value of the facilities in which it has an interest.
14. The Commonwealth may, at its option, allow the industry, using business or developer to purchase the Commonwealth's interest in an industrial access railroad track facility at a value determined by the Commissioner.
15. In the event the landowner, using business or developer desires to sell their property or interest on which access tracks have been constructed under this program, said sale will be subject to the Commonwealth's vested interest and written approval.

BE IT FURTHER RESOLVED, that the Commissioner shall develop procedural guidelines for the implementation of this policy and that the above policy shall become effective on July 1, 1987.

**Use of Industrial Access Railroad Track Funds**
**Approved: 8/21/1986**

Comment [d175]: Road Systems

WHEREAS, the General Assembly has declared it to be in the public interest to provide for the construction of industrial access railroad tracks and facilities to serve new or substantially expanded industrial or commercial businesses, as described in Section 1-117, Item 630, of the 1986-88 Appropriations Act; and

WHEREAS, the administration of a program to ensure equitable allocation of available funds, to maintain consistent standards of facility construction and to protect the interest of the Commonwealth requires that several provisions of the law be more fully explicated;

NOW, THEREFORE, BE IT RESOLVED, that the Highway and Transportation Board hereby adopts the following interim policy to govern the use of the industrial access railroad track funds:

1. The industrial access railroad track fund will be administered by the Commissioner of the Department of Highways and Transportation Board. The Commissioner shall consult with the Commissioner of Agriculture and Consumer Services, and the Director of the Division of Industrial Development (or their designated representatives) concerning applications for the funds. The Rail and Public Transportation Division of the Department of Highways and Transportation will act as staff to receive and process applications, to make recommendations and to supervise the expenditure of funds.
2. All applications for industrial access railroad track funds shall be submitted by the applicant through the appropriate local government. Each application shall be accompanied by a resolution from the local governing body requesting that such funds be allocated to the proposed project.

3. All applications shall be submitted to the Rail and Public Transportation Division of the Virginia Department of Transportation in accordance with procedures outlined in the Interim Procedural Memorandum. The Division will process the applications, including making recommendations and supervising the expenditure of funds, and transmit the same to VDH&T Commissioner for review and concurrence prior to submittal to the Board. The Board will develop project recommendations, including the establishment of priorities, in accordance with the policies and procedures contained herein.
4. The Board's recommendation will be transmitted to the Governor through the Secretary of Transportation and Public Safety. The Governor, after consultation with the Chairmen of the House Appropriations and Senate Finance Committees, has the authority to allocate Highway Maintenance and Construction funds for industrial access railroad tracks.
5. Funds for the construction of industrial access railroad tracks may be provided if the construction will have a positive impact upon the economic development of the State. Financial assistance will be limited to certain industrial or commercial sites where rail freight service is or may be needed by new or substantially expanded industry for the furnishing of rail freight trackage and facilities between normal limits of existing or proposed common carrier railroad tracks and facilities and the actual site of existing or proposed commercial or industrial facilities.
6. Funds may be used to construct, reconstruct, or improve part or all of the necessary tracks and related facilities on public or private property currently used or being developed, existent or prospective, for single industries or industrial subdivisions under firm contract or already constructed, including those subdivisions owned or promoted by railroad companies and others. No funds shall be expended until all agreements are executed and certifications are provided as set forth in Items 9, 10 and 14 of this Policy.
7. Industrial access railroad track funds shall not be used for the acquisition of right of way or the adjustment of utilities. If the total project costs exceed the available funds for a specific project, the expenditures will be approved in the following priority order: 1) track materials, 2) installation, 3) engineering, 4) drainage, and 5) grading. Eligible items of construction shall be limited to those necessary to provide adequate and safe rail service between the end of switch on a main track and the industry being served. Construction shall not include siding track. A siding is defined by American Association of State Highway and Transportation Officials (AASHTO) as a track adjacent to a main or secondary track for meeting or passing trains.
8. Plans and construction of all projects utilizing industrial access railroad track funds shall be subject to approval by the serving railroad prior to transmittal to the Commissioner.
9. All facilities constructed or improved with industrial access railroad track funds shall be made available for use by all common carriers using the railway system to which they connect. The railroad company owning the main track to which an industrial access track is connected must acknowledge that any other carrier having trackage rights over the main track will also have unrestricted access to the industrial access track.
10. Industrial access railroad track funds shall be allocated only after certification that the manufacturing, industrial, or commercial establishment is constructed and operating, or will be constructed and operated under firm contract, or upon the presentation of acceptable surety in accordance with Section 33.1-221(a) of the *Code of Virginia* (1950), as amended.
11. If a finite amount of funds is set, no more than twenty-five percent of the funds shall be allocated to any one county, town, or city in any fiscal year unless there are not sufficient applications prior to August 1 of each year to use the available funds. Whether or not a finite amount of funds is set, the amount of industrial access railroad track funds allocated to a project shall not exceed 15 percent of the capital outlay of the designated business. The 15 percent limitation may be waived at the discretion of the Board.

12. The Board shall, in the development of project recommendations, consider the cost of construction of an access track in relation to the prospective volume of rail traffic, capital investment, potential employment, and other economic and public benefits.
13. Committed industrial railroad track funds are those funds which have been allocated to a project but not necessarily spent in the year of allocation. Committed by unexpended industrial access railroad track funds will be allowed to accumulate and be carried forward from one year to another. These funds shall be expended within 24 months. Any funds allocated but not used, or returned, for any reason, will become part of the industrial access railroad track fund for the year in which the funds are not used or returned and would be available for distribution in that year. Uncommitted rail access funds will not be allowed to accumulate and carried forward form one year to another.
14. That portion of trackage and facilities constructed or improved with the use of industrial access railroad track funds shall become the property of the Commonwealth. Said portion shall be defined by agreement. Maintenance and liability of such facilities shall be the responsibility of the landowner or using business. The landowner or using business will maintain a continuous surety, bond or other security acceptable to the Commissioner on the tracks and facilities constructed with the industrial access railroad track funds to protect removal of industrial access railroad track facilities shall be borne by the landowner or using business. Following relocation, the Commonwealth's interest will be re-defined. In case of removal, the Commonwealth will be reimbursed the value of the facilities in which it has an interest.
15. The Commonwealth may, at its option, allow the industry or using business to purchase the Commonwealth's interest in a industrial access railroad track facility at a value determined by the Commissioner.
16. In the event the landowner or using business desires to sell their property or interest on which access tracks have constructed under this program, said sale will be subject to the Commonwealth's vested interest and written approval.

BE IT FURTHER RESOLVED, that the Commissioner shall develop procedural guidelines for the implementation of the interim policy and that the above interim policy shall become effective immediately.

**Integrated Directional Signing Program**
**Approved: 9/16/2004**

Comment [d176]: Operations (24VAC30-551)

WHEREAS, § 46.2-830 of the *Code of Virginia* authorizes the Commonwealth Transportation Board to provide a uniform system of marking and signing highways under the jurisdiction of the Commonwealth; and

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the Minimum State Criteria by which gas, food, lodging, and camping establishments may qualify for participation in the Virginia Department of Transportation's (VDOT) Travel Services (Logo) Signing Program on the right of way of interstate highways in rural areas; and

WHEREAS, from time to time, the Commonwealth Transportation Board has adopted, by subsequent resolutions, revisions to the fees and criteria for participation in Virginia's highway signage programs, and

WHEREAS, on July 25, 2003, the Department of Transportation solicited proposals for the development of an Integrated Directional Signing Program to incorporate the Travel Services (Logo) Signing Program, the Supplemental Sign Program, the General Motorist Sign Program, and a new Tourist Oriented Directional Signing Program (TODS); and

WHEREAS, on January 14, 2004, a contract was awarded to develop and manage the Integrated Directional Signing Program by a private contractor; and

WHEREAS, a committee of stakeholders, the Statewide Directional Signing Advisory Committee, was created and worked with the Department of Transportation in formulating Integrated Directional Signing Program criteria; and

WHEREAS, public hearings for the Integrated Directional Signing Program were held on May 17, 2004, May 19, 2004, May 24, 2004, and May 27, 2004, which along with other public input was used in the development of the Program; and

WHEREAS, Virginia's Rest Areas and Welcome Centers are an important part of the highway network and provide necessary motorist services; and

NOW, THEREFORE, BE IT RESOLVED that, the criteria for participation in the Integrated Directional Signing Program are established as set forth in the attached Integrated Directional Signing Program Participation Criteria, and other previously established criteria for the Travel Services (Logo) Signing Program, the Supplemental Guide Sign Program, and the General Motorist Sign Program are hereby rescinded; and

BE IT FURTHER RESOLVED that, effective September 16, 2004, the annual fees for the Integrated Directional Signing Program are established as set forth in the attached Integrated Directional Signing Program Fees and any other previously established fees for participation in the VDOT's Travel Service Signing Program are hereby rescinded; and

BE IT FURTHER RESOLVED that, the Department of Transportation is authorized to modify existing operating procedures and develop additional operating procedures, as required, to administer the Integrated Directional Signing Program; and

BE IT FURTHER RESOLVED that should net revenue be generated, in excess of the funds required contractually with the private contractor and by the Department of Transportation to administer the Integrated Directional Signing Program, all such additional net revenue shall be allocated for the maintenance and improvement of Virginia's Rest Areas and Welcome Centers.

BE IT FURTHER RESOLVED that, it is the sense of the Board that such net revenues for maintenance and improvement does not meet the actual maintenance and improvement needs, and that additional sources of revenue to meet those needs must be identified, appropriated, and allocated.

**Signs for Information Stations Located off Interstate Rights of Way**
**Approved: 3/20/1975**

Comment [d177]: Operations (24VAC30-551)

WHEREAS, the Highway and Transportation Department has received requests for the erection of signs on Interstate Highways for Information Stations; and

WHEREAS, to date requests have come from a City and an Association sponsored by thirteen Counties; and

WHEREAS, the State Travel Service of the Conservation and Economic Development Department is in accord with the development of Information Stations; and

WHEREAS, these Information Stations provide a definite service needed by motorists; and

WHEREAS, the Manual on Uniform Traffic Control Devices of the Federal Government allows signing on Interstate Highways for Information Stations provided a policy is adopted that incorporates the same signing principles as used for stations on the Interstate; and

WHEREAS, it is necessary that criteria governing the approval of such signing is necessary;

NOW, THEREFORE, BE IT RESOLVED, that the following criteria are established for approval of signs for Information Stations located off Interstate rights of way:

1. Facility must be operated by or sponsored by one or more local government units and as a non-profit organization.
2. Must be open 8 hours daily, seven days a week.
3. Information available for attractions in Virginia.
4. Operation and need for station must be approved by Commissioner of State Travel Service of the Department of Conservation and Economic Development.
5. If located in a city, the city must agree to trail blaze from Interchange to station location.
6. In the event that the station is not operated or maintained to the satisfaction of the Highway and Transportation Department, the signs will be removed.

**Specific Travel Services (Logo) Signing Program**
**Approved: 9/20/2001**

Comment [d178]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the Minimum State Criteria by which gas, food, lodging, and camping establishments may qualify for participation in the Virginia Department of Transportation's (VDOT) Travel Services (Logo) Signing Program on the right of way of interstate highways in rural areas; and

WHEREAS, on September 21, 1995, the Commonwealth Transportation Board set the current annual fee for participation in the program at $375.00 for each direction that a business' logo is displayed on a mainline background sign, adopted the operating procedures which limit the number of business participants to six in each of the categories of gas, food, lodging, and camping on each approach to an interchange and reaffirmed the Criteria for participation in this program; and

WHEREAS, on March 30, 1999, a committee of representatives of the food and travel industry was established to conduct an in-depth comprehensive review of the logo program as it relates to food service; and

WHEREAS, this committee recommended changes to the criteria of the program that would improve the quality of services to motorists; and

WHEREAS, on June 17, 1999, the Commonwealth Transportation Board approved changes to the Minimum State Criteria for food businesses that established a breakfast menu and set the maximum qualifying distance for establishments providing food and lodging services to be not more than 3 miles from an interchange; and

WHEREAS, on December 13, 2000, Governor James S. Gilmore issued his Transportation Reform Initiative that expanded the components of his Innovative Progress mission that was implemented the previous year; and

WHEREAS, one initiative was to re-establish the Logo Program as a state enterprise and restructure the fees to yield additional revenue for VDOT to fund transportation programs; and

WHEREAS, VDOT's Traffic Engineering Division conducted a financial analysis to determine the viability of re-establishing the Logo program as a state-enterprise; and

WHEREAS, the analysis indicated that it is in the Commonwealth's interest to contract out this service; and

WHEREAS, on May 15, 2001, in response to the Governor's initiative, the Department established a Task Force comprised of representatives from: VDOT, the Office of the Attorney General (OAG), Virginia Hospitability and Travel Association (VHTA), Petroleum Marketers and Convenience Store Association, Virginia Campground Association, Restaurant Association of Virginia, Hotel and Lodging Association of Virginia, Cracker Barrel Olde Country Store Inc., Golden Corral, and the logo contractor, to help evaluate the current program and provide recommendations to improve the program's strategic function as a motorist service; and

WHEREAS, the Task Force held three meetings between May and July 2001 and analyzed elements of the program that included fees, full serve signing, food courts, Category II food businesses, urban logos, contracts, and bumping; and

WHEREAS, this Task Force recommended changes to the operating procedures and criteria of the program that would improve the quality of services to motorists; and

WHEREAS, because of these recommendations, it will be necessary to change certain criteria and operating procedures previously approved by the Commonwealth Transportation Board; and

WHEREAS, the Commonwealth Transportation Board reserves the right to periodically review the costs relating to the operation of the program and make adjustments in the fee charged to each business for participation in the program; and

WHEREAS, VDOT is pursuing a pilot project to determine the viability of expanding the Logo program to include Full Service signing; and

WHEREAS, for the purposes of the logo program, food businesses that fully meet the Minimum State Criteria for food are defined as Category I food businesses; and

WHEREAS, VDOT has received numerous requests from food businesses which meet the minimum distance requirement to participate in the program yet do not fully meet the current Minimum State Criteria for food; and

WHEREAS, for the purposes of the logo program, the Task Force defined these food businesses as Category II food businesses; and

WHEREAS, the Task Force feels that by allowing Category II food businesses on the program additional food choices will be available to motorists and additional revenue both for these businesses and for transportation programs could be realized; and

WHEREAS, currently the participation period for each business is one year, renewable annually for increments of one year and the initial period for a new business begins on the date its Logo panels are installed; and

WHEREAS, Task Force discussion centered on the length of contracts and whether businesses would be permitted to opt for various contract lengths; and

WHEREAS, contract lengths would typically be one, two or up to three years; and

WHEREAS, all contracts shall expire on a common date of September 30 each calendar year; and

WHEREAS, contracts entered into on or before March 31st each year will be prorated for the remainder of the contract period (a one-year contract entered into on or before March 31, 2002, will be prorated to and expire on September 30, 2002. A one year contract entered into after March 31, 2002 will be prorated and expire on September 30, 2003); and

WHEREAS, if a multi-year contract were chosen, a business would be allowed to prepay the multi year contract fee, or opt for annual payments. A discount rate will be applied for any business prepaying for a multi year contract cycle; and

WHEREAS, the Minimum State Criteria require that every business provide a public telephone on their premises; and

WHEREAS, with the widespread use of the cellular telephones, the telephone companies are removing many of the public telephones from the business establishments because they are no longer profitable; and

WHEREAS, their removal places the businesses in violation of the Minimum State Criteria for participation in the program; and

NOW, THEREFORE, BE IT RESOLVED, that effective October 1, 2001, the annual fee for participation in the program to provide travel services signing shall be $750.00 for each direction that a business's logo is displayed on a state highway main line background sign and any other previously established fees for participation in the VDOT's logo program are hereby rescinded; and

BE IT FURTHER RESOLVED that, VDOT shall assess the total cost of the program and adjust subsequent annual fees to cover any revenue shortfalls and anticipated cost increases; and

BE IT FURTHER RESOLVED that, VDOT is authorized to engage in the Full Serve pilot project under terms and conditions established by the department and will report periodically to the Commonwealth Transportation Board; and

BE IT FURTHER RESOLVED that, the Minimum State Criteria by which gas, food, lodging and camping businesses may qualify for participation in the Travel Services (Logo) Signing Program are revised as shown on the attached Minimum State Criteria; and

BE IT FURTHER RESOLVED that, the operating procedures be changed to allow businesses to enter into multi-year contracts not to exceed three years.

**Minimum State Criteria for Participation in the Specific Travel Services (Logo) Signing Program**

All businesses desiring to participate in the program shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance. All businesses shall be in compliance with the criteria applicable to their type of business prior to the execution of any contract or agreement for participation in the program and shall remain in compliance with the criteria, rules, and regulations of the program during the entire period of their participation. Unless otherwise noted, all services required by these criteria shall be performed in their entirety on the premises of the business establishment.

| Service | Minimum State Criteria |
|---|---|
| GAS | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall provide fuel, oil, tire repair service, compressed air for tire inflation, and free water for battery and radiator. If tire repair service is unavailable on the premises of the business, the business shall provide information as to where a motorist may obtain such service.<br>3. Shall provide free public rest room facilities with appropriate locks for the security of occupants and these facilities shall contain sink with running water for hand washing, a flush toilet, toilet tissue, and sanitary towels or other hand-drying devices. |

| Service | Minimum State Criteria |
|---|---|
| | 4. Shall provide free drinking water fountain and free cups as necessary for public use.<br>5. Shall be in continuous operation at least 16 hours daily, 7 days a week. |
| FOOD, CATEGORY I | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have and keep in place easily accessible indoor seating at tables or counters to comfortably seat a minimum of 20 adult persons.<br>4. Shall be in continuous operation at least 12 consecutive hours daily, beginning at 7:00 A.M., to serve breakfast, lunch, and dinner, 6 days a week. Breakfast shall be available for a minimum of 2 consecutive hours beginning at 7:00 A.M. and the menu offered shall include coffee, juice, and items from at least two of the following three groups:<br>i) Eggs;<br>ii) Breakfast meat (e.g., bacon, sausage, ham, steak);<br>iii) Breakfast bread (e.g., toast, bagels, pastry) and/or cereal.<br>Menu items that are not customarily served as breakfast foods (e.g., sandwiches not containing eggs and/or breakfast meat prepared on premises, hot dogs, hamburgers, and similar foods) will not be considered as satisfying these requirements. Eggs and breakfast meat shall be prepared on the premises (pre-packaged items will not meet this requirement).<br>5. Shall appropriately and conspicuously display and/or provide a menu within the establishment for all 3 meals.<br>6. Shall appropriately and conspicuously display the hours of operation in an area that is visible to the customer prior to entering the business. |
| FOOD, CATEGORY II | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have and keep in place easily accessible indoor seating at tables or counters to comfortably seat a minimum of 20 adult persons.<br>4. Shall be in continuous operation at least 12 consecutive hours daily, 6 days a week, serving any type food.<br>5. Shall appropriately and conspicuously display and/or provide a menu within the establishment.<br>6. Shall appropriately and conspicuously display the hours of operation in an area that is visible to the customer prior to entering the business. |
| FOOD, FULL SERVE | Full serve food establishments shall meet the FOOD, CATEGORY 1 criteria and the following:<br>1. Shall have and keep in place easily accessible indoor seating at tables or counters to comfortably accommodate a minimum of 100 adult persons.<br>2. Shall provide full sit down table service, including the taking of orders |

| Service | Minimum State Criteria |
|---|---|
| | and delivery of food, by a wait staff on duty during the operating hours specified by the criteria. Optional self-serve amenities such as soup and salad bars offered in addition to and in conjunction with sit down table service are allowed. Businesses that employ self-service or counter service exclusively do not meet this requirement.<br>3. Shall provide public rest room facilities. |
| LODGING | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have not fewer than 10 lodging rooms for rent.<br>4. Shall provide off-street passenger vehicle parking space for each lodging room for rent.<br>5. Shall be in continuous 24-hour operation, 7 days a week. |
| CAMPING | 1. Shall be located not more than 15 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 15 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have space for not less than 10 vehicular overnight camping units for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space for each overnight camping unit space for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week, but may be closed to the public for not more than 120 consecutive days between November 1 and the following April 1, during which time all business logo panels associated therewith shall be covered or removed. |

Food, lodging, and camping establishments located outside Virginia but served by an interchange/intersection on a highway within Virginia may be exempted from the Virginia health permit requirements for participation in the program as long as they possess all necessary approved and valid health permits issued by an appropriate governing authority and meet all other criteria required under the Virginia Travel Services (Logo) Signing Program.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation, filed as 24 VAC 30-550, was repealed by the CTB on September 16, 2004, when the Integrated Directional Signing Program (IDSP) (24 VAC 30-551) was approved. Promulgation of the IDSP also involved repeal of the Terms for Installation And Cost Of Supplemental Signs Erected by VDOT (24 VAC 30-600).*

**Specific Travel Services (Logo) Signing Program**
**Approved: 6/17/1999**

Comment [d179]: Operations (24VAC30-551)

WHEREAS, on September 21, 1995, the Commonwealth Transportation Board approved a resolution that adopted operating procedures that included criteria for use on interstate highways and controlled/limited access primary by-pass routes for use by the private contractor to operate the program; and

WHEREAS, over the past 26 years of program operations, the criteria under which food businesses qualify for participation in the program have remained virtually unchanged; and

WHEREAS, it was recently recognized that there have been changes in the food service industry along with concerns expressed by businesses that warranted a close look at the factors used in determining qualifications that are relevant to the basic purposes of logo signing; and

WHEREAS, a committee of representatives of the food and travel industry was established to conduct an in-depth comprehensive review of the logo program that would improve the quality of service to motorist.

NOW, THEREFORE, BE IT RESOLVED that the minimum state criteria by which gas, food, lodging and camping businesses may qualify for participation in the travel services (logo) signing program are revised as shown on the attached Minimum State Criteria.

**MINIMUM STATE CRITERIA**
**For Participation in the Virginia Travel Services (Logo) Signing Program On Rural Interstate and Controlled/Limited Access Primary By-Pass Routes**

All businesses desiring to participate in the program shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance. All businesses shall be in compliance with the criteria applicable to their type of business prior to the execution of any contract or agreement for participation in the program and shall remain in compliance with the criteria, rules and regulations of the program during the entire period of their participation. Unless otherwise noted, all services required by these criteria shall be performed in their entirety on the premises of the business establishment.

| Service | Minimum State Criteria |
|---|---|
| GAS | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall provide fuel, oil, tire repair service, compressed air for tire inflation, and free water for battery and radiator. If tire repair service is unavailable on the premises of the business, the business shall provide information as to where a motorist may obtain such service.<br>3. Shall provide free public rest room facilities with appropriate locks for the security of occupants and these facilities shall contain sink with running water for hand washing, a flush toilet, toilet tissue, and sanitary towels or other hand-drying devices.<br>4. Shall provide free drinking water fountain and free cups as necessary for public use.<br>5. Shall be in continuous operation at least 16 hours daily, 7 days a week.<br>6. Shall provide a public telephone. |
| FOOD | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have and keep in place easily accessible indoor seating at tables or counters to comfortably seat a minimum of 20 adult persons.<br>4. Shall be in continuous operation at least 12 consecutive hours daily, beginning at 7:00 A.M., to serve breakfast, lunch, and dinner, 6 days a week. Breakfast shall be available for a minimum of 2 consecutive hours beginning at 7:00 A.M. and the menu offered shall include coffee, juice, and items from at least two of the following three groups:<br>i. Eggs;<br>ii. Breakfast meat (e.g., bacon, sausage, ham, steak);<br>iii. Breakfast bread (e.g., toast, bagels, pastry) and/or cereal.<br>Menu items that are not customarily served as breakfast foods (e.g., sandwiches not containing eggs and/or breakfast meat prepared on premises, hot dogs, hamburgers, and similar foods) will not be considered as satisfying these requirements. Eggs and breakfast meat shall be prepared on the premises (pre-packaged items will not meet this requirement).<br>5. Shall provide a public telephone.<br>6. Shall appropriately and conspicuously display and/or provide a menu within the establishment for all 3 meals.<br>7. Shall appropriately and conspicuously display the hours of operation in an area that is visible to the customer prior to entering the business. |

| Service | Minimum State Criteria |
|---|---|
| LODGING | 1. Shall be located not more than 3 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 3 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have not less than 10 lodging rooms for rent.<br>4. Shall provide off-street passenger vehicle parking space for each lodging room for rent.<br>5. Shall be in continuous 24-hour operation, 7 days a week.<br>6. Shall provide a public telephone. |
| CAMPING | 1. Shall be located not more than 15 miles from the gore of the first exit ramp in the direction of travel at the interchange where the logo is displayed, or not more than 15 miles from the center of the at-grade intersection where the logo is displayed.<br>2. Shall possess a valid permit from the State Board of Health as required by the *Code of Virginia*, §35.1-18.<br>3. Shall have space for not less than 10 vehicular overnight camping units for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space for each overnight camping unit space for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week, but may be closed to the public for not more than 120 consecutive days between November 1 and the following April 1, during which time all business logo panels associated therewith shall be covered or removed.<br>6. Shall provide a public telephone. |

Food, lodging and camping establishments located outside Virginia but served by an interchange/intersection on a highway within Virginia may be exempted from the Virginia health permit requirements for participation in the program as long as they possess all necessary approved and valid health permits issued by an appropriate governing authority and meet all other criteria required under the Virginia Travel Services (Logo) Signing Program.

**Specific Travel Services (Logo) Signing Program**
**Approved: 12/17/1998**

Comment [d180]: Operations (24VAC30-551)

WHEREAS, in accordance with Section 46.2-830 of the *Code of Virginia*, the Commonwealth Transportation Board is required to provide a uniform system of marking and signing highways under the jurisdiction of the Commonwealth that is in conformance with the system adopted in other states; and

WHEREAS, to accomplish this the Commonwealth Transportation Board, in March 1979, officially adopted the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, as the standard for all highways under the jurisdiction of the Virginia Department of Transportation (VDOT); and

WHEREAS, the national standards for Specific Services (Logo) Signs are published in the MUTCD; and

WHEREAS, the current edition of the MUTCD includes guidelines stating, among other criteria, that food businesses should be open seven days a week; and

WHEREAS, the guidelines in the MUTCD have been modified in accordance with the Transportation Equity Act of the Twenty-First Century (TEA-21) under Public Law 105-178, Subsection (f), which states that "a food business that would otherwise be eligible to display a mainline business logo on a specific services food sign… under the requirements specified… but for the fact that the business is open six days a week, can not be prohibited from inclusion on such a food sign"; and

WHEREAS, this subsection became effective and applicable when TEA-21 became public law on June 9, 1998; and

WHEREAS, the Commonwealth Transportation Board has adopted minimum state criteria by which food businesses may qualify for participation in VDOT's travel services (logo) signing program on the rights of way of interstate highways and controlled and limited access primary by-pass routes; and

WHEREAS, this qualifying criteria for food businesses includes a requirement that the business must be open seven days a week, which is no longer in compliance with the requirements of the MUTCD as revised under Public Law 105-178.

NOW, THEREFORE, BE IT RESOLVED that in order to meet the requirements of Public Law 105-178 and the MUTCD, the minimum state criteria by which food businesses may qualify for logo signing on the rights of way of interstate highways and controlled or limited access primary by-pass routes be revised to allow food businesses, which meet all other eligibility criteria, to participate in the travel services (logo) signing program if they are open at least six days a week.

**Specific Travel Services Signing Program**
**Approved: 5/20/1993**

Comment [d181]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the minimum state criteria by which gas, food and lodging establishments may qualify for participation in the Virginia Department of Transportation's travel services signing program on the right of way of interstate highways; and

WHEREAS, on September 20, 1990, the Commonwealth Transportation Board adopted the policies governing the operation of a program by the Department to provide travel services signing on controlled and limited access primary by-pass routes that includes the same criteria by which gas, food and lodging businesses may qualify for participation as those established for the interstate signing program; and

WHEREAS, the qualifying criteria for gas businesses include a requirement for the provision of compressed air for tire inflation free of charge; and

WHEREAS, compressed air was traditionally provided to customers free of charge by gas businesses primarily because the equipment was already in place for other uses by the businesses, and the provision of such was included in the program's qualifying criteria as a normally provided service of gas businesses; and

WHEREAS, many gas businesses participating in the travel services signing program are not equipped with vehicle service bays and maintain air compressors only because of the requirements of the program; and

WHEREAS, the requirement that compressed air be provided free of charge places an unfair burden on the business owners to purchase, install and maintain the necessary equipment with no opportunity to recover or offset their costs for such;

NOW, THEREFORE, BE IT RESOLVED, that the minimum state criteria by which gas establishments may qualify for participation in the Virginia Department of Transportation's travel services signing programs on interstate highways and on controlled and limited access primary by-pass routes be revised to delete the requirement for the provision of free compressed air. Motion carried.

***

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the minimum state criteria by which gas, food and lodging establishments may qualify for participation in the Virginia Department of Transportation's travel services signing program on the right of way of interstate highways; and

WHEREAS, on September 20, 1990, the Commonwealth Transportation Board adopted the policies governing the operation of a program by the Department to provide travel services signing on controlled and limited access primary by-pass routes that include the same criteria by which gas, food and lodging businesses may qualify for participation as those established for the interstate signing program; and

WHEREAS, the qualifying criteria for gas businesses includes a requirement for the provision of separate public rest rooms for male and female persons; and

WHEREAS, the Americans with Disabilities Act, recently passed by Congress will require all public rest rooms to meet minimum standards designed to serve the needs of the handicapped; and

WHEREAS, in order to comply with the design standards for handicapped equipped facilities, the majority of rest rooms now provided by gas businesses will require extensive remodeling to provide almost twice the floor space now used; and

WHEREAS, many older businesses do not have sufficient space within their existing buildings to provide the required floor space for two rest rooms, and compliance with both the Americans with Disabilities Act and the qualifying criteria of the travel services signing program will necessitate substantial physical additions to the building; and

WHEREAS, most of these older businesses can readily provide one rest room in compliance with the requirements of the Americans with Disabilities Act by reconfiguring the existing floor space occupied by the separate rest rooms for males and females; and

WHEREAS, the provision of a single rest room equipped with appropriate locks to provide security for occupants by gas businesses is not in conflict with the laws of the Commonwealth of Virginia, and it is not anticipated that the provision of such facilities will be detrimental to the convenience of the traveling public.

NOW, THEREFORE, BE IT RESOLVED, that the minimum state criteria by which gas establishments may qualify for participation in the Virginia Department of Transportation's travel services signing programs on interstate highways and controlled and limited access primary by-pass routes be revised to delete the requirement for the provision of separate public rest rooms for male and female persons under the heading for gas businesses, and that a statement be added under the same heading requiring the provision of public rest room facilities equipped with appropriate locks for the security of occupants. Motion carried.

***

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the minimum state criteria by which gas, food and lodging establishments may qualify for participation in the Virginia Department of Transportation's travel services signing program on the right of way of interstate highways; and

WHEREAS, on August 18, 1988, the Commonwealth Transportation Board approved a resolution requiring each business participating in the Department's travel services signing program to pay an annual fee of $200 for each direction of travel in which its logo panel is displayed on the mainline signs along the interstate route; and

WHEREAS, by this same resolution, the Commonwealth Transportation Board reserved the right to periodically review the costs relating to the operation of this signing program and make adjustments in the fee charged to each business for each 12-month period of participation in the program; and

WHEREAS, on November 16, 1989, the Commonwealth Transportation Board approved a resolution that increased the number of businesses that are allowed to participate in the program at each interchange; and

WHEREAS, the increased number of participants at each interchange required the temporary modification of existing signs to accommodate logo panels for these participants; and

WHEREAS, the majority of these temporarily modified signs are in need of replacement with permanent signs and structures; and

WHEREAS, the revenue generated from the current fee amount provides funding for only routine program activities but does not provide sufficient funding for the replacement of the temporarily modified signs or for other sign maintenance needs that have been identified by the Department; and

WHEREAS, the Department has determined that an appropriate increase in the annual fee amount will provide funding for the accomplishment of the required sign replacement and maintenance work along with routine program activities over the next six-year period.

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 1994, each business participating in the Virginia Department of Transportation's travel services signing program for interstate highways shall pay an annual fee of $325 for each direction of travel in which its logo panel is displayed on the mainline signs along the interstate route.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board shall periodically review the associated costs relating to the operation of this signing program and make adjustments, if

necessary, in the amount of fees charged to each business for each twelve-month period of participation.

**Specific Travel Services (Logo) Signing Program**
**Approved: 8/20/1992**

Comment [d182]: Operations (24VAC30-551)

WHEREAS, by resolution dated September 20, 1990, the Commonwealth Transportation Board adopted the policies contained in the General Provisions, the Minimum State Criteria for Participation, and Agreement between the Department of Transportation and participating businesses to govern the operation of a program by the Department of Transportation to provide travel services signing on controlled and limited access primary by-pass routes; and

WHEREAS, the Commonwealth Transportation Board reserved the right to amend these policies from time to time as necessary for proper and effective administration of the program; and

WHEREAS, the maximum distances shown in the General Provisions and Minimum State Criteria that gas, food, and lodging establishments may be from an interchange or intersection in order to participate in the program was set at two miles based on observations of the travel distance required to gain access to such businesses at most locations; and

WHEREAS, experience with the operation of the travel services signing program on controlled and limited access primary by-pass routes has revealed a need to revise the General Provisions and Minimum State Criteria to allow a greater maximum distance to gas, food, and lodging establishments from an interchange or intersection in some cases.

NOW, THEREFORE BE IT RESOLVED, that the General Provisions and Minimum State Criteria for participation in the Department of Transportation's travel services signing program on controlled and limited access primary by-pass routes is revised to indicate that, as one of the conditions of participation, all gas, food and lodging businesses shall be located not more than three miles, and all camping businesses shall be located not more than fifteen miles, from the center of the intersection or from the gore of the first exit ramp at the interchange in the direction of travel on the by-pass route.

**Specific Travel Services (Logo) Signing Program**
**Approved: 9/20/1990**

Comment [d183]: Operations (24VAC30-551)

WHEREAS, by resolution dated September 21, 1072, the State Highway Commission, now Commonwealth Transportation Board, adopted the Minimum State Criteria for administering a program by the Virginia Department of Highways, now Virginia Department of Transportation, to erect specific motorist services signs on certain portions of the Interstate highway system; and

WHEREAS, this program has been very successful in informing the motoring public of the availability of food, fuel, lodging and other amenities along these Interstate highways; and

WHEREAS, approximately three-quarters of the vehicle miles traveled annually on Virginia's highways are traveled on highways other than Interstate highways; and

WHEREAS, it is desirable that the motoring public using non-Interstate highways and the businesses located along the non-Interstate highways enjoy the benefits which have been brought about through the logo sign program for Interstate highways; and

WHEREAS, some of these same businesses have expressed a willingness to pay the cost of erecting along controlled and limited access bypasses on state Primary highways, signs bearing their businesses' logos; and

WHEREAS, the General Assembly, through House Joint Resolution No. 48, dated February 5, 1990, has expressed a sense to the Department of Transportation concerning the development and implementation of such a signing program along controlled and limited access bypasses of state primary highways; and

WHEREAS, certain primary routes were build as bypasses but are not specifically defined as such by the Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, that the policies contained in the General Provisions (Attachment A), the Minimum State Criteria for Participation (Attachment B), and Agreement between the Department of Transportation and participating businesses (Attachment C), are hereby adopted to govern the operation of a program by the Department of Transportation to provide travel services signing on controlled and limited access primary by-pass routes; and that the Commonwealth Transportation Board reserves the right to amend these policies from time to time as necessary for proper and effective administration of the program; and

THEREFORE, BE IT FURTHER RESOLVED, that Routes 150 and 288 in Chesterfield County, Route 199 in James City and York Counties, and Route 37 in Frederick County, although not specifically defined as bypass routes by the Department of Transportation but constructed to serve as bypasses for motorists in the respective communities, are defined as such for the purposes of this program.

*Editor's Note: Contact the VDOT Policy Division to obtain copies of the referenced attachments.*

**Specific Travel Services (Logo) Signing Program**
**Approved: 11/16/1989**

Comment [d184]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the minimum State criteria by which the gas, food and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, on November 16, 1972, the Commonwealth Transportation Board approved the gore of the first exit ramp at the interchange in the direction of travel on the Interstate route as the point of measurement in determining the qualification of gas, food and lodging establishments; and

WHEREAS, on August 18, 1977, camping establishments were added to the types of businesses allowed to participate in this program; and

WHEREAS, since the initial installation of travel services signing, the total number of logos allowed on a sign panel has been limited by language in the federal Manual on Uniform Traffic Control Devices to six for GAS and four each for FOOD, LODGING, and CAMPING; and

WHEREAS, on January 23, 1989, the federal Manual on Uniform Traffic Control Devices was amended to recommend rather than require these limits, allowing the individual States flexibility to manage the implementation of the services signing program, recognizing they are directly responsible for the operation and safety of their transportation facilities, and for the control of outdoor advertising; and

WHEREAS, some business owners and some members of the political community have requested that the maximum number of business logos allowed at interchanges be increased; and

WHEREAS, several of the surrounding states are now allowing six logos to be displayed on gas, food, lodging and camping signs; and
WHEREAS, it is felt that an increase from four to six as the maximum number of logos allowed for food, lodging and camping businesses at each interchange will give motorists an opportunity to choose from a greater variety of service facilities and would allow an equal number of logos for all services encompassed by the program;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board amends the standards for participation in the travel services signing program as currently recommended in the Section 2G-5.5 of the Manual on Uniform Traffic Control Devices as follows:

The number of logos that may be displayed on specific services signs in one direction of travel on the Interstate at single- or double-exit interchanges shall be limited to six each for GAS, FOOD, LODGING and CAMPING.

**Specific Travel Services (Logo) Signing Program**
**Approved: 6/15/1989**

Comment [d185]: Operations (24VAC30-551)

WHEREAS, on August 18, 1977, camping was added to the criteria whereby maximum distance criteria for participation by campgrounds was established as not more than 10 miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange; and

WHEREAS, there are relatively few campgrounds within this established 10 mile distance criteria currently participating in this program; and

WHEREAS, experience has revealed a need to revise the distance criteria to allow camping facilities that are located within 15 miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange to participate;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria for camping establishments are revised to include the following:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| CAMPING | 1. Shall be located not more than 15 miles from the gore of the first exit ramp at the interchange in the direction of travel on the Interstate route.<br>2. Shall possess a valid permit from the State Board of Health in accordance with Section 35.1-18 of the *Code of Virginia*.<br>3. Shall have space for not less than 10 vehicular overnight camping units for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space for each overnight camping unit space for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week, but m ay be closed to the public for not more than 120 consecutive days between November 1 and the following April 1, during which time all business panels associated therewith shall be covered or removed.<br>6. Shall provide public telephone. |

**Specific Travel Services (Logo) Signing Program**
**Approved: 12/15/1988**

Comment [d186]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the State Highway Commission (presently known as the Commonwealth Transportation Board) approved the minimum state criteria by which gas, food, and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights-of-way; and

WHEREAS, this policy has allowed only those gas establishments to participate which provided full vehicle services including such things as fuel, oil and tire repair; and

WHEREAS, the fuel service industry and the attitudes of the motoring public have changed considerably in recent years and self-service gas has become accepted by much of the general public, and

WHEREAS, many motorists apparently do not expect or demand all the services required of gas businesses participating in this program; and

WHEREAS, these changes are realistic and representative of the fuel industry of today and the immediate future, and warrant a change in the criteria to reflect the current situation; and

WHEREAS, it is felt self-service gas establishments should only be allowed to participate in the program at interchanges where sign space is available and all other full service gas businesses desiring to participate have been displayed; and such businesses may be bumped by any full service gas business or by a closer self-service business at the end of the 12-month period for which a fee has been paid; and

WHEREAS, it has been noted some gas businesses have failed to provide adequate amounts of toilet tissue and hand drying devices.

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria by which gas, food, lodging and camping establishments may qualify for participation in specific information signing for travel services within Interstate rights-of-way are as shown on attached sheets numbered 19a through 19d.

*Editor's Note: Contact the Policy Division to obtain copies of the referenced attachments.*

**Specific Travel Services (Logo) Signing Program**
**Approved: 8/18/1988**

Comment [d187]: Operations (24VAC30-551)

WHEREAS, Section 131(f) of the Federal Highway Beautification Act of 1965 provides for the erection of official highway signs within Interstate right of way furnishing specific information for the traveling public; and

WHEREAS, the Virginia Department of Transportation has had a program to provide travel services signing on various Interstate highways since 1972; and

WHEREAS, prior to July 16, 1981, a policy was implemented by the Department which required that a business desiring to participate in the program must pay all costs of any new or modified background signs which may be necessary after the original installation of such signs; and

WHEREAS, this policy has meant that the first business at an interchange has had to pay the entire cost of the new or modified background signs which the Board believes to be unfair and works a hardship; and

WHEREAS, the Department has become concerned with the substantial funding currently borne by some participating businesses and desires to have a more equitable distribution of program costs; and

WHEREAS, it is reasonable to require each participating business to provide an appropriate share of the cost of administration and maintenance of the signing program;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board amends the policy for participation in the travel services signing program effective January 1, 1989 to include the following:

1. Each participating business shall pay an annual fee of $200 per direction of travel for which its sign is displayed on the mainline of the Interstate route per 12-month period of anticipation.
2. Any currently participating business which, since July 16, 1981, was required to pay any costs associated with the background panels to which its logos are affixed shall have those costs refunded, less the cost of installing the business logos.
3. When a business must be deleted from the program because it exceeds the maximum number allowed to participate by virtue of the subsequent qualification of a similar type business closer to the point of measurement at the Interstate interchange, it shall only be deleted at the end of the 12-month period for which its fees have been paid.
4. If any participating business at any time fails to meet the minimum criteria by which it qualified for participation in the logo program, or fails to pay all fees as directed, the Department will remove the business' signs and the business will not receive a refund of any fees rendered.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board shall periodically review the associated costs relating to the operation of this signing program and make adjustments, if necessary, in the fee charged to each business for each 12-month period of anticipation.

**Specific Travel Services (Logo) Signing Program**
**Approved: 3/21/1985**

Comment [d188]: Operations (24VAC30-551)

WHEREAS, minimum State criteria have been established by which gas, food and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, further clarification in regard to the performance of all services required by the minimum State criteria is desirable; and

WHEREAS, the need for services such as oil change and lubrication have decreased in recent years as a result of changes in vehicle servicing requirements and travel habits;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria for all gas, food and lodging business establishments are revised as follows:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| ALL | Shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance.<br><br>All services required by these minimum State criteria shall be performed in their entirety on the premises of the business establishment and all facilities required by these minimum State criteria shall be located in their entirety on the premises of the business establishment. |

BE IT FURTHER RESOLVED, that the minimum State criteria for gas business establishments are revised as follows:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| GAS | 1. Shall be located not more than 1 mile from the gore of the first exit ramp in the direction of travel on the Interstate route at the Interchange.<br>2. Shall provide full service vehicle services including fuel, oil, tire repair, free compressed air for tire inflation and water for battery and radiator. Availability of full service vehicle services shall be made clearly evident to motorists by the posting of conspicuous signs on the premises of the business establishment.<br>3. Shall provide separate public rest rooms for male and female persons, and each such rest room shall contain sink with running water for hand washing and flush toilet.<br>4. Shall provide a drinking water fountain for public use.<br>5. Shall be in continuous operation at least 16 consecutive hours daily, 7 days a week.<br>6. Shall provide public telephone. |

**Specific Travel Services (Logo) Signing Program**
**Approved: 3/18/1982**

Comment [d189]: Operations (24VAC30-551)

WHEREAS, minimum state criteria have been established by which gas, food and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, in addition to other criteria, food establishments shall display a valid permit from the Virginia State Health Commissioner in accordance with Section 35-26 of the *Code of Virginia*; and

WHEREAS, in addition to other criteria, lodging establishments shall possess a valid permit from the Virginia State Board of Health in accordance with Section 35-33 of the *Code of Virginia*; and

WHEREAS, there may be food and lodging establishments located outside the state of Virginia but which are served by an interchange on the Interstate system in Virginia; and
WHEREAS, such food and lodging establishments located outside the state of Virginia may meet all criteria for participation in the Motorist Services Signing program except the criteria described above for health permits; and

WHEREAS, if such food and lodging establishments do possess all necessary approved and valid health permits issued by the appropriate governing authority and meet all other criteria required by Virginia, they may be eligible for participation in the Motorist Services Signing program;

NOW, THEREFORE, BE IT RESOLVED, that the minimum state criteria are revised to include the following exception for food and lodging establishments:

Food and lodging establishments located outside Virginia but served by an interchange on the Interstate system in Virginia which possess all necessary approved and valid health permits issued by an appropriate governing authority and which meet all other criteria required by Virginia may be exempted from the Virginia health permit requirements for participation in the Motorist Services Signing program.

**Specific Travel Services (Logo) Signing Program**
**Approved: 12/18/1980**

Comment [d190]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the State Highway Commission approved minimum State criteria by which gas, food, and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, on November 16, 1972, the State Highway Commission approved the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange as the point of measurement in determining the qualification of gas, food, and lodging establishments; and

WHEREAS, experience with the travel services signing program on the Interstate Route 95 has revealed a need to revise the criteria for food establishments to preserve the integrity of the program; and

WHEREAS, Federal Highway Administration Notice N5160.2 dated March 21, 1974, advises that the term “lodging” as used in the National Standards and Criteria for Official Highway Signs within Interstate Rights of Way Giving Specific Information for the Traveling Public shall be interpreted to include overnight camping facilities; and

WHEREAS, Federal Highway Administration Transmittal 297 dated February 9, 1979, establishes standards for specific information signing for gas, food, lodging, and camping facilities within Interstate rights of way; and

WHEREAS, considerable public interest has been shown in having overnight camping facilities identified on the travel services signing program on Interstate Routes 64, 81, and 95; and

WHEREAS, on August 18, 1977, camping was added to the criteria; and

WHEREAS, we have a number of interchanges where there are no motels within three miles but are within six miles; and

WHEREAS, on February 21, 1980, six miles was added to the lodging criteria; and

WHEREAS, we have a number of interchanges where there are no food establishments within three miles but are within six miles;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria for food establishments are revised to require the following:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| ALL | Shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance. |
| GAS | 1. Shall be located not more than one mile from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.<br>2. Shall provide vehicle services such as fuel, oil (including oil change), lubrication, tire repair, and water for battery and radiator.<br>3. Shall provide public rest rooms, each containing sink, running water, and flush toilet.<br>4. Shall provide drinking water fountain for public use.<br>5. Shall be in continuous operation at least 16 consecutive hours daily, 7 days a week.<br>6. Shall provide public telephone. |
| FOOD | 2. Shall be located not more than three miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange, or not more than six miles if there is no food establishment within three miles.<br>3. Shall display a valid permit from the State Health Commissioner in accordance with Section 35-26 of the *Code of Virginia*.<br>4. Shall have indoor seating capacity for at least 20 persons.<br>5. Shall be in continuous operation for at least 12 consecutive hours daily, beginning not later than 7 a.m. to serve breakfast, lunch, and supper, 7 days a week.<br>6. Shall provide public telephone. |

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| LODGING | 1. Shall be located not more than three miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange, or not more than six miles if there is no lodging establishment within three miles, except that overnight camping facilities shall be located not more than ten miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.<br>2. Shall possess a valid permit from the State Board of Health in accordance with Section 35-22 of the *Code of Virginia*.<br>3. Shall have not less than ten lodging rooms or space for not less than ten vehicular overnight camping units for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space for each lodging room or vehicular overnight camping unit space for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week, except that overnight camping facilities may be closed to the public for not more than 120 consecutive days between November 1 and the following April 1, during which time all business panels associated therewith shall be covered or removed.<br>6. Shall provide public telephone. |

**Specific Travel Services (Logo) Signing Program**
**Approved: 2/21/1980**

Comment [d191]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the State Highway Commission approved minimum State criteria by which gas, food, and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, on November 16, 1972, the State Highway Commission approved the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange as the point of measurement in determining the qualification of gas, food, and lodging establishments; and

WHEREAS, experience with the travel services signing program on Interstate Route 95 has revealed a need to revise the criteria for food establishments to preserve the integrity of the program; and

WHEREAS, the Federal Highway Administration Notice N5160.2 dated March 2, 1974, advises that the term “lodging” as used in the National Standards and Criteria for Official Highway Signs within Interstate Rights of Way Giving Specific Information for the Traveling Public shall be interpreted to include overnight camping facilities; and

WHEREAS, Federal Highway Administration Transmittal 38 dated July 2, 1974, establishes standards for specific information signing for gas, food, lodging, and camping facilities within Interstate rights of way; and

WHEREAS, considerable public interest has been shown in having overnight camping facilities identified on the travel services signing program on Interstate Routes 64, 81, and 95; and

WHEREAS, August 18, 1977, camping was added to the criteria; and

WHEREAS, we have a number of interchanges where there are no motels within three miles but are within six miles;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria for lodging establishments are revised to require the following:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| ALL | Shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance. |
| GAS | 1. Shall be located not more than one mile from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.<br>2. Shall provide vehicle services such as fuel, oil (including oil change), lubrication, tire repair, and water for battery and radiator.<br>3. Shall provide public rest rooms, each containing sink, running water, and flush toilet.<br>4. Shall provide drinking water fountain for public use.<br>5. Shall be in continuous operation at least 16 consecutive hours daily, 7 days a week.<br>6. 6. Shall provide public telephone. |
| FOOD | 1. Shall be located not more than three miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.<br>2. Shall display a valid permit from the State Health Commissioner in accordance with Section 35-26 of the *Code of Virginia*.<br>3. Shall have indoor seating capacity for at least 20 persons.<br>4. Shall be in continuous operation for at least 12 consecutive hours daily, beginning not later than 7 a.m., to serve breakfast, lunch, and supper, 7 days a week.<br>5. Shall provide public telephone. |

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| LODGING | 1. Shall be located not more than three miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange, or not more than six miles if there is no lodging establishment within three miles, except that overnight camping facilities shall be located not more than ten miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.<br>2. Shall possess a valid permit from the State Board of Health in accordance with Section 35-22 of the *Code of Virginia*.<br>3. Shall have not less than ten lodging rooms or space for not less than ten vehicular overnight camping units for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space or each lodging room or vehicular overnight camping unit space for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week, except that overnight camping facilities may be closed to the public for not more than 120 consecutive days between November and the following April 1, during which time all business panels associated therewith shall be covered or removed.<br>6. Shall provide public telephone. |

**Specific Travel Services (Logo) Signing Program**
**Approved: 11/16/1972**

Comment [d192]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the State Highway Commission approved minimum State criteria by which gas, food and lodging establishments may qualify for participation in specific information signing for travel services within Interstate rights of way; and

WHEREAS, under such criteria, gas establishments shall be located not more than 1/2 mile from the center of the Interstate or crossroad structure at the interchange, and food and lodging establishments shall be located not more than three miles from the center of the Interstate or crossroad structure at the interchange; and

WHEREAS, field surveys have revealed that this point of measurement is impractical because of the frequent duplication of travel service brands on opposite sides of the interchange; and

WHEREAS, the point of measurement in the experimental project conducted jointly by the Virginia Department of Highways and the then Bureau of Public Roads in 1966-67 was the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange; and

WHEREAS, there may be considerable distance between the gore of the first exit ramp and the travel service establishments because of interchange configuration;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria are revised to require that (1) gas establishments shall be located not more than one mile from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange, and (2) food and lodging establishments shall be located not more than three miles from the gore of the first exit ramp in the direction of travel on the Interstate route at the interchange.

**Specific Travel Services (Logo) Signing Program**
**Approved: 9/21/1972**

Comment [d193]: Operations (24VAC30-551)

WHEREAS, Section 131(f) of the federal Highway Beautification Act of 1965 provides for the erection of official highway signs within Interstate rights-of-way furnishing specific information for the traveling public, as follows:

"The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary."; and

WHEREAS, in August 1966, the Virginia Department of Highways entered into an agreement with the then Bureau of Public Roads to conduct an experimental project to evaluate proposed national standards and criteria for official highway signs within Interstate rights-of-way giving specific information to the traveling public; and

WHEREAS, the national standards referred to in Section 131(f) of the Highway Beautification Act were issued on January 17, 1969, as Part 22, Chapter I of Title 23, Code of Federal Regulations; and

WHEREAS, on April 13, 1972, the State Highway Commission authorized a pilot project of travel services signing on Interstate Route 95;

NOW, THEREFORE, BE IT RESOLVED, that the minimum State criteria by which gas, food and lodging establishments may qualify for participation in such signing program are as follows:

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| ALL | Shall give written assurance of conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance. |
| GAS | 1. Shall be located not more than ½ mile from the center of the Interstate or crossroad structure at the interchange.<br>2. Shall provide vehicle services such as fuel, oil (including oil change), lubrication, tire repair, and water for batter and radiator.<br>3. Shall provide public rest rooms, each containing sink, running water, and flush toilet.<br>4. Shall provide drinking water fountain for public use.<br>5. Shall be in continuous operation at least 16 consecutive hours daily, 7 days a week.<br>6. Shall provide public telephone. |
| FOOD | 1. Shall be located not more than 3 miles from the center of the Interstate or crossroad structure at the interchange.<br>2. Shall display a valid permit from the State Health Commissioner in accordance with Section 35-26 of the *Code of Virginia*.<br>3. Shall be in continuous operation for at least 12 consecutive hours daily, beginning not later than 7:00 a.m., to serve breakfast, lunch, and supper, 7 days a week.<br>4. Shall provide public telephone. |
| LODGING | 1. Shall be located not more than 3 miles form the center of the |

| SERVICE | MINIMUM STATE CRITERIA |
|---|---|
| | Interstate or crossroad structure at the interchange.<br>2. Shall possess a valid permit from the State Board of Health in accordance with Section 35-22 of the *Code of Virginia*.<br>3. Shall have not less than 10 lodging rooms for rent or hire.<br>4. Shall provide off-street passenger vehicle parking space for each lodging room for rent or hire.<br>5. Shall be in continuous 24-hour operation, 7 days a week.<br>6. Shall provide public telephone. |

AND, BE IT FURTHER RESOLVED, that exceptions to the use of specific information signing for travel services within Interstate rights-of-way may be made in urbanized areas, as determined by the State Highway Commissioner.

**Specific Travel Services (Logo) Signing Program – Unified Operating Procedures**
**Approved: 9/21/1995**

Comment [d194]: Operations (24VAC30-551)

WHEREAS, on September 21, 1972, the Commonwealth Transportation Board approved the minimum state criteria by which gas, food, lodging, and camping establishments may qualify for participation in the Virginia Department of Transportation's travel services (Logo) signing program on the right of way of INTERSTATE HIGHWAYS; and

WHEREAS, on November 16, 1989, the Commonwealth Transportation Board adopted a resolution limiting the number of logos that could be displayed on a background sign on INTERSTATE HIGHWAYS to six for each type of business; and

WHEREAS, on September 20, 1990, the Commonwealth Transportation Board adopted the General Provisions, Minimum State Criteria for Participation, and the Agreement between the Department of Transportation and participating businesses to govern the operation of a program to provide logo signing on CONTROLLED AND LIMITED ACCESS PRIMARY BY-PASS ROUTES; and

WHEREAS, from time to time, the Commonwealth Transportation Board has adopted, by subsequent resolutions, revisions to the criteria for participation applicable to the logo programs for INTERSTATE HIGHWAYS and CONTROLLED AND LIMITED ACCESS PRIMARY BY-PASS ROUTES; and

WHEREAS, the Commonwealth Transportation Board established the current annual fee for participation in the logo program for INTERSTATE HIGHWAYS in an resolution dated May 20, 1993; and

WHEREAS, the annual participation fee has not been established for participants in the program to provide logo signing on CONTROLLED AND LIMITED ACCESS PRIMARY BY-PASS ROUTES; and

WHEREAS, in accordance with the recommendation of the Governor's Blue Ribbon Strike Force, the Department of Transportation is privatizing the management and operation of the programs for INTERSTATE HIGHWAYS and PRIMARY BY-PASS ROUTES as a unified logo program; and

WHEREAS, in accordance with the Virginia Public Procurement Act and Department policies, a firm proposal has been received for the management and operation of the program under contract with the Department of Transportation; and

WHEREAS, the annual fee proposed by the selected contractor will be set out in the contract for the management and operation of the program; and

WHEREAS, the program to provide logo signing on PRIMARY BY-PASS ROUTES will be operated in a manner similar to the INTERSTATE program and the appropriate General Provisions for the operation of the program on PRIMARY-BY-PASS ROUTES have been incorporated into a unified set of operating procedures; and

WHEREAS, the Agreement between the Department of Transportation and businesses participating in the program to provide logo signing on CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES will not be necessary after transfer of the program to the private sector under the award of contract.

NOW, THEREFORE, BE IT RESOLVED that the General Provisions and Agreement, approved by the Commonwealth Transportation Board by resolution dated September 20, 1990, for use in conjunction with a program to provide travel services (logo) signing on CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES, are hereby rescinded.

BE IT FURTHER RESOLVED that the program of the Virginia Department of Transportation to provide logo signing on INTERSTATE HIGHWAYS and CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES shall be operated as a unified program consistent with the operating procedures set out in Attachment A to this resolution and herewith adopted.

BE IT FURTHER RESOLVED that the previously adopted criteria for participation in the separate logo programs for INTERSTATE HIGHWAYS and CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES, and subsequent revisions, are hereby reaffirmed as set out in Attachment A to this resolution.

BE IT FURTHER RESOLVED that an annual fee for participation is established for businesses whose logo signs are located on CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES.

BE IT FURTHER RESOLVED that the annual fee for participation in the unified program to provide travel services signing on INTERSTATE HIGHWAYS and CONTROLLED and LIMITED ACCESS PRIMARY BY-PASS ROUTES shall be $375.00 for each direction that a business' logo is displayed on a mainline background sign on a state highway, and any other previously established fees for participation in the Virginia Department of Transportation's logo program are hereby rescinded.

*Editor's Note: Contact the Policy Division to obtain a copy of the referenced attachment.*

**Use of Trailblazer Signs**
**Approved: 3/18/1958**

Comment [d195]: Operations (24VAC30-551)

WHEREAS, the Highway Department is receiving a number of requests for the erection of trail blazers on the highway right of way; and

WHEREAS, a study has been made by a committee of Highway Department engineers to determine the need of trail blazers and to recommend a policy regarding their use;

NOW, THEREFORE, BE IT RESOLVED that the following policy recommended by the committee be adopted by the State Highway Commission:

1. That “Trail Blazers” not be permitted to divert traffic, or to be used in any way for the advertising of a facility;
2. That “Trail Blazers” be permitted only where they will be of service in directing traffic, and the extent of this service should be within a reasonable distance from the special facility; and
3. That the erection of “Trail Blazers” be approved by the Traffic and Planning Division.

**Criteria for Junkyard Control**
**Approved: 4/25/1968**

Comment [d196]: Operations (24VAC30-120)

WHEREAS, the 1966 session of the General Assembly passed legislation to regulate and control junkyards adjacent to all highways of the Commonwealth in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, this legislation provided, among other matters, for the existence of junkyards in unzoned industrial areas as determined by the State Highway Commission; and

WHEREAS, the engineers and attorneys for the Highway Department have selected a proposed criteria for the selection of such unzoned industrial areas which criteria have been substantially approved by the Federal Government.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission, for the purpose of regulating junkyards pursuant to § 33.1-279.3 of the *Code of Virginia* in areas that are not covered by any State or local zoning regulations, hereby adopts the following criteria for selection of unzoned industrial areas:

Unzoned industrial areas shall mean those areas which are not predominantly used for residential or commercial purposes and on which there is located one or more permanent structures devoted to an industrial activity or on which an industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. This definition shall not apply to any areas which are covered by local or State zoning ordinances, and each side of the highway will be considered separately in applying this definition.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

Industrial activities for the purpose of the above definition shall mean those activities generally recognized as industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered industrial:

1. Outdoor advertising structures.
2. Junkyards as defined in § 44-279.3 of the *Code of Virginia* (1950), as amended.
3. Agricultural, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the right of way.
7. Activities conducted in a building principally used as a residence.
8. Railroad tracks, minor sidings and passenger depots.

The Highway Commissioner is authorized to submit the above definition to the Federal Government for its approval as required under the Federal Highway Beautification Act.

**Access to Public Fishing Waters Across, On, or Over State Right of Way**
**Approved: 8/28/1958**

Comment [d197]: Operations (24VAC30-151) Access Mgt. Regs (24VAC30-73)

WHEREAS, the Executive Director of the State Commission of Game and Inland Fisheries has requested the State Highway Commission to cooperate with that Commission in permitting access to public fishing waters across, on and over the State's right of way; and

WHEREAS, the Commission is agreeable to permitting such access upon certain conditions;

NOW, THEREFORE, BE IT RESOLVED, that upon application made in writing to the State Highway Commissioner from the Executive Secretary of the State Commission of Game and Inland Fisheries to use portions of the right of way of highways for access to public waters, the Commission may permit such use in a manner approved by the Commissioner and upon condition that all costs in connection with the construction and maintenance of such access be borne by funds other than highway funds.

**Cancellation of Permits**
**Approved: 6/25/1947**

Comment [d198]: Operations (24VAC30-151)

Moved by Mr. Wysor, seconded by Mr. Rawls, that when an application for the cancellation of a permit is approved by the Commissioner, the Auditor may deduct $5.00 from the guarantee check and return the balance to the applicant before final approval of cancellation by the State Highway Commission. Motion carried.

**Cancellation of Permits**
**Approved: 9/14/1939**

Comment [d199]: Operations (24VAC30-151)

Moved by Mr. Rawls, seconded by Mr. Gilpin that the fee charges for the cancellation of all permits in the future be $5.00 instead of the present charge of $1.00. Motion carried.

**Cancellation of Permits**
**Approved: 4/28/1927**

Comment [d200]: Operations (24VAC30-151)

Moved by Mr. Sproul, seconded by Mr. Massie, that when permits are cancelled, due to work not being done, that a charge of $1.00 be made to cover the time and expense of issuing same. Motion carried.

**Land Use Permit Manual**
**Approved: 8/11/1983**

Comment [d201]: Operations (24VAC30-151)

WHEREAS, Section 2 of the General Rules and Regulations of the State Highway and Transportation Commission provides that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of the Commission, including but not limited to the right of way of any highway in the system of State Highways until written permission is first obtained from the Commissioner. Written permission, under this section, is granted by way of permit except that the letting of a contract by and between the Department and any other party grants to that party automatically the permission referred to in this section for the area under contract, unless otherwise stated in the contract. The "Land Use Permit Manual" shall set forth specific requirements of such permits; and

WHEREAS, the State Highway and Transportation Commission on December 16, 1982, directed the Department to conduct a public hearing to review proposed amendments to the 1974 Land Use Permit Manual; and

WHEREAS, pursuant to Section 9-6 14:7 of the *Code of Virginia* (1950) as amended, Mr. J.T. Warren, the Commissioner's specially designated subordinate, conducted a public hearing in Richmond, Virginia on Wednesday, July 20, 1983; and

WHEREAS, pursuant to Sections 9-6 14:7 and 9-6.14:9, a revised statement as to the basis, purpose, impact and summary of the regulation together with a description and comment on public hearing presentations has been enclosed, which is to be incorporated herein; and

WHEREAS, the "Manual on Permits," Virginia Department of Highways and Transportation, revised May 1974, has now been revised and the new revision, entitled "Land Use Permit Manual," revised January 1983, has now been completed;

NOW, THEREFORE, BE IT RESOLVED, that that new revision, entitled, "Land Use Permit Manual,:" revised January 1983 is hereby adopted and all other permit manuals, resolutions or orders of the State Highway Commission in conflict therewith are hereby repealed; and

BE IT FURTHER RESOLVED, that the agents of the Commission are authorized to issue such permits as are required of them in the manual. In accordance therewith, the Commissioner has assigned to the Highway Permit Manager the handling and issuing, cancellation, reinstatement, et cetera, of permits and handling of all permit fees, guarantee fees or bonds covering permits.

The new Land Use Permit Manual will become effective November 15, 1983, or as soon thereafter as the Administrative Process Act will allow, whichever is later in time.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation, 24 VAC 30-150, was repealed effective March 17, 2010, when the Land Use Permit Regulations (see above) became effective.*

**Mail Boxes**
**Approved: 1/28/1936**

Comment [d202]: Operations (24VAC30-151)

Moved by Mr. Wysor, seconded by Mr. Rawls that mail boxes be placed on right hand side of the road in the direction of moving carrier and grouped where possible. Motion carried.

*Editor's Note: The subject of mail box placement is addressed in the Land Use Permit Regulations (24 VAC 30-151). For the part of this regulation concerning this subject, see 24 VAC 30-151-560.*

**Manual on Permits**
**Approved: 8/28/1958**

Comment [d203]: Operations (24VAC30-151)

WHEREAS, the "Manual on Permits, Virginia Department of Highways, Revised August, 1952", has now been revised and the new revision entitled, "Manual on Permits, Revised January 1, 1958", is has now been completed;

NOW, THEREFORE, BE IT RESOLVED, That the new revision entitled, "Manual on Permits, Revised January 1, 1958", is adopted and all other permit manuals, resolutions or orders of the Commission in conflict therewith are herewith repealed.

BE IT FURTHER RESOLVED, That the agents of the Commission are authorized to issue such permits as are required of them in the manual. In accordance therewith, the Commissioner has assigned to the Permit Engineer the handling and issuing, cancellation, reinstatement, extension, et cetera of permits and the handling of all bonds, covering permits.

**Newspaper Containers Along Highways**
**Approved: 8/24/1927**

Comment [d204]: Operations (24VAC30-151)

Moved by Mr. Massie, seconded by Mr. Gilmer, that various news papers be requested to remove their names now appearing on the containers erected by them along the State highways, but that the containers be allowed to remain for the convenience of their patrons, provided there are not suitable mail boxes for this purpose. Motion carried.

*Editor's Note: The subject of newspaper box placement is addressed in the Land Use Permit Manual (24 VAC 30-150). For the current official version of this regulation, see (24 VAC 30-151).*

**Permits – Gas Pumps on State Highways**
**Approved: 7/9/1924**

Comment [d205]: Operations (24VAC30-151)

Moved by Mr. Truxtun, seconded by Mr. Sanders, that the Chairman be instructed not to issue any more special permits for gas pumps on the right of ways of any State Highways. Motion carried.

**Permits for the Secondary System**
**Approved: 7/29/1932**

Comment [d206]: Operations (24VAC30-151)

Moved by Mr. Massie, seconded by Mr. East, that the Resident Engineers be authorized to grant permits for work on Secondary System of the State Highways, except when unusual conditions exist, then they should be referred to this office. Motion carried.

**Permits – Waiting Sheds**
**Approved: 5/22/1945**

Comment [d207]: Operations (24VAC30-151)

Moved by Mr. Wysor, seconded by Mr. Rawls, that the Commission authorized the granting of permits in certain instances for the erection of waiting sheds on the right of way of highways. The Chairman to have definite specifications written which will cover the removal of such waiting sheds upon request of the Highway Department. Sheds will not be permitted where sight distance will be impaired and they will not be allowed to interfere with the safe movement of traffic. Motion carried.

**Private Entrances Policy**
**Approved: 8/23/1949**

Comment [d208]: Operations (24VAC30-151)

Moved by Mr. Wysor, seconded by Mr. Rawls, that the following policy be adopted in respect to private entrances:

1. That property owners purchase from a source other than the Department of Highways and furnish pipe for private entrances, in accordance with State Highway specifications and as indicated by the Resident Engineer.
2. That the installation of the new pipe be made by the Department of Highways at no cost to the property owner; and
3. That private entrances within the limits of the right of way be stabilized (not bituminous surface treated) at the expense of the Highway Department.

**Use of Right of Way by Adjoining Property Owners - Fencing**
**Approved: 11/17/1943**

Comment [d209]: Operations (24VAC30-151)

Inasmuch as wider rights of ways are being acquired by the State Highway Department for the ultimate development of the highway, at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the State Highway Commission does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme cases and then only for a limited period. In cases where this land is being used for agricultural purposes, which would necessitate the owner preparing other areas for the same use, “Agreements for Agricultural Uses” may be entered into for use of portions of the right of way for temporary or limited periods under the following policies and conditions to govern.

“Agreements for Agricultural Uses” – Until such time as the State Highway Commissioner deems it necessary to use right of way acquired for future construction on a project for road purposes, agreements may be made with adjoining property owners for the use of sections thereof. The use of such land will be limited to provisions as set forth in said agreement, which, in general, will cover

agricultural pursuits the same as are being carried out on adjoining lands, and thereby made an integral part thereof. Such operations and special conditions to cover may be as follows.

1) Grazing of cattle or other livestock provided the area is securely enclosed by appropriate fence to eliminate any possibility of animals getting outside of the enclosure.
2) Forge crops – hay, cereals, etc.
3) Vegetable crops – provided that the growth of same will not interfere with the safe and orderly movement of traffic on the highway, and that all plants will be removed promptly after crops are harvested and the land cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.
4) Fruit trees- Existing fruit trees may be maintained, provided they are sprayed to control insects and diseases and are fertilized and the area is kept generally clear of weeds, etc.
5) Small fruits – may be planted but no guarantee of longevity may be expected, as they will be subject to removal the same as other crops, etc.
6) Other uses – as may be specifically approved

Above agreements will be subject to revocation for cause as outlined above, either in whole or for any portion of the prescribed area that may be required for highway purposes, among which may be (1) available – (2) the planting of trees and shrubs for permanent roadside effects – (3) the correction improvement of drainage – (4) the development of wayside, parking or turnout areas - (5) for other purposes as may be hereafter deemed necessary by the State Highway Commissioner.

Applications for “Agreements for Agricultural Uses” should be made on approved forms to the Resident Engineer. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing on said right of way, together with description and plat of the area to be covered by the same. The text of the application should show definitely the specific use for which the area is to be utilized. Agreements shall only be issued to owners of property adjoining the area to be used, and may be made for terms not to exceed one year, subject to aforesaid cancellation or revocation clause. The Department of Highways shall not be held responsible in any way for the policing of said areas. No structures are to be erected on said areas without written approval of the State Highway Commissioner.

FENCING – Concrete right of way markers shall be placed on the right of way lines for all right of way acquired under the so-termed wider rights of way policy, especially at locations where “Agreements for Agricultural Uses” are made.

Existing fences or new fences as may be provided for by the right of way agreement shall be furnished and erected or moved to and on the said right of way line, except in cases where agreements are made for the use of land within the right of way limits for agricultural or other purposes. When agreements are made for such areas, the property owners may request and the State may grant the right to eliminate the erection of the fence on the right of way line bordering said areas, in which event the fence as required by the right of way agreement will be delivered to the property owner, thereby completing said transaction. The property owner may then temporarily erect said fencing to enclose the area covered by agreement. Upon expiration or revocation of said agreement the fencing must be removed immediately from within the right of way. In case it is not removed within thirty (30) days after due notice has been given the owner, the State may remove the fence without recourse. When said fence is not erected on the right of way line as hereinbefore provided, the responsibility of the State for the erection of the same shall cease upon delivery of it to the property owner. Motion carried.

**Use of Right of Way by Adjoining Property Owners: Installation of Gasoline Pumps and/or Advertising Signs**
**Approved: 5/24/1948**

Comment [d210]: Operations (24VAC30-151)

Inasmuch as wider rights of way are being acquired by the State Highway Department for the ultimate development of the highway, at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correcting of existing drainage conditions, et cetera, the State Highway Commission does not consider it advisable to lease, rent, or otherwise grant permissions for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period. In cases where the land adjoining the highway is to be used for commercial purposes, such as a filling station, store, et cetera, and where the existing road is located on the opposite side of the right of way, thereby placing said place of business from 65 (in the case of 110' right of way) to 100' or more (in the case of 160' right of way) away from the main traveled road, the owner of such place of business may locate his driveways and pumps, in the case of a filling station, and/or essential advertising signs, principally one banner sign located immediately in front of his building, on the State right of way, providing the same are at least as far from the edge of the existing pavement as those in evidence on said road are from the nearest edge of the pavement to their similar structures. In such cases, agreements for "Commercial Uses" may be entered into for use of portions of the right of way for temporary or limited periods under the following policies and conditions to govern.

"Agreements for Commercial Uses" – Until such time as the State Highway Commissioner deems it necessary to use right of way acquired for future construction on a project for road purposes, agreements may be made with adjoining property owners for the temporary use of sections thereof. The use of such land will be limited to provisions as set forth in said agreement, which, in general, will cover commercial pursuits consistent with similar operations common to said highway. Such operations and special conditions may include:

1. Gasoline pumps but not gasoline tanks.
2. One advertising sign located directly in front of said place of business.
3. Lighting equipment sufficient to illuminate sign or building to make more visible from the road, but not located so that the direct rays from the light will shine on the roadway and create a hazard to travel. No intermittent or moving lights, nor red, green, or amber lights may be used.

The area of right of way designated for use of the land owner must not be used for the storing of vehicles except while being serviced at the gasoline pumps, and said area must be kept in clean and orderly condition at all times.

Above agreements will be subject to revocation for cause or as outlined above, either in whole or for any portion of the prescribed area that may be required for highway purposes, among which may be (1) the storage of road materials when other nearby suitable areas are not available (2) the planting of trees and shrubs for permanent roadside effects (3) the correction or improvement of drainage (4) the development of wayside, parking or turnout areas (5) for other purposes as may be hereafter deemed necessary by the State Highway Commissioner.

Applications for "Agreements for Commercial Uses" should be made on approved forms to the Resident Engineer. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches, conditions existing on said right of way, together with description and plat of the area to be covered by the same. The text of the application should show definitely the specific use for which the area is to be utilized. Agreements shall only by issued to owners of property adjoining the

area to be used, and may be made for terms not to exceed one year, subject to aforesaid cancellation and revocation clause. The Department of Highways shall not be held responsible in any way for the policing of said areas. No structures are to be erected on said areas without written approval of the State Highway Commissioner.

Fencing – Concrete right of way markers shall be placed on the right of way lines for all right of way acquired under the so-termed wider rights of way policy, especially at locations where “Agreements for Commercial Uses” are made.

Existing fences or new fences as may be provided for by the right of way agreement shall be furnished or erected or moved to and on the said right of way line, except in cases where agreements are made for the use of land within the right of way limits for commercial or other purposes. When agreements are made for such areas, the property owners may request and the State may grant the right to eliminate the erection of the fence on the right of way line bordering said areas, in which event the fence as required by the right of way agreement will be delivered to the property owner, thereby completing said transaction. The property owner may then temporarily erect said fencing to enclose the area covered by the agreement. Upon expiration or revocation of said agreement, the fencing must be removed immediately from within the right of way. In case it is not removed within thirty (30) days after due notice has been given the owner, the State may remove the fence without recourse. When said fence is not erected on the right of way line as hereinbefore provided, the responsibility of the State for the erection of the same shall cease upon delivery of it to the property owner.

**Minimum Standards of Entrances to State Highways Manual - Revised**
**Approved: 5/15/2003**

Comment [d211]: Operations (24VAC30-151)

WHEREAS, the Commonwealth Transportation Commissioner is authorized to control and regulate entrances to highways by the *Code of Virginia* under Section 33.1-197 (Connections for intersecting Private Roads) and Section 33.1-198 (Connections for intersecting Commercial Entrances); and

WHEREAS, the Commonwealth Transportation Board is authorized to make, amend, or repeal, rules and regulations concerning the use of, protection of, and traffic traveling on, highway systems pursuant to Section 33.1-12 (3) of the *Code of Virginia*; and

WHEREAS, in the interest of public safety, the Commonwealth of Virginia has since 1946 established certain basic minimum standards which provide guidelines primarily for commercial and industrial entrances, these standards being incorporated into the "Minimum Standards of Entrances to State Highways" Manual; and

WHEREAS, the existing Manual (currently filed with the State Registrar of Regulations as 24 VAC 30-71-10 et. seq.) was last revised in 1998 and the Virginia Department of Transportation has developed an updated version of the Manual, revised to incorporate newly established sight distance criteria in accordance with the Federal Highway Administration's final notice in the Federal Register, Vol. 67, Number 29, Dated February 12, 2002, regarding the implementation of the AASHTO's 2001 "A Policy on Geometric Design of Highways and Streets", and to allow Resident Engineers more flexibility to modify requirements to meet site-specific conditions while preserving compatibility with all pertinent policies, regulations, guidelines and design standards currently in effect; and

WHEREAS, the revised Manual has been promulgated according to the requirements of the Administrative Process Act (Title 2.2, Chapter 40, Section 2.2-4000 et. seq.) of the *Code of Virginia* and related directives, guidelines, and procedures; and

WHEREAS, upon approval by the Commonwealth Transportation Board, and subject to the requirements of the Administrative Process Act concerning the effective date of the Manual, the standards contained in the revised Manual will supersede all previous standards regarding minimum standards of entrances to state highways within the Commonwealth; and

WHEREAS, it is imperative to enhance VDOT's ability to maintain standards for entrances that are logical, feasible, and provide the desired levels of highway safety.

NOW, THEREFORE, BE IT RESOLVED, that the revised Manual be adopted as the official "Minimum Standards of Entrances to State Highways" in the Commonwealth of Virginia, and the current standards repealed, effective upon the conclusion of the thirty-day review period following publication of the notices of final regulatory action in the Virginia Register.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation has been repealed as of March 3, 2011. Subjects currently addressed by this regulation are covered by the Access Management Regulations: Principal Arterials (24 VAC 30-72) and the Access Management Regulations: Minor Arterials, Local Collectors and Other Streets 24 VAC 30-73). At its October 15, 2009 meeting, the CTB repealed the Minimum Standards of Entrances to State Highways (24 VAC 30-71) and the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20), and approved a replacement*

*regulation for the General Rules under the same title but a different VAC number (24 VAC 30-21) to reflect the promulgation of the access management regulations listed above.*

**Minimum Standards of Entrances to State Highways Manual - Revised**
**Approved: 6/12/1997**

Comment [d212]: Operations (24VAC30-151)

WHEREAS, the Commonwealth Transportation Commissioner is authorized to control and regulate entrances to highways by the *Code of Virginia* under Section 33.1-197 (Connection for Intersecting Private Roads) and Section 33.1-198 (Connections for Intersecting Commercial Entrances); and

WHEREAS, the Commonwealth Transportation Board is authorized to make, amend, or repeal rules and regulations concerning the use, protection of, and traffic traveling on, highway systems pursuant to Section 33.1-12(3) of the *Code of Virginia*, and

WHEREAS, in the interest of public safety, the Commonwealth of Virginia has since 1946 established certain basic minimum standards which provide guidelines primarily for commercial and industrial entrances, these standards being incorporated into the Minimum Standards of Entrances to State Highways; and

WHEREAS, the existing manual (currently filed with the State Registrar of Regulations as 24 VAC 30-70-10 et seq.) was last revised in 1989, and the Virginia Department of Transportation has developed an updated final version of the manual, revised to eliminate duplication of materials located in other VDOT documents, and allow Resident Engineers more flexibility to modify requirements to meet site-specific conditions while preserving compatibility with all pertinent policies, regulations, guidelines, and design standards currently in effect; and

WHEREAS, the revised manual has been promulgated as a new regulation (24 VAC 30-71-10 et seq.) according to the requirements of the Administrative Process Act (Title 1.1:1, Section 9-6.14:1) of Title 9 of the *Code of Virginia* and related directives, guidelines, and procedures; and

WHEREAS, upon approval by the CTB, and subject to the requirements of the Administrative Process Act concerning the effective date of the manual established in Section 9-6.14:9.3, the standards contained in the manual will supersede all previous standards regarding minimum standards of entrances to state highways within the Commonwealth; and

WHEREAS, it is imperative to enhance VDOT's ability to maintain standards for entrances that are logical, feasible, and provide the desired levels of highway safety.

NOW, THEREFORE, BE IT RESOLVED, that the standards contained in 24 VAC 30-71-10 et seq. are adopted as the official Minimum Standards of Entrances to State Highways in the Commonwealth of Virginia, and the standards contained in 24 VAC 30-70-10 et seq. are repealed, effective upon the conclusion of the thirty-day review period following publication of the notices of final regulatory action in the Virginia Register.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. The Minimum Standards of Entrances to State Highways (24 VAC 30-71) were repealed as of March 3, 2011.*

**Minimum Standards of Entrances to State Highways Manual - Revised**
**Approved: 12/15/1988**

Comment [d213]: Operations (24VAC30-151)

WHEREAS, the Commonwealth Transportation Commissioner is authorized to control and regulate entrances to highways by the *Code of Virginia* under Section 33.1-197 (Private Roads) and Section 33.1-198 (Commercial Entrances); and

WHEREAS, in the interest of public safety, the Commonwealth of Virginia has since 1946 established certain basic minimum standards which provide guidelines primarily for commercial and industrial entrances, these standards being incorporated into the Minimum Standards of Entrances to State Highways; and

WHEREAS, the existing manual was last revised in 1979, and the Department of Transportation has developed an up-to-date final draft manual, all guidelines and illustrations being compatible with the Department's Maintenance Division's Policy Manual and Land Use Permit Manual and along with the Location and Design Division's Road and Bridge Standards; and

WHEREAS, these standards have been subjected to the full requirements of the Administrative Process Act;

WHEREAS, upon approval these standards will supersede all previous standards regarding minimum standards of entrances that are logical, compliable and provide the desired levels of highway safety.

NOW, THEREFORE, BE IT RESOLVED, that these standards be adopted as the Minimum Standards of Entrances to State Highways in the Commonwealth of Virginia.

*Editor's Note: After researching the Commission minutes for a 1979 or 1978 action related to commercial entrances or minimum standards of entrances, as referenced above, the Policy Division was unable to identify a specific action or resolution related to this subject.*

**Permits and Minimum Standards for Commercial Establishment Entrances**
**Approved: 9/25/1946**

Comment [d214]: Operations (24VAC30-151)

Moved by Mr. Harrison, and seconded by Mr. Rawls, that to insure the promotion of safety and public welfare in the use of State Highways, it is desirable to establish guiding principles regulating the issuance of the Commission's permits for commercial establishment entrances on State Highway rights-of-way property, now, therefore, this Commission adopts the minimum requirements governing entrances to commercial establishments specified in drawings numbered TJ4E and TJ5E dated September 25, 1946 to regulate the future issuance of such permits. Motion carried.

**Rules and Regulations Governing Commercial Entrances - Amendment of §21**
**Approved: 10/12/1950**

Comment [d215]: Operations (24VAC30-151)

WHEREAS, at a regular meeting of the Virginia State Highway Commission held this 12th day of October, 1950, at Lexington, Virginia, it appeared to the Commission that a certain ambiguity existed in §21 of the existing Rules and Regulations of the State Highway Commission dated May 24, 1948, relating to commercial entrances; and, whereas, it was the original intent of this section when enacted to be equally applicable to secondary, as well as primary, roads.

Now, therefore, pursuant to the general powers and duties of the State Highway Commission as provided for by §33-12(3) of the 1950 *Code of Virginia*, be it then resolved, that §21 of the Rules and Regulations dated May 24, 1948 be amended and readopted as follows:

"No commercial entrance shall be constructed to intersect with the right of way line of any highway in the Secondary or Primary System until a permit is first obtained for such entrance in accordance with the Minimum Standards of Entrances to State Highways on file in the Department of Highways in Richmond, Virginia, and in the office of Highway Department District and Resident Engineers."

It is ordered that the foregoing be, and the same is hereby adopted and approved as a Rule and Regulation of this Commission, which Rule and Regulation shall be designated and known as §21 of the Rules and Regulations of the State Highway Commission.

It is further ordered that this Rule and Regulation shall be printed and two copies mailed forthwith to the clerk of every court of record in this state, one of which copies shall be posted, immediately upon receipt by the clerk, at the front door of his court house, and the other copy retained in his office for the information of the public.

This Rule and Regulation shall become effective sixty (60) days from this date.

*Editor's Note: Commercial entrances are currently covered in two separate regulations: "Access Management Regulations: Principal Arterials" (see Virginia Administrative Code entry 24 VAC 30-72, effective July 1, 2009) and "Access Management Regulations: Minor Arterials, Collectors, and Local Streets" (see Virginia Administrative Code entry 24 VAC 30-73, effective October 1, 2009). The "Minimum Standards" were repealed as of March 3, 2011.*

**Rules and Regulations Governing Commercial Entrances – Addition of §21**
**Approved: 5/24/1948**

Comment [d216]: Operations (24VAC30-151)

On September 25, 1946, the Commission adopted minimum standards for entrances to commercial establishments. The Attorney General's office is of the opinion that to be effective such minimum warrants should be made a part of the rules and regulations of the State Highway Commission. Therefore, it was moved and seconded that the following new section be added to the rules and regulations in accordance with provisions of section [illegible] of Michie's Code of 1942:

Section 21 – No commercial entrances shall be constructed to intersect with the right of way line of any highway in the State Highway System until a permit is first obtained for such entrances in accordance with the Minimum Standards of Entrances to State Highways on file in the Department of Highways, Richmond, Virginia, and in the office of Highway Department District and Resident Engineers.

It is further ordered that this rule and regulation shall be printed and two copies mailed forthwith to the clerk of every court of record in this State, one of which copies shall be posted immediately upon receipt by the clerk at the front door of his court house, and other copy retained in his office for the information of the public.

This rule and regulation shall become effective sixty (60) days from this date.

## Disposal of Limited Access Control
**Approved: 9/18/1997**

Comment [d217]: Operations (24VAC30-401)

**Introduction**
The Commonwealth Transportation Board may designate all or any part of an existing or new highway as limited access. Such a designation requires the Board to extinguish all easements of access, light, or air. The Commissioner must pay damages, if any, to owners of properties abutting the existing or new highway for extinguishment of these rights.

This policy establishes the rules pertaining to limited access control.

**Policy**
Any change or break in the access control line for a purpose other than that related to highways is considered an abandonment of access control. Abandonment of access control will be considered

- only in limited, special situations; and
- only when such abandonment will not adversely affect the safety or operation of the facility.

**Monetary Compensation**
Monetary compensation or other valuable consideration shall be made for abandonment to a private party or a public agency for non-public use. Compensation due the Department for abandonment of access control shall be determined by the appraisal process.

The value of these rights shall be determined by using the before and after evaluation. The costs of providing any safety or operations improvements necessary for the safety of the traveling public will be borne by the party or parties granted a change in access control in addition to the compensation determined by the appraisal process. The Director of Right of Way and Utilities shall approve any such compensation.

**Federal Highway Administration Approval**
If Federal funds were used in right of way acquisition, or if there is a significant change in the function or operation of the existing highway facility, and Federal Funds were used in construction, The Federal Highway Administration shall approve the change or break in access.

## Disposal of Limited Access Control
**Approved: 12/20/1990**

Comment [d218]: Operations (24VAC30-401)

**Introduction**
The Commonwealth Transportation Board may designate all or any part of an existing or new highway as limited access. Such a designation requires the Board to extinguish all easements of access, light, or air. The Commissioner must pay damages, if any, to owners of properties abutting the existing or new highway for extinguishment of these rights.

This policy establishes the rules pertaining to limited access control.

**Policy**
Any change or break in the access control line for a purpose other than that related to highways is considered an abandonment of access control. Abandonment of access control will be considered

- only in limited, special situations; and
- only when such abandonment will not adversely affect the safety or operation of the facility.

**Monetary Compensation**
Monetary compensation or other valuable consideration shall be made for abandonment to a private party or a public agency for non-public use. Compensation due the Department for abandonment of access control shall be determined by the appraisal process.

The value of these rights shall be determined by using the before and after evaluation. The after value shall take into consideration the costs of providing any safety or operations improvements necessary for the safety of the traveling public. The State Right of Way Engineer shall approve any such compensation.

**Federal Highway Administration Approval**
If Federal funds were used in

- right of way acquisition, or
- if there is a significant change in the function or operation of the existing highway facility,

The Federal Highway Administration shall approve the change or break in access.

**Construction and Maintenance of Pole Lines**
**Approved: 5/10-14/1920**

Comment [d219]: Operations (24VAC30-151)

RESOLVED, That permission is hereby given to transmission, telephone and telegraph companies to construct and maintain pole lines on State Highways, subject to rules and regulations of the State Highway Commission and according to the specifications of the State Highway Commissioner, with a charge of 25¢ per pole annually, The right to order the removal of the poles at any time is specifically reserved to the Commission.

**Construction and Maintenance of Utility Lines on Right of Way**
**Approved: 10/7/1954**

Comment [d220]: Operations (24VAC30-401)

That with regard to the construction and maintenance of public utility pole lines and facilities on rights of way 110 feet or more in width, the governing procedure and conditions be as set out on Pages 57 to 66, of the Manual on Permits in cases where the owners of such lines and facilities have executed or will execute the agreement.

**Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas**
**Approved: 8/4/1955**

Comment [d221]: Operations (24VAC30-151)

Moved by Mr. Rawls, seconded by Mr. Barrow, that the Regulations in connection with the construction, operation and maintenance of pipelines for the transmission of Natural Gas within the Right of Way of the State Highway Department, as adopted by the Commission at its meeting April 21, 1955, be revised to read as follows:

PERMITS – PROPOSED REVISION OF REGULATIONS IN CONNECTION WITH THE CONSTRUCTION, OPERATION AND MAINTENANCE OF PIPELINES FOR THE TRANSMISSION OF NATURAL GAS WITHIN THE RIGHT OF WAY OF THE STATE HIGHWAY DEPARTMENT AS ADOPTED BY THE STATE HIGHWAY COMMISSION OF VIRGINIA AT ITS MEETING ON APRIL 21, 1955. COMPLIANCE WITH STANDARD CODE – All gas pipelines constructed within the boundaries of a highway right of way shall be constructed and operated in compliance with the applicable provisions of the American Standard Code for Gas Transmission and Distribution Piping Systems (ASA B31.1.8-1955) Formulated under the auspices of the American Standards Association of New York, New York (hereinafter referred to as the "Standard Code"), and, in addition, shall comply with such special regulations as listed below and as may be hereafter prescribed.

I. CROSSINGS
   a. All gas pipelines intersecting a highway shall be constructed in such a manner that the angle between the centerlines of the pipeline and the highway shall be as near as practicable to ninety degrees (90º).
   b. PRESSURES IN EXCESS OF 125 PSIG – When the pipeline is, or is intended to be, subjected to internal pressure in excess of 125 psig, it shall be constructed as follows:

| CONSTRUCTION REQUIRED FOR CROSSINGS (Pressure in excess of 125 psig) | |
|---|---|
| Kind of Highway | Construction Type Required (Standard Code) |
| All Primary Routes | Type B or higher, with casing |
| All Secondary Routes except those noted below | Type B or higher, with casing |

| | |
|---|---|
| Secondary roads that are in the judgment of the Highway Department, or its representative, of minor existing or potential public importance | Type B or higher, with or without casing |

c. PRESSURES LESS THAN 125 PSIG – When the pipeline is, or is intended to be, subjected to an internal pressure of less than 125 psig, it shall be constructed in accordance with the Standard Code. In the application of the Standard Code (1) the words "hard surfaced roads, highways" shall be deemed to be "all primary routes and all secondary routes except those noted below," and (2) the words "unimproved public roads" shall be deemed to be "all secondary roads that are, in the judgment of the Highway Department, or its representative, of minor existing or potential public importance."
d. DEPTH OF COVER – Shall be as prescribed by the Standard Code which, under favorable conditions, permits a minimum depth of cover of twenty-four (24"). (For details see sketch in files.)
e. CASINGS TO EXTEND BEYOND EDGE OF PAVEMENT – Where terrain permits, the casing shall extend beyond the edge of the pavement a distance of not less than twenty-five (25) feet or to the line of right of way, whichever is less, and when the pavement is widened, the casing shall be extended to meet these requirements.

II. LINES PARALLEL TO AND WITHIN HIGHWAYS
a. Every gas pipeline constructed parallel to and operating within the boundaries of a highway right of way shall at least conform to the standards and requirements for gas pipelines in the Standard Code.
b. Whenever reasonably possible to avoid doing so a gas pipeline subjected to, or intended to be subjected to, pressure in excess of 125 psig, should not be installed parallel to and within the right of way of any highway. When such a gas pipeline is installed, the construction shall preferably include casing and shall conform, as far as type of construction is concerned, to the provisions for crossings (I-b), and if uncased, shall be constructed to "Type D Construction" as specified in the Standard Code.
c. When the Pipeline [sic] to be installed parallel to and within the right of way of any highway is, or is intended to be, subjected to an internal pressure of less than 125 psig, it shall be constructed in accordance with the Standard Code. In the application thereof (1) the words "hard surfaced roads, highways" shall be deemed to be "all primary roads and all secondary roads except those noted below," and (2) the words "unimproved public roads" shall be deemed to be "all secondary roads that are, in the judgment of the Highway Department, or its representative, of minor existing or potential public importance."
d. DEPTH OF COVER – Shall be as prescribed by the Standard Code which, under favorable conditions, permits a minimum depth of cover of twenty-four inches (24"). (For details see sketch in files).

III. OTHER REQUIREMENTS – Notwithstanding the provisions of these rules, all applicable rules of other State or local agencies having jurisdiction which exceed the requirements of these regulations shall be effective. Motion carried.

**Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas**
**Approved: 4/21/1955**

Comment [d222]: Operations (24VAC30-151)

Moved by Mr. Barrow, seconded by Mr. Watkins, that the Commission adopt the following regulations in connection with the construction, operation and maintenance of pipelines for the transmission of natural gas within right of way of the State Highway Department.

Compliance with the Standard Code – Any pipeline which is subjected to, or intended to be subjected to, an internal pressure in excess of one hundred twenty five (125) pounds per square inch gauge (psig), (above atmospheric pressure), shall be constructed and operated in compliance with the applicable provisions of the current edition of the American Standard Code for Pressure Piping, formulated under the auspices of the American Standards Association of New York, New York (hereinafter referred to as the "Standard Code").

Crossing – At points where a gas pipeline intersects a highway, when such pipeline is, or is intended to be, subjected to an internal pressure in excess of 50 psig and having a diameter of 6 inches or more, the pipeline shall be enclosed in casing herein provided and shall cross the highway in such a manner that the angle between the center line of the pipeline and highway shall be as near as practicable to 90°. A gas carrying pipe within the scope of this paragraph crossing a highway shall be enclosed in a casing which at least meets the requirements of the Specifications for Pipe Line Crossings, except that the minimum distance from the top of the casing to the used surface of the road shall be four feet six inches (4.5 feet), and where terrain permits, the casing shall extend beyond the edge of the pavement a distance of not less than twenty-five (25) feet or to the line of right of way, whichever is less. When a highway is widened, the casing shall be extended so that it shall still meet the requirements of this paragraph.

Lines Parallel to Highways – Every gas pipeline constructed and operated within the boundaries of a highway right of way shall conform to the standards and requirements of the Standard Code for gas pipelines within the boundaries of cities and towns.

Whenever reasonably possible to avoid doing so a gas pipeline subjected to or intended to be subjected to pressure in excess of 125 psig, should not be installed beneath and parallel to or within the right of way of any highway. When such a gas pipeline is so installed the construction shall conform, as far as casing is concerned, to the provisions of Rule 2 (Crossings) to the extent reasonable [sic] practicable. Such a gas pipeline, if uncased, shall be constructed of pipe having a wall thickness of at least 25 per cent greater than that required under the Standard Code for pipelines classed under the Standard Code as pipelines within the limits of cities and villages. Notwithstanding the provisions of these rules, all applicable rules of other State or local agencies having jurisdiction which exceed the requirements of said rules shall be effective.

**Installation and Maintenance of Lighting**
**Approved: 12/8/1960**

Comment [d223]: Operations (24VAC30-530)

WHEREAS, the Highway Department in the past has had requests from towns and cities for the installation and maintenance of lights on various structures maintained by the Department; and

WHEREAS, in the absence of a general policy, these requests have been acted on by the State Highway Commission separately; and

WHEREAS, this Commission feels that a general policy should be adopted.

NOW, THEREFORE, BE IT RESOLVED: That the Highway Department will install and maintain lighting on structures which are maintained by it where such lighting is deemed necessary by the engineers of the Department for traffic safety.

BE IT FURTHER RESOLVED: That where the lighting is solely for the benefit and convenience of the town or city making the request, such installation and maintenance shall be at the sole expense of such town or city.

## Maintenance of Gates on the Secondary System of Roads
**Approved: 8/4/1932**

Comment [d224]: Operations

Moved by Mr. Massie, seconded by Mr. East, that on the Secondary System of Roads where there are gates, they be shaped up in the spring and fall and no additional maintenance be done except in emergencies, such as the washout of culverts and bridges, so long as the gates remain. Motion carried.

## Maintenance of Roads Crossing the Interstate System
**Approved: 7/20/1961**

Comment [d225]: Operations (24VAC30-430)

*Editor's Note: After researching the Commission minutes for this meeting, the Policy Division was unable to identify the specific action or resolution related to this subject.*

## Maintenance of Parallel Service Drives
**Approved: 9/11/1944**

Comment [d226]: Operations

Moved by Mr. Barrow, seconded by Mr. Rawls, that the Commission rescind resolution of June 16, 1942, relative to Parallel Service Drives and that a plan be worked out for the maintenance by the Highway Department of such roads that have been constructed according to plans and specifications approved by the Department and the right way on which drive is constructed is deeded to the State. Motion carried.

## Maintenance of Streets and Roads
**Approved: 2/16/1961**

Comment [d227]: Operations (24VAC30-430)

WHEREAS, the construction of the Interstate System and other limited access highways results in a combination of systems in the performance of maintenance operations and costs; and

WHEREAS, it is desirable to establish a policy as to the responsibility for the physical maintenance operations, similar to the provisions for service roads as adopted on August 18, 1960; now, therefore,

BE IT RESOLVED, that the following policy be and is hereby adopted for the maintenance of streets and roads:

1. IN CITIES AND TOWNS – Interstate System

    1. Where the Interstate System construction provides an overpass for a street, maintenance of the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line shall be the responsibility of the municipality. The Interstate System will maintain the remainder of the structure, including the handrails, repairs to the structural roadway slab and slopes beyond the shoulder line, within the limits of the normal Interstate right of way.
    2. Where the Interstate System construction carries the main line over a street, the maintenance of the structure and slopes back to the normal ditch or sidewalks, including ramp connections to the edge of the street pavement, shall be the responsibility of the Interstate System. The Street underneath the structure shall continue to be the responsibility of the municipality.

2. IN COUNTIES – Interstate System

The maintenance responsibility of the Interstate System to be similar with the Primary and Secondary Systems as with streets as set forth above.

**Oiling Private Roads**
**Approved: 9/22/1932**

Comment [d228]: Operations

Moved by Mr. Gilmer, seconded by Mr. Massie that where requests come in from private property holders to oil roads leading to their residences, the Chairman be authorized to do so at full cost to the property holders, including the expense of the Engineer and hire of equipment, and that the money be put up before any work is undertaken. Motion carried.

**Operation and Maintenance of Roads in Incorporated Towns of Less than 3,500**
**Approved: 10/16/1951**

Comment [d229]: Operations (24VAC30-420)

Moved by Senator Nelson, seconded by Mr. Rogers, that whereas, Sections 33-50.1, 33-50.2 and 33-50.4 of the 1950 *Code of Virginia*, amended, offer incorporated towns of less than 3500 inhabitants three choices for maintenance, improvement, construction and reconstruction of eligible streets which are not a part or extension of the State Highway Primary System, said three choices being as enumerated in the Commissioner's letter of May 7, 1950, to all towns under 3500 population;

NOW, THEREFORE, BE IT RESOLVED, that from this date henceforth it shall be the policy of the Commission not to permit any such town to change its choice of maintenance, and that if such a change is desired the town will have to secure it by an Act of Legislature. Motion carried.

**Distribution of Maps**
**Approved: 2/16/1961**

Comment [d230]: General Administration

**OFFICIAL STATE MAP**

Distributed free of charge.

**SMALL FOLDED COUNTY MAPS**

All individuals, business concerns, road contractors, trade organizations or associations, public school students or officials, and private groups, will be charged the prevailing price as shown on official price list.

The following may receive small county maps free of charge in limited quantities, on written request, for official use:

(1) All Virginia State Agencies.
(2) Virginia City and County Governments.
(3) Charity groups such as Red Cross, Community Chests, etc. (15 maximum).
(4) Members of the U.S. Congress and Virginia Assembly.
(5) Virginia Public Libraries.
(6) Virginia State and Local chambers of commerce, municipal or local benevolent leagues or agencies (as distinguished from private organizations, associations, and societies.)
(7) U.S. Government Agencies.
(8) Highway Departments of other states.
(9) School Board officials for bus routings.

**ALL LARGE MAPS**

The following may receive large county, traffic flow area, wall, and restricted structures maps free in reasonable quantities (3 interpreted as reasonable) for official use of the agency.

(1) State and local government agencies.
(2) Volunteer fire departments and rescue squads.
(3) School board officials for school bus routings (within calendar year.)

All others will be charged the prevailing rates as shown on current price list.

**Distribution of Maps**
**Approved: 4/4/1939**

Comment [d231]: General Administration

Moved by Mr. Massie, seconded by Mr. Gilpin, that the county maps of the secondary system be distributed free of cost to Government and State agencies for work within the State, upon request. Motion carried.

**Distribution of Maps**
**Approved: 5/3/1938**

Comment [d232]: General Administration

Moved by Mr. Wysor, seconded by Mr. Massie, that the policy be adopted of giving free of cost one county map to any individual and charging ten cents for each additional map. Motion carried.

**Maps**

Comment [d233]: General Administration

**Approved: 6/25/1931**

Moved by Mr. Massie, seconded by Mr. Gilmer, that a service charge be made for placing names on our mailing list to receive copies of road maps monthly, of 50¢ for up to 100 and $1.00 for more than that number. Motion carried.

**Maps**

Comment [d234]: General Administration

**Approved: 8/9/1928**

Moved by Mr. Sproul, seconded by Mr. Gilmer seconded by Mr. Massie, that inasmuch as the small amount charged for the State maps when issued in quantities does not nearly cover the cost of same, that no charge whatsoever be made in the future for the maps. Motion carried.

**State Noise Abatement Policy**
**Approved: 11/21/1996**

Comment [d235]: Operations

**AUTHORIZATION**
The state noise abatement policy is adopted pursuant to the authority of Section 33.1-12 of the *Code of Virginia*.

**STATE NOISE ABATEMENT POLICY**
It is the policy of the Virginia Department of Transportation (VDOT) to employ the following criteria and procedures in determining the need for and the reasonableness and feasibility of noise abatement measures along Virginia's highways. The U. S. Code of Federal Regulations Part 772 (23 CFR 772) will be the guiding document for the analysis and abatement of highway traffic noise.

**TYPE I PROJECTS**
A Type I project involves the construction of a highway on new location or the physical alteration of an existing highway which significantly changes the horizontal or vertical alignment or increases the number of through traffic lanes. When the abatement criteria contained in this policy are satisfied in conjunction with a Type I project, noise abatement must be provided.

**TYPE II PROJECTS (RETROFIT)**
A Type II or retrofit project involves the construction of noise abatement along an existing highway when not in conjunction with an improvement for that highway. VDOT does not participate in Type II or retrofit noise abatement.

**NOISE IMPACTS**
A. Noise impacts occur when the projected highway noise levels:

   1. Approach (reach one decibel less than) or exceed the Noise Abatement Criteria (NAC) contained in 23 CFR 772, or

   2. Exceed existing noise levels by a substantial amount (10 decibels or more).

B. Noise impacts beyond 1000 feet (305 meters) from the roadway will not be considered in determining the need for noise abatement.

**ABATEMENT CRITERIA**
A. A noise abatement measure will be considered cost effective if the cost of the measure per protected residential property does not exceed $30,000. Each residential (dwelling) unit will be considered as a single residential property.

B. The cost-effectiveness determination for non-residential properties will be handled on a case by case basis and will include, in addition to the abatement cost, the type and duration of the activity taking place, the size of the affected area, the severity of the impact, and the amount of noise reduction to be provided.

C. To be protected, a property must be impacted and receive a minimum of 5 decibels of noise reduction.

D. Extenuating circumstances will be considered on a case by case basis.

**THIRD PARTY FUNDING**

1. When the cost of a noise abatement measure exceeds VDOT's cost-effectiveness ceiling but the measure otherwise satisfies the criteria contained in this policy, the measure can still be constructed, provided

    1. A third party funds the amount above the cost ceiling and,

    2. VDOT receives the third party share prior to the date of submittal of the Plans, Specifications, and Estimates (P,S&E).

2. If a third party requests the use of VDOT right of way for the construction of a noise abatement measure deemed unnecessary by VDOT, the request can be granted, provided:

    1. The third party assumes 100% of the. abatement cost including, but not limited to, preliminary engineering, construction, and maintenance and,

    2. VDOT's material, design, and construction specifications are met.

**STATE FUNDED NOISE ABATEMENT**

For state funded projects that meet the FHWA A Type I project definition, VDOT will consider and, if reasonable and feasible, construct and maintain noise abatement measures, provided the local jurisdiction through which the project traverses:

1. Agrees to assume 50% of the abatement cost and,

2. Has an ordinance requiring developers to include noise abatement in their plans for residential and other noise sensitive developments adjacent to existing highways and future highway alignments previously adopted by the Commonwealth Transportation Board.

    The abatement measures constructed by developers will ensure compliance with the FHWA Noise Abatement Criteria, where these criteria can be reasonably achieved, but will at the minimum provide 5 decibels of noise reduction for each property to be protected. The abatement measure can be located in total or partially on VDOT right of way, provided:

    a. The developer complies with VDOT's design, construction, and materials specifications and,

    b. The local jurisdiction is responsible for maintaining the abatement measure.

**UNDEVELOPED LAND**

In assessing the noise impacts and evaluating noise abatement measures associated with a highway project, undeveloped lands will be treated as developed lands, if and only if a proposed land use development plan has been approved by the local jurisdiction prior to the date of approval of the project alignment by the Commonwealth Transportation Board. The final decision concerning noise abatement for a proposed development will be conditioned on two points:

1. The noise barrier will not be constructed until the portion of the development to be protected by the barrier is completed to the satisfaction of VDOT, and

2. When there is a substantial time lapse between the final decision and the date the development is completed, the noise barrier analysis will be updated and the decision will be reconsidered.

**DECISION AUTHORITY**

A. For federal aid projects, the joint FHWA- VDOT Noise Abatement Committee will have the responsibility for assembling all relevant information and developing noise abatement related recommendations. On non-federal aid projects, the Committee's function will be carried out by its VDOT members.

B. The Chief Engineer, on behalf of the Commonwealth Transportation Board, will make the final determination on all noise abatement related issues.

**State Noise Abatement Policy**
**Approved: 11/15/1990**

Comment [d236]: Operations

**DEFINITIONS**

The following words and terms, when used in this policy, shall have the following meaning, unless clearly indicated otherwise:

"Commonwealth" means Commonwealth of Virginia.

"The Cost Effectiveness criteria of $20,000 Per Receptor" means the cost of the abatement measure divided by the number of impacted receptors receiving noise protection (A minimum reduction of 5 decibels). The abatement cost includes only the cost of materials and installation. It does not include costs for drainage, mobilization, median barriers, landscaping, and other incidental items.

"DBA" means "A-weighted decibel:" which is a widely accepted measure for expressing traffic noise levels.

"Design Year" means the future year used to estimate the probable traffic volume for which the highway is designed. A time of 10 to 20 years from the start of construction is usually used.

"Extenuating circumstance" means any unforeseen situation which may arise on an individual project, and due to its sensitivity to noise and its importance or value to the community, noise abatement is warranted even though the cost effectiveness criteria or other criteria contained in the state Noise Abatement Policy are not met. An example is a noise barrier along I-495 which protects residential properties and a church which has membership of over 1,000 people and is used regularly for religious, social, and recreational activities. Even though the cost per receptor exceeds the $20,000 criteria, the barrier has been determined to be warranted due to the church's value to the surrounding communities, its sensitivity to noise, and the high noise levels which would occur without a barrier.

"FHWA" means Federal Highway Administration.

"Noise Abatement" means any measure taken to reduce highway traffic noise levels.
"Noise Abatement Criteria (NAC)" means numerical noise standards promulgated by the Federal Highway Administration and published in Volume 7, Chapter 7, Section 3 of the Federal Aid Highway Manual.

"Noise Barrier" means a solid structure erected between the highway and the protected property which is designed to reduce traffic noise levels at the protected property by blocking the sound waves on their path from the highway to the protected property.

"Receptor" means any property containing noise sensitive activity. Table 1 in Volume 7, Chapter 7, Section 3, of the Federal Aid Highway Program Manual lists the land use categories which are considered to contain noise sensitive activities to which the Noise Abatement criteria apply. The list includes residential properties, both single family and
multi-family, churches, schools, playgrounds, recreational areas, parks, libraries, and hospitals. Each residential unit is counted as a single receptor in the determination of cost effectiveness of noise abatement. The weight given to other activity areas, such as schools, churches, parks, etc., during the abatement evaluation is based on several factors and is determined on an individual basis. The term noise sensitive applies only to human activity. A receptor can be a developed land or an undeveloped land for which development has been planned, designed, and programmed. The development plan, design and program must have been approved by the local jurisdiction prior to the adoption by the Commonwealth Transportation Board of the highway alignment.

"VDOT" means Virginia Department of Transportation.

**State Noise Abatement Policy**
It is the policy of the Virginia Department of Transportation (VDOT) to employ the following criteria and procedures in determining the need and feasibility of noise abatement measures on all highway projects in the Commonwealth. Inasmuch as VDOT does not have a retrofit noise abatement program for existing highways, this policy applies to proposed highway construction and improvement projects.

1. Volume 7, Chapter 7, Section 3 of the Federal Aid Highway Program Manual (FHPM 7-7-3) will be the guiding document for the analysis and abatement of highway traffic noise on all proposed highway projects.

2. In assessing traffic noise levels from a proposed project or determining the dimensions of a noise barrier, a source height of 8 feet for tractor trailers, 2.3 feet for medium trucks and 0 feet for automobiles will be used.

3. Highway noise impacts beyond 1000 feet from the roadway will not be considered in determining the need for and the dimensions and cost of a noise barrier.

4. A noise abatement measure will be considered if,

    1. It provides a minimum of 5 dB(A) attenuation (positive noise benefit) and
    2. The design year noise levels emanating from the project equal or exceed the FHWA Noise Abatement criteria (NAC) given in FHPM 7-7-3 for various land use categories or
    3. The design year noise levels emanating from the project exceed existing noise levels by 10 dB(A) or more.

5. A noise abatement measure will be considered not cost effective if the cost of the measure per receptor protected exceeds $20,000.00. For the purpose of this provision, the term "receptor" refers to any land use category listed in Table I of FHPM 7-7-3. (For example a residential receptor would include single and multifamily dwellings).

6. Extenuating circumstances will be considered on an individual project basis.

7. For federal aid projects the responsibility for assembling all relevant information and developing noise abatement related recommendations will rest with the joint FHWA-VDOT standing Noise Abatement Committee. On non-federal aid projects the committee's function will be carried out by its VDOT members.

8. The Chief Engineer, on behalf of the Commonwealth Transportation Board, will make the final determination on all noise abatement related issues.

9. For non-federal aid projects VDOT will consider and if feasible construct and maintain noise abatement measures, provided

    1. the local jurisdiction through which the project traverses agrees to assume 50% of the cost of the abatement measure and

    2. the local jurisdiction has an ordinance requiring developers to include noise abatement in their plans for residential and other noise sensitive developments adjacent to existing highways and future highway alignments previously Commonwealth Transportation adopted by the Board. VDOT staff will provide limited assistance to local jurisdictions in the preparation of the noise ordinances. The abatement measures constructed by developers will ensure compliance with the FHWA Noise Abatement criteria, where these criteria can be reasonably achieved, but will at the minimum provide 5 dB(A) noise attenuation or activity in which the abatement measure is designed to protect. If any portion of the abatement measure is located on the highway right of way, the developer will comply with VDOT's design, construction and materials specifications. The local jurisdiction will be responsible for maintaining noise abatement measures constructed by a developer.

10. If a local jurisdiction insists on the provision of a noise abatement measure deemed unnecessary by VDOT, arrangements may be made for the use of VDOT right of way, provided:

    1. The locality is willing to assume 100% of the cost of the abatement measure including but not limited to preliminary engineering, construction and maintenance and,

    2. VDOT's material, design and construction specifications are met.

11. In assessing the noise impacts associated with a highway project, undeveloped lands will be treated as developed lands, if and only if a proposed land use development plan and a schedule of development have been filed with and approved by the local jurisdiction prior to the date the Commonwealth Transportation Board selects the final corridor alignment. The final decision concerning noise abatement for a propose development will be conditioned on two points.

    1. The noise barrier will not be constructed until the portion of the development to be protected by the abatement measure is completed to the satisfaction of VDOT, and

    2. When there is a substantial time lapse between the final decision and the date the development is completed, the noise abatement analysis will be updated and the decision will be reconsidered.

**State Noise Abatement Policy**
**Approved: 8/18/1988**

Comment [d237]: Operations

WHEREAS, in order to provide a noise abatement policy covering federal aid and non-federal aid highway projects, and

WHEREAS, the need for a single policy has been established, and

WHEREAS, careful consideration has been given to the development of a policy,

NOW, THEREFORE, BE IT RESOLVED, that the attached Noise Abatement Policy be approved by the Board, and that such policy be effective on January 1, 1989.

It is the policy of the Virginia Department of Transportation (VDOT) to employ the following criteria and procedures in determining the need and feasibility of noise abatement measures on all highway projects in the Commonwealth. Inasmuch as VDOT does not have a retrofit noise abatement program for existing highways, this policy applies to proposed highway construction and improvement projects.

a. Volume 7, Chapter 7, Section 3 of the Federal Aid Highway Program Manual (FHPM 7-7-3) will be the guiding document for the analysis and abatement of highway traffic noise on all proposed highway projects.

b. In assessing traffic noise levels from a proposed project or determining the dimensions of a noise barrier, a source height of 8 feet for tractor trailers, 2.3 feet for medium trucks and 0 feet for automobiles will be used.

c. Highway noise impacts beyond 1000 feet from the roadway will not be considered in determining the need for and the dimensions and cost of a noise barrier.

d. A noise abatement measure will be considered if,

    1. It provides a minimum of 5 dB(A) attenuation (positive noise benefit) and

    2. The design year noise levels emanating from the project equal or exceed the FHWA Noise Abatement Criteria (NAC) given in FHPM 7-7-3 for various land use categories or

    3. The design year noise levels emanating from the project exceed existing noise levels by 10 dB(A) or more.

e. A noise abatement measure will be considered not cost effective if the cost of the measure per receptor protected exceeds $20,000.00. For the purpose of this provision, the term “receptor”, refers to any land use category listed in Table 1 of FHPM 7-7-3. (For example a residential receptor would include single and multifamily dwellings).

f. Extenuating circumstances will be considered on an individual project basis.

g. For federal aid projects the responsibility for assembling all relevant information and developing noise abatement related recommendations will rest with the joint FHWA-VDOT standing Noise

Abatement Committee. On non-federal aid projects the committee's functions will be carried out by its VDOT members.

h. The Chief Engineer, on behalf of the Commonwealth Transportation Board, will make the final determination on all noise abatement related issues.

i. For non-federal aid projects VDOT will consider and if feasible construct and maintain noise abatement measures, provided

   1. the local jurisdiction through which the project traverses agrees to assume 50% of the cost of the abatement measure and

   2. the local jurisdiction has an ordinance requiring developers to include noise abatement in their plans for residential and other noise sensitive developments adjacent to existing highways and future highway alignments previously adopted by the Commonwealth Transportation Board, VDOT staff will provide limited assistance to local jurisdictions in the preparation of the noise ordinances. The abatement measures constructed by developers will ensure compliance with the FHWA Noise Abatement Criteria, where these criteria can be reasonably achieved, but will at the minimum provide 5 dB(A) noise attenuation for each structure or activity which the abatement measure is designed to protect. If any portion of the abatement measure is located on the highway right of way, the developer will comply with VDOT's design, construction and materials specifications. The local jurisdiction will be responsible for maintaining the noise abatement measures constructed by a developer.

j. If a local jurisdiction insists on the provision of a noise abatement measure deemed unnecessary by VDOT, arrangements may be made for the use of VDOT right of way, provided:

   1. The locality is willing to assume 100% of the cost of the abatement measure including but not limited to preliminary engineering, construction and maintenance and,

   2. VDOT's material, design and construction specifications are met.

k. In assessing the noise impacts associated with a highway project, undeveloped lands will be treated as developed lands, if and only if a proposed land use development plan and a schedule of development have been filed with and approved by the local jurisdiction prior to the date the Commonwealth Transportation Board selects the final corridor alignment. The final decision concerning noise abatement for a proposed development will be conditioned on two points.

   1. The noise barrier will not be constructed until the portion of the development to be protected by the abatement measure is completed to the satisfaction of VDOT, and

   2. When there is a substantial time lapse between the final decision and the date the development is completed, the noise abatement analysis will be updated and the decision will be reconsidered.

**Designation of Official to Handle Requests for Travel Privileges for Vehicles/Loads Greater Than 12 Feet**
**Approved: 9/21/1978**

Comment [d238]: Operations (24VAC30-111)

WHEREAS, the Commission has the discretion under Section 46.1-343 of the *Code of Virginia* (1950) as amended to issue permits for the operation or movement of vehicles of a size or weight in excess of statutory limits; and

WHEREAS, the Commission has the authority under Section 33.1-12(3) to make rules and regulations for the protection of and covering traffic on and the use of systems of State highways and to amend the Same; and

WHEREAS, there now exists Commission policy to permit travel greater than twelve feet in width only for manufactured housing; and

WHEREAS, the Commission has been requested to consider granting permits for all vehicles/loads having a width greater than twelve feet; and

WHEREAS, in order to comply with the Virginia Administrative Process Act, the Commission must receive public testimony relative to the request;

NOW, THEREFORE, BE IT RESOLVED, that the Department shall appoint a specially designated official to conduct informational proceedings and officially receive comments pertaining to the requests made to the Commission for extending permit policy to grant travel privileges to all vehicles/loads greater than twelve feet in width but not to exceed fourteen feet and report to the Commission.

**Hauling Permit Manual - Blanket Permits and Administrative Appeals**
**Approved: 11/17/1977**

Comment [d239]: Operations (24VAC30-111)

WHEREAS, on Friday, October 7, 1977, at 10 a.m. pursuant to newspaper advertisement, informational proceedings were conducted by Leo E. Busser III, the Commission's specially designated subordinate as to proposed rules and regulations amending the Hauling Permit Manual

(a) to allow blanket permits to be issued by the Department of Highways and Transportation's Permit Engineer for transporting mobile homes and pre-fabricated house sections having a width in excess of twelve feet but not greater than fourteen feet over a certain predesignated highway network comprising interstate, four-lane divided, and primary routes with shoulders five or six feet wide only. Single trip permits will continue to be required for all other movements; (b) to apply to all permits issued pursuant to the Hauling Permit Manual certain administrative conditions now expressly applicable only to the movement of 14-foot wide mobile and modular housing units; namely,

(1) Provide for a clear-cut Administrative appeal process when violations of permits occur.

(2) Make clear that the Department has the authority not only to relax certain permit requirements when circumstances dictate, but that it can impose additional requirements when circumstances dictate.

(3) Make clear that the permits will not be issued where such issuance may jeopardize receipt of federal funds; and

WHEREAS, the authority to entertain such amendments is vested in the Commission pursuant to the discretion delegated to it by Section 46.1-343 of the *Code of Virginia* (1950), as amended, and under Section 33.1-12 (3) of the Code; and

WHEREAS, the Commission adopted at its September meeting authorizing the movement of 14-foot wide mobile and modular housing units over the highways of the Commonwealth; and

WHEREAS, the Commission's Permit Committee has reviewed the public hearing testimony and has submitted a report, copy attached and made a part hereof, recommending:

(1) That the amendments proposed be adopted as proposed;
(2) That other amendments be adopted as a result of testimony received at the hearing; and

WHEREAS, the Permit Committee's report supplies the information required by Section 9-6:14.7 of the Code;

NOW, THEREFORE, BE IT RESOLVED, that the Hauling Permit Manual be amended as set out in Attachment 1.

*Editor's Note: Due to the length of the attachment, it is not set out here. For a copy, contact the Policy Division.*

**Hauling Permit Manual - Emergency Amendment in Connection with STAA of 1982**
**Approved: 6/16/1983**

Comment [d240]: Operations (24VAC30-111)

Moved by Mr. Mohr, seconded by Mr. Brydges, that the Commission confirm telephone ballot action adopting emergency amendments to the Hauling Permit Manual, as attached.

EMERGENCY AMENDMENT TO THE HAULING PERMIT MANUAL

The State Highway and Transportation Commission, pursuant to Va. Code § 33.1-12(3) and (5) and Article II of Chapter 4 of Title 46.1 of the *Code of Virginia* (1950), as amended, (Maximum Size and Weight; Combination of Vehicles), hereby adopts the following emergency amendment to regulations for the issuance of permits to certain oversize vehicles. These oversize vehicles shall be allowed to operate on those federal-aid primary highways of Virginia specified in the permit, in accordance with the Federal Surface Transportation Assistance Act (STAA) of 1982, P. L. 97-424.

The amendment shall be in effect from May 4, 1983 to July 1, 1983. At that time, the oversize vehicles being regulated shall be allowed to operate on those federal-aid primary highways of Virginia designated by the State Highway and Transportation Commission.

The State Highway and Transportation Commission finds that an emergency situation exists necessitating the immediate promulgation of the amendment. Such emergency precludes promulgation by the usual procedures of the Virginia Administrative Process Act (APA)_(Va. Code & (sic) 9-6.14:1 et seq.) and is permitted as an exclusion to the APA under Va. Code § 9-6.14:6.

The precise reason and factual basis for this emergency is to insure compliance with the federal Surface Transportation Assistance Act of 1982, P.L. 97-242, which mandates the use of qualifying federal-aid primary highway in each state by certain oversize trucks.

The oversize trucks involved are defined in the amendment itself. The State Transportation and Highway Commission shall designate which federal-aid primary highways qualify prior to July 1, 1983. to insure the safety of the traveling public without impeding the needs of commerce during the interim, VDH&T has entered into an agreement with the Federal Highway Administration. The agreement provides for the issuance of permits as a condition precedent to the operation of the larger trucks on specific routes in the Commonwealth. Because of the time frames involved and the possible exposure of the Commonwealth to injunctive action under the STAA, immediate emergency promulgation is necessary.

During the period that this emergency amendment is in effect, VDH&T will receive, consider and respond to petitions by any interested person at any time for the reconsideration of revision of the amendment, in accordance with the APA.

AGREEMENT WITH FHWA

This action is taken pursuant to paragraph 4 of a Memorandum of Agreement dated May 3, 1983 between the U. S. Federal Highway Administration (FHWA) and the Virginia Department of Transportation which states:

> The Federal Highway Administration shares Virginia's concern for the public's safety; therefore, from the date of this agreement to July 1 trucks authorized by the STAA will be permitted to operate on Federal Aid primaries in Virginia subject to the application for and receipt of a special permit issued by the State of Virginia. The State of Virginia shall issue such permit (1) without charge and (2) within 24 hours of application. Denial of any application will specifically set forth the geometric or structural reasons upon which such denial is issued. Granting of such permits shall not be unreasonably denied.

EMERGENCY AMENDMENT

The Hauling Permit Manual is amended as follows:

Applications for permits to operate on federal-aid primary highways for the following vehicles:

(a) 48 foot long semi-trailers
(b) 28 foot long double trailers
(c) 102 inches wide truck and trailers

will be accepted by the Permit Engineer during normal business hours at the Central Office of the Department of Highways and Transportation, 1221 East Broad Street, Richmond, Virginia 23219, telephone number 804-786-2787.

Such applications may be made by telephone request, letter request, telegram or either approved method of electronic transmission or on approved forms furnishing the information required of all other potential movements.

Initially, the permit issued will be single trip permits. The Department may issue blanket permits in its discretion after advising the Commission of its intention to do so.

Permits shall be issued without charge within 24 hours of application, unless the application itself needs to be clarified.

Permits issued shall state the route over which the movement may be made.

If a permit is denied, the geometric, structural or other reasons for such denial must be stated.

There may be restrictions on the time of day for the permit to be used. Other reasonable requirements and restrictions may be imposed.

No permits will be needed for travel on the Interstate System of highways and one-half mile beyond.

This Emergency Amendment shall expire June 30m 1983 at which time the above vehicles shall be allowed to operate on those federal-aid primary highways designated by the State Highway and Transportation Commission and, thereafter, by the Federal Highway Administration.

**Hauling Permit Manual - Fees**
**Approved: 6/18/1981**

Comment [d241]: Operations (24VAC30-111)

WHEREAS, pursuant to Section 46.1-343 of the *Code of Virginia* of 1950, as amended, the State Highway and Transportation Commission has authority to issue hauling permits for the movement of overweight/oversize vehicles upon the highway; and

WHEREAS, such permits provide extraordinary service and privileges to the permittee; and

WHEREAS, the cost of issuing these permits is a constant drain on highway funds since revenues collected do not cover administrative program costs; and

WHEREAS, current hauling permit fees have not been substantially increased since September 1, 1970 as follows:

Existing Permit Fees

(A) Loads 8 feet to 12 feet wide
$5 Single Trip (13-day issue)
$5 Blanket Term (12-month issue)

(B) Loads 12 feet to 14 feet wide
$10 Single Trip (13-day issue)
$10 Blanket Term (12-month issue)

NOW, THEREFORE, BE IT RESOLVED, that a fee of ten dollars ($10) for a single trip and thirty dollars ($30) for a twelve-month blanket permit be imposed for each such permit issued on and after October 1, 1981, except those permits described under Section 46.1-343 of the *Code of Virginia* of 1950, as amended, which are required to be issued without cost along with exemptions prescribed by resolution to issue such permits without charge to any office or agency of the federal government, the

Commonwealth of Virginia, or any county or municipal government of Virginia, provided the vehicle is registered in the name of such government, its agency, subdivision or municipal corporation.

**Hauling Permit Manual - Movement of Overweight and Overwidth Vehicles**
**Approved: 3/15/1973**

Comment [d242]: Operations (24VAC30-111)

WHEREAS, the purpose of this resolution is to amend the Hauling Permit Manual to allow movements with lengths of 111 feet to 125 feet within a thirty (30) mile radius of a point of origin, and

WHEREAS, Section 4, Overall lengths of 111 feet to 125 feet, page 38 of the Hauling Permit Manual states, "Movements of this length to be local in nature and may be permitted within a twenty-five (25) mile radius of a point of origin. The movement will be confined to four-lane divided highways as much as possible."

NOW, THEREFORE, BE IT RESOLVED, that Section 4, Overall lengths of 111 feet to 125 feet, Page 38, be revised to read as follows: Movements of this length to be local in nature and may be permitted within a thirty mile radius of a point of origin. The movement will be confined to four-lane divided highways as much as possible.

**Hauling Permit Manual - Movement of Overweight and Overwidth Vehicles**
**Approved: 4/23/1970**

Comment [d243]: Operations (24VAC30-111)

I. OVERWEIGHT – Permits may be issued for the following overweight movements:

A. TRUCKS AND TRACTOR-TRAILER COMBINATIONS

| | |
|---|---|
| Single axle | Maximum 24,000 pounds |
| Tandem axle | Maximum 44,000 pounds |

Gross weight determined according to the number of axles and the distance between the axles as set forth in the following table. (Note: Due to length of table, it is not reproduced here – see page 380, volume 33, CTB Meeting Minutes.)

B. SELF-PROPELLED TRUCK CRANES

| | |
|---|---|
| Two axle units: | Maximum 48,000 pounds |
| Three axle units: | Maximum 70,000 pounds |
| Four axle units – eight feet or more in width: | Maximum 80,000 pounds |
| Four axle units – ten feet or more in width: | Maximum 90,000 pounds |

When the overall width outside of tread to outside of tread is not less than eight feet, no single axle weight shall exceed 24,000 pounds nor shall any tandem axle weight exceed 44,000 pounds. When the overall width outside of tread to outside of tread is not less than ten feet, no single axle weight shall exceed 26,000 pounds nor shall any tandem axle weight exceed 50,000 pounds.

C. SELF-PROPELLED SCRAPERS

With overall width outside of tread to outside of tread not less than ten feet:

| | |
|---|---|
| Two axle units: | Maximum 60,000 pounds |

Three axle units: Maximum 80,000 pounds
Four axle units: Maximum 100,000 pounds

No single axle weight shall exceed 30,000 pounds nor shall the sum of any two consecutive axles spaced less than ten feet apart exceed 55,000 pounds.

D. OTHER OVERWEIGHT MOVEMENTS

Any overweight movements beyond the range contained in A, B, or C may be permitted only after the Highway Department has undertaken either a general study relating to such movements in any given area and on selected highways or has made an individual study relating to the particular movement in question, and such study indicates all bridges concerned and the road pavement is capable of supporting such load or loads.

II. OVERLENGTH – Permits may be issued for overlength movements:

A. OVERALL LENGTHS OF 90 FEET OR LESS

General movement on all roads except those roads which are poor in alignment or having extremely high traffic volumes where such movement would create an undue traffic hazard.

B. OVERALL LENGTHS OF 91 FEET TO 100 FEET

Movements may be made on all four-lane roads and consideration may be given for two and three-land roads having good alignment and which are not considered substandard for existing traffic volumes.

C. OVERALL LENGTHS FOR 101 FEET TO 110 FEET

Movements to be confined to four-lane divided highways. Consideration may be given to four-lane undivided highways or other routes with exceptionally good alignment.

D. OVERALL LENGTHS OF 111 FEET TO 125 FEET

Movements of this length to be local in nature and may be permitted within a twenty-five mile radius of a point of origin.

E. OTHER OVERLENGTH MOVEMENTS

Any overlength movements beyond range contained in A, B, C or D may be permitted only after the Highway Department has undertaken either a general study relating to such movements in any given area and on selected highways or has made an individual study relating to the particular movement in question, and such study indicates all bridges concerned and the roadway is capable of handling the movement.

III. REQUIREMENTS AND RESTRICTIONS

The following requirements and restrictions shall be applicable to each overweight or overlength permit:

A. DAYLIGHT HOURS ONLY

All permits issued for overlength and/or overweight in excess of 80,000 pounds shall restrict travel to the period between on-half hour after sunrise and on-half hour before sunset.

No travel allowed on any highway when visibility is limited by atmospheric or other conditions so as to make travel hazardous for any vehicle, or when any person or vehicle on the highway is not clearly discernable at a distance of 500 feet.

No travel allowed when the surface of the highway is made hazardous by rain, sleet, snow or ice.

On some highways where traffic is heavy during certain hours, it may be necessary for the issuing authority to restrict the movement to certain hours of the day or to certain days of the week.

B. RED FLAGS

Red flags, at least twelve inches square, in good condition, shall be displayed at all corners, at both ends and along the sides of all overlength movements.

C. SPEED

Speed shall be restricted on all permits as follows:

1. Maximum of 45 MPH on all highways having four or more lanes.
2. Maximum of 35 MPH on all three-lane roads and all two-land roads having 24 feet or more pavement width.
3. Maximum of 25 MPH on all two-lane roads having less than 24 feet of pavement width.

D. SATURDAY, SUNDAY AND HOLIDAYS

Permits shall not be issued for movements on Saturday after 12 o'clock noon nor at any time on Sunday or holidays, except in emergencies.

The following days are considered holidays for the purpose of permit restrictions:

New Years Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

If a holiday falls on a Sunday, the following Monday is considered a holiday and restricted as other holidays.

Travel will not be allowed on one-half day preceding or following a holiday.

E. FLAGMEN

Competent and alert flagmen wearing distinctive clothing shall be required on all movements in excess of 75 feet in length.

The purpose of the flagmen is to protect traffic when entering or leaving main highways and to assist the driver at locations where adequate vision is obscured.

F. PILOT VEHICLES

1. Rear pilot vehicles required on all routes when overall length exceeds 75 feet
2. Pilot vehicles shall maintain adequate distance (approximately 600 feet) behind long loads to warn approaching vehicles of overlength movement. Pilot vehicles shall have headlights burning.
3. Signs shall be displayed on each pilot vehicle as follows:

    a. Rear pilot vehicle shall bear a sign clearly visible to traffic approaching the movement from the rear containing the message, “DANGER – OVERLENGTH LOAD AHEAD”.
    b. All signs shall have six-inch black letters on a background of international orange and shall be made of durable material that will not be affected by rain.

G. SPACING

Overlength movements shall not travel in convoy. Overlength movements, including pilot vehicles, shall not follow other overlength movements closer than 2,000 feet. When pilot cars are required, each overlength movement shall have its own pilot vehicle.

H. TRAFFIC BUILD-UP

If traffic build-up behind any movement under permit becomes heavy (considered to be three or more vehicles) the unit shall be removed from the traveled way to allow traffic to pass as soon as practical.

I. EQUIPMENT

Normally the equipment to be used in transporting an overweight or overlength load will be selected by the mover, in some instance, however, particularly where an extremely large or heavy load is to be transported, the Department of Highways must approve the type of equipment to be used.

J. ADDITIONAL RESTRICTIONS

The Permit Engineer is authorized to impose additional restrictions on individual movements whenever special circumstances dictate the need for such additional restrictions. These may include, but are not limited to, time of movement within an area and flagmen at certain intersecting roads.

IV. ISSUANCE OF PERMITS

A. Special permits to be issued only by the Central Office.

B. Blanket permits to be issued only the Central Office.

C. All other permits requiring movement in two or more districts to be issued only by the Central Office.

D. Permits for movements within a district to be issued by the Central Office, District Office or Residency Office.

BE IT FURTHER RESOLVED, that the permit fees for all other over-size movements including those for mobile homes be increased to $5.00 for single trip permits and $100.00 for one-year blanket permits in order that there be a uniform fee schedule and the Highway Department not lose money on the handling of such permits.

BE IT FURTHER RESOLVED, that this policy shall be made a part of the Hauling Permit Manual and supersedes any earlier policy on the same matter.

**Hauling Permit Manual - Movement of Over-Width Mobile Homes, Prefabricated House Sections and Boats on Trailers**
**Approved: 2/21/1974**

Comment [d244]: Operations (24VAC30-111)

WHEREAS, the Highway Commission policy is not to allow the movement of 12' – 0" wide mobile homes, prefabricated house sections or boats on routes that have pavement widths less than 24' – 0" and a traffic count in excess of 1,000 vehicles per day, and

WHEREAS, Section 2, Paragraph A (Pages 31 and 32) of the Hauling Permit Manual reads as follows:

2. A. Approved Routes - Permits may be issued for such movements on:
    1. All divided highways.
    2. All undivided highways with a width of 24 feet or more.
    3. Selected undivided highways with a width of less than 24 feet where there has been a traffic and engineering study and the Highway Commission has approved such highway by resolution, or does approve such highway by resolution in the future.
    4. All other routes having 1,000 VPD or more, distances not to exceed 5 miles from selected routes or 5 miles from corporate limits of municipalities having a population of 3,500 or more may be allowed.
    5. All other routes having less than 1,000 VPD.

NOW, THEREFORE, BE IT RESOLVED, that Section 2, Paragraph A, Pages 31 and 32 of the Hauling Permit Manual be revised to read as follows:

2. A. Approved Routes - Permits may be issued for such movements on:

    1. All divided highways.
    2. All undivided highways with a width of 24 feet or more.
    3. Selected undivided highways with a width of less than 24 feet where there has been a traffic and engineering study and the Highway Commission has approved such highway by resolution, or does approve such highway by resolution in the future.
    4. All other routes, provided:
        a. The delivery point cannot be reached using routes shown on Form MP-80.

b. The horizontal and vertical alignment are adequate.
c. Permits issued are for single trips only.
d. Route selection will be determined by an engineering study and coordinated with the State Police.

**Hauling Permit Manual - Regulations for Transporting Mobile Homes and Prefabricated House Sections Having a Width in Excess of 12 Feet but not Greater Than 14 Feet**
**Approved: 9/15/1977**

Comment [d245]: Operations (24VAC30-111)

WHEREAS, on Wednesday, February 16, 1977, at 2 p.m. pursuant to newspaper advertisement, informational proceedings as to proposed rules and regulations amending the Hauling Permit Manual to permit the movement of 14-foot wide mobile and modular housing units over the highways of the Commonwealth of Virginia were conducted by Leo E. Busser III, the Commission's specially designated subordinate; and

WHEREAS, the authority to entertain such amendments is vested in the Commission pursuant to the discretion delegated to it by Section 46.1-343 of the *Code of Virginia* (1950), as amended, and under Section 33.1-12(3) of the Code; and

WHEREAS, the 1976 General Assembly by House Joint Resolution No. 41 requested the Department of Highways and Transportation, together with the Housing Study Commission, the Office of Housing, the Division of Highway Safety, the Department of State Police, representatives from the manufactured housing industry, and the Division of Motor Vehicles to evaluate the movement of 14-foot Wide Manufactured Housing units over the highways of the Commonwealth of Virginia. The study entitled "An Evaluation of the Movement of 14-Foot Wide Manufactured Housing Units in Virginia" dated November 16, 1976, did not show that the movement of 14-foot wide mobile and modular housing units would result in significantly greater inconvenience or safety hazards to the traveling public than 12-foot wide housing units on four-lane divided highways. The study also disclosed that the mobile and modular housing industry is an important segment of the Virginia economy and supplies a needed segment of the housing needs of the Commonwealth; and

WHEREAS, the Commission's Permit Committee has reviewed the public hearing testimony and has submitted a report, copy attached and made a part hereof, recommending:

(1) that movement of 14-foot wide mobile and modular housing units be permitted over the highways of the Commonwealth

(2) that such movement be subject to the those certain conditions and restrictions which are attachment 2 to this report

(3) that certain changes heretofore not subject to public hearing ought to be considered such as to permit movement by blanket permits

(4) that a great deal of public comment has been received since the close of public comment dealing not only with the movement of 14-foot wide loads but that restrictions be upon such movement; and

WHEREAS, the Permit Committee's report supplies the information required by Section 9-6.14:7 of the Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Hauling Permit Manual be amended by adding a section entitled Regulations for Transporting Mobile Homes and Prefabricated House Sections Having a Width in Excess of 12 Feet But Not Greater Than 14 Feet; and

BE IT FURTHER RESOLVED, that the Department consider conducting public hearings to receive officially public comments made since February 28, 1977, on this point and consider any other changes to the Hauling Permit Manual that it deems warranted.

*Editor's Note: Due to the length of the attachment, it is not set out here. For a copy, contact the Policy Division.*

**Hauling Permit Manual - Restrictions for Transporting Mobile and Modular Units Having a Width in Excess of 12 Feet But Not Greater Than 14 Feet**
**Approved: 1/20/1977**

Comment [d246]: Operations (24VAC30-111)

WHEREAS, the 1976 General Assembly by House Joint Resolution No. 41 requested the Department of Highways and Transportation, together with the Housing Study Commission, the Office of Housing, the Division of Highway Safety, the Department of State Police, representatives from the manufactured housing industry and the Division of Motor Vehicles to evaluate the movement of 14-foot wide mobile and modular housing units over the highways of the Commonwealth of Virginia; and

WHEREAS, such study was made and the results were reported in "An Evaluation of the Movement of 14-Foot Wide Manufactured Housing Units in Virginia," dated November 17, 1976, prepared by the Virginia Highway and Transportation Research Council; and

WHEREAS, the study did not show that the movement of 14-foot wide mobile and modular housing units would result in significantly greater inconvenience or safety hazards to the traveling public than 12-foot wide housing units on four-lane divided highways; and

WHEREAS, mobile and modular housing is an important segment of the housing needs and economy of the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED, that the applicable statutes be followed to present the Permit Committee's proposed regulations, attached, to permit the movement of 14-foot wide mobile and modular housing units over selected highways; and

BE IT FURTHER RESOLVED, that the Commission shall appoint an Advisory Committee, consisting of representatives of the State agencies and industries involved in the original study, under the chairmanship of the Department's Permit Engineer, to review the conditions and experiences resulting from the movement of both 12-foot and 14-foot wide mobile and modular housing units for a period of nine months, at which time a report will be made to the Commission covering recommendations for further changes in regulations if necessary; and

WHEREAS, officials of the State Department of Housing support the need for providing this type of housing within the Commonwealth and are aware of and agree with the statement submitted by the representative of the mobile and modular housing industry; and

WHEREAS, the Permit Committee of the Commission has recommended that the aforementioned proposed amendments to the Hauling Permit Manual be adopted; and

WHEREAS, the Commission is impressed with the statements that an emergency exists in the mobile and modular housing industry that would be exacerbated by any delay in the implementation of the proposed amendments to the Hauling Permit Manual which would allow the movement of 14-foot wide mobile and modular housing over selected highways under specified conditions; and

WHEREAS, the Administrative Process Act authorizes the dispensation of public procedures, in whole or in part, with respect to regulations which apply in any situation in which the Commission finds, and by preamble states with the reasons and precise factual basis therefore, that an emergency situation exists, as long as the approval of the Governor is first secured;

NOW, THEREFORE, BE IT RESOLVED, that since the Highway and Transportation Commission has received the attached resolution from the Office of Housing stating that delay in implementing the proposed amendments would exacerbate existing conditions to the detriment of the citizens of the Commonwealth, in general, and the mobile and modular housing industry and those persons working directly or indirectly in that industry, in particular, the Commissioner is to seek the approval of the Governor for the Commission to implement the proposed amendments to the Hauling Permit Manual as permitted under the Administrative Process Act, said amendments to be effective for a period not exceeding nine months to allow for permanent amendments to be effected in accordance with the applicable statutes, and if the Governor approves the issuance of the proposed amendments, the proposed regulations hereinabove described and made a part hereof are hereby adopted for a period of not more than nine months from the date of that approval; and

BE IT FURTHER RESOLVED, that the Commission will receive, consider and respond to petitions by any interested person at any time for the reconsideration or revision thereof and this is to become part of the proposed amendments, and that, if any event, a public hearing shall be scheduled, conducted, and the results reported to the Commission within nine months from the date of the Governor's approval, if same is forthcoming, and further, in the event such approval is not forthcoming, then the normal procedures of the Administrative Process Act shall be followed with dispatch so that the Commission can consider the proposed amendments to the Hauling Permit Manual as soon as possible.

**RESTRICTIONS FOR TRANSPORTING MOBILE AND MODULAR UNITS HAVING A WIDTH IN EXCESS OF 12 FEET BUT NOT GREATER THAN 14 FEET**

1. Movement will be by single trip permit with a permit fee of $10.00. All applications for permits must be in writing and submitted to the Central office permit section.

2. Travel will be permitted upon the following highways:

   a. All Interstate roadways
   b. All 4-lane divided roadways
   c. Limited movement on 2-lane primary routes having a minimum pavement width of 24 feet with 5-6 foot wide shoulders. Travel will be permitted primarily where it is necessary to connect highways in above categories a. & b.
   d. Limited movement on 3-lane and 4-lane undivided roadways after a thorough investigation by the Department and approval granted. Generally, no travel will be allowed on 3-lane and 4-lane undivided highways.
   e. Travel on other primary routes with less than 24 feet of pavement will be permitted after investigated and approved by the Department. Travel upon these roadways will be permitted only to provide delivery of the unit for sale at its final destination.
      Travel on major secondary routes having 20-22 feet of pavement with good alignment and 3-5 foot shoulders will be permitted after investigated and approved by the Department. Travel upon these roadways will be permitted only to provide delivery of the unit for sale at its final destination.

f. Travel on other secondary roadways will be limited and be considered only for delivery of a sold unit to its final destination after investigated and approved by the Department.

3. No travel will be permitted upon any roadway having physical or geometrical restrictions that prohibit movement as determined by Department Engineers.

4. Travel will generally be permitted between the hours of 9:00 AM until 4:00 PM on interstate and 4-lane divided highways unless otherwise specified on the permit. Travel on all 2-lane roadways will be between 9:30 AM and 2:30 PM while schools are in session. During summer months when schools are closed, travel on 2-lane roadways will be permitted between 9:00 AM and 4:00 PM. Days of travel for interstate movement will be coordinated with adjacent states. Intrastate movement to be permitted Monday through Thursday.

5. No moves will be permitted the day before a holiday, the holiday, or the day following the holiday.

6. No travel allowed on any highway when visibility is limited by atmospheric or other conditions so as to make travel hazardous for any vehicle, or when any person or vehicle on the highway is not clearly discernible at a distance of 500 feet. No travel allowed when the surface of the highway is made hazardous by rain, sleet, snow or ice.

7. Travel on multi-lane highways will be on the right hand lane with overhang on the shoulder.

8. No pilot vehicles required on 4-lane divided highways. Front and rear pilot vehicles required on all routes other than divided highways. All pilot vehicle drivers and the wide load driver must be in constant communication at all times by two-way radios.

9. 18-inches square red flags shall be displayed on all four corners of the load.

10. All vehicle lights shall be turned on, including those of the pilot vehicles.

11. Wide load signs shall be placed on the wide load and on each pilot vehicle. Signs are to comply with Department standards.

12. Wide load movements shall not travel in convoy or closer than 2000 feet. Each wide load requires its own escort vehicles.

13. Maximum speed on divided highways will be 45 mph and a maximum speed of 35 mph will be permitted on all other routes unless specified otherwise.

14. Towing vehicles shall have a minimum of two tons manufacturer's rating with dual tires and 4-speed transmission.

15. The maximum length of the housing unit, including the coupling and towing vehicle, shall not exceed 85 feet. The minimum length of the towing vehicle shall be 15 feet.

16. The driver of the towing vehicle will inconvenience other traffic as little as possible by using every opportunity to allow following traffic to pass.

17. All necessary safety precautions shall be employed. Extreme caution is to be exercised under conditions of crossing narrow structures, overtaking vehicles or encountering pedestrians along the roadway's edge. Special safety precautions should be utilized during vehicle breakdown to

immediately remove the load from the traveled portion of the highway and to remove the unit from the roadway at the earliest possible time so as not to encumber other motorists.

18. Drivers towing 14-foot wide housing units must have a minimum of 1 year experience in movement of overdimensional loads.

19. Unless otherwise specified above, additional restrictions will be as currently enforced on 12-foot wide units or as specified within permit provisions.

20. Formal training of escort vehicle drivers must be conducted and completion of a Department approved course for certified drivers within 12 months of effective date of approval of 14-foot wide units.

21. Whenever warrants exist, the Permit Engineer may impose additional restrictions on the movement of the load.

The Highway and Transportation Commission will receive, consider and respond to petitions by any interested person at any time for the reconsideration or revision of the above.

**Hauling Permit Manual - Repeal of Existing Regulation (24 VAC 30-110) and Promulgation of New Regulation (24 VAC 30-111)**
**Approved: 9/17/1995**

Comment [d247]: Operations (24VAC30-111)

WHEREAS, on May 17, 18 and 22, pursuant to newspaper advertisement, public hearings were conducted as to the proposed revisions the Hauling Permit Manual; and

WHEREAS, the authority to entertain such amendment is vested in the Commonwealth Transportation Board pursuant to the discretion delegated to it by the Section 46.2-1139 of the *Code of Virginia* (1950), as amended, and under Section 33.1-12(3) of the Code; and

WHEREAS, the public hearing testimony has been reviewed and reported as attached, recommending that the revision as proposed be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Hauling Permit Manual be amended as set out in Attachment 2.

*Editor's Note: Pursuant to Chapter 314 of the 2003 Acts of Assembly, administration of hauling permits was transferred from VDOT to DMV. VDOT's Hauling Permit Manual (24 VAC 30-111) was directed to remain in effect until changed by DMV. DMV's replacement regulation, Hauling Permit Regulation (24 VAC 20-81) became effective on September 29, 2009. Repeal of VDOT's Hauling Permit Manual by the CTB was effective on February 2, 2011. For a copy of the attachment, contact the Policy Division.*

**Hauling Permits**
**Approved: 9/25/1946**

Comment [d248]: Operations (24VAC30-111)

The question of hauling permits was referred to the Commission and given full consideration. It was moved by Mr. Rawls and seconded by Mr. Rogers that –

Because of the extent of overloading during the war and our efforts to combat same, it has been an unwritten policy of the Department to limit permits for the movement of overweight or overwidth vehicles to single trips. No blanket permits covering two or more trips were issued. The reason was to secure better control over the route of travel, time of travel and related conditions. It is still the opinion and sense of the Commission that in all except the most unusual circumstances, permits for the movement of overweight and overwidth vehicles be restricted to single trips. However, where the owner of heavy equipment is operating exclusively within a very small area and the requirement that he obtain a special permit for each individual movement would be an obvious hardship, the Traffic and Planning Engineer is authorized in his discretion to issue a permit covering more than one trip, under such conditions relating to the route or routes of travel, time or times of travel and other related conditions as will provide for the minimum of inconvenience and hazard to the traveling public, and also provide for the maximum protection of roads and bridges.

**Heavy Trailer Permits**
**Approved: 7/16/1935**

Comment [d249]: Operations (24VAC30-111)

Moved by Mr. Rawls, seconded by Mr. Massie, that the restriction of twelve trip permits per annum for the use of heavy trailers be eliminated, and that companies or people owning trucks and trailers properly equipped and complying strictly with requirements be given permits when necessary. Motion carried.

**Movement of Over-Width Mobile Homes, Prefabricated House Sections and Boats on Trailers**
**Approved: 12/19/1968**

Comment [d250]: Operations (24VAC30-111)

WHEREAS, the Highway Commission at its June, 1968 meeting requested that the Commissioner appoint a three-man subcommittee of the Commission to study the policy relating to movement of mobile homes and prefabricated house sections on State highways; and

WHEREAS, this subcommittee has thoroughly considered the matter and has filed its report with the Commission setting forth its recommendations.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby adopts the report of the subcommittee and adopts the following policy relating to the movement of mobile homes, prefabricated house sections and boats on trailers with widths in excess of 10 feet 4 inches, but not more than 12 feet:

I. Approved Routes – Permits may be issued for such movements on:

   A. All State highways with divided highways.
   B. All undivided highways with a width of 24 feet or more.
   C. Selected undivided highways with a width of less than 24 feet where there has been a traffic and engineering study and the Highway Commission has approved such highway by resolution, or does approve such highway by resolution in the future.

D. All other routes having 1,000 v.p.d. or more distances not to exceed 5 miles form selected routes or 5 miles from corporate limits of municipalities having a population of 3,500 or more may be allowed.
E. All other routes having less than 1,000 v.p.d.

II. Coordination with Municipalities – Permits will be issued for such movements on approved routes leading to municipalities or requiring travel through municipalities only after the permittee has furnished, in writing, permission from the municipality to travel through such municipality. The only exception will be in those cases where the Department can route the movement around such municipality.

III. The maximum length of mobile homes, prefabricated house sections or boats on trailers, including the coupling and towing vehicles, will be 75 feet.

IV. Procedures for Obtaining Permits – Applications for permits shall be submitted, in writing, to the Permit Engineer and shall be made at least 5 working days prior to the date of the requested movement. All applications for permits for mobile homes shall include the serial number of such mobile home and all applications for prefabricated house sections or boats shall include the identification number which is stenciled or otherwise permanently affixed to such house section or boat.

V. Fee – A fee of $4.00 will be charged for each permit.

VI. Restrictions – The following restrictions shall be applicable to each permit:

A. Red flags 12-inches square, in good condition, shall be displayed at each of the 4 corners of the vehicle combination.
B. Travel will be allowed between one-half hour after sunrise and one-half hour before sunset except as further restricted on the permit. No travel allowed on any highway when visibility is limited by atmospheric or other conditions so as to make travel hazardous for any vehicle, or when any person or vehicle or person on the highway is not clearly discernable at a distance of 500 feet. No travel allowed when the surface of the highway is made hazardous by rain, sleet, snow or ice.
C. Maximum speed shall be 45 MPH on all highways of four or more lanes. A maximum of 35 MPH shall be maintained on three-lane highways and on two-lane highways having 24 feet or more pavement width. A maximum speed of 25 MPH shall be maintained on two-lane highways having less than 24 feet of pavement when travel on such routes is authorized.
D. Towing vehicles must be a truck or tractor-truck having dual wheels on drive axle and a manufacturer's rated capacity of not less than one and one-half tons and must have headlights burning.
E. If traffic build-up behind towed vehicles becomes heavy (considered to be 3 or more) the entire combined unit shall be removed from traveled way to allow traffic to pass.
F. Pilot vehicles will not be required on divided highways. Front and rear pilot cars required on all other highways. Pilot cars shall maintain adequate distance in front of and behind wide load (approximately 600 feet) to warn approaching vehicles of wide movement. Pilot cars shall have headlights burning.
G. Signs shall be displayed on each pilot vehicle as follows:
H. The front pilot vehicle shall bear a sign clearly visible to approaching motorists containing the message, "DANGER – WIDE LOAD FOLLOWING". Rear pilot vehicle shall bear a sign clearly visible to motorists approaching the wide load from the rear containing the message, "DANGER

– WIDE LOAD AHEAD". All signs shall have six-inch black letters on a background of international orange.

I. Wide load movements, including pilot vehicles, shall not follow other wide loads closer than 2,000 feet. Wide load movements shall not travel in convoy. When pilot vehicles are required as stated above, each wide load movement shall have its own pilot vehicles.

J. Routes of travel as shown on permit to be used with no exceptions.

K. The Permit Engineer is authorized to impose additional restrictions on individual movements whenever special circumstances dictate the need for such additional restrictions. These may include, but are not limited to, time of movement within an area and flagmen at certain intersecting roads.

VII. Violations – The Highway Department shall furnish to the members of the Highway Commission a monthly report on all violations of the above policy, along with any recommendation the engineers have regarding the revocation of an individual's right to the issuance of future permits under this policy because of such violations. The Commission shall consider such violations and recommendations of the engineers and take action as deemed appropriate under the circumstances.

**Movement of Over-Width Mobile Homes, Prefabricated House Sections and Boats on Trailers**
**Approved: 11/19/1964**

Comment [d251]: Operations (24VAC30-111)

A. Permits may be issued for movement of mobile homes, prefabricated house sections and boats on trailers with widths in excess of 10 ft. 4 in. but not more than 12 ft. on -

1. All State highways (Interstate, Primary and Secondary) with divided lanes.
2. Selected undivided primary and secondary routes where engineering study indicates safe travel as intended in Section 46.1-203 of the Virginia Code. Restricted movement on other routes may be considered for approval by the Permit Engineer.

B. Coordination with Municipalities – Permits will not be issued for mobile homes, prefabricated house sections, or boats on trailers with widths in excess of 10 ft. 4 in. but not more than 12 ft. on eligible routes leading to municipalities until the permittee produces in writing permission from the municipality to pass through the municipality.

C. The maximum length of mobile homes or prefabricated house sections including coupling and towing vehicles will be 75 ft.

D. The permit shall be approved or disapproved by the Permit Engineer and such action shall be final. Restrictions shall be considered for safety of the traveling [sic] public and will be binding throughout the move.

E. A fee of four dollars ($4.00) will be assessed for each overwidth permit for mobile homes, prefabricated house sections and boats on trailers.

F. Application for permits to move mobile homes, prefabricated house sections, or boats on trailers with widths in excess of 10 ft. 4 in. but not more than 12 ft. shall be submitted in writing to the Permit Engineer, Virginia Department of Highways, 1221 East Broad Street, Richmond, Virginia, 23219. Such applications may be initiated through field channels. All applications shall be made at least ten (10) days in advance of date of requested movement.

**Overwidth Permit Fees**
**Approved: 4/25/1968**

Comment [d252]: Operations (24VAC30-151)

WHEREAS, the Department has established certain regulations governing the moving of building across or along highways in the Commonwealth, and

WHEREAS, The fee for a permit for these buildings has been established at $2.00, and

WHEREAS, Issuance of a permit for this purpose requires extensive study by both the Department's engineers and the State Police, and

WHEREAS, the $2.00 fee is insufficient to cover the cost to the Department of conducting the necessary studies, be it

RESOLVED, that upon recommendation of the engineering staff of the Department, the fee for overwidth permits for the movement of buildings shall be, and hereby is, increased to $15.00 in order to defray the costs of the necessary investigations required.

**Permits for Trailers Carrying Heavy Equipment**
**Approved: 3/14/1934**

Comment [d253]: Operations (24VAC30-111)

Moved by Mr. Gilmer, seconded by Mr. Massie, that in issuing permits to trailers to carry heavy equipment over the highways, the total axle load shall not be more than 16,000 pounds, nor more than 650 pounds per inch width of tire, and travel at not more than ten miles per hour. Motion carried.

**Permits for Universal Cranes**
**Approved: 1/28/1936**

Comment [d254]: Operations (24VAC30-111)

Moved by Mr. Shirley, seconded by Mr. Rawls, that the State Highway Commission give permits to Universal Cranes operating over the highways with solid tires, to operate under their own power provided they do not exceed a speed of 15 miles an hour and come within the length and width provided for in the Motor Vehicle Code; if the greater weight or height then a special trip permit must be secured. Motion carried.

**Pilot Vehicle Requirement for Overlength Loads**
**Approved: 9/16/1971**

Comment [d255]: Operations (24VAC30-111)

WHEREAS, the Highway Commission at its April, 1970, meeting adopted certain requirements and restrictions for overlength loads traveling by permit, and

WHEREAS, the Highway Commission at its February, 1971, meeting received a request from the industries involved in the manufacture of treated poles and piling to reconsider these requirements and restrictions, specifically the requirement for rear pilot vehicles on all loads over 75 feet in length, and

WHEREAS, the economics, safety and other features of this requirement have been studied by the Commission Committee on Permits;

NOW, THEREFORE, BE IT RESOLVED that Paragraph III. F.L. of the Requirement and Restrictions adopted by the Highway Commission at its April, 1970, meeting is revised as follows:

Rear pilot vehicles required on the following movements:

a. Two and three lane routes where the overall length exceeds 75 feet except those routes which, in the opinion of the Department, have good alignment and the omission of rear pilot vehicles would not create a hazardous condition.

b. Four lane routes having poor alignment when overall length exceeds 75 feet.

**Reasonable Access Under the Surface Transportation Assistance Act of 1982**
**Approved: 6/16/1983**

Comment [d256]: Road Systems

WHEREAS, the federal Surface Transportation Assistance Act of (1982) STAA requires the U.S. Secretary of Transportation to designate certain federal-aid highways for use by 48-foot long semitrailers, 28-foot long double trailers, 102-inch wide trucks and/or double trailer combinations (hereinafter referred to as "larger trucks under STAA"); and

WHEREAS, the Secretary of Transportation has delegated the power to designate, as well as the power to define reasonable access, to the State Highway Departments in accordance with the intent of Congress; and

WHEREAS, this Commission, by resolution adopted March 17, 1983, completed such initial designation and definition; and

WHEREAS, by Notice in the Federal Register dated April 5, 1983, the Federal Highway Administration (FHWA) greatly expanded that initial designation; and

WHEREAS, by agreement with the federal government, the FHWA rescinded its designation and replaced the same with a permit system to be administered by VDH&T through July 1, 1983; and

WHEREAS, the agreement provides for a final designation by this Commission of qualifying federal-aid primary highways before July 1, 1983 to replace the permit system after that date;

NOW, THEREFORE, BE IT RESOLVED that this Commission finds that based on the comment received, public hearings held and studies conducted by the staff of the Department (such comment and studies comprising the Administrative Record for the Implementation of the STAA in Virginia, which is hereby fully incorporated by reference), the following action shall be undertaken for the safe accommodation of larger trucks under the STAA on the highways of the Commonwealth:

1. That the current Interstate System in Virginia (except I-66 East of I-495 and I-264 at the Downtown Tunnel between Norfolk and Portsmouth) is designated for the operation of larger trucks under the STAA;
2. That those highways with the descriptions hereto attached shall be designated as Qualifying Highways for the operation of larger trucks under the STAA;
3. That reasonable access for larger trucks under the STAA from the Interstate System to terminals and/or facilities for food, fuel, repairs and rest shall be defined as the shortest possible route from the Interstate System to such facilities but in no cast to exceed one-half mile from the Interstate System;
4. That reasonable access for larger trucks under the STAA from those Qualifying Highways with descriptions attached hereto to terminals and/or facilities for food, fuel, repairs and rest shall be defined as the shortest possible route from the Qualifying Highway to the facility but in no case to exceed one-half mile from the Qualifying Highway;
5. That on all roads of the Commonwealth within towns and cities and Henrico and Arlington Counties, except primary route extensions as designated by the Department, larger trucks under the STAA shall not operate unless permission is received from that jurisdiction;
6. That carriers of household goods under the STAA, such as those transporting household furniture from homes or businesses, may be allowed access from the Interstate System and Qualifying Highways further than the one-half mile limit if a permit (without cost) is obtained from the VDH&T or permission received from towns and cities and Henrico and Arlington Counties,

provided the route of origin or destination is adequate from a safety standpoint. This same stipulation under the STAA may apply to those terminals and/or facilities for food, fuel, repairs and rest if a permit is obtained (without cost) from the VDH&T or permission received from towns and cities and Henrico and Arlington Counties, provided the route is adequate from a safety standpoint.

7. That from time to time, as appropriate and with due notice, this Commission may modify any of the provisions of this resolution and may, as well, add or delete designated Interstates and Qualifying Highways.
8. That this resolution is effective July 1, 1983.

*Editor's Note: For a copy of the attachment referred to in Action 2 above, contact the Policy Division.*

**Reasonable Access Under the Surface Transportation Assistance Act of 1982**
**Approved: 3/17/1983**

Comment [d257]: Road Systems

WHEREAS, the Federal Surface Transportation Assistance Act of 1982 (STAA) and the Federal Department of Transportation and the Related Agencies Appropriations Act, 1983 (DOTAA) require that the U.S. Secretary of Transportation designate certain roads for use by the 48-foot long semi-trailers, 28-foot long double trailers, and/or 102-inch wide trucks and trailers; and

WHEREAS, the Secretary has requested each state furnish its recommendations for roads other than the Interstate system to be included in the approved listing; and

WHEREAS, the Department furnished the Federal Highway Administration on February 24, 1983, a proposed listing of such other roads;

NOW, THEREFORE BE IT RESOLVED, that the State Highway and Transportation Commission does hereby endorse the roads listed in the February 24, 1983, letter to the FHWA as the initial designation of access roads; and

BE IT FURTHER RESOLVED, that roads intersecting with the designated roads may be used for fuel, food, rest, repairs, or terminals for a distance of up to one-half mile; and

BE IT ALSO FURTHER RESOLVED, that the Department will hold a series of public hearings, one in each construction district, for the purpose of taking testimony from interested parties concerning the need for additional access.

**Solid Tire Permits**
**Approved: 6/12/1934**

Comment [d258]: Operations (24VAC30-111)

Moved by Mr. Rawls, seconded by Mr. Shirley, that permits not be issued for the year 1935 covering the use of solid tires on equipment of 3 ½ ton capacity and less, as was done in 1934. Motion carried.

**Special Permits – Speed Limits**
**Approved: 10/18/1939**

Comment [d259]: Operations (24VAC30-111)

Moved by Mr. Wysor, seconded by Mr. Rawls, that on all special permits issued, the speed limit not exceed 35 miles an hour and this to be so stated on the permit. Motion carried.

**Violation of Hauling Permit Requirements and Restrictions**
**Approved: 4/13/1972**

Comment [d260]: Operations (24VAC30-111)

WHEREAS, the Permit Engineer receives copies of State Police citations involving violations of requirements and restrictions placed on hauling permits and maintains records of the firms involved, and

WHEREAS, the Hauling Permit Committee of this Commission reviews these violations every six months and has determined that guidelines are needed on the number of violations that a firm may receive before action is taken;

NOW, THEREFORE, BE IT RESOLVED, that the following shall be the guidelines on the number of violations which a firm may receive before action is taken:

| **No. of Permits Issued** | **Maximum Number of Citations During a 6-Month Period** |
|---|---|
| 0 – 500 | 2 |
| 501 – 1000 | 3 |
| 1001 – 2000 | 4 |
| 2001 – 3000 | 5 |
| 3001 – 4000 | 6 |
| 4001 – 5000 | 7 |

Penalty for exceeding the number of citations listed above within consecutive six-month periods:

Exceeds criteria first six-month period – suspension of operating privileges for 15 days.

Exceeds criteria second six-month period – suspension of operating privileges for 30 days.

Exceeds criteria third six-month period – suspension of operating privileges for 90 days.

Exceeds criteria fourth six-month period – suspension of operating privileges for 6 months.

Exceeds criteria fifth six-month period – suspension of operating privileges indefinitely.

AND BE IT FURTHER RESOLVED, that the Permit Engineer shall report to the Hauling Permit Committee of the Commission every six months the names of those firms violating the above guidelines. Final action regarding suspension of operating privileges shall be taken by this Commission.

## Parking – Section 22 of the Rules and Regulations of the State Highway Commission
**Approved: 10/12/1950**

Comment [d261]: Operations (24VAC30-100)

WHEREAS, at a regular meeting of the Virginia State Highway Commission held this 12th day of October, 1950, at Lexington, Virginia, it appeared to the Commission that the parking of vehicles on certain highways and areas under the jurisdiction of the State Highway Department has become an increasing problem; and whereas, the parking of such vehicles is, in the opinion of the Commission, a matter needful of regulation; and whereas, no Rule or Regulation has heretofore been adopted by this Commission prohibiting or regulating such parking. Now therefore, pursuant to the general powers and duties of the State Highway Commission as provided for by §33-12 (3) of the 1950 *Code of Virginia*, be it then resolved, that a rule be adopted as follows:

"The State Highway Commission may designate and mark off portions of roads in the primary and secondary systems of highways for the purpose of locating parking areas. The Commission may provide a uniform system of marking and signing such parking areas and may erect and maintain signs, markings, or signals prescribing periods for parking. Any person who shall deface, injure, knock down, or remove any such sign legally posted or who shall park any vehicle contrary to any parking sign or "No Parking" sign erected by the Commission hereunder, shall be guilty of a misdemeanor and punished as provided for by law."

It is ordered that the foregoing be, and the same is hereby adopted and approved as a Rule and Regulation of this Commission, which Rule and Regulation shall be designated and known as §22 of the Rules and Regulations of the State Highway Commission. It is further ordered that this Rule and Regulation shall be printed and two copies mailed forthwith to the clerk of every court of record in this State, one of which copies shall be posted, immediately upon receipt by the clerk, at the front door of his court house, and the other copy retained in his office for the information of the public. This Rule and Regulation shall become effective sixty (60) days from this date.

## Picnic and Parking Areas
**Approved: 1/16/1935**

Comment [d262]: Operations

Moved by Mr. Rawls, seconded by Mr. Wysor, that the State Highway Commission accept from the Federal Government title to picnic and parking areas along the State highways, administer and maintain the same, provided an average of not more than 35 acres is contained in the various parcels. Motion carried.

**Rules and Regulations Governing Parking Lots and Environs**
**Approved: 8/16/1973**

Comment [d263]: Operations (24VAC30-100)

1. While in this area, all persons shall be subject to such regulations as the Commissioner may designate by posted signs or public notice posted within the area.
2. No vehicle shall be parked in such a manner as to occupy more than one marked parking space.
3. No person shall paste, attach or place on any vehicle parked in this lot any bill, advertisement, or inscription whatsoever.
4. No bottles, broken glass, ashes, waste paper or other rubbish shall be left within this area except in such receptacles as may be provided for the same.
5. No person shall pick any flowers, foliage, or fruit, or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, grass, turf, fence, structure or anything within this area, or cut, carve, paint, mark, paste or in any way attach on any tree, stone, fence, wall, building or other object therein any bill, advertisement or inscription whatsoever.
6. No person shall disturb or injure any bird, birds' nests, or eggs, or any squirrel or other animal within this area.
7. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used within this area; furthermore, no oration or other public demonstration shall be made except by permit from the Commissioner.
8. No person shall offer any article or thing for sale within this area.
9. No person shall light, kindle or use any fire within this area.
10. No person shall discharge or set off within this area any firearms or fireworks, except by permit from the Commissioner.

**Rules and Regulations Controlling Traffic on State Highways**
**Approved: 11/6/1924**

Comment [d264]: Operations (various regs)

Moved by Mr. Massie, seconded by Mr. Sproul, that the Rules and Regulations adopted controlling traffic on the State Highways by the State Highway Commission on May 25th, 1920, and effective July 25th, 1920, under Section 4, Chapter 31, Acts of 1919 and as amended March 31st, 1921, be repealed as of February 1st, 1925 and that the following rules and regulations be adopted in lieu thereof and to become effective as of that date, in compliance with Acts of the Assembly approved March 30, 1921, Section 5, Chapter 403, and as amended in Chapter 448, Acts of 1924:

**ARTICLE I.**

SURFACE AND SUBSURFACE STRUCTURES

Section 1. No telephone, telegraph, electric light, power or other pole or poles shall be planted or erected upon the State highways of this State, until written permission from the State Highway Commission is first obtained. No permits will be required for repairs of lines or replacing poles in same position.

Section 2. No pipes, conduits, sewers, drains or subsurface structures or any description shall be placed in or under the bed or right of way of any State highway, except by special written permission of the State Highway Commission.

Section 3. No logs, lumber, cord wood, other material or produce shall be placed upon the roadway or shoulders or so placed as to interfere with the use, drainage, or maintenance of any State highway.

Section 4. No house or structure shall be moved along or across a State highway or any substance weighing more than ten (10) tons, except by special written permission of the State Highway Commission.

Section 5. No logging road, tram road, railroad, or tracks of any description shall be laid along or across a State highway until permission in writing is given by the State Highway Commission.

Section 6. No fence, building, shed, or other structure shall be erected or placed on the right of way of a State highway.

Section 7. No advertising or signs of any description, except the standard direction, caution and danger signs of the State Highway Commission, health signs erected by the State Board of Health, and forestry signs erected by the State and National Forester, will be allowed within the right of way of any State highway.

Section 8. Mail boxes shall be so placed as to not interfere with traffic, maintenance or drainage of the State highways, and shall be relocated or changed upon request of the State Highway Commission.

Section 9. No person, persons, shall dig up or disturb the surface within the right of way of any State highway until a special permit in writing is first obtained from the State Highway Commission.

Section 10. No private driveway or roadway shall be constructed to intersect any State highway until the drainage structure necessary to carry the cross drainage therefrom shall have been approved by the State Highway Commission.

Section 11. In granting permits to plant poles or lay pipes or drains or to erect structures, it must be understood that all poles or other structures, surface or subsurface, must be planted or placed as close to the property line as possible and all pipes, sewers, etc. must be laid either under the gutter or as far from the surface of the highway as possible to lay same, it being the intent of these regulations that all surface and subsurface structures shall be placed on that portion of the right of way between the gutter and the property line.

Section 12. In making application for permits, the request should be made through the District or Resident Engineers in their respective territories.

Section 13. It is unlawful to remove, injure, tamper with, destroy, break or deface in any way signs, bridges or other structures placed by the State Highway Commission, or signs placed by the State Board of Health or the State National Forester.

Section 14. All wires strung upon the State highways shall be strung as not to interfere with the convenience and safety of travel and shall be kept in safe repair at all times and not less than fourteen (14) feet above the surface of the highway.

Section 15. The provisions of all permits granted under these rules and regulations shall be construed as regulations and not as a contract and no interest or right of the applicant shall be transferred except by written consent of the State Highway Commission, and in granting permits no right or privilege belonging to the abutting property owner is interfered with or abridged, nor is the State responsible for any damage which may arise between the applicant and the property owner concerning said right of way.

Section 16. Applicants to whom permits are granted shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damage or liabilities arising from the construction, maintenance, repair or the operation of pole lines, surface, subsurface, or other structures, and agrees to move and relocate poles, wires, surface or subsurface structures erected or constructed under the provisions herein granted when ordered to do so by the State Highway Commission.

Section 17. All poles, wires, surface or subsurface structures shall be maintained in good condition at all times so as not to obstruct or become dangerous to the traveling public, and in event of such poles, wires, surface or subsurface structures becoming out of repair or dangerous the State Highway Commission may give notice to the applicant of its intention to revoke the permission herein granted and that if repairs are not made within three months after mailing said notice, the permit will be revoked and annulled and the poles, wires, surface or subsurface structure will be removed from the highway. Where these structures obstruct or interfere with traffic or create danger, they must be removed at once.

Section 18. Any permit granted by the State Highway Commission shall be revocable at its pleasure.

**ARTICLE II.**

TRACTION, ENGINES, TRACTORS, MOTOR VEHICLES, HORSE DRAWN AND OTHER VEHICLES AND CONTRIVANCES.

Section 1. No vehicle, engine, implement or contrivance whatsoever, having wheels equipped with sharp cleats, rough surface or other device which will injure the surface of the road or bridge, shall be operated or moved or cause to be operated or moved upon any portion of a State highway, which has not been treated with bituminous or other artificial binder or which has not had placed on it any other improved surface, provided that this shall not apply to traction engines and tractors weighing less than five (5) tons, when drawing threshing machines, hay balers or other farm machinery for local farm use; and, provided this regulation shall not be construed to prohibit the use of tire chains or standard sections and approved design when necessary for the safe operation of vehicles.

NOTE: For Act prohibiting the driving of traction engines, tractors or motor truck or other motor vehicles, the wheels of which are equipped with cleats or other devices which penetrate or cause unreasonable injury to the surface of the road or any State highway treated with bituminous or other artificial binder, or which has had placed upon it other improved surface, see Acts of Assembly 1919, Page 97.

Section 2. No person, firm or corporation shall put or cast, or cause to be put or cast into any road or on any bridge in the State Highway System, any glass, bottles, glassware, crockery, porcelain or pieces thereof, or any pieces of iron or hard or sharp metal, or any nails, tacks or sharp pointed instruments of any kind, or any object or substance of any kind likely in nature to cut or puncture any tire of any vehicle, or injure any animal or person, or any other refuse or material within the right of way.

NOTE: For Act of the Legislature similar in purport, see Code Section 4745.

Section 3. No person, firm or corporation shall drag or cause to be dragged along or across a State highway any sled, log, harrow or other implement or article that would injure the surface of the highway or the shoulders thereof.

Section 4. No person, firm or corporation shall drive or operate, or cause to be driven or operated along or over the State highway, any truck or other vehicle with tires worn to such extent as to cause damage to the highways or bridges.

Section 5. No person, firm or corporation shall cause or permit to stand on any State highway any vehicle, implement or contrivance, for the purpose of taking in gasoline, or being repaired, or for any other purpose, in such a way as to impede, block or jeopardize the safety of traffic on or over a State highway.

Section 6. No person, firm or corporation shall load or cause to be loaded any vehicle, implement or contrivance on any State highway, in such manner as would interfere with traffic along or on said highway.

Section 7. No person, firm or corporation shall leave or cause to be left standing any vehicle, implements or contrivance, on the traveled portion thereof, at any time when there is not sufficient daylight to render Clearly discernible a person, vehicle or other substantial object in the highway at a distance of two hundred (200) feet ahead, without at all such items having at least one white, or tinted light other than red, visible to the front, and red to the rear, carried on the left of such vehicle,

implement or contrivance, No vehicle, implement or contrivance shall be left standing within the right of way of any State highway, whether such vehicle implement or contrivance be lighted or not, for a greater period than twelve (12) hours.

NOTE: See on the subject of lighting of vehicles generally Code Section 2142, as amended Acts 1923, Page 167.

Section 8. No person, firm or corporation shall operate or cause to be operated along or over any State highway any vehicle, implement or contrivance that has a width over all of more than ninety-six (96) inches, except traction engines lawfully operated which shall not exceed one hundred and eight (108) inches, nor a height of more than twelve (12) feet six (6) inches, nor a length of more than thirty (30) feet, and no combination of vehicles coupled together shall be so operated that its full length shall be greater than sixty (60) feet. All trailers shall be so operated as to prevent swinging from side to side. For the purpose of this section the width, height and length of such vehicles, implement or contrivance shall be inclusive of the load thereof, if any.

Section 9. Vehicles on which there are built up tires other than solid or pneumatic can be operated over the State highways of this State, provided the said tires will not give an impact of twenty-five (25%) percent in excess of the impact of pneumatic tries of relatively the same size and under an air pressure specified by the manufacturers for the various sizes (balloon and semi-balloon tires excepted) when tested under the standard impact test used by the Department of Agriculture, Bureau of Public Roads, and will be classified as pneumatic tires. Tires giving a greater impact than twenty-five (25%) percent than the above described pneumatic tires will be classified as solid tires.

Section 10. No person, firm or corporation shall operate or cause to be operated along or over any road in the State Highway System, any vehicle, implement or contrivance with a load in excess of five tons, or ten thousand pounds, or shall the gross weight of the vehicle exceed five tons or ten thousand pounds, the loads and weight to be determined separately and not as a combination, without written permission or the Chairman of the State Highway Commission.

NOTE: See as to weight of gross load Acts 1923 Page 170. See as to weight per inch of tire Code Section 2132, as amended Acts 1924 Page 495.

Section 11. Speed Law- See law relating to rates of speed, Section 2138 of the Code as amended, Acts 1922, Page 747.

Section 12. Railroad Crossing Law- See law as to stopping railroad crossings, Acts 1923, Page 190.

Section 13. Closing Highways- See law relating to the closing of highways to traffic, and interference with any signs or barriers, Acts 1922, Chapter 403, Section 12.

Section 14. No person, firm or corporation shall pasture or graze or cause to be pastured or grazed, or allow to run at large on any right of way of any road in the State Highway System, an live stock, unless such animal or animals be securely tied or held by chain or rope, so as to prevent such animal from getting on the traveled portion of the highway; provided, however, this does not apply to State highways running through State and National Forestry Preserves.

**ARTICLE III**

TRAFFIC REGULATIONS FOR STATE HIGHWAYS

Any person, firm or corporation driving, propelling or operating, or causing to be driven, propelled or operated, any vehicle over any State highway in this State shall observe the following traffic rules and regulations:

Section 1. All vehicles not in motion shall be placed with their right side as near the right hand side of the highway as practicable.

Section 2. Slow moving vehicles shall at all times be driven or operated as close to the right hand side of the highway as practicable.

NOTE 1. As to duties of driver on meeting riders or vehicles, see Code Sections 2139 and 4739.

NOTE 2. As to duties of driver on approaching curves see Section 2143, as amended Acts 1922 Page 747, and section 2138 as amended Acts 1922 Page 747.

NOTE 3. As to duties of driver overtaking animal or vehicles see Code Section 2138 as amended Acts 1922 Page 747, and Sections 2140 and 4739.

Section 3. When the operator, conductor or driver of any vehicle, motor or otherwise, on any road in the State Highway System, intends to stop such vehicle, or turn to the right or left, as the case may be, he shall within fifty (50) feet give a suitable signal which will plainly indicate to any person behind or in front of him his intention to so stop or to turn to the right or left, and shall slow down before stopping or turning. Such suitable signal of intention to sop shall be by extending the arm outside of the vehicle and slanting downward, or by mechanical device; or intention to turn to the left, by extending the arm outside of the vehicle in a horizontal position, or by mechanical device; of intention to turn to the right, by extending the arm outside of the vehicle raised at an angle, or by mechanical device.

Section 4. When two machines or vehicles equally distant from a point of intersection approach each other at an angle at a crossing or road intersection on the State Highway System, the one on the right shall have right of way. (See Section 2143 of the Code as amended, Acts 1922 Page 747.)

Section 5. Every operator, driver and conductor of a vehicle on a State highway shall come to a full stop not less than five (5) feet from the rear of a street car headed in the same direction which has stopped for the purpose of taking on or discharging its passengers; provided, however, that such operator of a vehicle can pass such car where a safety zone is established by proper authorities, or where such operator may pass said car at least eight (8) feet therefrom, but must proceed cautiously.

Section 6. No person, firm or corporation shall drive or operate, or cause to be driven or operated on or over any road in the State Highway System any motor vehicle with muffler cut out, or not in operation.

Section 7. All vehicles being operated or driven on any State highway, carrying poles or other objects which project from the rear of such vehicles five (5) feet or more, shall carry a red flag on the rear end of the object by day, and for one-half hour after sunset until one-half hour before sun rise shall carry a red light on the end of such projection.

Section 8. Pedestrians walking along State highways shall keep to the left hand side of the road.

NOTE: The law provides that any violation of the rules and regulations of the State Highway Commission for the protection of and covering traffic on and use of the State Highway System, shall be a misdemeanor punishable by a fine of not less than Five ($5.00) Dollars, nor more than One Hundred ($100.00) Dollars for each offense.

**Rules and Regulations Controlling Traffic on State Highways**
**Approved: 7/13/1920**

Comment [d265]: Operations (various regs)

WHEREAS, the State Highway Commission did on the 25th of May approve and promulgate certain Rules and Regulations concerning the regulation of traffic on State Highways, and

WHEREAS, after going over some twelve hundred miles of State Highways and seeing the effects of unrestricted traffic upon the State Roads, the Highway Commission is of the opinion that the traffic regulations heretofore adopted are insufficient for the proper protection of the State Highways, and should be amended by reducing the maximum load per inch in width of tires from 700 to 500 lbs.

Therefore BE IT RESOLVED that Section 2 is amended to read as follows:

2. It is forbidden to drive, propel or operate, or to cause to be driven, propelled or operated, over any State Highway, any vehicle, implement, or contrivance, whose gross load on any one wheel shall exceed five hundred (500) pounds for each inch in width of tire on same, when provided with solid tires, from the first day of May to the first day of December, and four hundred (400) pounds for each inch in width of tire, when provided with solid tires, from December first to May first, and seven hundred (700) pounds for each inch of width of tire, when provided with pneumatic rubber tires, from January first to December thirty-first; provided however, that the width of solid tire shall be considered as that portion coming into contact with an unyielding surface and the width of pneumatic tires shall be considered as the total thickness measured from outside to outside of casing at the widest point between tread and rim when fully inflated with air. Provided further, that no vehicle, implement or contrivance whose gross load shall exceed twelve (12) tons shall be moved or operated over any State Highway, unless a permit to do so shall first be obtained as hereinafter provided.

**Rules and Regulations Controlling Traffic on State Highways**
**Approved: 5/25/1920**

Comment [d266]: Operations (various regs)

The Commission adopted Rules and Regulations governing traffic on the State Highway System, a copy of same being attached to and made a part of these minutes.

RULES AND REGULATIONS
Controlling Traffic on State Highways
Adopted by the State Highway Commission,
May 25, 1920, to become effective July 24, 1920,
Under provisions Sect. 4, Chap. 31, Acts of 1919.

1. It is forbidden to drive, propel or operate, or to cause to be driven, propelled or operated, over any State Highway, any implement, vehicle or contrivance having wheels provided with sharpened or roughened surfaces other than roughened pneumatic rubber tires; provided, however, that this

restriction does not apply to vehicles or implements used by the State in the construction and maintenance of said State Highways, or to farm implements weighing less than one thousand (1000) pounds. Wheels of traction engines, etc., when provided with suitable filler blocks between cleats, will be considered as having smooth tires.

2. It is forbidden to drive, propel or operate, or to cause to be driven, propelled or operated, over any State Highway, any vehicle, implement, or contrivance, whose gross load on any one wheel shall exceed seven hundred (700) pounds for each inch in width of tire on same, when provided with solid tires, from the first day of May to the first day of December, and four hundred (400) pounds for each inch in width of tire, when provided with solid tires, from December first to May first, and seven hundred (700) pounds for each inch of width of tire, when provided with pneumatic rubber tires, from January first to December thirty-first; provided however, that the width of solid tire shall be considered as that portion coming into contact with an unyielding surface and the width of pneumatic tires shall be considered as the total thickness measured from outside to outside of casing at the widest point between tread and rim when fully inflated with air. Provided further, that no vehicle, implement or contrivance whose gross load shall exceed twelve (12) tons shall be moved or operated over any State Highway, unless a permit to do so shall first be obtained as hereinafter provided.

3. It is forbidden to allow any vehicles, implements, or contrivance or any part of the same or any load or portion of a load carried on the same to drag upon the surface of any State Highway.

4. (a) No vehicle, implement or contrivance, provided with solid tires, shall be operated over any State Highway at a rate of speed in excess of fifteen (15) miles per hour; provided, however, that when the gross weight of the same is five (5) tons, or greater, the rate of speed shall not exceed twelve (12) miles per hour.

   (b) No vehicle, implement or contrivance, provided with pneumatic rubber tires, and whose gross weight shall be three (3) tons, or greater, shall be operated over any State Highway at a rate of speed in excess of twenty (20) miles per hour; provided, however, that when the gross weight of the same is five (5) tons, or greater, the rate of speed shall not exceed fifteen (15)_miles per hour.

   (c) No vehicle, implement or contrivance, drawing a trailer, or trailers, provided with solid tires, shall be operated over any State Highway at a rate of speed in excess of ten (10) miles per hour; provided, however, that trailers provided with pneumatic rubber tires shall be subject to the same rules set forth in paragraph b or Rule 4.

5. No vehicle, implement or contrivance shall be operated over or allowed to stand upon any State Highway which has a total width of more than seven (7) feet, or a total height of more than twelve (12) feet, or a total length (inclusive of trailers) or more than fifty (50) feet, unless a permit be first secured as hereinafter provided; and provided further, that in no case shall any load be of greater dimensions than above set forth unless a permit for the same be first secured.

6. (a) It is forbidden to place or allow to be placed upon any State Highway any tacks, wire, scrap metal, glass, crockery, or other substance which may be injurious to the feet of persons or animals, or to the tires of vehicles, or in any way injurious to the surface of the highway.

   (b) It is forbidden to place or allow to be placed within the right of way of any State Highway any advertising, or advertising signs, without first obtaining the permission of the State Highway Commission.

(c) It is forbidden to place or allow to be place or store, or allow to be placed or stored, within the right of way of any State Highway any materials or articles, unless a permit be first secured as hereinafter provided.

7. It is forbidden to obstruct, dig up, or in any way disturb any State Highway until a special permit be first obtained, as hereinafter provided, and also a cash deposit made with the person from whom said permit is obtained to cover any actual or possible damage which may result from such contemplated obstruction or disturbance.

8. It shall be the duty of the State Highway Commissioner to appoint not less than eight (8) representatives to be located in the several sections of the State and who shall have authority to issue special permits for the use of the State Highways, other than as set forth above; provided such contemplated use will not, in the judgment of the State Highway Commissioner, be injurious to the State Highway or dangerous to other persons using same. It shall also be the duty of the State Highway Commissioner to at least twice a year, post notices along all State Highways, at intervals, calling attention to these rules and regulations, and also giving the name and address of the representative who is authorized to issue such special permits as are hereinbefore provided.

9. RULES OF THE ROAD: The following is to be considered as supplementary to, but in no way conflicting with, the provisions of Chap. 522, Acts of 1916, and must be rigidly observed by drivers of all vehicles and implements driving upon or approaching a State Highway.

   (a) Vehicles and implements, propelled by other than animal power, must be provided with brakes and some suitable type of signaling device in addition to the lights on front and rear as required by Chap. 522, Acts of 1916, but no device other than an approved brake will be allowed to be used on any vehicle on a State Highway.

   (b) All vehicles or implements, horsedrawn or otherwise, when being driven on State Highways, upon meeting others shall turn to the right of the center of the highway so as to pass without interference, and in rounding corners or curves shall keep as far to the right of the road as is reasonably possible; and any vehicle overtaking another going in the same direction shall pass to the left of the vehicle so overtaken, provided the way ahead is clear of approaching traffic, but no vehicle shall pass another from the rear at the top, or near the top of a hill, or on a curve, where the view ahead is in anywise obstructed or while the vehicle ahead is crossing an intersecting highway; any vehicle so overtaken shall promptly, upon signal, turn as far to the right as reasonably possible without increasing speed, in order to allow free passage on the left. At the intersection of highways all vehicles shall keep to the right of the center of such highways, and close to the right hand side of the road when turning to the right, and pass to the right of the center of such intersection when turning to the left. Slow moving vehicles or implements shall at all times keep as close to the right hand side of the Highway as practicable.

   (c) All vehicles about to turn from the road upon which they are traveling into any intersecting road shall gradually reduce their speed to a point not exceeding ten (10) miles per hour for a distance of not less than twenty-five (25) feet before beginning to make such turn, and where the view of the intersecting road is obstructed, maintain such reduced speed until the turn has been completed.

   (d) All vehicles and implements shall have the right of way over others approaching on intersecting roads from the left, and shall give right of way to those approaching from the right.

(e) All vehicles and implements not in motion shall stand with their right side as near the right hand side of the highway as practicable, except in incorporated towns which have special parking ordinances.

(f) All vehicles and implements carrying poles of other objects, which project more than five (5) feet from the rear end of same, shall during the period of from one hour after sunset to one hour before sunrise carry a red light at or near the end of the projecting object, and during the period of from one hour before sunrise to one hour before sunset display a red flag at or near the end of the projecting object.

**Rules and Regulations of the State Highway Commission for the Protection and Use of the Interstate, Primary and Secondary Systems**
**Approved: 8/28/1958**

Comment [d267]: Operations (24VAC30-21)

RULES AND REGULATIONS MADE AND ADOPTED AS OF August 28, 1958 BY THE STATE HIGHWAY COMMISSION OF VIRGINIA FOR THE PROTECTION AND USE OF ROADS IN THE INTERSTATE, PRIMARY AND SECONDARY SYSTEMS OF HIGHWAYS AS PROVIDED FOR UNDER THE PROVISIONS OF SECTIONS 33-12(3), 33-46 AND 33-36.2 OF THE *CODE OF VIRGINIA* OF 1950, AS AMENDED, REPEALING ALL RULES AND REGULATIONS HERETOFORE ADOPTED.

Note – For purposes of the Rules and Regulations of the State Highway Commission, State Highway System shall mean all highways constructed, reconstructed, repaired and maintained by the Virginia Department of Highways.

Section 1. No work of any nature which involves a disturbance of the surface of the right of way or interferes with its free or unencumbered use shall be performed on the right of way of any highway in the State Highway System until permission is first obtained from the State Highway System.

Section 2. All permits, except as hereinafter provided, must be in writing and signed by the person duly authorized by the State Highway Commission. Except as hereinafter provided, application for all permits shall be made through the Resident Engineer of the county where the work is to be performed.

Section 3. A permit may be denied any applicant, and all permits issued by the State Highway Commission may be revoked, wherever in the opinion of the State Highway Commissioner the safety, use or maintenance of the highway so requires.

Section 4. No permit shall be issued until the applicant has complied with the restrictions, specifications and fee requirements set forth in the Manual of Permits, where applicable, and the Manual of Minimum Standards for Entrances, when applicable, which are prepared and published by the State Highway Commission and kept on file for public inspection at all Department of Highways' offices.

Section 5. Applicants to whom permits are issued shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility, damage or liability arising from the exercise of the privileges granted in such permit.

Section 6. Any structure placed upon or within the right of way pursuant to a permit issued by the State Highway Commission shall be relocated or removed at no expense to the Commonwealth, whenever such relocation or removal is ordered by the State Highway Commission.

Section 7. No person, firm or corporation shall use or occupy the right of way of any highway for any purpose except travel thereon except as may be authorized by the State Highway Commission.

Section 8. No person, firm or corporation shall stand or park a vehicle of any description on any bridge forming a part of the State Highway System. No person shall fish or seine from any such bridge except when facilities are provided for such purpose pursuant to 33-123 of the *Code of Virginia* of 1950. No person, firm or corporation shall use any such bridge as a wharf from which to load or unload any vessel, nor as a place of deposit of any property, nor for any other purpose except for crossing. Nor shall the master or owner of any vessel make it fast to or lay it alongside such a bridge. Provided, however, this section shall not apply to highway maintenance vehicles or vessels.

Section 9. No person, firm or corporation shall remove, injure, destroy, break, deface or in any way tamper with any property, real or personal, which is growing or has been placed on the right of way of any highway of the State Highway System by or with the consent of the State Highway Commission.

Section 10. Mail boxes may be placed on the right of way of the State Highway System without permit but shall be so placed as not to interfere with the safety, maintenance and use of the highway.

Section 11. No ditch or cross-drain shall be constructed so as to intercept any ditch on the right of way of any highway in the State Highway System so as to increase the flow of water on the right of way, until such ditch or cross-drain is approved by the Resident Engineer of the State Department of Highways.

Section 12. No road, railroad or tracks of any description shall be laid along, upon or across any portion of a highway in the State Highway System without consent of the State Highway Commission.

Section 13. All areas maintained by the State Department of Highways for parking, picnic or recreational purposes shall be considered as parts of the State Highway System for the purposes of the rules and regulations of the State Highway Commission. No person shall violate any parking regulations or restrictions duly posted in such area or any other part of the State Highway System. No person, form or corporation shall deface, injure, knock down, or remove any such signs or restrictions, regularly posted nor use any such area contrary to such signs or restrictions.

Section 14. The State Highway Commission reserves the power to regulate the entrances upon the right of way of the State Highway System from adjacent properties. No entrance shall be made upon the right of way of any highway in the State Highway System until the location has been determined by the appropriate officer of the Department of Highways to be safe for traffic. The design and construction of such entrances must comply with the requirements of the Minimum Standards for Entrances and the Manual of Permits where the same are applicable.

Section 15. Any facility placed on, above or under the right of way of any highway in the State Highway System in violation of the preceding sections shall be removed at the owner's expense. If after due notice, the owner fails or refuses to remove the facility, the State Highway Commissioner may cause it to be removed at the owner's expense.

Section 16. No advertising signs of any description shall be erected or placed within the right of way of any highway in the State Highway System. This section shall not be construed to prohibit the erection and maintenance of traffic, directional or informational signs authorized by statute or the State Highway Commission.

Section 17. Any person, firm or corporation violating any of the preceding sections shall be guilty of a misdemeanor and punished as provided by 33-18 of the *Code of Virginia* of 1950, as amended, and shall also be civilly liable to the Commonwealth, as provided by the aforementioned section, for any expense or damage incurred by the Department of Highways due to such violation. Motion carried.

*Editor's Note: This regulation is currently known as The General Rules and Regulations of the Commonwealth Transportation Board. The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation, 24VAC30-20*, was repealed as of March 3, 2011. A replacement regulation, 24 VAC30-21, was promulgated on the same date.

**Rules and Regulations of the State Highway Commission of Virginia for the Protection and Use of Roads in the Primary and Secondary System of Highways**
**Approved: 10/12/1950**

Comment [d268]: Operations (24VAC30-21)

WHEREAS, at a regular meeting of the Virginia State Highway Commission held this 12th day of October, 1950, at Lexington, Virginia, it appeared to the Commission that a new compilation of all existing Rules and Regulations would be desirable; and

WHEREAS, it is also the desire of the Commission to re-word the "preamble" to Rules and Regulations dated May 24, 1948.

NOW, THEREFORE, pursuant to the general powers and duties of the State Highway Commission as provided for by Section 33-12(3) of the 1950 *Code of Virginia*, be it then resolved, as follows:

"That a new compilation containing all the existing Rules and Regulations of the State Highway Commission be printed and dated October 12, 1950, and be entitled, 'Rules and Regulations of the State Highway Commission of Virginia.'"

BE IT FURTHER RESOLVED, that the following introduction to such Rules and Regulations be adopted as follows:

"Rules and Regulations made and adopted as of October 12, 1950, by the State Highway Commission of Virginia for the protection and use of roads in the Primary and Secondary Systems of Highways as provided for under the provisions of Sections 33-12(3) and 33-46 of the 1950 *Code of Virginia*, repealing all Rules and Regulations heretofore adopted. All of which to become effective as of December 12, 1050."

*Editor's Note: Review of meeting minutes indicates that the State Highway Commission did not formally adopt a new compilation of all existing Rules and Regulations on May 24, 1948, as referenced in the above resolution. Instead, the Commission added a new Section 21 – related to minimum standards of commercial entrances - to the Rules and Regulations on that date. Thus, it appears that the above resolution documents the issuance of a complete printing of the Rules and Regulations comprised of all amendments made since the last compilation's printing in 1941.*

**Rules and Regulations of the State Highway Commission of Virginia for the Protection and Use of Roads in the Primary and Secondary System of Highways**
**Approved: 11/27/1941**

Comment [d269]: Operations (24VAC30-21)

Moved by General Anderson, seconded by Mr. Rawls, that the Commission readopt the rules and regulations as follows for the use and protection of the roads of the primary and secondary system of highways, all to become effective February 1, 1942; and that the clerk of every court of record in the State be sent two copies of such rules and regulations as provided by the Acts:

RULES AND REGULATIONS OF THE STATE HIGHWAY COMMISSION OF VIRGINIA

Rules and Regulations made and adopted as of November 26, 1941, by the State Highway Commission of Virginia for the Protection and Use of Roads in the Primary and Secondary System of Highways as provided under the Provisions of Section 5, Chapter 403, Acts of 1922 and Amendments Thereto, and Chapter 415, Acts of 1932 and Amendments Thereto. Repealing all Rules and Regulations Adopted November 6, 1924. All of which to become effective as of February 1, 1942.

ARTICLE 1.
Surface and Subsurface Structures

Section 1. No telephone, telegraph, electric light, power or other pole or poles shall be planted or erected upon the State highways of this State, until written permission from the State Highway Commission is first obtained. No permits will be required for repairs of lines or replacing poles in the same position.

Section 2. No pipes, conduits, sewers, drains or subsurface structures of any description shall be placed in or under the bed or right of way of any State highway, except by special written permission of the State Highway Commission.

Section 3. No logs, lumber, cord wood, other material or produce shall be placed upon the roadway or shoulders or so placed as to interfere with the use, drainage, or maintenance of any State highway.

Section 4. No house or structure shall be moved along or across a State highway or any substance weighing more than ten (10) tons, except by special written permission of the State Highway Commission.

Section 5. No logging road, tram road, railroad, or tracks of any description shall be laid along or across a State highway until permission in writing is given by the State Highway Commission.

Section 6. No fence, building, shed, or other structure shall be erected or placed on the right of way of a State highway.

Section 7. No advertising signs of any description, except the standard direction, caution and danger signs of the State Highway Commission, health signs erected by the Board of Health, and forestry signs erected by the State and National Forester, will be allowed within the right of way of any State highway.

Section 8. Mail boxes shall be so placed as to not interfere with traffic, maintenance or drainage of the State highways, and shall be relocated or changed upon request of the State Highway Commission.

Section 9. No person, or persons, shall dig up or disturb the surface within the right of way of any State highway until a special permit in writing is first obtained from the State Highway Commission.

Section 10. No private driveway or roadway shall be constructed to intersect any State highway until the drainage structure necessary to carry the cross drainage therefrom shall have been approved by the State Highway Commission.

Section 11. In granting permits to plant poles or lay pipes or drainage or to erect structures, it must be understood that all poles or other structures, surface or subsurface, must be planted or placed as close to the property line as possible, and all pipes, sewers, etc., must be laid either under the gutter or as far from the surface of the highway as is possible to lay same, it being the intent of these regulations that all surface and subsurface structures shall be placed on that portion of the right of way between the gutter and the property line.

Section 12. In making application for permits, the request should be made through the District or Resident Engineers in their respective territories.

Section 13. It is unlawful to remove, injure, tamper with, destroy, break or deface in any way, signs, bridges or other structures placed by the State Highway Commission, or signs placed by the State Board of Health or the State or National Forester.

Section 14. The provisions of all permits granted under these rules and regulations shall be construed as regulations and not as a contract and no interest or right of the applicant shall be transferred except by written consent of the State Highway Commission, and in granting permits no right or privilege belonging to the abutting property owner is interfered with or abridged, nor is the State responsible for any damage which may arise between the applicant and the property owner concerning said right of way.

Section 15. Applicants to whom permits are granted shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damage or liabilities arising from the construction, maintenance, repair or the operation of pole lines, surface, subsurface, or other structures, and agree to move and relocate poles, wires, surface or subsurface structures erected or constructed under the provisions herein granted when ordered to do so by the State Highway Commission.

Section 16. All poles, wires, surface or subsurface structures, shall be maintained in good condition at all times so as not to obstruct or become dangerous to the traveling public, and in event of such poles, wires, surface or subsurface structures becoming out of repair or dangerous the State Highway Commission may give notice to the applicant of its intention to revoke the permission herein granted and that if repairs are not made within three months after mailing said notice, the permit will be revoked and annulled and the poles, wires, surface or subsurface structure will be removed from the highway. Where these structures obstruct or interfere with traffic or create a danger, they must be removed at once.

Section 17. Any permit granted by the State Highway Commission shall be revocable at its pleasure.

Section 18. No vehicle shall stand or park on any bridge forming a part of the Primary or Secondary System of Highways of this State.

Section 19. No person shall fish or seine from any bridge forming a part of the Primary or Secondary System of Roads of this State.

Note: The law provides that any violation of the rules and regulations of the State Highway Commission for the protection of and covering traffic on and use of the State Highway System, shall be a misdemeanor punishable by a fine of not less than five ($5.00) dollars, nor more than one hundred ($100.00) dollars for each offense.

**Rules and Regulations of the State Highway Commission of Virginia for the Protection and Use of Roads in the Primary and Secondary System of Highways**
**Approved: 11/8/1940**

Comment [d270]: Operations (24VAC30-21)

Rules and Regulations Made and Adopted as of November 8, 1940, by the State Highway Commission of Virginia for the Protection and Use of Roads in the Primary and Secondary System of Highways as provided under the Provisions of Section 5, Chapter 403, Acts of 1922 and Amendments thereto, and Chapter 3, Acts of 1932. Repealing all Rules and Regulations Adopted November 6, 1924. All of which to become Effective as of February 1, 1941.

Adopted November 8, 1940
Effective February 1, 1941

**ARTICLE 1.**

Surface and Subsurface Structures

Section 1. No telephone, telegraph, electric light, power or other pole or poles shall be planted or erected upon the State highways of this State, until written permission from the State Highway Commission is first obtained. No permits will be required for repairs of lines or replacing poles in the same position.

Section 2. No pipes, conduits, sewers, drains or subsurface structures of any description shall be placed in or under the bed or right of way of any State highway, except by special written permission of the State Highway Commission.

Section 3. No logs, lumber, cord wood, other material or produce shall be placed upon the roadway or shoulders or so placed as to interfere with the use, drainage, or maintenance of any State highway.

Section 4. No house or structure shall be moved along or across a State highway or any substance weighing more than ten (10) tons, except by special written permission of the State Highway Commission.

Section 5. No logging road, tram road, railroad, or tracks of any description shall be laid along or across a State highway until permission in writing is given by the State Highway Commission.

Section 6. No fence, building, shed, or other structure shall be erected or placed on the right of way of a State highway.

Section 7. No advertising signs of any description, except the standard direction, caution and danger signs of the State Highway Commission, health signs erected by the Board of Health, and forestry signs erected by the State and National Forester, will be allowed within the right of way of any State highway.

Section 8. Mail boxes shall be so placed as to not interfere with traffic, maintenance or drainage of the State highways, and shall be relocated or changed upon request of the State Highway Commission.

Section 9. No person, or persons, shall dig up or disturb the surface within the right of way of any State highway until a special permit in writing is first obtained from the State Highway Commission.

Section 10. No private driveway or roadway shall be constructed to intersect any State highway until the drainage structure necessary to carry the cross drainage therefrom shall have been approved by the State Highway Commission.

Section 11. In granting permits to plant poles or lay pipes or drainage or to erect structures, it must be understood that all poles or other structures, surface or subsurface, must be planted or placed as close to the property line as possible, and all pipes, sewers, etc., must be laid either under the gutter or as far from the surface of the highway as is possible to lay same, it being the intent of these regulations that all surface and subsurface structures shall be placed on that portion of the right of way between the gutter and the property line.

Section 12. In making application for permits, the request should be made through the District or Resident Engineers in their respective territories.

Section 13. It is unlawful to remove, injure, tamper with, destroy, break or deface in any way, signs, bridges or other structures placed by the State Highway Commission, or signs placed by the State Board of Health or the State or National Forester.

Section 14. The provisions of all permits granted under these rules and regulations shall be construed as regulations and not as a contract and no interest or right of the applicant shall be transferred except by written consent of the State Highway Commission, and in granting permits no right or privilege belonging to the abutting property owner is interfered with or abridged, nor is the State responsible for any damage which may arise between the applicant and the property owner concerning said right of way.

Section 15. Applicants to whom permits are granted shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damage or liabilities arising from the construction, maintenance, repair or the operation of pole lines, surface, subsurface, or other structures, and agree to move and relocate poles, wires, surface or subsurface structures erected or constructed under the provisions herein granted when ordered to do so by the State Highway Commission.

Section 16. All poles, wires, surface or subsurface structures, shall be maintained in good condition at all times so as not to obstruct or become dangerous to the traveling public, and in event of such poles, wires, surface or subsurface structures becoming out of repair or dangerous the State Highway Commission may give notice to the applicant of its intention to revoke the permission herein granted and that if repairs are not made within three months after mailing said notice, the permit will be revoked and annulled and the poles, wires, surface or subsurface structure will be removed from the highway. Where these structures obstruct or interfere with traffic or create a danger, they must be removed at once.

Section 17. Any permit granted by the State Highway Commission shall be revocable at its pleasure.

Section 18. No vehicle shall stand or park on any bridge forming a part of the Primary or Secondary System of Highways of this State.

Section 19. No person shall fish or seine from any bridge forming a part of the Primary or Secondary System of Roads of this State.

Note: The law provides that any violation of the rules and regulations of the State Highway Commission for the protection of and covering traffic on and use of the State Highway System, shall be a misdemeanor punishable by a fine of not less than five ($5.00) dollars, nor more than one hundred ($100.00) dollars for each offense.

**Rules and Regulations of the State Highway Commission of Virginia for the State Highway System and the Secondary System of State Highways**
**Approved: 4/13/1933**

**Comment [d271]:** Operations (24VAC30-21)

Moved by Mr. Gilmer, seconded by Mr. Shirley, that the following rules and regulations be passed and properly advertised.

Rules and Regulations of the State Highway Commission of Virginia for the State Highway System and the Secondary System of State Highways

Section 1. All applications for permits should originate with and be made through the Resident Engineers in their respective territories.

Section 2. The provisions of all permits granted under these rules and regulations shall be construed as regulations and not as a contract and no interest or right of the applicant shall be transferred except by written consent of the State Highway Commission, and in granting permits no right or privilege belonging to the abutting property owner is interfered with or abridged, nor is the State responsible for any damage which may arise between the applicant and the property owner concerning said right of way.

Section 3. Applicants to whom permits are granted shall at all times indemnify and save harmless the State Highway Commission and the Commonwealth of Virginia from responsibility for damage or liabilities arising from the construction, maintenance, repair or the operation of pole lines, surface, subsurface, or other structures and agrees to move and relocate poles, wires, surface or subsurface structures erected or constructed under the provisions herein granted when ordered to do so by the State Highway Commission or representative.

Section 4. All poles, wires, surface or subsurface structures shall be maintained in good condition at all times so as not to obstruct or become dangerous to the traveling public, and in the event of such poles, wires, surface or subsurface structures becoming out of repair or dangerous, the State Highway Commission may give notice to the applicant of its intention to revoke the permission herein granted and that if repairs are not made within three months after mailing such notice, the permit will be revoked and annulled and the poles, wires, surface or subsurface structure will be removed from the highway. Where these structures obstruct or interfere with traffic or drainage, or create a danger, they must be removed at once.

Section 5. Any permit granted by the State Highway Commission shall be revocable at its pleasure.

Section 6. No telephones, telegraph, electric light, power or other pole or poles shall be planted or erected upon the State highways of this state, until written permission from the State Highway Commission is first obtained. No permits will be required for repairs of lines or replacing poles in the same position.

Section 7. No pipes, conduits, sewers, drains or subsurface structures of any description shall be placed in or under the bed or right of way of any State highway, except by special written permission of the State Highway Commission, or its representative.

Section 8. No house or structure shall be moved along or across a State Highway except by special written permission of the State Highway Commission or its representative.

Section 9. No logging road, tram road, railroad, or tracks of any description shall be laid along or across a State highway until permission in writing is given by the State Highway Commission or its representative.

Section 10. No person, or persons, shall dig up or disturb the surface within the right of way of any state highway until a special permit in writing is first obtained from the State Highway Commission or its representative.

Section 11. No private driveway or roadway shall be constructed to intersect any State highway until the drainage structure necessary to carry the cross drainage therefrom shall have been approved by the State Highway Commission.

Section 12. In granting permits to plant poles or lay pipes or drainage or to erect structures, it must be understood that all poles or other structures, surface or subsurface, must be planted or placed as close to the property line as possible and all pipes, sewers, etc., must be laid either under the gutter or as far from the surface of the highway as is possible to lay same, it being the intent of these regulations that all surface and subsurface structures shall be placed on that portion of the right of way between the gutter and the property line.

Section 13. No logs, lumber, cord wood, other material or produce, shall be placed upon the roadway or shoulders or so placed as to interfere with the use, drainage, or maintenance of any State highway.

Section 14. No fence, building, shed, or other structure shall be erected or placed on the right of way of a State highway.

Section 15. No advertising signs of any description, except the standard direction, caution, danger or traffic control signs of the State Highway Commission, the health and pure water signs erected by the State Board of Health, the historical markers erected by the Conservation and Development Commission and the signs erected to establish boundaries of State and National forests, parks and/or monuments, will be allowed within the right of way of any State highway.

Section 16. Mail boxes and newspaper containers shall be placed on posts on the same side of the road so arranged as not to interfere with traffic, maintenance, or drainage of the State highway and situated so that all deliveries will be made on the right hand side of the road, in the direction of traffic. The routing of the mail carriers being determined by the postal authorities, the routing of newspaper deliveries must be made to conform therewith. These shall be relocated or changed at the request of the State Highway Commission or its representative.

Section 17. It is unlawful to remove, injure, tamper with, destroy, break, or deface in any way, signs, bridges, or other structures, or wayside springs, or trees, shrubs, vines, or any other property growing on the right of way or placed there by the State Highway Commission or its representative.

Section 18. All wires strung above State highways shall be not less than eighteen feet above the surface of the highway and shall be so arranged as not to interfere with the convenience and safety of travel and shall be kept in safe repair at all times.

Section 19. No person, firm or corporation, shall pasture or graze, or cause to be pastured or grazed, or allow to run at large on any right of way of any road in the State Highway System, any live stock, unless such animal or animals be securely tied or held by chain or rope, so as to prevent such animal from getting on the traveled portion of the highway; provided, however, that when cattle or animals are driven over the State highway system they shall be attended by a competent flagman, preceding the drove by at least one hundred (100) feet, and one flagman in the rear at least one hundred (100) feet, properly equipped to warn traffic.

Section 20. No person, firm, or corporation, shall cause or permit to stand on the right of way of any road in the State highway system any vehicle, implement, or contrivance for the purpose of taking in gasoline; or on any road in the Secondary system where it would create a traffic hazard.

Section 21. No person, firm, or corporation, shall put or cast, or cause to be put or cast into any road or any bridge in the State highway system any glass, bottles, glassware, crockery, porcelain, or pieces thereof, or any pieces of iron or hard or sharp metal, or any nails, tacks, or sharp pointed instruments of any kind, or any object or substance of any kind likely in nature to cut or puncture any tire of any vehicle, or injure any animal or person, or any other refuse or material within the right of way.

NOTE: For act of the legislature similar in purport, see Code section 4745.

Section 22. No person, firm, or corporation, shall drag or cause to be dragged along or across a State highway any log, harrow, or other implement or article that would injure the surface of the highway or the shoulders thereof.

The rules and regulations heretofore made by the State Highway Commission November 6, 1924, effective February 1, 1925, are hereby repealed as of the date the rules and regulation hereby adopted become effective. Motion carried.

**Amendment of Guidelines for Public Participation in the Enactment of Regulations Adopted Pursuant to the Administrative Process Act**
**Approved: 5/ 21/1992**

Comment [d272]: Operations (24VAC30-11)

WHEREAS, Chapter 1:1 (Section 9-6.14.1 et seq.) of Title 9 of the *Code of Virginia* requires State agencies to develop public participation guidelines to be used during the formulation, promulgation, and adoption of regulations under the Administrative Process Act; and

WHEREAS, Section 33.1-12 of the *Code of Virginia* authorizes the Commonwealth Transportation Board of the Virginia Department of Transportation to review and approve policies of the Department; and

WHEREAS, public participation guidelines had not been changed since November of 1984, and were in need of updating.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board approved the revised public participation guidelines as presented.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the text of this regulation, amended as 24 VAC 30-10, contact the Policy Division.*

**Guidelines for Public Participation in the Enactment of Regulations Adopted Pursuant to the Administrative Process Act**
**Approved: 9/ 20/1984**

Comment [d273]: Operations (24VAC30-11)

WHEREAS, the 1984 Session of the Virginia General Assembly amended the Administrative Process Act, and required state agencies to develop guidelines to be used for obtaining public participation in the enactment of regulations under the purview of the Act; and

WHEREAS, the Highway and Transportation Commission on June 21, 1984, authorized the staff of the Department of Highways and Transportation to proceed with the development of proposed public participation guidelines and to hold a public hearing on said guidelines, and designated Mr. J. T. Warren, Director of Administration, as its authorized representative to receive public comment; and

WHEREAS, the guidelines were prepared and were made available for public review at least 60 days prior to the public hearing; and

WHEREAS, the public hearing was announced as required and was conducted in Richmond on September 5, 1984; and

WHEREAS, comments received have been considered and have been incorporated in the guidelines;

NOW, THEREFORE, BE IT RESOLVED that the Highway and Transportation Commission approves the public participation guidelines as presented at its meeting on September 20, 1984, to become effective November 1, 1984.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the text of this regulation, contact the Policy Division.*

**Policy on Public Hearings**
**Approved: 7/19/1962**

Comment [d274]: Operations (24VAC30-380)

WHEREAS, the State and Federal highway laws require that public hearings be held by the State Highway Commission under certain conditions prior to the establishment of a highway; and

WHEREAS, after careful study and investigation it is deemed advisable to set forth a general policy under which such hearing will be held; and

WHEREAS, the Virginia State Highway Commission on January 5, 1956 adopted a resolution setting forth a statement of policy on public hearings, which statement is presently in need of amendment in order to meet the changing problems present by highway development;

NOW, THEREFORE, BE IT RESOLVED, that the following policy on public hearings be and the same is hereby adopted by this Commission.

1) For all Interstate Projects.
   (a) A Public Hearing will be held.
   (b) Thirty Days' written notice of the proposed public hearing, showing the time and place, shall be given to the Clerk of the Circuit Court of the County in which the road is proposed, in accordance with Section 33-17 of the 1950 *Code of Virginia*, as amended.

2) For Federal Aid Primary Projects and Federal Aid Urban Projects.
   (a) A Public Hearing shall be held, or a willingness to hold a Public Hearing be stated in public advertisement.

3) For Federal Aid Secondary Projects.
   A Public Hearing shall be held, or a willingness to hold a hearing if written request is received, shall be advertised on Federal Aid Secondary Projects in accordance with Federal and State statutes.

BE IT FURTHER RESOLVED, that all prior action by this Commission in regard to conditions relative to holding Public Hearings on establishment of highways be and the same is hereby repealed and rescinded.

**Public Hearings Concerning Relocations and By-Passes**
**Approved: 1/5/1956**

Comment [d275]: Operations (24VAC30-380)

The question of relocations and by-passes having been before the Commission and fully considered, including the report on the hearing on the Harrisonburg By-pass, it is moved by Senator Wright and seconded by Mr. Rawls that the following be the policy of the Department with respect to handling the problems:

1. That a preliminary hearing be held at the district level in the very early stages of the development of the proposed project. Proposed lines and possibilities to be discussed for later development.
2. Following the preliminary hearing, plans would be developed on what appears to be the most feasible line.

3. If the local citizens are not satisfied, a further hearing could be requested. This hearing to be held either before the Commission or at least the Commissioner for the district concerned. At this hearing, the Chief Engineer or other representatives of the Department would make recommendations with reference to the project from an engineering standpoint and the local citizens would express their views and preferences with respect to the other features.

**Publicity**
**Approved: 9/13/1922**

Comment [d276]: General Administration

Motion by Mr. Truxtun, seconded by Mr. Sanders, that hereafter all Publicity go out under the name of the State Highway Commission and that the Chairman be authorized to provide a way to put this order into effect. Motion carried.

**Commonwealth Transportation Board Direction to the Office of Transportation Public Private Partnerships (OTP3) and the Virginia Department of Transportation (VDOT)**
**Approved: 5/14/2014**

Comment [d277]: Finance/Funding

WHEREAS, the Commonwealth of Virginia's OTP3(OTP3) is responsible for developing and implementing a statewide program for project delivery via the Public Private Transportation Act of 1995; (PPTA) and;

WHEREAS, the OTP3 has developed an implementation manual and guidelines which address the development and implementation of public private transportation projects; and,

WHEREAS, there have been concerns raised with several projects undertaken under the guidance and direction of the OTP3, and the Commonwealth Transportation Board believes the OTP3 should revisit its manual and guidelines to strengthen the transparency of the entire public private transportation project development and delivery, and to enhance the competitive process utilized in developing and implementing the private public transportation projects; and,

WHEREAS, projects developed under the PPTA and other design-build projects can involve the assumption of risks by both the public and private sector that are not present in conventional design, bid, build contracting, and:

WHEREAS, the Board believes that VDOT working with the OTP3, should develop standards or guidelines addressing the risk associated with PPTA and design-build projects, that indentifies, minimizes, mitigates and limits the risks to VDOT; and,

WHEREAS, while the Commonwealth Transportation Board does not play a direct role in the development, negotiation, and implementation of public private transportation projects, the Board does play a role in the funding of such projects; and,

WHEREAS, the Board believes that there should be a more robust discussion of these projects with the Commonwealth Transportation Board prior to the completion of any negotiations for these projects and the execution of any Comprehensive Agreement under the Public Private Transportation Act; and,

WHEREAS, the Director of the OTP3 should be directed to undertake an exhaustive review of the manual and guidelines and other internal policies and procedures of the OTP3 to improve transparency, public involvement, and competitiveness; and,

WHEREAS, part of their review should also consider how the Commonwealth Transportation Board can be more involved in the process of the development, negotiation, and implementation of public private transportation projects.

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMONWEALTH TRANSPORTATION BOARD, that the Director of the OTP3 be hereby directed to undertake an extensive and exhaustive review of the processes, policies, manual, and guidelines used by the OTP3 in soliciting, developing, negotiating, and implementing public private transportation projects in order to increase transparency, the competitive process, public involvement, as well

as more direct involvement by the Board in the development, negotiation, and implementation of public private transportation projects.

BE IT FURTHER RESOLVED, that the Highway Commissioner is directed to establish standards and guidelines addressing the risk associated with PPTA and design-build projects that indentifies, minimizes, mitigates and limits the risks to VDOT; and,

BE IT FURTHER RESOLVED, that the Director of OTP3 and the Commissioner report to the Board no later than its meeting in October, 2014 on recommendations which will be implemented by the Office of Transportation Public Private Partnerships and VDOT to address the concerns which have been raised herein.

**Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) – VDOT Guidelines**
**Approved: 6/15/2006**

Comment [d278]: Finance/Funding

WHEREAS, the PPEA requires the governing body of a public entity to adopt guidelines to be followed in reviewing and evaluating proposals submitted to the public entity, and

WHEREAS, the Office of the Governor has published model guidelines to assist public entities in the implementation of the PPEA which VDOT has used as a guide in developing PPEA VDOT Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board, in accordance with the requirements of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), Virginia Code Section 56-575.1, et. seq. does hereby approve the adoption of the PPEA VDOT Guidelines developed by VDOT for use in implementation of the PPEA.

BE IT FURTHER RESOLVED, that these same guidelines are approved for adoption by the Department of Rail and Public Transportation.

**Implementation Guidelines for the Public-Private Transportation Act of 1995**
**Approved: 10/20/2005**

Comment [d279]: Finance/Funding

WHEREAS, the General Assembly of Virginia enacted the Public-Private Transportation Act of 1995 (the “PPTA”); and

WHEREAS, Implementation Guidelines were adopted for its implementation in 1995 and were revised in 2001; and

WHEREAS, Chapter 504 of the 2005 Acts of Assembly amended and reenacted the PPTA, requiring among other amendments that the Secretary of Transportation shall, no later than October 31, 2005, make revisions to the existing state guidelines to conform to the provisions of the PPTA, and

WHEREAS, such guidelines shall apply to all agencies for which the Secretary is responsible when such agencies are responsible public entities under the PPTA; and

WHEREAS, is making his recommended changes, the Secretary consulted with public and private entities and posted the draft guidelines for public comment during the period August 18 through

September 19, 2005, consulted with the Chairmen of the Senate and House Transportation Committees; and

WHEREAS, it is the intent of the General Assembly that such guidelines provide appropriate opportunities for public comment and facilitate the review of proposals to develop and/or operate qualifying transportation facilities in a timely manner and through innovative methods.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board (the "CTB") hereby concurs with the draft policy goals and program objectives of the revised Implementation Guidelines, as presented to the CTB on October 19, 2005, and recommends that the Secretary of Transportation make such revisions to the existing state guidelines to conform to the provisions of the PPTA, no later that October 31, 2005.

Due to its length, this document may be accessed at:
http://www.virginiadot.org/business/ppta-Guidelines.asp

**Transportation Partnership Opportunity Fund Implementation Guidelines**
**Approved: 10/20/2005**

**Comment [d280]:** Finance/Funding

WHEREAS, Chapter 847 of the 2005 Acts of Assembly (the "Act") created the Transportation Partnership Opportunity Fund (the "Fund") to encourage the development of transportation projects through design-build and the Public-Private Transportation Act and address transportation aspects of economic development opportunities; and

WHEREAS, in accordance with the Act, the Commonwealth Transportation Board (CTB), in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, must develop guidelines and criteria to be used in awarding financial assistance from the Fund; and

WHEREAS, no assistance from the Fund may be awarded until the Governor has provided copies of the guidelines and criteria to the chairmen of the House Committees on Appropriations, Finance, Transportation and the Senate Committees on Finance and Transportation; and

WHEREAS, proposed guidelines and criteria have been developed in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade and in accordance with the Act, public and private entities have been afforded an opportunity to review the guidelines and criteria and provide input.

NOW THEREFORE, BE IT RESOLVED, that the CTB hereby approves the Guidelines and Criteria dated, September 2005, for use in determining the award of financial assistance from the Transportation Partnership Opportunity Fund, and directs VDOT to deliver the Guidelines and Criteria to the Governor for his dissemination to the chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Transportation.

Due to its length, this document may be accessed at:
http://www.virginiadot.org/projects/resources/tpofImplementationGuidelines10-2005.pdf

## Rail Enhancement Fund Policy Update

**Approved: 12/9/2015**

Comment [d281]: Finance/Funding

WHEREAS, on October 28, 2015, the CTB adopted the Rail Programs Legislative, Policy, and Expenditure Review of 2015 dated October 16, 2015 and the Rail Enhancement Fund 2015 Policy Goals; and

WHEREAS, the CTB Rail Committee recommends the CTB adopt an updated version of the Rail Programs Legislative, Policy, and Expenditures Review of 2015 (Attachment A) which clarifies and aligns the report more clearly with the Rail Enhancement Fund 2015 Policy Goals (Attachment B); and

WHEREAS, § 33.2-1601 establishes the Rail Enhancement Fund; and

WHEREAS, in § 33.2-1601 the General Assembly declared it to be in the public interest that railway preservation and development of railway transportation facilities are an important element of a balanced transportation system of the Commonwealth for freight and passengers; and

WHEREAS, pursuant to § 33.2.-1601, the General Assembly further declared it to be in the public interest that the retention, maintenance, improvement, and development of freight and passenger railways are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Enhancement Fund (REF), subject to the approval of the Commonwealth Transportation Board (CTB) and their finding that project benefits exceed the amount of Rail Enhancement funds invested in a project; and

WHEREAS, pursuant to Chapter 684 of the 2015 Acts of Assembly (House Bill 1887), the General Assembly directed the Commonwealth Transportation Board to develop no later than December 1, 2015, a proposal to revise the public benefit requirements of the Rail Enhancement Fund; and

WHEREAS, pursuant to Section 427 Subsection O of the FY2016 and FY2017 Appropriations Act (Chapter 665 of the 2015 Acts of Assembly (HB 1400)) the Secretary of Transportation, in conjunction with the Department, shall provide a comprehensive review to the Chairmen of the House and Senate Transportation Committees, House Appropriations Committee and Senate Finance Committee on the usage of monies deposited in the Rail Enhancement Fund since its establishment in fiscal year 2006; and, that such a review shall include the amounts of funds allocated to rail freight projects, the amounts allocated to rail passenger projects, and the outstanding commitments to each type of project by year, accounting for funds transferred into and out of the REF and the Intercity Passenger Rail Operating and Capital Fund, and that such a review shall assess the outstanding needs for rail projects and any needed modifications to the rail programs of the Commonwealth; and

WHEREAS, the CTB Rail Committee worked with the Department to review rail grant funding programs, solicit stakeholder input, revise policy goals, clarify prioritization criteria, and adjust administrative practices; and

WHEREAS, the results of the CTB Rail Committee's review efforts pursuant to House Bill 1887 and the Appropriations Act directive are summarized in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report; and

WHEREAS, the CTB Rail Committee recommends updating the Rail Enhancement Fund policy goals adopted by the CTB on October 20,2005 based on the findings presented in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report;

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the findings and recommendations of the CTB Rail Committee presented in the "Rail Programs Legislative, Policy, and Expenditure Review of 2015" report, provided as Attachment A to this resolution, which recommends a legislative proposal to the General Assembly pursuant to House Bill 1887 to transfer uncommitted Rail Enhancement funds to the Rail Preservation Fund and to provide better funding support for the Rail Preservation Fund; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the "Rail Enhancement Fund 2015 Policy Goals" provided as Attachment B to this resolution, which supersedes and replaces the Rail Enhancement Fund Policy Goals adopted on October 20, 2005.

**Rail Enhancement Fund Policy Update**
**Approved: 10/27/2015**

Comment [d282]: Finance/Funding

WHEREAS, § 33.2-1601 establishes the Rail Enhancement Fund; and

WHEREAS, in § 33.2-1601 the General Assembly declared it to be in the public interest that railway preservation and development of railway transportation facilities are an important element of a balanced transportation system of the Commonwealth for freight and passengers; and,

WHEREAS, pursuant to § 33.2.-1601, the General Assembly further declared it to be in the public interest that the retention, maintenance, improvement, and development of freight and passenger railways are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; and,

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Enhancement Fund (REF), subject to the approval of the Commonwealth Transportation Board (CTB) and their finding that project benefits exceed the amount of Rail Enhancement funds invested in a project; and,

WHEREAS, pursuant to Chapter 684 of the 2015 Acts of Assembly (House Bill 1887), the General Assembly directed the Commonwealth Transportation Board to develop no later than December 1, 2015, a proposal to revise the public benefit requirements of the Rail Enhancement Fund; and,

WHEREAS, pursuant to Section 427 Subsection O of the FY2016 and FY2017 Appropriations Act (Chapter 665 of the 2015 Acts of Assembly (HB 1400))) the Secretary of Transportation, in conjunction with the Department, shall provide a comprehensive review to the Chairmen of the House and Senate Transportation Committees, House Appropriations Committee and Senate Finance Committee on the usage of monies deposited in the Rail Enhancement Fund since its establishment in fiscal year 2006; and, that such a review shall include the amounts of funds allocated to rail freight projects, the amounts allocated to rail passenger projects, and the outstanding commitments to each type of project by year, accounting for funds transferred into and out of the REF and the Intercity Passenger Rail Operating and Capital Fund, and that such a review shall assess the

outstanding needs for rail projects and any needed modifications to the rail programs of the Commonwealth; and,

WHEREAS, the CTB Rail Committee worked with the Department to review rail grant funding programs, solicit stakeholder input, revise policy goals, clarify prioritization criteria, and adjust administrative practices; and,

WHEREAS, the results of the CTB Rail Committee's review efforts pursuant to House Bill 1887 and the Appropriations Act directive are summarized in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report; and,

WHEREAS, the CTB Rail Committee recommends updating the Rail Enhancement Fund policy goals adopted by the CTB on October 20,2005 based on the findings presented in the "Rail Programs Legislative, Policy Goals, and Expenditures Review of 2015" report.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the findings and recommendations of the CTB Rail Committee presented in the "Rail Programs Legislative, Policy, and Expenditure Review of 2015" report, provided as Attachment A to this resolution, which recommends a legislative proposal to the General Assembly pursuant to House Bill 1887 to transfer uncommitted Rail Enhancement funds to the Rail Preservation Fund and to provide better funding support for the Rail Preservation Fund; and,

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the "Rail Enhancement Fund 2015 Policy Goals" provided as Attachment B to this resolution, which supersedes and replaces the Rail Enhancement Fund Policy Goals adopted on October 20, 2005.

**Rail Enhancement Fund Policy Goals and Implementation Guidelines**
**Approved: 10/20/2005**

Comment [d283]: Finance/Funding

WHEREAS, Section 33.1-221.1:1.1 of the *Code of Virginia*, declares it to be the public interest that the retention, maintenance, improvement and development of the railways are essential to the Commonwealth's continues economic growth, vitality, and competitiveness in national and world markets, and creates the Rail Enhancement Fund (the "Fund"); and

WHEREAS, pursuant to the Appropriation Act, funding is provided by the General Assembly for the Fund projects; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) held public and stakeholder outreach sessions and solicited public input during the spring and summer of 2005 to provide input in the development of Policy Goals and Implementation Guidelines to be reviewed and considered by the Rail Advisory Board (RAB) and the Commonwealth Transportation Board (CTB); and

WHEREAS, on October 13, 2005, the Rail Advisory Board concurred with the Director of the Department of Rail and Public Transportation and agreed to proceed with the Policy Goals and Implementation Guidelines for administration of the Rail Enhancement Fund; and

WHEREAS, the Director of DRPT requests that the CTB adopt the Policy Goals and Implementation Guidelines for the administration of the Rail Enhancement Fund.

NOW THEREFORE, BE IT RESOLVED, that the CTB hereby adopts the Policy Goals and Implementation Guidelines for the administration of the Rail Enhancement Fund.

Due to its length, this document may be accessed at:

http://www.drpt.virginia.gov/projects/files/REF%20Application.pdf

grantees.

**Rail Industrial Access Policy**
**Approved: 7/19/1990**

Comment [d284]: Finance/Funding

WHEREAS, railways and rail corridors are important elements of a transportation system; and

WHEREAS, the Staggers Act allows railroads greater freedom in abandoning lines. The rail route-mile network in the Commonwealth, exclusive of yards and sidings, totaled approximately 3,322 miles as of June 30, 1989. The total network mileage in 1970 was approximately 4,021 with 1,072 of these miles classified as light density rail service. Of this light density mileage, 531 miles have been abandoned, which is equivalent to 50 percent of the total. During the last two years, approximately 155 miles of track have been abandoned with the granting of 14 abandonments. Each of the railroads have been eliminated due to the abandonment of lines or the failure to meet Amtrak guidelines for service; and

WHEREAS, the loss of viable light density lines could be damaging to Virginia because they accommodate local freight service, are instrumental in the economic development of various sections of Virginia, and provide some relief to the highway system in transporting freight, particularly in the case of heavy freight shipments which can severely damage secondary roadways and urban streets and can create safety problems. In many cases, they also perform a vital service to Virginia's agricultural industry by transporting bulk commodities which cannot be transported either economically or practically by other modes.

WHEREAS, the Commonwealth Transportation Board, by resolution at its meeting on December 21, 1989, directed the Department of Transportation staff to develop a comprehensive policy for the purchase, rehabilitation, and preservation of rail corridors potentially subject to abandonment or vital to the economic stability of an area; and

WHEREAS, the staff was also directed to particularly consider the current critical situation on the Eastern Shore and in the Shenandoah Valley; and

WHEREAS, the 1990 General Assembly, through enactment of an amendment to House Bill 30, provided one million dollars in funding for this purpose within the Rail Industrial Access Program budget.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board does hereby approve the following policy statements:

It shall be the policy of the Commonwealth Transportation Board to consider railways and rail corridors as important elements of the Statewide transportation system. Such consideration shall include the acquisition, lease, improvement, or assistance to appropriate entities in the acquisition, lease or improvement of railways and the purchase of abandoned rail rights-of-way for transportation purposes which the Board determines are for the common good of the Commonwealth or a region of the Commonwealth. The Commonwealth Transportation Commissioner shall administer and expend or commit, subject to the approval of the Commonwealth Transportation Board, such funds as may be set

forth in the Appropriations Act for this purpose. Such funds may be expended or provided in the form of grants or loans to others to improve rail lines and related facilities specific to rail operations on public or private property and to acquire or lease rail properties for transportation purposes. Any properties purchased can be leased to others for continuation of rail service. No funds shall be used for general railroad operating expenses. Costs incurred for the administration of approved projects shall be an eligible expense under this policy. In allocating funds for improvement, the board shall consider the project cost in relation to the prospective use and the economic and public benefits. In allocating funds for purchase, the Board shall consider the potential for future public use of the properties. The Board shall adopt procedures for the allocation and distribution of the funds as may be provided, including provisions for safeguarding the Commonwealth's interest in all projects.

*Editor's Note: This regulation was transferred to the jurisdiction of the Department of Rail and Public Transportation when it was established as a separate agency in 1992. DRPT filed documentation to repeal the regulation Policy and Procedures for Rail Industrial Access Program (24 VAC 25-10). Contact DRPT for further information on this subject.*

**Railway-Highway Projects**
**Approved: 8/28/1958**

Comment [d285]: Other

WHEREAS, the Virginia State Highway Commission on November 7, 1957, adopted a resolution setting forth a statement of policy on railway-highway projects, which statement of policy is presently in need of amendment in order to meet problems presented by highway development;

NOW, THEREFORE, BE IT RESOLVED, that said statement of policy on railway-highway projects be amended as follows:

WHEREAS, changes in highway development have brought about the need to establish an over-all program to keep pace with such change and development, The Virginia State Highway Commission desires to state and define its policy and procedures concerning railway-highway projects constructed or improved as a part of the State highway systems,

NOW, THEREFORE, BE IT RESOLVED, that the following procedure is hereby established for agreements covering railway-highway projects.

I. GRADE CROSSING ELIMINATION PROJECTS: Included shall be all projects designed to eliminate crossings of highways and railroads at grade, including the necessary approaches.

   a. Terms of prior agreements and applicable statutes shall be met.
   b. If the principal grade crossing is to be closed when the project is completed, the railroad shall be expected to contribute approximately 10% of the cost if the project is financed, in part, with Federal funds.
   c. On projects involving only State funds, the railroads shall be expected to contribute approximately 25% of the cost.

II. RECONSTRUCTION OF EXISTING RAILWAY-HIGHWAY GRADE SEPARATION PROJECTS: This group shall include all projects for the reconstruction, replacement, widening or strengthening of structures, which separate highways and railroads.

   a. Terms of prior agreements and applicable statutes shall be met.

b. In cases where the railroad has a maintenance responsibility will be discharged upon the completion of the new facility, the railroad shall be expected to make a contribution commensurate with its responsibility.
c. Where there is no responsibility on the part of the railroad, a contribution will not be expected.

III. ADDITIONAL FACILITIES: In cases where a clearance in excess of that necessary to span the existing facilities of the railroad is requested by the railroad so as to accommodate its future tracks, the cost of constructing such clearance shall be borne entirely by the railroad except where the railroad has definite and fixed plans to construct its additional tracks within five years of the date of the completed project. In this event Federal funds may be used and the contribution, if any, by the railroad will be such as is agreed upon by the parties.

IV. GRADE CROSSING PROTECTION PROJECTS: This group shall include projects for protecting existing grade crossings of railroads and highways by means of automatic signal devices. Where Federal funds are involved and the railroad is benefited, 10% of the cost should be contributed by the railroad whether the device is new or is an improvement to an existing device. Where only State funds are involved, the railroad shall contribute approximately 25% of the cost. The same contributions shall be required upon removal and subsequent erection of these devices at a new location. Where no direct benefit will accrue to the railroad from the installation of an automatic signal device, no contribution from the railroad will be required.

V. EXISTING RAILROAD CROSSED BY NEW HIGHWAY OR EXISTING HIGHWAY CROSSED BY NEW RAILROAD:

a. When a new highway which is not a relocation of an existing road is constructed and it intersects a railroad, no contribution by the railroad will be required for construction of a separated structure, grade crossing, or installation of a signal device, at such crossing.
b. When a highway is intersected by a new railroad line, the construction of a separation structure, or grade crossing, or the installation of a signal device, shall be paid for by the railroad.

VI. CROSSING AT GRADE TO BE RELOCATED OR WIDENED: Whenever a project involves the widening or relocation of a grade crossing, the cost thereof shall be borne as agreed upon between the railroad and the Highway Department.

VII. MAINTENANCE: The maintenance of all grade separation structures shall be in accordance with Section 56-368.1 of the *Code of Virginia* of 1950 and other statutes governing such maintenance. Maintenance of protective devices at grade crossings defined in Section 56-406.2 shall be shared equally by the Highway Department and the railroad. Grade crossings shall be maintained as provided for by Section 56-405 of the *Code of Virginia*, 1950, as amended.

**Railway-Highway Projects**
**Approved: 11/7/1957**

Comment [d286]: Other

WHEREAS, changes in highway development have brought about the need to establish an over-all program to keep pace with such change and development, the Virginia State Highway Commission desires to state and define its policy and procedures concerning railway-highway projects constructed or improved as a part of the State highway systems, now therefore be it

RESOLVED, that the following procedure is hereby established for agreements covering railway-highway projects:

I. Grade Crossing Elimination Projects – Included shall be all projects designed to eliminate crossings of highways and railroads at grade, include the necessary approaches.
   a. Terms of prior agreements and applicable statutes shall be met.
   b. If the principal grade crossing is to be closed with the project is completed, the railroad shall be expected to contribute approximately 10% of the cost if the project is financed, in part, with Federal funds.
   c. On projects involving only State funds, the railroads shall be expected to contribute approximately 25% of the cost.

II. Reconstruction of Existing Railway-Highway Grade Separation Projects - This group shall include all projects for the reconstruction, replacement, widening, or strengthening of structures, which separate highways and railroads.
   a. Terms of prior agreements and applicable statutes shall be met.
   b. In cases where the railroad has a maintenance responsibility and such responsibility will be discharged upon the completion of the new facility, the railroad shall be expected to make a contribution commensurate with its responsibility.
   c. Where there is no responsibility on the part of the railroad, a contribution will not be expected.

III. Additional facilities – In cases where a clearance in excess of that necessary to span the existing facilities of the railroad is requested by the railroad so as to accommodate its future tracks, the cost of constructing such clearance shall be borne entirely by the railroad except where the railroad has definite and fixed plans to construct its additional tracks within five years of the date of the contemplated project. In this event Federal funds may be used and the contribution, if any, by the railroad will be such as is agreed upon by the parties.

IV. Grade Crossing Protection Projects – This group shall include projects for protecting the existing grade crossings of railroads and highways by means of automatic signal devices. Where Federal funds are involved, 10% of the cost shall be contributed by the railroad, whether the device is new or is an improvement to an existing signal device. The same contribution shall be required upon removal and subsequent erection of these devices at a new location. Where only State funds are involved, the railroads shall be expected to contribute approximately 25% of the cost.

V. Existing Railroad Crossed by New Highway or Existing Highway Crossed by New Railroad
   a. When a new highway which is not a relocation of an existing road is constructed and it intersects a railroad, no contribution by the railroad will be required for construction of a separation structure, grade crossing, or installation of a signal device, at such crossing.
   b. When a highway is intersected by a new railroad line, the construction of a separation structure, or grade crossing, or the installation of a signal device, shall be paid for by the railroad.

VI. Crossing at Grade to be Relocated or Widened – Whenever a project involves the widening or relocation of a grade crossing, the cost thereof shall be borne as agreed upon between the railroad and the Highway Department.

VII. Maintenance – The maintenance of all grade separation structures shall be in accordance with Section 56-368.1 of the *Code of Virginia* of 1950 and other statutes governing such maintenance.

Maintenance of protective devices at grade crossings defined in Section 56-406.2 shall be shared equally by the Highway Department and the railroad.

Grade crossings shall be maintained as provided for by Section 56-405 of the *Code of Virginia*, 1950, as amended.

**Recreational Access Policy**
**Approved: 10/25/1989**

Comment [d287]: Financial/Funding

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access roads to public recreational areas and historical sites was amended and reenacted by the 1989 session of the General Assembly; and

WHEREAS, the Commonwealth Transportation Board, with the concurrence of the Director of Conservation and Recreation, is authorized by this section of the Code to make certain regulations to carry out the provisions of the law; and

WHEREAS, it is deemed necessary by both agencies to amend the previously adopted policy on the use of such funds.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby rescinds its previous policy adopted on February 20, 1986, and adopts the following policy governing the use of recreational access funds, which new policy has been concurred in by the Director of Conservation and Recreation pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The Commonwealth Transportation Board adopts this policy to govern the use of recreational access funds pursuant to Section 33.1-223, of the *Code of Virginia*, as amended. The statute provides that the concept of access be applicable to facilities for motor vehicles and bicycles, whether in separate physical facilities or combined in a single facility. In the event independent bikeway access will be appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designated to provide for bicycle access to the recreational area or historical site as a connecting link between an existing bikeway or otherwise recognized bicycle route.

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to or within publicly developed recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way or adjustment of utilities. These funds are to be used only for the actual engineering and construction of a road or bikeway facility adequate to serve traffic generated by the public recreational area or historical site.

3. For each project, the identified need or demand for the access facilities will be analyzed and mutually agreed upon between the Commonwealth Transportation Board and the Director of Conservation and Recreation. The decision to construct or improve an access facility to a public recreational area or historical site will be based upon the following parameters:

    A. The cost of construction in relation to the volume and nature of traffic to be generated as a result of the attraction.
    B. Identification of sufficient public demand to support the construction of the access facilities.
    C. In the consideration of any bikeway request as described herein, one of these features should be applicable.

1. The bikeway should serve a connecting route of established bikeway usage in the recreational area or historical site.

2. The recreational area or historical site is located within an area of substantial bicycle traffic generation.

D. Type of protective zoning in effect. (Applicable only when the request involves a bikeway facility.)

4. Recreational access funds will not be considered for the construction, reconstruction, maintenance, or improvement of recreational access roads or bikeways until such time as adequate assurance has been given that the recreational facility is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and/or bikeway access may be considered as either combined facilities or separate entities. Funding limitations have been established by statute, for qualified projects, as follows:

   Not more than $400,000 of recreational access funds may be allocated for an access road in any facility operated by a state agency and not more than $250,000 for an access road for a facility operated by a locality or an authority with an additional $100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than $75,000 of recreational access funds may be allocated to any specific bikeway operated by a state agency and not more than $60,000 to a bikeway operated by a locality or an authority with an additional $15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

6. Prior to the formal request for the use of recreational access funds to provide access to public recreational areas or historical sites, the location of the access or bikeway shall be submitted for the approval by the engineers of the Department of Transportation and to the staff of the Director of Conservation and Recreation. In making recommendations, personnel of the Department of Transportation and the Department of Conservation and Recreation shall take into consideration the cost of the access road or bikeway as it relates to the location, the possibility of any future extension to serve other public recreational areas or historical sites, and the anticipated future development of the area traversed.

7. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly owned recreational areas or historical sites or to officially designated major development units within such areas or sites.

   The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the park or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which “adequate access” is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be the first point at or within the recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

8. It is the intent of the Commonwealth Transportation Board and the Director of Conservation and Recreation that recreational access funds not be anticipated from year to year.

**Recreational Access Policy**
**Approved: 2/20/1986**

Comment [d288]: Financial/Funding

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access to public recreational areas and historical sites was amended and reenacted by the 1984 session of the General Assembly; and

WHEREAS, the State Highway and Transportation Board, with the concurrence of the Director of Conservation and Historic Resources, is authorized by this section of the code to make certain regulations to carry out the provisions of the law; and

WHEREAS, it is deemed necessary by both agencies to amend the previously adopted policy on the use of such funds;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway and Transportation Board hereby rescinds its previous policy adopted on January 15, 1976 and adopts the following policy governing the use of recreational access funds, which new policy has been concurred in by the Director of Conservation and Historic Resources pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The State Highway and Transportation Board adopts this policy to govern the use of recreational access funds pursuant to Section 33.1-223, of the *Code of Virginia*, as amended. It is intended the concept of access be applicable to facilities for motor vehicles and bicycles, whether in separate physical facilities or combined in a single facility. In the event independent bikeway access is deemed appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designated to provide for bicycle access to the recreational area or historical site as a connecting link between an existing bikeway or otherwise recognized bicycle route.

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to publicly developed recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.
2. Recreational access funds shall not be used for the acquisition of right of way, as it is the intent that these funds are to be used only for the actual construction and engineering of a road or bikeway facility adequate to serve traffic generated by the public recreational area or historical site.
3. The decision to construct or improve an access facility to a recreational area or historical site will be based upon the following parameters:

    A. The cost of construction in relation to the volume and nature of traffic to be generated as a result of the attraction.

    B. Identification of sufficient demand to support the construction of the access facilities.

    C. In the consideration of the independent bikeways as described herein, one of these features should be applicable.

        (a) The bikeway should serve a connecting route or established bicycle usage in the recreational area or historical site.
        (b) The recreational area or historical site is located within an area of substantial bicycle traffic generation.

D. Type of protective zoning in effect (Applicable when the request involves a bikeway facility.)

For each project, the identified need or demand for the access facilities will be analyzed and mutually agreed upon between the State Highway and Transportation Board and the Director of Conservation and Historic Resources.

4. Recreational access funds will not be considered for the construction, reconstruction, maintenance, or improvement of recreational access roads or bikeways until such time as adequate assurance has been given that the recreational facility is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and/or bikeway access may be considered as either combined facilities or separate entities. Therefore, realistic funding limitations must be set that will assure a reasonable and meaningful distribution of projects.

   Not more than $200,00 of recreational access funds may be allocated for use in any one county, including the towns located therein, or any city in any fiscal year unless these funds are supplemented by funds from other than highway sources, in which case additional recreational access funds may be made available to match the amount contributed, dollar for dollar, but not to exceed a grand total of $300,000 of recreational funds. Correspondingly, when bikeway access is a separate entity and is not a joint facility with a vehicular access project, not more than $50,000 of recreational access funds for bikeway access may be so allocated, and which may also be supplemented on a dollar-for-dollar contribution from other than highway sources but not to exceed a grand total of $75,000 of recreational access funds for the bikeway access. In instances where bikeway access and vehicular access are combined, the $200,000 limitation with dollar-for-dollar matching shall apply, and the costs are attributable to the bikeway access shall be limited to $50,000 and the dollar-for-dollar matching not to exceed a grand total of $75,000 from recreational access funds for such purpose.

6. Prior to the formal request for the use of recreational access funds to provide access to public recreational areas or historical sites, the location of the access road or bikeway shall be submitted for the approval by the engineers of the Department of Highways and Transportation and to the staff of the Director of Conservation and Historic Resources. In making recommendations, personnel of the Department of Highways and Transportation and the Department of Conservation and Historic Resources shall take into consideration the cost of the access road or bikeway as it relates to the location, the possibility of any future extension to serve other public recreational areas or historical sites, and the anticipated future development of the area traversed.

7. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly owned recreational areas or historical sites or to officially designated major development units within such areas or sites.

   The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the park or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which “adequate access” is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be interpreted as the first point at or within the

recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

8. It is the intent of the Highway and Transportation Board and the Director of Conservation and Historic Resources that recreational access funds not be anticipated from year to year.

**Recreational Access Policy**
**Approved: 1/15/1976**

Comment [d289]: Financial/Funding

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access roads to public recreational areas and historical sites was amended and reenacted by the 1975 session of the General Assembly to provide for bikeway access; and

WHEREAS, the Commission of Outdoor Recreation and the State Highway and Transportation Commission are authorized by this section of the Code to make certain regulations to carry out their part of the provisions of the law; and

WHEREAS, it is deemed necessary by both Commissions that their previously adopted joint policy on the use of such funds be amended to include bikeway access;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway and Transportation Commission hereby rescinds its previous policy adopted on June 27, 1968 and adopts the following policy governing the use of recreational access funds to include bikeway access, which new policy was adopted by the Commission of Outdoor Recreation on November 14, 1975, pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The State Highway and Transportation Commission and the Commission of Outdoor Recreation adopt this policy to govern the use of recreational access funds pursuant to Section 33.1-223 as amended of the *Code of Virginia*. It is the intent of the Commissions that the concept of access be applicable to facilities for motor vehicles and bicycles whether in separate physical facilities or combined in a single facility. In the event independent bikeway access is deemed appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designed to provide for bicycle access to the recreational area or historical site as a connecting link between an existing bikeway or otherwise recognized bicycle route. The following items are incorporated into this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to publicly developed recreational access areas or historical sites where the full provisions of Section 33.1-223 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way, as it is the intent that these funds are to be used only for the actual construction and engineering of a road or bikeway facility adequate to serve traffic generated by the public recreational area or historical site.

3. The decision to construct or improve an access facility to a recreational area or historical site will be based upon the following parameters:

    A. The cost of construction in relation to the volume and nature of traffic to be generated as a result of the attraction.

B. Identification of sufficient demand to support the construction of the access facilities.

C. In the consideration of independent bikeways as described herein, one of these features should be applicable:
   (a) The bikeway should serve a connecting route of established bicycle usage in the recreational area or historical site.
   (b) The recreational area or historical site is located within an area or substantial bicycle traffic generation.
   (c) For each project, the identified need or demand for the access facilities will be analyzed and mutually agreed upon between the Commissions.

D. Type of protective zoning in effect.

4. Recreational access funds will not be considered for the construction, reconstruction, maintenance or improvement of recreational access roads or bikeways until such time as adequate assurance has been given that the recreational facility is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and/or bikeway access may be considered as either combined facilities or separate entities. Therefore, realistic funding limitations must be set that will assure a reasonable and meaningful distribution of projects.

   Not more than $200,000 in recreational access funds may be allocated for use in any one county, including the towns located therein, or any city in any fiscal year unless these funds are supplemented by funds from other than highway sources, in which case additional recreational access funds may be made available to match the amount contributed, dollar for dollar, but not to exceed a grand total of $300,000 of recreational funds. Correspondingly, when bikeway access is a separate entity and is not a joint facility with a vehicular access project, not more than $50,000 of recreational access funds for bikeway access may be so allocated, and which may also be supplemented on a dollar-for-dollar contribution from other than highway sources but not to exceed a grand total of $75,000 of recreational access funds for the bikeway access. In instances where bikeway access and vehicular access are combined, the $200,000 limitation with dollar-for-dollar matching shall apply, and the costs attributable to the bikeway access shall be limited to $50,000 and the dollar-for-dollar not to exceed a grand total of $75,000 from recreational access funds for such purpose.

6. The Highway and Transportation Commission and the Commission of Outdoor Recreation will consult and should work closely with the Historic Landmarks Commission in designating historical sites eligible for the use of recreational access funds, and they may rely on the recommendations of that Commission in making decisions as to the allocation of these funds.

7. Prior to the formal request for the use of recreational access funds to provide access to public recreational areas or historical sites, the location of the access road or bikeway shall be submitted for the approval of the engineers of the Department of Highways and Transportation and to the Commission of Outdoor Recreation staff. In making recommendations, personnel of the Department of Highways and Transportation and the Commission of Outdoor Recreation shall take into consideration the cost of the access road or bikeway as it relates to the location, and as it relates to the possibility of future extensions of access to serve other public recreational areas or historical sites, as well as the future development of the area traversed.

8. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly owned recreational areas or historical sites or to officially designated major development units within such areas or sites. The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the park or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which "adequate access" is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be interpreted as the first point at or within the recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

9. It is the intent of the Commissions that recreational access funds not be anticipated from year to year.

**Recreational Access Policy**
**Approved: 6/27/1968**

Comment [d290]: Financial/Funding

WHEREAS, this Commission by resolution adopted at a regular meeting on August 18, 1966 joined with the Commission of Outdoor Recreation in establishing a policy covering the allocation of recreational access funds for the construction, reconstruction, maintenance, or improvement of roads to publicly maintained recreational areas or historical sites in accordance with Section 33-136.3 of the *Code of Virginia*; and

WHEREAS, after years of experience it is felt necessary that a revision be made in the policy established by the action of August 18, 1966.

NOW, THEREFORE, BE IT RESOLVED, that effective this date the policy adopted on August 18, 1966 is hereby rescinded in its entirety; and

BE IT FURTHER RESOLVED, that the following resolution is this day adopted as the new policy governing the allocation of recreational access funds:

WHEREAS, the 1966 session of the General Assembly amended the *Code of Virginia* by adding Section 33-136.3 to provide certain funds for the construction of access roads to public recreational areas and historical sites, and further authorized the State Highway Commissioner to construct, reconstruct, maintain, or improve such roads upon certain conditions;

WHEREAS, this act further provided that the Highway Commission and the Commission of Outdoor Recreation would cooperate in the selection and designation of the areas to be served by such roads;

WHEREAS, Section 33-136.3 of the *Code of Virginia* authorizes the State Highway Commission and the Commission of Outdoor Recreation to make certain regulations to carry out their part of the provisions of this section; and

WHEREAS, it is deemed advisable to establish and adopt certain policies relative to the use of recreational access funds;

NOW, THEREFORE, BE IT RESOLVED that the State Highway Commission and the Commission of Outdoor Recreation hereby adopt the following policy to govern the use of recreational access funds pursuant to Section 33-136.3 of the *Code of Virginia*:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to publicly developed recreational areas and historical sites where the full provisions of Section 33-136.3 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way, except that when improvement is made to an existing road such funds may be used for the moving and restoration of fencing and for damages to buildings or other improvements, as it is the intent that these funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the public recreational area or historical site.

3. In deciding whether or not to construct or improve any such recreational access road and in determining the nature of the road to be constructed, consideration will be given to the cost thereof in relation to the volume an nature of the traffic to be generated as a result of the development of the public recreational area or historical site, on the recreational benefits to be derived, and also on the type of protective zoning in effect.

4. Recreational access funds will not be considered for the construction, reconstruction, maintenance, or improvement of recreational access roads until such time as adequate assurance has been given that the recreational facility is already in operation, or will be developed and operational at the approximate time of completion of the road.

5. Not more than $200,000 of recreational access funds may be allocated for use in any one county, including the towns located therein, or any city in any fiscal year unless these funds are supplemented by funds form other than highway sources, in which case additional recreational access funds may be made available to match the amount contributed, dollar for dollar, but not to exceed a grand total of $300,000 of recreational access funds.

6. It is the intent of the Commissions that recreational access funds not be anticipated from year to year.

7. The Highway commission and the Commission of Outdoor Recreation will consult and should work closely with the Historical Landmarks Commission in designating historical sites eligible for the use of recreational access funds, and may rely on the recommendations of that Commission in making decisions as to the allocation of these funds.

8. Prior to the formal request for the use of recreational access funds to provide access to public recreational areas or historical sites, the location of the access road shall be submitted for the approval of the engineers of the Highway Department. In making recommendations the engineers shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of future extensions of the road to serve other possible public recreational areas or historical sites, as well as the future development of the area traversed.

9. Use of recreational access funds shall be limited to construction of roads providing access to publicly owned recreational areas or historical sites or to officially designated major development units within such areas or sites. These funds shall not be expended for the construction,

reconstruction, or maintenance of service roads or trails within recreational areas or historical sites either publicly or privately owned.

## Recreational Access Policy
**Approved: 8/18/1966**

Comment [d291]: Financial/Funding

WHEREAS, the 1966 session of the General Assembly amended the *Code of Virginia* by adding § 33-136.3 to provide certain funds for the construction of access roads to public recreational areas and historical sites, and further authorized the State Highway Commissioner to construct, reconstruct, maintain, or improve such roads upon certain conditions;

WHEREAS, this act further provided that the Highway Commission and the Commission of Outdoor Recreation would cooperate in the selection and designation of the areas to be served by such roads;
WHEREAS, § 33-136.3 of the *Code of Virginia* authorizes the State Highway Commission and the Commission of Outdoor Recreation to make certain regulations to carry out their part of the provisions of this section; and

WHEREAS, it is deemed advisable to establish and adopt certain policies relative to the use of recreational access funds; now therefore,

BE IT RESOLVED, that the State Highway Commission and the Commission of Outdoor Recreation hereby adopt the following policy to govern the use of recreational access funds pursuant to § 33-136.3 of the *Code of Virginia*:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to publicly developed recreational areas and historical sites where the full provisions of § 33-136.3 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way, except when improvement is made to an existing road such funds may be used for the moving and restoration of fencing and for damages to buildings or other improvements, as it is the intent that these funds are to be used only for the actual construction and engineering of a road facility adequate to serve traffic generated by the public recreational area or historical site.

3. In deciding whether or not to construct or improve any such recreational access road and in determining the nature of the road to be constructed, consideration will be given to the cost thereof in relation to the volume and nature of the traffic to be generated as a result of the development of the public recreational area or historical site, on the recreational benefits derived, and also on the type of protective zoning in effect.

4. Recreational access funds will not be considered for the construction, reconstruction, maintenance, or improvement of recreational access roads until such time as adequate assurance has been given that the recreational facility is already in operation, or will be developed and operational at the approximate time of completion of the road.

5. Not more than $200,000 of recreational access funds may be allocated for use in one county, including the towns located therein, or any city in any fiscal year unless these funds are supplemented by funds from other than highway sources, in which case additional recreational access funds may be made available to match the amount contributed, dollar for dollar, but not to exceed a grand total of $300,000 of recreational access funds.

6. It is the intent of the Commissions that recreational access funds not be anticipated from year to year.

7. The Highway Commission and the Commission of Outdoor Recreation will consult and should work closely with the Historical Landmarks Commission in designating historical sites eligible for the use of recreational access funds, and may rely on the recommendations of that Commission in making decisions as to the allocation of these funds.

8. Prior to the formal request for the use of recreational access funds to provide access to public recreational areas or historical sites, the location of the access road shall be submitted for the approval of the engineers of the Highway Department. In making recommendations the engineers shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of future extensions of the road to serve other possible public recreational areas or historical sites, as well as the future development of the area traversed.

9. Recreational access funds shall not be expended for the construction, reconstruction or maintenance of roads within recreational areas or historical sites either publicly or privately owned.

**Rules and Regulations Governing Relocation Assistance**
**Approved: 5/19/1977**

Comment [d292]: Operations (24VAC30-41)

WHEREAS, on Wednesday, May 4, 1977, at 3:00 p.m., pursuant to the newspaper advertisement, informational proceedings as to amendments to the rules and regulations governing relocation assistance were conducted by Mr. Leo E. Busser III, the Commission's specially designated subordinate; and

WHEREAS, the proposed amendments to the rules and regulations have been made necessary by experience obtained working with the current laws and rules and regulations, by court decisions and by changes initiated by the Federal Highway Administration based upon the same considerations (continued receipt of federal highway funds are conditioned, in part, on the Commonwealth providing certain basic relocation assistance); and

WHEREAS, the purpose of the rules and regulations is to insure that every person displaced because of a highway project will be or will have been offered a comparable, decent, safe and sanitary dwelling to move into upon being relocated or if a business will be or will have been afforded the benefits of the Uniform Relocation Assistance of and Real Property Acquisition Act Section 25-237 et seq of the *Code of Virginia* (1950), as amended; and

WHEREAS, these amendments are designated to assist the Department to achieve the purpose of uniform relocation assistance as envisioned by the Act with particular emphasis, although the amendments cover other subjects, on the following areas:

(1) to clarify certain definitions, modify others and rewrite still others without changing their thrust;

(2) to emphasize nondiscrimination in operating the Relocation Assistance Program;

(3) to lengthen the time period to submit a claim and increase the mileage rate on moves;

(4) to differentiate between "initial occupant" and "subsequent occupant"";

(5) to authorize storage areas to be counted as an additional room;

(6) to allow payments into escrow in lieu of requiring an actual acquisition of property before disbursement;

(7) to add a section relating to mobile homes, recognizing the fact than an increasing number of citizens are living in mobile homes;

(8) to provide for housing to be furnished when comparable replacement housing is not available for displaced persons and cannot otherwise be available; and

WHEREAS, Section 25-253 of the *Code of Virginia* (1950), as amended, authorizes the Commission to adopt rules and regulations governing Relocation Assistance and Real Property Acquisition Policies Act of 1972; and

WHEREAS, Mr. Busser reported to the Commission that no testimony other than the written statement submitted by the Department was presented, either orally or in writing; and

WHEREAS, that statement outlines the exact changes made and the reasons therefore for each section affected by the amendments, pointing out that the existing rules and regulations have been rearranged by the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED, that the amendments to the rules and regulations governing relocation assistance be, and they are, hereby adopted as presented at the public hearing, including all of the forms referred to in the text of the proposed amendments and as set out in the revised rules and regulations.

**Rules and Regulations Governing Relocation Assistance**
**Approved: 8/21/1975**

Comment [d293]: Operations (24VAC30-41)

WHEREAS, on Wednesday, August 20, 1975, at 2:00 p.m., pursuant to the newspaper advertisement, informational proceedings as to proposed Rules and Regulations governing Relocation Assistance were conducted by Mr. W. S. G. Britton, the Commission's specially designated subordinate; and

WHEREAS, the proposed Rules and Regulations are necessary to insure that a uniform policy is established in the area of Relocation Assistance providing prompt and equitable relocation and assistance so that persons will not suffer disproportionate injuries due to highway improvement programs which are designed for the benefit of the public as a whole, and

WHEREAS, the main objective of said proposed Rules and Regulations is to insure:

(1) that every person displaced because of a highway project will have or will have been offered a comparable decent, safe and sanitary dwelling to move into upon being required to vacate the property acquired

(2) that relocation services will be provided to those same persons

(3) that payments required to be paid under state law will be accurately computed and offered to those same persons

(4) that disputes which arise will be resolved without resort to litigation; and

WHEREAS, Section 25-253 of the *Code of Virginia* (1950), as amended, authorizes the Commission to adopt Rules and Regulations governing Relocation Assistance to carry out the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972; and

WHEREAS, Mr. Britton reported to the Commission that no testimony other than the written statement submitted to the Department was presented, either orally or in writing; and

WHEREAS, that statement sets out generally the departmental organization, the definitions used, the standards established for decent, safe and sanitary housing, the eligibility requirements for each class of displaced person, individual and corporate, tenant or owner, time of occupancy, the public notice required, the amount of payments for moving costs, incidental expenses and supplemental housing payments, and the administrative appeal procedure;

NOW, THEREFORE BE IT RESOLVED, that the Rules and Regulations governing Relocation Assistance be, and they are, hereby adopted as proposed, including all of the forms referred to in the text of said Rules.

**Sale of Dwellings to Displacees**
**Approved: 4/29/1971**

Comment [d294]: Operations (24VAC30-41)

WHEREAS, under Section 33.1-89 of the 1950 *Code of Virginia*, as amended, the State Highway Commissioner is vested with the power to acquire lands, et cetera, by purchase, gift of eminent domain for highway purposes; and

WHEREAS, during negotiations, the landowners are offered the opportunity of retaining their dwellings at a predetermined retention value; and

WHEREAS, when the landowners do not wish to retain their dwellings, these dwellings are offered for public sale; and

WHEREAS, under Section 33.1-132.5 of the said Code, the State Highway Commissioner shall make payments to owners or tenants being displaced in order to enable them to secure decent, safe and sanitary dwellings; and

WHEREAS, under Section 33.1-140 of the said Code, the Commonwealth may sell or otherwise dispose of any improvements on the land acquired in connection with Highway purposes; now, therefore,

BE IT FURTHER RESOLVED, in order to make more dwellings available to displaces, we propose to offer to them, at the predetermined retention value, any of the dwellings which the original owners do not wish to retain and that meet or can be modeled to meet the decent, safe, and sanitary requirements of the Relocation Assistance Act.

**Research**
**Approved: 7/19/1962**

Comment [d295]: General Adminstration

WHEREAS, the Commission is cognizant of the fact that providing a modern highway transportation system for the Commonwealth presents a most challenging problem requiring a high-level technical approach; and

WHEREAS, it further recognizes the fact that the science of highway transportation can progress only by the advancement of theory and the application of fundamentally sound practices.

NOW, THEREFORE, BE IT RESOLVED, that we encourage and support financially the following:

1. The carrying out of a research program and consulting with the operating divisions of the Department for the purpose of determining needs, the efficient allocation of funds and facilitating the economic design, construction, maintenance and operation of highways which would benefit the economic development of the Commonwealth.
2. The training and development of men in the fundamentals of highway engineering and related subjects.
3. The maintaining of relations with and cooperating with the Highway Research Board (National Academy of Sciences – National Research Council), divisions of other highway departments, universities and other agencies performing research for the purpose of keeping abreast of the latest developments in improved techniques.
4. The holding of joint meetings and conferences of men interested in the development and improvement of all phases of highway engineering.
5. The reporting and publishing of findings that are of general interest and value, and which add to fundamental knowledge or facilitate the application of sound practices. Motion carried.

**Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways**

**Approved: 9/15/1988**

Comment [d296]: Operations (24VAC30-580)

Following a review of the attached guidelines numbered 7l through 7n for considering requests for restricting through trucks on secondary highways, motion was made by Mr. Humphreys, seconded by Mr. Beyer, for approval of the guidelines. Motion carried.

Section 46.1-171.2 of the *Code of Virginia* provides:

"The State Highway and Transportation Board (formerly Commission) in response to a formal request by a local governing body, after said body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a secondary highway if a reasonable alternate route is provided, except in cities and any town which maintains its own streets, or any county which owns, operates and maintains its own system of roads and streets, by any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety and welfare of the citizens of the Commonwealth. Nothing herein shall affect the validity of any city charter provision or city ordinance heretofore adopted."

To conform to requirements of the Code, the local governing body must hold a public hearing and make a formal request of the Department. To insure that all concerned have an opportunity to provide input concerning the proposed restriction and alternate route, the following must be adhered to:

(A) The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
(B) A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
(C) The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
(D) The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned.

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth. Following that philosophy, the Virginia Department of Transportation staff and the Commonwealth Transportation Board will consider the following criteria in reviewing a requested through truck restriction.

(1) Reasonable alternate routing is provided. To be considered "reasonable", the alternate route(s) must be engineered to a standard sufficient for truck travel. The effect on the alternate routing will be evaluated for traffic and safety related impacts. If an alternate contains a Secondary route that must be upgraded, funds must be provided from the county secondary construction funds. The termini of the proposed restriction must be identical to the alternate routing and effectively equivalent to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

(2) The road requested for restriction is functionally classified as local or collector.
(3) The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety and other traffic engineering related issues, and will take into account the volumes of truck traffic in relation to the remaining traffic as indicated by the following table:

| Total Traffic Volume Ranges | Total Truck Volume Ranges |
|---|---|
| 4000+ | 200 |
| 2000-4000 | 100-200 |
| 1000-2000 | 50-100 |
| 400-1000 | 20-50 |
| 250-400 | 13-20 |
| 50-250 | 3-13 |

(4) The engineering of the roadway and/or the accident history of the route proposed for restriction indicate that it is not suitable for truck traffic.
(5) Within 150' of the existing or proposed roadway center line there must be at least 12 dwellings per 1000 feet of roadway.
Failure to satisfy at least three (3) of the five (5) criteria will normally result in the rejection of the requested restriction.
The Commonwealth Transportation Board, from time to time as appropriate and when deemed necessary, may modify and/or revise any provisions or criteria contained in these guidelines.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see 24 VAC 30-580.*

## Installation of Signs Advising of Maximum Penalty for Exceeding Posted Speed Limit in Residence Districts
**Approved: 6/20/1996**

Comment [d297]: Operations

### PURPOSE
The purpose of this policy and attendant procedures is to provide guidelines for addressing the issue of exceeding the maximum speed limit on local residential streets and collector streets with residential characteristics in certain residence districts and installing signs as prescribed in §46.2-878.2 of the *Code of Virginia*.

### POLICY ON INSTALLATION OF SIGNS IN CERTAIN RESIDENCE DISTRICTS
It is Commonwealth Transportation Board's policy that the Virginia Department of Transportation (VDOT), upon a formal request from the local governing body, will install signs on local residential and collector streets with a posted speed limit of 35 miles per hour or lower advising motorists of a maximum punishment of $200, in addition to other penalties provided by law, for exceeding the speed limit in certain residence districts.

This policy will not be applicable to highways in the state primary system.

### INTRODUCTION
This policy and attendant procedures identify the specific responsibilities and requirements of VDOT and that of the' affected counties and towns in addressing concerns relating to motorists exceeding the speed limit in certain residence districts.

VDOT and the counties and towns are partners in the administration of these processes and procedures. A good working relationship between VDOT and the counties and towns is important for this partnership to function effectively.

### DEFINITIONS
“Residence district" as defined in §46.2-100 means the territory contiguous to a highway, not comprising a business district, where seventy-five percent or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

"Highway as defined in §46.2-100 means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

For purposes of this policy a Local Residential Street is a highway built as part of a residential development or a highway where residential development has taken place resulting in a neighborhood or community resembling a residential development. Further, a local residential street must have the residential units facing the street and provide driveway connections or curbside parking for a majority of the residential units.

For purposes of this policy Collector Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets as well as serving traffic movements between residential areas and major roadways.
Note: The definitions of local residential streets and collector streets shown above are for administration of this policy only and do not necessarily apply to any other VDOT policies and programs.

**CRITERIA**
To qualify for sign installation, a highway shall meet the following criteria:

1. Meet the definition of local residential or collector street as indicated above.
2. Have a posted speed limit of 35 miles per hour or lower.

**COUNTY/TOWN RESPONSIBILITIES**
To initiate these procedures, the county or town shall request, by resolution of the local governing body, that VDOT install the appropriate signs as stipulated in §46.2-878.2 of the *Code of Virginia*. This request shall be submitted to the local VDOT resident engineer in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential and collector streets as described above.
3. Notification that a speeding problem exists and that the increased penalty has community support.

**VDOT RESPONSIBILITIES**
It is the responsibility of VDOT to provide, install, and maintain the signs. The following procedures will be observed:

1. The VDOT resident engineer, upon receipt of the adopted resolution and support data, will review the assembly and submit it to the VDOT district administrator.
2. The district administrator will instruct the district traffic engineer to install the signs and to advise the county or town when the work has been completed.
3. Sign installation under §46.2-878.2 will take place within 60 days of the date the request is approved.
4. The district administrator or his representative will notify the central office Traffic Engineering Division of the location and date signs were installed under §46.2-878.2 so that records of each installation can be kept on file in the central office.

Note: These procedures assign certain action items to the district administrator. A district administrator has the prerogative to assign any or all of these action items to be handled by the district traffic engineer.

**FUNDING**
Signs installed in accordance with this policy will be fully funded by VDOT.

**Policy and Procedures for Control of Residential Cut-Through Traffic**
**Approved: 3/16/1989**

Comment [d298]: Operations (24VAC30-590)

## INTRODUCTION AND DEFINITIONS

Introduction
This policy and attendant procedures identify the specific responsibilities and requirements of the Virginia Department of Transportation (VDOT) and of the affected County/Town in addressing concerns relating to cut-through traffic on local residential streets.

Definitions
Residential Cut-Through Traffic is traffic passing through a specific residential area without stopping or without at least one trip end within the area. It is traffic that would be better served by the local street system intended for through traffic, but, for various reasons, uses the residential street system.

Local Residential Streets are streets within a neighborhood that provide direct access to abutting land uses and serve only to provide mobility within that locality.

## POLICY ON RESIDENTIAL CUT-THROUGH TRAFFIC

It is the policy of VDOT to recognize the problems associated with cut-through traffic and implement appropriate remedial procedures wherever possible.

## PROCEDURE FOR IMPLEMENTING CONTROLS OF RESIDENTIAL CUT-THROUGH TRAFFIC

The purpose of these procedures is to provide clear guidelines for studying the issues of cut-through traffic and implementing the recommended remedial measures.

County/Town Responsibilities

To initiate these procedures, the County/Town must:

- Identify the problem of residential cut-through traffic.
- Request, by resolution of the local governing body, that VDOT review and address possible solutions to the identified problem. This request is submitted to the local Resident Engineer, along with the following support data.

Support Data Requirements

1. Functional classification of the street(s) in question as a local residential street and its relationship to the comprehensive plan.
2. Identification of the problem area, including all streets that are accessed primarily using the street(s) in question and the associated peripheral roadway networks. Also, include the functional classification and relationship to the comprehensive plan for all streets in the problem area.
3. Verification by the County/Town that cut-through traffic on the local residential street to be studies is 40% or more of the total one hour, single direction volume, and that a minimum of 150 cut-through trips occur in one hour in one direction. Acceptable planning techniques

may be used to determine the amount of cut-through traffic. A description of the technique used should be provided to VDOT along with the vehicle volume data.

4. Verification by the County/Town that a petition outlining the perceived problem and signed by at least 75 percent of the total occupied households within the problem area is valid.
5. Identification of alterative routes for through traffic if travel is restricted on the street(s) in question.

It is suggested that the County/Town consider documenting procedures for performing its responsibilities.

VDOT Responsibilities

It is the responsibility of VDOT to complete a study of the roadway network identified in the formal request. The study will be conducted in the following four phases:

1. The Resident Engineer, upon receipt of the adopted resolution, will review and submit it, along with any recommendations to the District Engineer.
2. As directed by the District Engineer, the District Traffic Engineer will conduct the necessary studies and the evaluation of the County/Town request. The District Traffic Engineer's study may include, but not necessarily be limited to:
   - Detailed traffic counts on existing affected streets and potentially affected streets.
   - Intersection analyses on the proposed alternative route(s).
   - Identification of potential adverse safety impacts.
   - Identification of the geometrics of the existing facilities in light of the traffic analysis.
   - Speed analyses on affected street(s).
   - Pedestrian circulation and safety analyses in the study area.
3. Subsequent to completing the necessary traffic studies, the District Traffic Engineer will provide the District Engineer with his findings and recommendations. These recommendations will include alternatives for addressing cut-through traffic, including any sketches or diagrams necessary to implement the alternatives and the impact of each alternative on the existing roadway network.
4. The District Engineer will determine the appropriate alternatives and advise the Resident Engineer, who will convey the findings and recommendations of VDOT to the County/Town.

County/Town/VDOT Joint Responsibilities

1. The County/Town, upon receipt of the VDOT findings and recommendations, shall solicit and receive written comments thereon from appropriate local agencies such as fire, police, rescue, school transportation, etc.
2. A formal public hearing shall be held jointly by VDOT and the County/Town to provide for citizen input on the VDOT findings and recommendations. Advance notice of the public hearing must be provided by VDOT and will consist of:

    - VDOT publishing notice in a newspaper published in or having general circulation in the County/Town once a week for two successive weeks.
    - County/Town posting notice of the proposed hearing at the front door of the courthouse of the County/Town ten days prior to the meeting.
    - VDOT placing signs on the affected street(s) identifying, by name and telephone number and address, and individual to answer questions concerning the findings and recommendations.

3. The County/Town shall furnish the Resident Engineer a synopsis and transcript of the public hearing and an approved resolution of the actions desired.

Note: If the local governing body and the District Engineer fail to agree on the mitigating measure to be implemented, the governing body may appeal to the Commonwealth Transportation Commissioner or his designated representative. The Commonwealth Transportation Commissioner or his designated representative will analyze all the supporting data and render a decision, which will be binding.

Implementation

Implementation of devices to remedy the cut-through situation shall be accomplished through the following sequence:

- The Resident Engineer shall notify the appropriate local governing body and media of the action to be taken and of the estimated date implementation.
- Signs will be placed on the affected street(s) identifying, by name and telephone number or address, an individual to answer questions concerning the pending action.
- The Resident Engineer will implement the diversion devices, some of which may be of temporary construction pending evaluation of their effectiveness.

Evaluation

Evaluation of the remedial devices shall be accomplished as follows:

- After the devices have been in place for generally not less than 30 days, but not more than six months, the District Traffic Engineer will re-study the roadway network and convey his findings and any recommendations to the District Engineer.
- The District Traffic Engineer will review the District Traffic Engineer's report and will provide this information to the Resident Engineer for transmittal to the local governing body.
- If it is determined that the implemented treatment is not appropriate, the District Engineer may terminate such treatment and may consider alternative treatments, with notification of such action to the local governing body. If the local governing body fails to agree on the mitigating measure, it may appeal to the Commonwealth Transportation Commissioner or his designated

representative. The Commonwealth Transportation Commissioner or his designated representative will analyze all the supporting data and render a binding decision.
- If it is determined that the implemented treatment is an appropriate action, the local governing body will identify the source of funding for any permanent construction, as needed.

**Through Truck Restriction Policy**
**Approved: 2/20/1986**

Comment [d299]: Operations (24VAC30-580)

Section 46.1-171.2 of the *Code of Virginia* provides: "The State Highway and Transportation Board (formerly Commission) in response to a formal request by a local governing body, after said body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a secondary highway if a reasonable alternate route is provided, except in cities and in any town which maintains its own streets, or any county which owns, operates and maintains its own system of roads and streets, by any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety and welfare of the citizens of the Commonwealth. Nothing therein shall affect the validity of any city charter provision or city ordinance heretofore adopted."

To conform to requirements of the Code, the local governing body must hold a public hearing and make a formal request of the Department. To insure that all concerned have an opportunity to provide input concerning the proposed restriction and alternate route, the following must be adhered to:

A. The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.
B. A legal hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.
C. The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.
D. The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. It is the philosophy of the Highway and Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth. Following that philosophy, the Virginia Department of Highways and Transportation and the Highway and Transportation Board will consider the following criteria in reviewing a legally requested through truck restriction:

1. A reasonable alternate route must be provided. To be considered "reasonable", the alternate route must be at least comparable to the travel portion (parking lanes excluded) of the route proposed for restriction in terms of roadway structure and geometrics. The impact on the alternate route, or routes, should be analyzed. If alternate route is a Secondary route and must be upgraded, funds must be provided by the county secondary construction funds. The termini of the proposed restriction and the alternate must be identical.
2. The road requested for restriction must be functionally classified as "Local".
3. The number of trucks on the route proposed for restriction must be greater than 5% of the total traffic.

4. The accident history indicates that trucks are negatively impacting safety on the route requested for restriction.
5. There must be at least 12 dwellings per 1000' on the road in question.

Failure to satisfy at least three (3) of the five (5) criteria will normally result in the rejection of the requested restriction.

**Establishment of Waysides**
**Approved: 8/20/1964**

Comment [d300]: Operations (24VAC30-50)

WHEREAS, the 1942 General Assembly approved the construction of recreational waysides adjacent to State Highways by passing Section 33-133 which states, in part, "The Commissioner may, with the approval of the Commission, whenever it is to the best interest of the operation of the State Highway System or the Secondary System of State Highways to establish, construct, maintain, and operate adjacent to the State Highway appropriate recreational waysides," and

WHEREAS, because of the limited amount of funds available for highways, the Commission on July 30, 1953, adopted a resolution requiring that no further waysides be established until approved by the State Highway Commission, and

WHEREAS, with the creation of the Arterial System, the Commission feels that the motorists should have the added service of a place to stop and eat or to interrupt their journey for a brief rest, be it

RESOLVED, that the above-mentioned policy requiring Commission approval before establishing a wayside is hereby rescinded, and if found desirable, waysides may be established along the Arterial, Primary and Secondary Systems. Motion carried.

**Establishment of Waysides**
**Approved: 7/30/1953**

Comment [d301]: Operations (24VAC30-50)

Whereas, there has been extensive development of waysides by the State Highway Commission, and

Whereas, some of the area accepted for waysides have contained such large acreage as to almost merit the name of parks, and

Whereas, investigations were made by our staff of the policies of the several states in the establishment of waysides and the consensus of those states is that where waysides and rest areas are established the areas should be limited, and

Whereas, it is the conclusion of our staff that at present time the State of Virginia has practically enough waysides and picnic table areas, and that the Commission should go slow in establishing additional areas;

Now, therefore, be it resolved, that it be the policy of the State Highway Commission that where conditions warrant the establishment of a new area, no more than five acres be purchased or accepted as a gift and of the five acres no more than one acre be actually developed as the rest or recreational area, the remaining four acres being maintained for the purpose of providing a protective screen around the developed area, and be it further resolved that no new wayside will be established in Virginia until approved by the State Highway Commission.

**Interstate Rest Areas**
**Approved: 5/23/1962**

Comment [d302]: Operations (24VAC30-50)

WHEREAS, a limitation of five acres was established for rest areas by resolution of the Highway Commission of July 28-30, 1953; and

WHEREAS, the existing Interstate System program of design and financing has been established since this resolution was adopted; and

WHEREAS, the Interstate System rest areas meeting national standards and guides adopted for this system by the American Association of State Highway Officials usually result in an area greater than five acres; therefore,

BE IT RESOLVED that rest areas on the Interstate System be excepted from the limitation of five acres established by the resolution of July 28-30, 1953.

**Rules and Regulations for the Administration of Waysides and Rest Areas**
**Approved: 7/20/1978**

Comment [d303]: Operations (24VAC30-50)

WHEREAS, on Thursday, June 29, 1978, at 10 a.m., pursuant to newspaper advertisement, informational proceedings were conducted by T. Ashby Newby, the Commission's specially designated subordinate as to proposed amendment of the Rules and Regulations for the Administration of Waysides and Rest Areas to prohibit sleeping in rest area buildings; and

WHEREAS, the authority to entertain such amendments is vested in the Commission pursuant to the discretion delegated to it by Section 33.1-218 of the *Code of Virginia* (1950), as amended; and

WHEREAS, the Commission has reviewed the public hearing testimony and written public comment as reflected in a report submitted by its designated subordinate, a copy of which report is attached and made a part hereof, recommending that the amendment be adopted as proposed; and

WHEREAS, the aforesaid report supplies the information required by Section 9-6.14:7 of the Code; and

WHEREAS, a state of the basis, purpose, and impact of the proposed amendment is attached and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations for the Administration of Waysides and Rest Areas be amended as follows:

Add as a new section: "Section 6. Sleeping in any section of the rest area building is not permitted at any time."

Amend former Sections 6 through 17, inclusive, by renumbering them in their present order as Sections 7 through 18 without changing the existing language therein.

*Editor's Note: For a copy of the report referenced above, contact the Policy Division.*

**Rules and Regulations for the Administration of Waysides and Rest Areas**
**Approved: 8/15/1968**

Comment [d304]: Operations (24VAC30-50)

WHEREAS, the 1968 General Assembly enacted § 33-133.1 of the *Code of Virginia* which authorized and empowered the State Highway Commission to establish rules and regulations for the use of recreational waysides; and

WHEREAS, the Commission had previously established certain rules and regulations governing such waysides pursuant to § 33-12(3) of the Code;

WHEREAS, since the passage of the new statute, the Highway Department has reviewed the existing rules and regulations.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby adopts the following rules and regulations pursuant to § 33-133.1 of the Code to govern the use of recreational waysides:

1. Waysides identified by name and without lights shall be open from 8:00 a.m. to one hour after sunset. Areas having security lighting will be open at all times.
2. When an area is posted for limited parking, the operator of each vehicle may be required to sign a register setting forth the time of arrival.
3. When posted, parking shall be limited to the period specified.
4. No overnight parking will be permitted.
5. Camping is not permitted at any time.
6. No vehicle shall be parked in such a manner as to occupy more than one marked parking space.
7. No domestic animals shall be permitted to go at large. Dogs must be kept on leash and shall not be taken into any shelter or other building.
8. No person shall pick any flowers, foliage, or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass turf, railing seat, fence, structure, or anything within this area, or cut, carve, paint, mark or past on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever.
9. No person shall disturb or injure any bird, birds' nests, or eggs, or any squirrel or other animal within this area.
10. No person shall dig up, or remove any dirt, stones, rock or other thing, or make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of said things within this area without the special order or license of the Commissioner.
11. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used within this area. No [sic] shall any oration, or other public demonstration be made, unless by special authority of the Commissioner.
12. No person shall offer any article or thing for sale within this area.
13. No person shall bathe or fish in any waters within this area, except in such places and subject to such regulations as the Commissioner may, from time to time, specially designate by a public notice set up for that purpose within the same.
14. No person shall light, kindle or use any fire within this area, except at fireplaces designed and built for such purpose and the person or persons building a fire therein will be responsible for having it completely extinguished before leaving it.
15. No person shall discharge or set off within this area, any firearms, fire-crackers, torpedoes, rockets, or other fireworks, except by permit from said Commissioner.
16. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left within this area, except at such places as may be provided for the same.

17. No automobile or other motor vehicle shall be taken into or driven upon this area, except upon such drives and subject to such regulations as the Commissioner may, from time to time, designate by a public notice set up for that purpose within the same.

BE IT FURTHER RESOLVED, That such rules and regulations shall be posted in a conspicuous place at each wayside in order to advise the public.

BE IT STILL FURTHER RESOLVED, That the rules and regulations adopted by this Commission on July 15, 1965 are hereby rescinded.

**Rules and Regulations for the Administration of Waysides and Rest Areas**
**Approved: 7/15/1965**

Comment [d305]: Operations (24VAC30-50)

1. Waysides identified by name and without lights shall be open from 8:00 a.m. to one hour after sunset. Other areas shall be open at all times.
2. Camping or overnight parking will not be permitted.
3. No vehicle shall be parked in an area where it will occupy more than one marked parking space.
4. No domestic animals shall be permitted to go at large. Dogs must be kept on leash and shall not be taken into any shelter or other building.
5. No person shall pick any flowers, foliage, or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or anything within this area, or cut, carve paint, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever.
6. No person shall disturb or injury any bird, birds' nests, or eggs, or any squirrel or other animal within this area.
7. No person shall dig up, or remove any dirt, stones, rock or other thing, make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of said things within this area without the special order or license of the Commissioner.
8. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used within this area. Nor shall any oration, or other public demonstration be made, unless by special authority of the Commissioner.
9. No person shall expose any article or thing for sale within this area.
10. No person shall bathe or fish in waters within this area, except in such places and subject to such regulations as the Commissioner may, from time to time, especially designate by a public notice set up for that purpose within the same.
11. No person shall light, kindle or use any fire within this area, except at fireplaces designed and built for such purpose and the person or persons building a fire therein will responsible for having it completely extinguished before leaving it.
12. No person shall discharge or set off within this area, any firearms, fire-crackers, torpedoes, rockets, or other fireworks, except by permit from said Commissioner.
13. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left within this area, except at such places as may be provided for the same.
14. No automobile or other motor vehicle shall be taken into or driven upon this area, except upon such drives and subject to such regulations as the Commissioner may, form time to time, designate by a public notice set up for that purpose within the same.

**Rules and Regulations for the Handling of Wayside Parks**
**Approved: 6/16/1942**

Comment [d306]: Operations (24VAC30-50)

1. The waysides shall be open to the public from 8:00 A.M. to 10:30 P.M.
2. Overnight camping will not be permitted in waysides except on special permission by the State Highway Commissioner.
3. No domestic animal, except dogs, shall be permitted to enter or go at large in any wayside, either with or without a keeper. Dogs must be held in leash or under immediate control by their owners, otherwise they may be killed by any park-keeper or policeman.
4. No person shall pick any flowers, foliage or fruit, or cut, break, dig up, or in anyway mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or anything, in any wayside, or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever.
5. No person shall disturb or injure any bird, birds' nests, or eggs, or any squirrel or other animal within any of the waysides.
6. No person shall dig up, or remove any dirt, stones, rock or other things whatever, make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of said things within any wayside, without the special order or license of the Commissioner.
7. No person shall ride or drive on any road within any wayside at a faster gait than fifteen miles per hour, and this shall apply to the use of cycles.
8. No threatening, abusive, boisterous, insulting or indecent [sic] language or gesture shall be used on any wayside. Nor shall any oration, or other public demonstration be made, unless by special authority of the Commissioner.
9. No person shall expose any article or thing for sale on any waysides, unless licensed therefore by said Commissioner.
10. No person shall bathe or fish in any waters in any waysides except in such places and subject to such regulations as the Commissioner may, from time to time, specially designate by a public notice set up for the purpose within the same.
11. No person shall light, kindle or use fire on any of the waysides except at fireplaces designated and built for such purpose and that the person or persons building a fire therein will be responsible for having it completely extinguished before leaving it.
12. No person shall discharge or set off, on or within any wayside, any firearms, fire-crackers, torpedoes, rockets, or other fireworks, except by permit from said Commissioner.
13. No bottles, broken glass, ashes, waste paper, or other rubbish, shall be left in the waysides, except at such places as maybe [sic] provided for the same.
14. No automobile or other motor vehicle shall be taken into or driven upon any wayside except upon such drives and subject to such regulations as the Commissioner may from time to time designate by public notice set up for that purpose within the same.
15. When by order of the Commissioner, certain areas, buildings or other facilities within waysides are set aside for the use of parties or for the exclusive use of white people or for colored people, others shall not stop for picnicking [sic], meetings or loitering in any of the areas so set aside. This does not prohibit others from passing through such areas in an orderly manner, in order to reach other objectives or other areas.

**Policy and Guidelines for the Revenue Sharing Program (Revision)**
**Approved: 7/15/2015**

Comment [d307]: Financial/Funding

WHEREAS, the General Assembly, during the 2015 general session, amended § 33.2-357 of the Code of Virginia relating to revenue sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, § 33.2-357 of the Code of Virginia specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue sharing program funds allocated by the CTB; and

WHEREAS, it is the sense of the CTB that the existing Revenue Sharing Program Policy and the program guidelines should be amended to reflect the changes to § 33.2-357, of the Code of Virginia made by the 2015 General Assembly and to provide additional clarification in administration of the revenue sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue sharing funds pursuant to § 33.2-357 of the Code of Virginia (1950), as amended:

1. The Revenue Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality with up to $5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town.

2. Revenue sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.2-357 B of the Code of Virginia and, then, as further outlined in the Revenue Sharing Program Guidelines.

3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the adjacent locality. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Funds may be administratively transferred by the Department of Transportation from one revenue sharing project to another existing revenue sharing project upon request of the locality. If approved by the CTB, revenue sharing funds may also be transferred to an existing project in the Six-Year Improvement Program, the Secondary Six-Year Plan, or the locality's capital plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement or award date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.

5. The Revenue Sharing Program is intended to provide funding for immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and amounts necessary to complete the project. Projects receiving revenue sharing funds shall be initiated and at least a portion shall be expended within one year of the

allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as revised and attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective August 1, 2015, and all revenue sharing program policies previously adopted heretofore by the CTB governing the use of revenue sharing funds shall be rescinded simultaneously.

**Policy and Guidelines for the Revenue Sharing Program (Revision)**
**Approved: 7/16/2014**

Comment [d308]: Financial/Funding

WHEREAS, § 33.1-23.05 (§ 33.2-357, effective October 1, 2014) of the Code of Virginia (1950), as amended, specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue sharing program funds allocated by the CTB; and

WHEREAS, the CTB approved a revised Revenue Sharing Program Policy and Guidelines on July 18, 2012 to comply with changes to the revenue sharing program made by the General Assembly that year; and

WHEREAS, it is the sense of the CTB that the existing Revenue Sharing Program Policy and the program guidelines should be amended to provide additional clarification in administration of the revenue sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue sharing funds pursuant to § 33.1-23.05 (§ 33.2-357, effective October 1, 2014) of the Code of Virginia (1950), as amended:

1. The Revenue Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality with up to $5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town.
2. Revenue Sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.1-23.05 B (§ 33.2-357 B, effective October 1, 2014) of the Code of Virginia and, then, as further outlined in the Revenue Sharing Program Guidelines.
3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the adjacent locality. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.
4. Funds may be administratively transferred by the Department of Transportation from one revenue sharing project to another existing revenue sharing project upon request of the locality. If approved by the CTB, revenue sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.

5. The Revenue Sharing Program is intended to provide funding for immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and amounts necessary to complete the project. Projects receiving revenue sharing funds shall be initiated and at least a portion shall be expended within one year of the allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as revised and attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective immediately, and all revenue sharing program policies previously adopted heretofore by the CTB governing the use of revenue sharing funds shall be rescinded simultaneously.

**Revenue Sharing Policy and Guidelines (Revision)**

**Comment [d309]:** Financial/Funding

**Approved: 7/18/2012**

WHEREAS, the General Assembly, during the 2012 general session, amended § 33.1-23.05 of the *Code of Virginia* (1950) relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, § 33.1-23.05, as amended, specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue-sharing program funds allocated by the CTB; and

WHEREAS, the CTB approved a Revenue Sharing Program Policy on April 20, 2011 to comply with changes to the revenue-sharing program made by the General Assembly that year; and

WHEREAS, it is the sense of the CTB that its existing Revenue Sharing Program Policy and the accompanying guidance should be amended to reflect the changes made by the 2012 General Assembly to the revenue-sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue-sharing funds pursuant to Section 33.1-23.05, as amended, of the *Code of Virginia* (1950):

1. The Revenue Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality with up to $5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town.
2. Revenue-sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.1-23.05 B. of the *Code of Virginia* and then, as further outlined in the Revenue Sharing Program Guidelines.
3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the other locality. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Funds may be administratively transferred by the Department of Transportation from one revenue-sharing project to another existing revenue-sharing project upon request of the locality. If approved by the CTB, revenue-sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.
5. The Revenue Sharing Program is intended to provide funding for, immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and amounts necessary to complete the project. Projects receiving revenue-sharing funds shall be initiated and at least a portion shall be expended within one year of the allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective July 1, 2012, and all revenue-sharing program policies previously adopted heretofore by the CTB governing the use of revenue-sharing funds shall be rescinded simultaneously.

*Editor's Note: The Revenue Sharing Program Guidelines referenced above are accessible from the following link:*
**http://www.virginiadot.org/business/resources/local_assistance/Revenue_Sharing_Guidelines2012.pdf**

**Policy and Guidelines for the Revenue Sharing Program**
**Approved: 4/20/2011**

Comment [d310]: Financial/Funding

WHEREAS, the General Assembly, during the 2011 general session, amended § 33.1-23.05 of the Code of Virginia (1950) relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, § 33.1-23.05, as amended, specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue-sharing program funds allocated by the CTB; and

WHEREAS, the CTB approved a Revenue-Sharing Program Policy on April 17, 2008, published by the State Registrar of Regulations as an Administrative Process Act regulation (24VAC30-281), to comply with changes to the revenue-sharing program made by the General Assembly that year; and

WHEREAS, it is the sense of the CTB that its existing Revenue-Sharing Program Policy and the accompanying guidance should be amended to reflect the changes made by the 2011 General Assembly to the revenue-sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue-sharing funds pursuant to Section 33.1-23.05, as amended, of the Code of Virginia (1950):

1. The Revenue-Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality.

2. Revenue-Sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.1-23.05 B. of the Code of Virginia and then, as further outlined in the Revenue Sharing Program Guidelines.

3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the other locality. Towns not maintaining their own streets are not eligible to receive Revenue-Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Funds may be administratively transferred by the Department of Transportation from one revenue sharing project to another existing revenue-sharing project upon request of the locality. If approved by the CTB, revenue-sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.

5. The Revenue-Sharing Program is intended to provide funding for, immediately needed improvements or to supplement funding for existing projects. Larger new projects may also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and amounts necessary to complete the project. Revenue-sharing funds are normally expected to be used within the fiscal year following their allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective July 1, 2011, and all revenue-sharing program policies previously adopted heretofore by the CTB and the regulation published as the Revenue-Sharing Program Policy, 24VAC30-281, shall be repealed simultaneously.

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation is directed to process the regulatory repeal action approved herein as provided for by the submission requirements established by the Code of Virginia, Executive Order 14 (10), and the State Registrar of Regulations.

**Revenue Sharing Policy**
**Approved: 4/17/2008**

**Comment [d311]:** Financial/Funding

WHEREAS, the General Assembly, by Senate Bill 99 during its 2008 general session, amended Section 33.1-23.05 of the *Code of Virginia* (1950) relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, it is the sense of this Board that its existing guidance should be amended to reflect the conditions under which revenue sharing funds will be administered in accordance with the revised legislation.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the following policy to govern the use of revenue-sharing funds pursuant to Section 33.1-23.05, as amended, of the *Code of Virginia* (1950):

1. The Revenue-Sharing Program shall provide a matching allocation up to $1 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality.
2. Revenue-Sharing funds shall be prioritized and allocated in accordance with the provisions of Section 33.1-23.05 B. of the *Code of Virginia*.
3. Application for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with concurrence from the governing body of the other locality. Towns not maintaining their own streets are not eligible to receive Revenue-Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.
4. Funds may be administratively transferred from one revenue sharing project to another existing revenue-sharing project. If approved by this Board, revenue-sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all such transfers must be made in writing by the County Administrator or City/Town Manager. Such requests must include the reasons for the request and the status of both projects.
5. The Revenue-Sharing Program is intended to provide funding for relatively small, immediately needed improvements or to supplement funding for existing projects. Larger new projects may be considered, provided the locality identifies the additional funding needed to implement the project. Revenue-sharing funds are normally expected to be used within the fiscal year following their allocation. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of this Board.
6. No more than three months prior to the end of any fiscal year in which less than the full program allocation has been allocated by this Board to specific governing bodies, those localities initially requesting the maximum allocation as defined in Section 33.1-23.05 of the *Code of Virginia* may be allowed an additional allocation.
7. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

BE IT FURTHER RESOLVED that the above policy shall become effective immediately, and all policies heretofore adopted by this Board governing the use of revenue-sharing funds shall be rescinded simultaneously.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This regulation, 24 VAC 30-281*, was repealed as of July 1, 2011.

**Revenue Sharing Program Guide**
**Approved: 10/11/2006**

Comment [d312]: Financial/Funding

WHEREAS, Chapter 827 of the 2006 Virginia Acts of the Assembly repealed Section 33.1-75.1 of the *Code of Virginia* and amended the *Code of Virginia* by adding a section that replaced it numbered 33.1-23.05; and

WHEREAS, Section 33.1-23.05 of the *Code of Virginia* stipulates funding for the Revenue Sharing Program of up to $50,000,000; and

WHEREAS, the General Assembly did not appropriate additional funds needed to fund the Revenue Sharing Program to the $50,000,000 level; and

WHEREAS, the General Assembly considered several bills to address the programmatic structure and financial shortfall during the 2006 Special Session on transportation; but did not make changes to the Program or appropriate the additional funds needed; and

WHEREAS, the Commonwealth Transportation Board does not have adequate revenues to support a $50,000,000 Program; and

WHEREAS, the Commonwealth Transportation Board allocated $15 million to this Program for FY 2007 as part of its annual allocation of transportation revenues and the adoption of the FY 2007 VDOT Annual Budget; and

WHEREAS, Section 33.1-23.05 of the *Code of Virginia* prescribes the annual allocation of state funds to provide an equivalent matching allocation for certain local funds designated by the governing body; and

WHEREAS, Section 33.1-23.05 of the *Code of Virginia* establishes the qualifying projects for funding and establishes priorities for funding based on four tiers; and

WHEREAS, the Department of Transportation has revised the Revenue Sharing Program Guide to reflect these legislative changes in Section 33.1-23.05 of the *Code of Virginia* as well as several administrative changes to enhance the delivery of the Program.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the Revenue Sharing Program Guide as set forth in the Revenue Sharing Program Guide dated October 11, 2006 and authorizes the Department of Transportation to administer the project application and selection process for FY 2007 in accordance with this Guide.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This document was repealed in 2008 and replaced with 24 VAC 30-281.*

**Acquisition of Land on Which Springs and Wells are Located**
**Approved: 3/29/1949**

Moved by Mr. DeHardit, seconded by Mr. Rogers, that in acquiring right of way that where it is necessary to acquire land on which is located springs, wells and their facilities, along with the land on which they are located, that the landowner having previous use of the said springs, wells and their facilities be granted a permit, to be issued by the Right of Way Division, to use these springs, wells and their facilities, where desired; until the Highway Commissioner shall, by written notice advise that the permit is terminated. The issuing of the permit in no way to obligate the Department of Highways to maintain the springs, wells or facilities. Motion carried.

**Acquisition of Right of Way**
**Approved: 10/10/1944**

It was moved by Mr. DeHardit, seconded by Mr. Barrow, that on secondary roads carrying an average traffic in normal times of more than 100 vehicles per day that where it becomes desirable to make revisions in existing roads or to acquire additional right of way that not to exceed 5% of the estimated construction cost of the project may be used if necessary to assist local authorities in the acquisition of the right of way. Each case to be voted on by the Chairman. Motion carried.

**Acquisition of Right of Way**
**Approved: 10/28/1943**

It was moved by Mr. Wysor, seconded by Mr. Starling, that on secondary roads carrying an average traffic in normal times of more than 100 vehicles per day that where it becomes desirable to make revisions in existing roads or to acquire additional right of way that not to exceed 5 % of the estimated construction cost of the project may be used if necessary to assist local authorities in the acquisition of the right of way. Each case to be voted on by the Commission. The standard width to be 50 feet with slope easements. Motion carried.

**Acquisition of Right of Way**
**Approved: 6/16/1942**

Moved by Mr. Rawls, seconded by Mr. Rogers, that is securing right of way in Incorporated Towns of 3500 or less, as referred to in Chapter 88, Acts of 1942, the cost of such right of way not exceed 10 percent of the ultimate construction costs. Motion carried.

**Authorization to Enter into Leases**
**Approved: 12/8/1960**

WHEREAS it is provided in Section 33-57.1 of the 1950 *Code of Virginia* as amended that the State Highway Commission may acquire property in advance of construction, and that when property so acquired is improved it may be held in the physical possession and control of the owner from whom the property was acquired subject to a reasonable rental; and

WHEREAS it is provided by Section 33-117.4 of the said Code that in the event the former owner of such property fails to make the request authorized under the first named Section, then the State

Comment [d313]: Road Systems

Comment [d314]: Road Systems

Comment [d315]: Road Systems

Comment [d316]: Road Systems

Comment [d317]: Road Systems

Highway Commission may lease such parcels to others than the former owner, upon such terms and conditions as in the judgment of the Commission may be in the public interest.

NOW, THEREFORE, the State Highway Commissioner is hereby authorized to enter into leases with other parties than the former owners of such lands as may have been so acquired, whenever the State Highway Commissioner has determined that the facts justify the same, such leases to be upon such terms and for such considerations as may be approved by the State Highway Commissioner.

**Installations on State Owned Rights of Way**
**Approved: 10/7/1954**

Comment [d318]: Operations (24VAC30-151)

With regard to all public or private installations, exclusive of highway and road facilities, on State owned rights of way, Primary and Secondary, the governing procedure and conditions be as set out in the Manual on Permits, revised August, 1952; the Chairman having been authorized to issue a revised Manual on Permits by a resolution adopted by the Commission at the meeting held on August 26, 1952.

**Lease of Right of Way**
**Approved: 3/26/1959**

Comment [d319]: Road Systems

WHEREAS, it is provided in Section 33-57.1 of the 1950 *Code of Virginia* as amended that the State Highway Commission may acquire property in advance of construction, and that when property so acquired is improved it may be held in the physical possession and control of the owner from whom the property was acquired subject to a reasonable rental.

NOW, THEREFORE, the State Highway Commissioner is hereby authorized to enter into leases with either the owners or lessees of improved lands acquired in advance of construction whenever the State Highway Commissioner has determined that the facts justify the same, such leases to be upon such terms and for such considerations as may be approved by the State Highway Commissioner, and to be revocable on not more than sixty days notice whenever it appears to the State Highway Commissioner that such revocation may be justified or whenever occupancy is required of such property for the uses of any of the Highway Systems.

**Litigation Fees for Condemnation Cases**
**Approved: 4/4/1939**

Comment [d320]: Road Systems

Moved by Mr. Massie, seconded by Mr. Gilpin, that in special condemnation cases where there is prolonged and important litigation, fees to cover such conditions be presented for approval before such cases are undertaken.

**Right of Way Commission**
**Approved: 12/3/1928**

Comment [d321]: Road Systems

Moved by Mr. Sproul, seconded by Mr. Massie, that the Commissioner be instructed to secure rights of way where they cannot be agreed on, by asking for a Commission to be appointed and that if the report of this Commission appears to be excessive that a second Commission be requested, and that the findings of the second Commission be accepted.

## Right of Way Cost

**Approved: 5/27/1925**

Moved by Mr. Massie, seconded by Mr. Huff, that the Chairman be instructed not to proceed with any construction work where the cost of rights of way is in excess of the amount available for that purpose or where in the judgment of the Commission they are exorbitant. Motion carried.

Comment [d322]: Road Systems

## Wharves on the Secondary System

**Approved: 3/14/1934**

Moved by Mr. East, seconded by Mr. Massie, that the Chairman be authorized to lease to the various counties wharves on the secondary system on which wharfage is charged, at $1.00 per year with the understanding that the Board of Supervisors keep same in repair. Motion carried.

Comment [d323]: Operations (24VAC30-73-160)

**Minimum Width of Right of Way**
**Approved: 2/16/1961**

Comment [d324]: Operations (24VAC30-92)

WHEREAS, it is realized that traffic conditions make it undesirable to construct a road of standard pavement and shoulder widths on a 30-foot right of way and provide ditches of sufficient depth to drain the subgrade; and

WHEREAS, it has long been the policy to require a minimum 40-foot width on all Secondary Federal Aid projects; and

WHEREAS, a considerable amount of improvement work is now being done with State funds; and

WHEREAS, it is felt that there should be no difference in the standards used in improvements because of the source of funds; and

WHEREAS, once a road is improved and adjacent property is subsequently developed, the acquisition of additional rights of way for further improvements is extremely difficult and costly.

NOW, THEREFORE, BE IT RESOLVED that it is the general policy of the Highway Commission to require a minimum 40-foot right of way prior to the initial improvement of secondary roads, except in extenuating circumstances.

BE IT FURTHER RESOLVED that any roads accepted in the Secondary System after December 31, 1961 shall have a minimum 40-foot right of way, except in extenuating circumstances.

*Editor's Note: At its December 2008 meeting, the Commonwealth Transportation Board approved a resolution, later corrected in February 2009, concerning adoption of the Secondary Street Acceptance Requirements (SSAR), which incorporated VDOT's Road Design Manual by reference. This Manual includes revised minimum widths for rights of way that supersede the policy established in 1961.*

**Minimum Width of Right of Way**
**Approved: 1/14/1920**

Comment [d325]: Operations

Upon the request of the State Highway Commissioner the Commission adopted the following resolution by unanimous vote:

BE IT RESOLVED, That the right-of-way of the State Highway System shall not be less than fifty feet in width, except where, in the judgment of the State Highway Commissioner, it is deemed expedient to procure right of way of that width.

**Standard Widths of Right of Way**
**Approved: 3/4/1947**

Comment [d326]: Road Systems

Moved by Mr. DeHardit, seconded by Mr. Rawls, that the resolution passed by the Commission September 15, 1942 and amended November 17, 1943 and again on April 18, 1944, setting up standards for right of way widths, be further amended to read as follows: "…that exception be on Class IV roads to provide a minimum 50' width; on Class III roads to provide a minimum of 80; and on Class I

and Class II roads only where topographic conditions justify a variation from the standards." Motion carried.

**Standard Widths of Right of Way**
**Approved: 11/4/1926**

Comment [d327]: Road Systems

Moved by Mr. Massie, seconded by Mr. Truxtun, that the Commission adopt three standard widths for rights of way, namely 80 feet, 66 feet, and 50 feet where traffic conditions require and will require in the near future and where practicable. Motion carried.

**Road and Bridge Specifications**
**Approved: 8/15/1991**

Comment [d328]: Contracting

WHEREAS, after careful study and examination of the 1987 Road and Bridge Specifications Book, it has been determined that it is necessary to update the 1987 specification book due to changes in technology, policies and procedures, and,

WHEREAS, the Road and Bridge Specifications have been revised, amended and published I the revised edition, dated January, 1991;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation Road and Bridge Specifications, dated January, 1991 are adopted as the standard specifications governing construction and administration of contracts for projects advertised after November 1, 1991, with such specifications superseding the Road and Bridge Specifications dated July 1, 1987.

*Editor's Note: Approval of the Road and Bridge Specifications has been performed administratively without CTB involvement since this time. For the current Specifications, see the "Manuals and Guides" page of VDOT's agency website.*

**Road and Bridge Specifications**
**Approved: 7/16/1987**

Comment [d329]: Contracting

WHEREAS, after careful study and examination of the 1982 Road and Bridge Specifications Book, it has been determined that it is necessary to update the 1982 specification book due to changes in technology, policies and procedures, and,

WHEREAS, the Road and Bridge Specifications have been revised, amended and published in the revised edition, dated January 1987.

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation Road and Bridge Specifications, dated January 1987 are adopted as the standard specifications governing construction and administration of contracts for projects advertised after July 1, 1987, with such specifications superseding the Road and Bridge Specifications dated July 1, 1982.

**Road and Bridge Specifications**
**Approved: 11/17/1982**

Comment [d330]: Contracting

The Road and Bridge Specifications as revised, amended, and published in the revised edition, dated July 1, 1982, are hereby adopted as the specifications for the governing and administration of contracts on construction projects advertised on and after December 1, 1982, on behalf of the Virginia Department of Highways and Transportation, such specifications superseding the Road and Bridge Specifications dated January 1, 1978.

**Road and Bridge Specifications**
**Approved: 1/19/1978**

Comment [d331]: Contracting

Moved by Mr. Hassell, seconded by Mr. Fralin, that the Road and Bridge Specifications as revised, amended, and published in the revised edition dated January 1, 1978, are hereby adopted as the specifications for the governing and administration of contracts and construction projects advertised on or after March 1, 1978, on behalf of the Virginia Department of Highways and Transportation, such specifications superseding the Road and Bridge Specifications dated July 1, 1974.

**Road and Bridge Specifications**
**Approved: 11/14/1974**

Comment [d332]: Contracting

On motion of Mr. Glass, seconded by Mr. Beeton, the Road and Bridge Specifications as revised, amended and published in the revised edition, dated July 1, 1974, were adopted as the specifications for the governing and administration of contracts on construction projects advertised on or after December 1, 1974, on behalf of the Virginia Department of Highways and Transportation, such specifications superseding the Road and Bridge Specifications dated July 1, 1970.

**Road and Bridge Specifications**
**Approved: 12/17/1970**

Comment [d333]: Contracting

The Road and Bridge Specifications as revised, amended, and published in the revised edition, dated July 1, 1979, are hereby adopted as the specifications for the governing and administration of all contracts on construction projects advertised on or after January 1, 1971, on behalf of the Virginia Department of Highways, such Specifications superseding the Road and Bridge Specifications dated July 1, 1966.

**Road and Bridge Specifications**
**Approved: 10/13/1966**

Comment [d334]: Contracting

The Road and Bridge Specifications, as revised, amended, and published in the revised edition, dated July 1, 1966, are hereby adopted as the specifications for the governing administration of all contracts on construction projects advertised on or after October 15, 1966, on behalf of the Virginia Department of Highways, such Specifications superseding the Road and Bridge Specifications dated April 1, 1958.

**Road and Bridge Specifications**
**Approved: 1/8/1959**

Comment [d335]: Contracting

Moved by Mr. Flythe, seconded by Mr. Rawls, that the Road and Bridge Specifications, as revised, amended and published in the revised edition, dated April 1, 1958, and Errata No. 1 contained therein, be hereby adopted as the specifications for the governing and administration of all contracts on construction projects advertised on and after January 1, 1959, on behalf of the Virginia Department of Highways, such Specifications superseding the Road and Bridge Specifications dated April 1, 1954.

## Road and Bridge Specifications
**Approved: 10/16/1951**

Comment [d336]: Contracting

The Virginia Department of Highways manual entitled “Roads and Bridges Specifications” dated January 1, 1947, together with the current amendments be approved; that the State Highway Commissioner be hereby authorized to make such changes, alterations or amendments thereto, from time to time, as he shall deem necessary for the efficient and proper operation of the Highway Department. Motion carried.

**Pilot Regulation for Landscape Recognition and Identification Signs and Structures**
**Approved: 6/17/1999**

Comment [d337]: Operations (24VAC30-121)

WHEREAS, the Virginia Department of Transportation recognizes the need for a regulation providing strict guidance for the recognition of groups, individuals, or government organizations donating landscape material or making monetary donations to the Wildflower Program; and

WHEREAS, there is a need for a regulation addressing the placement of signs erected by localities welcoming travelers to their jurisdiction on state rights-of-way; and

WHEREAS, there is a need for a regulation addressing the placement of subdivision entryway signs or structures on state rights-of-way in a safe and equitable manner; and
WHEREAS, there is a need for a regulation addressing the placement of business park or industrial park signs or structures on state rights-of-way in a safe manner; and

WHEREAS, groups, individuals, local government, and other organizations have made requests to the Virginia Department of Transportation to have a program that will address these needs in a safe, fair, and consistent manner; and

WHEREAS, without a regulation unsafe or unfair practices could result.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board adopts this proposed regulation as a pilot guidance document under Section 9-6.14:8.1 of the *Code of Virginia* and also directs the Virginia Department of Transportation to initiate the Administrative Process Act in order to implement this proposed regulation on a statewide basis.

BE IT FURTHER RESOLVED that upon completion of the Administrative Process Act process, the Commonwealth Transportation Commissioner, taking the success or failure of the pilot program into account, will present the final regulation to this Board for final action.

**Virginia Department of Transportation**
**Regulation for Landscape Recognition**
**And Identification Signs and Structures**

**§ 1.1 Landscaping – not a part of adjoining activity**

A. The Virginia Department of Transportation (VDOT) provides recognition for individuals, groups, businesses, and local governments that provide approved landscape plantings in the right-of-way under the following conditions:

   1. The landscape planting shall not be a requirement of local government.

   2. The landscape planting shall be approved by VDOT through a Land Use Permit and Cooperative Landscape Planting Agreement if it is considered to enhance the aesthetics of state rights-of-way.

B. Participants that provide landscape planting in the right-of-way meeting the above criteria shall receive a letter and certificate of appreciation signed by the Commonwealth Transportation Commissioner and the Transportation District Administrator.

### § 1.2 Wildflower Donations

A. Monetary donations to VDOT's Wildflower Program shall be made in the form of a check or money order made payable to the "Treasurer of Virginia". Donations for this program may be made to specific transportation districts and can be designated for Interstate or Primary funding. Donations of approved seed and perennial plants may also be made to specific transportation construction districts.

B. Donations will not be accepted to accommodate a specific wildflower site in the field and may be used at the discretion of the District Environmental Manager or Transportation Roadside Development Manager.

C. Donations to the Wildflower Program which are not designated to a specific transportation district may be distributed to one or more district wildflower programs at the discretion of the central office Assistant Environmental Administrator or Environmental Program Manager.

D. Participates that donate money, approved seed, or perennial plants to VDOT's Wildflower Program will receive a letter and a certificate of appreciation signed by the Commonwealth Transportation Commissioner and Transportation District Administrator.

### § 1.3 "Welcome To…" signs erected by local government

A. A local government may provide a sign or structure placed on state rights-of-way welcoming visitors to a specific locality.

   1. The sign shall be located within the boundaries of the locality erecting the sign.

   2. The sign shall be located as far from the edge of pavement as is practical, preferably outside the clear zone as defined in the VDOT Road Design Manual, Appendix A. The following conditions shall apply as appropriate at each location:

      A. The sign shall be located not less than 6 feet from the shoulder break or not less than 10 feet from the edge of the pavement, whichever is greater, as directed by the VDOT Road Design Manual. Where there is curb and gutter, the sign shall be located not less than 2 feet from the face of the curb. The supporting structure shall conform to the breakaway requirements of AASHTO's *Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic Signals*. When the supporting structure has a single support member, the distance between the ground line and the top of the sign shall be at least 9 feet. When the supporting structure has more than one support member, the distance between the ground line and the bottom of the sign shall be at least 7 feet.

   3. The locality shall assume all construction, maintenance, and liability for the sign or structure.

   4. Sign approval shall follow a standard Land Use Permit (CE-7). If the sign is in conjunction with landscaping of the site, a Cooperative Landscape Planting Agreement shall also be required.

### § 1.4 Subdivision Entryway Signs and Structures

A. Signs or structures identifying the main entrance to a subdivision or development may be erected on state rights-of-way under the following conditions:

1. Only one sign or structure visible to traffic in each direction on the approach roadway may be erected. If there is more than one "main entrance" on one approach roadway, only one sign may be erected at each entrance facing traffic approaching from only one direction.

2. Only the name of the subdivision or development closest to the highway shall be shown on the sign or structure.

3. Sign and structure must be erected outside of the clear zone of the highway. If the sign or structure cannot be erected outside of the clear zone, it shall be erected on private property and shall conform to provisions of § 33.1-351 et seq. of the *Code of Virginia*. The developer, homeowners association, or other interested party shall assume responsibility for all construction, maintenance, and liability for the sign or structure.

4. The entrance sign and structure shall be no more than 250 feet from the closest parcel of land within the subdivision approved by the local government through a plat filed with the local planning office.

**§ 1.5 Business Park and Industrial Park Entryway Signs and Structures**

A. Signs identifying the main entrance to a business park or industrial park may be erected on state rights-of-way under the following conditions:

1. Only one sign or structure visible to traffic proceeding in any one direction may be erected on any one route.

2. Only the name of the business park or industrial park closest to the highway shall be shown on the sign or structure. The structure may also list the businesses or industrial activities that are open for business within the development.

3. Sign or structure shall be erected outside of the clear zone of the highway. If the sign or structure cannot be erected outside of the clear zone, it shall be erected on private property and shall conform to provisions of § 33.1-351 et seq. of the *Code of Virginia*.

4. The entrance sign and structure shall be no more than 250 feet from the closest parcel of land within the business or industrial park approved by the local government through a plat filed with the local planning office.

5. The developer or local government shall assume all construction, maintenance, and liability for the sign or structure.

**§ 1.6 General Provisions**

A. A VDOT Land Use Permit Application Form CE-7A, including a detailed set of plans, shall be submitted to the VDOT residency responsible for the roadway at the development site. A set of plans should also be forwarded to the Environmental Division for any proposed landscape planting within the state right-of-way accompanied by a Cooperative Landscape Planting Agreement. The VDOT Resident Engineer and District Traffic Engineer will be responsible for the review and approval of all structures submitted. The VDOT Environmental Division Transportation Roadside Development Manager (TRDM) for each district will be responsible for the review and approval of

all submitted landscape plans. Other items that accompany the landscape plan such as lighting, irrigation, fencing, hard surface construction, etc. should also be reviewed for compliance by the appropriate residency office. The TRDM will coordinate with the residency office to ensure that all installation, maintenance, and safety concerns have been addressed prior to signing the Planting Agreement.

B. The Planting Agreement shall be limited to the following areas and criteria:

1. Areas which are adjacent to the applicant's property and where the applicant shall assume all responsibility for the design, installation, and maintenance of the site.

2. Areas where the local government authority shall assume all responsibilities as the applicant.

3. Areas where the applicant assumes all maintenance responsibilities for the plant material for a minimum of five years from the date of installation with a bond.

C. The applicant shall submit a minimum of two written estimates for the cost of maintenance of the project for five years. Estimates shall be obtained from a licensed professional contractor.

D. The applicant shall be responsible for the design, installation, and maintenance of the landscape for the life of the plant material.

E. VDOT shall have the authority to require that the installation and maintenance of the landscaping be performed by a licensed professional contractor or government authority. VDOT shall have the authority to assign a VDOT inspector to the project, paid for by the applicant.

F. No landscape planting shall be allowed that depicts or represents any business logo or business name, or constitutes advertising in any form.

G. Any sign erected under this policy shall not contain any advertising, promotion, secondary names except as otherwise allowed by this policy, slogans, solicitations, or other supplemental messages. If the sign will contain any of these elements, it shall be erected on private property and shall conform to provisions of § 33.1-351 et seq. of the *Code of Virginia*.

H. All work performed within the right-of-way shall be performed in accordance with current VDOT Road and Bridge Specifications and the Virginia Work Area Protection Manual.

I. The location of signs shall not interfere with the motorists' sight distance or other official highway signs. It is understood that, in VDOT's opinion, should any sign or structure, including but not limited to, brick or rock columns, brick or steel mailbox posts, brick or rock walls, or plant material allowed under a land use permit, become a traffic or pedestrian hazard, its location be needed for a transportation improvement, fail to have a responsible party designated, or fail to be maintained, at its discretion, VDOT may remove such sign, structure, or plant material without compensation to the applicant.

J. The applicant agrees to indemnify and save harmless VDOT, the Commonwealth Transportation Board and its officers, agents, and employees from all suits, actions of claims of any character, name, or description which might arise from the construction and maintenance of the work permitted by a permit to the extent allowed by law. If political subdivisions are the applicants, then

special arrangements will be made whereby the agent of the political subdivision performing the work will indemnify and save harmless the Commonwealth and others.

K. Signs installed by VDOT that do not meet this policy shall be removed. Signs installed by others shall be allowed to remain for the remainder of their normal service life at which time they shall be removed or replaced in accordance with this policy. Signs and structures that are currently in place that, in VDOT's opinion, constitute a safety hazard shall be removed, reconstructed, or relocated in accordance with this policy.

**Procedures, Criteria, Objectives for Virginia Scenic Highways and Byways**
**Approved: 1/18/1973**

Comment [d338]: Operations (24VAC30-390)

The Chairman stated the law provides that the Commission of Outdoor Recreation and the State Highway Commission shall coordinate in selecting scenic highways and byways but does not specify what standards might be established. He said the Commission of Outdoor Recreation had made a study and on December 18, 1972, approved procedures for selection of such highways. After some discussion, the Commission, on motion of Mr. Fitzpatrick, seconded by Mr. Roos, approved procedures, criteria, and objectives outlined by the Commission of Outdoor Recreation, as attached.

**PROCEDURES**

1. The study of a potential scenic highway or Virginia byway may be initiated by the Department of Highways or the Commission of Outdoor Recreation as a measure implementing the Virginia Outdoors Plan or upon the request of a local governing body.
2. The Department of Highways and the Commission of Outdoor Recreation will make an on-site inspection of the route to determine if it meets the physical criteria.
3. The Commission of Outdoor Recreation will obtain assurance from the local governing body that it is interested in scenic designation.
4. The Commission of Outdoor Recreation will determine that local zoning and comprehensive planning programs of the locality and the planning district commission are consistent with the management objectives established for scenic highways or Virginia byways.
5. The Department of Highways will secure approval of the designation from the local governing body.
6. The Department of Highways will advise the Commission of Outdoor Recreation when the approval has been received
7. The Commission of Outdoor Recreation will recommend designation to the Highway Commission.
8. The Highway Commission will designate the road, and the Department of Highways will work with the local governing agency to achieve the management objectives.
9. The Department of Highways will make an annual inspection of the maintenance and improvements of the route.

If the Department of Highway's annual inspection indicates a scenic highway or Virginia byway no longer meets minimum standards, the Highway Commission will request an investigation by the Commission of Outdoor Recreation. Listed below are the procedural steps which should be followed:

1. The Commission of Outdoor Recreation will notify the local governing body, the planning district commission, interested individuals and organizations of the requested investigation.
2. In coordination with the local governing body, the Commission of Outdoor Recreation will make an on-site inspection of the route.
3. The Commission of Outdoor Recreation will recommend that the designation be revoked upon finding that the quality of the road segment cannot be restored to meet minimum standards.
4. The Highway Commission will revoke the designation.

**CRITERIA**

In order to be considered for designation as a scenic highway or Virginia byway, a segment of road must substantially meet the tests of the following physical criteria:

1. The route provides important scenic values and experiences.

2. There is a diversity of experiences as in transition from one landscape scene to another.
3. The route links together or provides access to significant scenic, scientific, historic or recreational points.
4. The route bypasses major roads or provides opportunity to leave high-speed routes for variety and leisure in motoring.

5. Landscape control and management along the route is feasible.
6. The route is susceptible to techniques to provide for user safety.
7. The route contributes to good distribution within the State of elements of the scenic highway and byway system.

**OBJECTIVES**

To achieve the purposes of scenic highways and Virginia byways, the Department of Highways has established the following management objectives.

Development – improvement necessitated by traffic safety and convenience should be carried out in conformance with the following recommendation of the Virginia Outdoor Plan for upgrading Virginia's highway system.

"Everything that can be done within the limitation of available funds should be done toward providing wide rights-of-way, adopting corridor zoning and designing for visual enjoyment."

Development Control – to prevent undesirable development on adjacent property or in sight of the road through sign control, by using Virginia's Outdoor Advertising Law, and by cooperating with local governments in the achievement of proper zoning, land use controls, and assisting in the development of adequate standards and easements.

## Drainage Ditches
**Approved: 9/23/1937**

Comment [d339]: Road Systems

Moved by Mr. Rawls, seconded by Mr. East, that the policy of the commission in regard to drainage in the various counties be as follows: That where the Board of Supervisors provide a right of way for drainage ditch by deed or gift and when such a ditch is necessary for the drainage of the highway. the Commission at its own expense will cut and maintain the same, as funds are available. If such ditch is not necessary for the drainage of the highway, but for benefit of the adjacent property, the Highway Commission will not participate in its construction or maintenance. Where storm water drain or ditch is brought up to the right of way of the highway, and there is a suitable outlet or one can be provided as above, the same will be taken across the highway at the expense of the Commission either in a culvert or a ditch. That where a system of storm water drains is to be installed and these drains run along the side of the highway, the Commission will contribute to the cost of this work in the ratio that the area contained in the right of way of the road bears to the entire area of water shed flowing into the sewer or ditch. Motion carried.

## Erection of Historical Markers
**Approved: 1/23/1969**

Comment [d340]: Operations (24VAC30-151)

WHEREAS, from time to time the Department receives requests for the erection of a historical marker that is not to be a part of the State system of such markers; and

WHEREAS, such markers as are approved by the Virginia Historic Landmarks Commission are deemed to be of interest to the public;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby adopts the following regulations governing the erection and maintenance of such markers:

1. Historical Markers (other than those in the regular system of markers) approved by the Virginia Historic Landmarks Commission may also be erected within the Department's right of way along any highway except those in the Interstate System and those that are Limited Access Highways.
2. Such markers, subject to the approval of the Bureau of Public Roads, may be erected within Rest Areas along the Interstate System.
3. Markers along Limited Access Highways shall be restricted to locations within Waysides.
4. Any Historical Marker so erected shall be subject to the following conditions:

    a. The entire cost of furnishing and erection of the marker, together with the construction of the turnout or stabilization of the shoulder, shall be at the expense of the Donor. In the interest of uniformity, the Department will undertake the actual construction and bill the Donors for the costs involved.
    b. In order to promote safety, the marker will be placed at a location approved by the Department of Highways. Such marker shall be located a minimum of 30 feet from the edge of the pavement unless guardrail in place or the topography makes it safe to locate it nearer the pavement.
    c. Prior to placing the marker those causing the erection of the marker shall obtain a permit to cover this operation. No bond or inspection fee shall be required for such a permit.
    d. The Department will maintain the turnout or stabilized shoulder for the use of those stopping to read the marker.

e. Only markers similar to, and erected in the manner of, the standard historical marker may be erected.
f. The Donors agree to pay the cost of maintaining the marker which will include repainting at intervals or repairing should the marker be damaged as a result of a vehicle accident or vandalism.
g. Should the Donors at any time not agree to pay the cost of keeping the marker in a good state of repairs, The Department reserves the right to remove the marker and make such disposition as it sees fit.
h. All applications and agreements pertaining to these markers shall be in writing and shall be properly signed by the applicant and the Department.

*Editor's Note: The Land Use Permit Manual (24 VAC 30-150), adopted by the CTB in 1983, covers erection of historical markers and supersedes the policy established above. A replacement regulation, the Land Use Permit Regulations (24 VAC 30-151) became effective on March 17, 2010. Erection of historical markers is also covered in the VDOT Maintenance Division's Best Practices Manual, which is filed as a regulatory guidance document. Contact the Policy Division to obtain a copy of the Best Practices Manual.*

**Mileage on Guide or Direction Signs**
**Approved: 9/17/1921**

Comment [d341]: Operations (24VAC30-315)

On and after this date the Highway Commission directs and requires that all Cities, Towns, and Automobile Associations, having permits for guide or direction signs on State Highways, with a distance displayed on said signs, shall obtain the correct mileage from the Highway Commissioner, and shall mark such correct mileage on any existing signs, if these signs have been inscribed incorrectly.

**Roadside Memorial Program**
**Approved: 2/20/2003**

Comment [d342]: Operations (24VAC30-151)

WHEREAS, the Virginia Department of Transportation (VDOT) is sensitive to families and friends who have lost loved ones in accidents, crashes, or other incidents on the highways of the Commonwealth of Virginia; and

WHEREAS, VDOT does not have a formal, written policy governing roadside memorials; and

WHEREAS, the 2002 Session of the Virginia General Assembly enacted § 33.1-206.1 authorizing the Commonwealth Transportation Board to establish regulations governing roadside memorials placed within the right-of-way of any state highway, and

WHEREAS, VDOT staff has developed a draft of a proposed Roadside Memorial Program (Program); and

WHEREAS, the establishment of a Program will provide systematic procedures and processes for the uniform placement of memorial markers along the state highway systems; and

WHEREAS, the establishment of a Program will serve to provide the families and friends a formal remembrance of a loved one who lost his or her life on the highway; and

WHEREAS, the Federal Highway Administration will need to approve the Program for those state highways in the Federal Aid Highway Programs; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby establishes a Roadside Memorial Program for all state highways as set forth in the attached; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes the Commonwealth Transportation Commissioner or his designee to implement the Program.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Commissioner seek the approval of the Program by the Federal Highway Administration for those state highways which are in Federal Aid Highway Programs.

**Authority, Scope, Purposes of Program**

1. Authority
    - §33.1-206.1 directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials.
    - This section also states that all memorials not conforming to approved regulations shall be removed and the person(s) responsible for the memorial's installation may be assessed a civil penalty.
2. Scope
    - This regulation affects all highways and rights-of-way under the authority and responsibility of the Virginia Department of Transportation.
3. Purposes
    - Maintain the safety of all Virginia highways and to respect the feelings of family and friends of persons killed on highways, while providing a general safety message to the traveling public.

Note: 2003 Budget Bill, Chapter 1042, Item 472 (H) contained the following language regarding the implementation of this policy: *No state funds available to the Secretary of Transportation or the agencies within the transportation secretariat shall be utilized for the design, production, installation or maintenance of roadside memorials, plaques, and other devices placed within the right-of-way that commemorate the memory of persons killed in vehicle crashes within the right-of-way of any state highway.*

**Definitions**

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

- "Adoptee" means a member of the immediate family through legal adoption.
- "Child" means the biological offspring of a parent.
- "Clear zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope and/or a clear run-out area.
- "Department" means the Virginia Department of Transportation (VDOT).
- "FHWA" means the Federal Highway Administration.
- "Highway" means a general term denoting a public traveled way for purposes of vehicular travel.

- "Immediate Family" means the spouse, parent, child, stepparent, stepchild, adoptee, sibling, grandparent, or grandchild.
- "Marker" means the VDOT constructed, installed, and maintained Memorial to mark the location of a fatality on a Virginia highway.
- "Median" means the portion of a divided highway separating the traveled ways for traffic in opposite directions, measured from edge of traveled way to edge of traveled way; or the portion of a highway separating traveled ways for traffic flows occurring in the same direction where traffic is either converging or diverging such as at interchange ramps and along collector roads.
- "Memorial" refers to the VDOT maintained "Marker."
- "Motorists" mean all travelers on VDOT highways and roads to include, but not limited to, people in cars, trucks, tractor-trailers, motorcycles, and buses.
- "Parent" means the biological father or mother, or legal guardian, of a child.
- "Personal roadside memorial" and "unauthorized personal memorial" means flowers, wreaths, crosses, balloons, photographs, pictures, painted surfaces, and/or other memorial symbols placed at or nearby crash sites and within State right-of-way by the family or friends of the victim.
- "Resident Engineer" means the authorized VDOT engineer who is responsible for a local transportation residency and its maintenance management, planning, and operations of all the state transportation roadway systems of one or more counties. Most resident engineers are also responsible for construction management, planning, and operations.
- "Right-of-way" means a general term denoting land, property or other interests therein, usually in a strip, acquired for, or devoted to, a highway.
- "Roadside" means that area between the outside shoulder edge of the road and the right-of-way limits.
- "Roadway" means the portion of a highway, including shoulders, for vehicular use.
- "Shoulder" means the parallel roadway structures of the pavement that provide horizontal stability to the base, conduct water away from the pavement, and provide emergency pull-offs for vehicles.
- "Stepchild" means the child of one's wife or husband by a former relationship.
- "Stepparent" means the spouse of one's mother or father by a subsequent marriage.
- "Temporary removal/relocation" means the removal or relocation for a period up to fourteen (14) calendar days.
- "Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**VDOT Goals**

1. The Roadside Memorial Program serves to maintain a safe highway system. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way.
    a. The establishment of this regulation will provide procedures and processes for the uniform placement of Memorials along the state highway system.
    b. The regulation documents the provisions and criteria of a statewide Roadside Memorial Program, which includes the fabrication, installation, maintenance, removal, and administration of Memorial Markers.
    c. The regulation establishes guidelines and procedures for allowing Memorials so that they will not distract drivers and will minimize the impact of, or conflict with, VDOT maintenance or construction operations or activities.
    d. The regulation provides for the removal of unauthorized roadside memorials.

2. The Department is sensitive to families and friends who have lost loved ones in crashes, or other incidents on the highways of the Commonwealth of Virginia.
    a. The establishment of the Roadside Memorial Program will serve to provide the families a formal remembrance of a loved one who lost his or her life on the highway.
    b. The Program fosters a healing process and a way for people to begin to feel closure on a very tragic event and provides a visual reminder to others to drive safely.
3. Both major goals – safe highway systems and roadside remembrance – must be met in order for the Roadside Memorial Program to be successful.

**Eligibility**

1. Any human fatality that occurs on the state highway system is eligible for a Memorial Marker.
2. Applications for a Memorial will be submitted to the local Resident Engineers Office.
3. The Resident Engineer in charge of the site where the Marker is to be located shall have the authority to review, and if necessary, amend or reject any application. If the applicant requests an appeal to the Resident Engineer's decision, this appeal will be forward to the District Administrator. Criteria used to review applications shall include, but not be limited to, the following factors: potential hazard of the proposed Marker to travelers, the bereaved, VDOT personnel, or others; the effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and circumstances surrounding the accident or incident.
4. The VDOT Roadside Memorial Program will become effective on July 1, 2003.
5. Deaths of animals or pets are not eligible.

**Procedures**

1. Requests for Memorials within the state highway right-of-way shall be submitted to the local VDOT Resident Engineer by completing a VDOT application form.
    a. The applicant must provide a copy of the accident report or other form of information to the local VDOT office so that the victim's name, date of fatality, and location of the accident can be verified. This information can be obtained by contacting the local or state police. The Resident Engineer may also request a copy of the Death Certificate.

2. Family members or friends of the victim may file a request for a Memorial.
    a. If any member of the immediate family objects in writing to the Memorial, the request will be denied or the Memorial will be removed if it has already been installed.
    b. The applicant will confirm on the application that they have received approval from the immediate family of the victim and the adjacent property owner(s) to locate the Memorial in the designated location.
3. The Resident Engineer or designee should confirm with the applicant that no construction or major maintenance work is scheduled at the proposed location during the period that the Memorial would be in place
    a. If construction or major maintenance work is scheduled, the applicant and the Resident Engineer or designee should mutually identify an acceptable location for the Memorial beyond the limits of work or agree to postpone installation.
4. Memorial Markers will remain in place for two years from the date of installation. The applicant or the family of the victim may request that the Marker be removed less than two years after installation.
5. If the adjacent property owner objects in writing, the Memorial will be relocated and the applicant will be notified.
6. VDOT will bear all costs associated with the fabrication, installation, maintenance, removal, and administration of the Memorial Marker program.
7. Approval of a VDOT Memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the Memorial site. It is illegal to park along the Interstate System, and because of safety reasons and concerns for the public and friends and family of the deceased, VDOT does not support the parking, stopping, and standing of persons along any highway.

**Physical Requirements**

1. Memorial Marker
    a. The Memorial Marker will consist of a two part sign: the standard memorial sign panel and, if selected by the applicant, a supplemental nameplate with the name of the deceased. If the applicant does not select to have the nameplate located on the Marker, a second sign part will be added referencing the fatality.
    b. Only one Marker per fatality will be allowed.
    c. The Mobility Management Division shall develop specific criteria for the fabrication and installation of the Markers.
    d. The Department reserves the right to install a group Marker in lieu of individual Markers to commemorate a major incident where there are multiple deaths.
2. Text
    a. The applicant will record the desired spelling of the deceased's last name on the application form.
    b. The Memorial will state a general driving safety message and, if selected by the applicant, the deceased's name.

   c. The applicant may be required to use initials and/or avoid hyphenated names to fit the Marker's supplemental nameplate.
3. Symbols/Photographs
   a. The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium will not be allowed or displayed in any manner on or near the Memorial. These items may encourage motorists to stop and view the Memorial, thus creating a safety hazard.

**Location**

1. VDOT Maintained Roadways
   a. The location of the Memorial may very depending on the site and safety conditions. However, the Memorial should be located as close as possible to the crash site.
   b. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.
   c. All Memorials will be located in such a manner as to not distract motorists or pose a safety hazard to the traveling public.
   d. The Roadside Memorial Program will be in compliance with all appropriate FHWA laws and regulations.
2. Memorials will not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.
3. Memorials will not be permitted in a construction or maintenance work zone.
   a. VDOT reserves the right to temporarily remove, or relocate a Memorial at any time for highway maintenance or construction operations or activities.
   b. If the Memorial needs to be temporarily removed during the work zone activities, it will be replaced after the completion of the construction or maintenance activities.
   c. If the duration of the construction or maintenance work activities significantly impacts the term period of the Memorial, then the Resident Engineer or designee will collaborate with the applicant to select an appropriate relocation site.
   d. If VDOT's right-of-way is insufficient for a Memorial to be installed at the crash site, the Resident Engineer will locate a suitable location as close as possible to the incident vicinity to locate the Memorial where sufficient right-of-way exists.

**Installation and Maintenance**

1. VDOT shall be responsible for the fabrication, installation, maintenance, removal, and administration of all Memorials.
   a. Memorials should be erected such that the Marker face is perpendicular with the highway or road.
   b. The height of the Marker should be lower than regular signs to differentiate it from standard highway signs.
   c. The Marker will be mounted to a crashworthy post.
2. The installation of Memorials shall be independent of highway signs, and shall not adversely compromise the safety or efficiency of traffic flow.
3. VDOT reserves the right to relocate or remove any Memorial that becomes a traffic hazard or safety problem.
4. The Department will replace up to one time and make major repairs as needed to any Marker that is defaced, vandalized or stolen.
5. Installation will not be approved in areas where, in the opinion of the Resident Engineer or designee, the Memorial would adversely impact adjacent businesses, pedestrian movements, sight distance, or otherwise be detrimental to public safety.

**Unauthorized Installation**

1. Unauthorized personal memorials will be removed and disposed of at the convenience of the Department.
2. Any unauthorized memorial item placed on or near an authorized Memorial will cause the unauthorized memorial item to be removed immediately.
3. The Department is not responsible to keep, protect, or preserve any unauthorized memorials or memorial items.

**Removal**

1. After the two-year term, the Marker shall be removed by VDOT personnel.
    a. The Marker nameplate will be returned to the applicant or the designated family member if specified on the application.
    b. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at the Department's discretion.
2. VDOT shall remove the Memorial if the applicant or any family member objects to the installation and requests its removal in writing.
3. VDOT shall remove the Memorial if a written request to remove the Memorial is received from the adjacent property owner. In this event, the Resident Engineer may select a new location for the Memorial and inform the applicant of this.

**Listing of Applicable Statutes, Regulations, and Documents**

- 24 VAC 30-150-10 et seq., Land Use Permit Manual (current edition), VDOT, Office of Asset Management
- 24 VAC 30-310-10, Virginia Supplement to the Manual on Uniform Traffic Control Devices (Virginia Work Area Protection Manual), VDOT, Office of Mobility Management
- AASHTO, A Policy on Geometric Design of Highways and Streets (current edition)—The Green Book
- *Code of Virginia*, §§ 33.1-25, 33.1-48, 33.1-49, 33.1-67, et al. [State Highway Systems]
- *Code of Virginia*, § 33.1-57 [Limited Access Highways]
- *Code of Virginia*, § 33.1-206.1 [Roadside Memorials]
- VDOT, Road and Bridge Standards (current edition), Section 1301, Office of Location and Design.

*Editor's Note: Item 472 of the Appropriation Act for 2003 prohibited VDOT from spending state funds on this program. After the prohibition expired, the Commissioner declined to address the topic further through formal CTB action. VDOT has addressed program specifics through its agency website. More recently, VDOT has addressed this topic in the replacement regulation Land Use Permit Regulations under 24 VAC 30-151, which was approved by the CTB on October 15, 2009, and went into effect on March 17, 2010. At the same meeting, the CTB repealed this resolution. The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies.*

**Signing for Two-Year Colleges at Interstate Interchanges**
**Approved: 12/21/1972**

Comment [d343]: Operations (24VAC30-315)

WHEREAS, Federal regulations governing signs on the Interstate System as outlined in the Manual on Uniform Traffic Control Devices for Streets and Highways, permit the erection of supplemental signs designating places of historic, cultural and recreational importance, and

WHEREAS, the State Highway Commission has adopted a policy of erecting such signs designating the point of exit from an Interstate route to institutions of higher learning within a reasonable distance of the road, and

WHEREAS, these signs for institutions of higher learning have been limited to four-year colleges, and

WHEREAS, it has been called to our attention that three are numerous community colleges and other junior colleges offering two-year courses that attract many visitors, and signs for these colleges would be of much benefit to the traveling public, and

WHEREAS, Federal policy permits only a certain number of locations to be signed at each interchange.

NOW, THEREFORE, BE IT RESOLVED, that insofar as practicable and in reasonable conformance with national policy established for signing on the Interstate System, the Commission authorizes the erection of signs at the appropriate interchanges designating two-year colleges near Interstate routes, generally within ten miles of same.

**Street Markers in Subdivisions**
**Approved: 9/10/1948**

Comment [d344]: Operations (24VAC30-91 and 24VAC30-92 and 24VAC30-315)

Moved by Mr. Rawls, seconded by Mr. DeHardit, that in connection with requests being made to the Highway Department by the citizens of subdivisions for the furnishing and erection of street markers carrying the name of the street in addition to, or rather than, the route markers, the policy of the Department be as follows: in any cases where the citizens of a subdivision wish street markers erected the State Highway Commission will erect and maintain the street markers when the posts and markers are of a design satisfactory to the Highway Commission and are furnished free of cost to the Highway Commission. Motion carried.

**Advertising Signs on Interstate and Federal-Aid Primary Highways**
**Approved: 4/21/1966**

Comment [d345]: Operations (24VAC30-120)

WHEREAS, the 1966 Session of the General Assembly passed legislation to regulate outdoor advertising on the Interstate and Federal-Aid Primary highways in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, both the Federal and State Legislation require regulation of the size, spacing, and lighting of outdoor advertising signs which are erected in zoned or unzoned commercial and industrial areas; and

WHEREAS, it is necessary for the Highway Commission to adopt regulations to control these signs in the interim period until permanent regulations are agreed upon by the Federal Government and the State of Virginia.

NOW, THEREFORE, BE IT RESOLVED, That the State Highway Commission hereby adopts the following regulations pursuant to Chapter 663, Acts of Assembly of 1966, to control outdoor advertising signs in zoned and unzoned commercial and industrial areas:

I. SIZE OF SIGNS

A. The maximum area for any advertisement shall be 1200 square feet, exclusive of any trim and supports
B. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire advertisement.
C. A sign structure may contain one or two advertisements per structure facing, not to exceed the maximum area.
D. Double faced structures will be permitted with the maximum area being allowed for each facing.

II. SPACING OF STRUCTURES

A. Interstate Highways
   1. No two structures shall be spaced less than 300 feet apart.
   2. At the intersection of any Interstate Highway and any other highway, no structure shall be permitted within 500 feet from any point of ingress to or egress from the Interstate Highway.

B. Federal–Aid Primary Highways –
   1. Within municipalities – spacing limitations as presently imposed by the governing body shall control
   2. Outside municipalities.
      a. Highways with speed limits of 50 m.p.h. or higher – no two structures shall be spaced less than 200 feet apart.
      b. Highways with speed limits under 50 m.p.h. – no two structures shall be spaced less than 100 feet apart.

III. LIGHTING OF SIGNS
A. Lighting will be permitted on any sign provided it is effectively shielded so as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the highway so as to prevent impairing the vision of the driver of any motor vehicle.

B. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the Department.

Provided, however, that no permits shall be issued for any outdoor advertising signs on the Interstate System, which would be less restrictive than regulations as agreed upon between the Department and Federal Government previously.

For the purpose of these regulations an unzoned commercial or industrial area shall be defined as a parcel or parcels of land on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area extending outward 500 feet from and beyond the edge of such activity. Each side of the highway will be considered separate in applying this definition.

All permits issued under these temporary regulations shall contain the following provisions:

A. Any sign erected under this permit which does not conform to the permanent regulations shall be removed by the permittee without payment of any compensation by the Department.
B. The owner of the property on which the sign is located has agreed that the Commonwealth shall not be required to reimburse him as a result of the removal of any non-conforming sign.
C. Nonconforming signs shall be considered for removal based on the date the application for the permit was received by the Department and the signs erected under the last permits issued shall be removed first.

The regulations adopted under this resolution shall be in effect until this Commission adopts permanent regulations covering the same subject.

**Erection or Maintenance of Signs on Rights of Way Purchased for Future Construction**
**Approved: 6/21/1962**

Comment [d346]: Road Systems

WHEREAS, the 1962 Session of the Legislature adopted a resolution expressing the sense of the General Assembly that the State Highway Department, when acquiring rights of way for highways, except Interstate, in advance of the time of construction, should allow signs and notices to remain or be put on such rights of way; and

WHEREAS, it is the desire of the State Highway Commission to comply with this expression of legislative intent and to set forth the policy to govern such signs and notices.

NOW, THEREFORE, BE IT RESOLVED: That the State Highway Commission hereby adopts the following policy to govern the erection and/or maintenance of signs on rights of way purchased for future construction:

1. Signs and advertising structures will be permitted only on portions of highway rights of way which lie outside of the normal right of way for present construction.
2. Only signs and advertising structures will be permitted which meet all three of the conditions listed below:
    a. Erected and/or maintained or cause to be erected or maintained by the owner or lessee of a place of business or residence immediate adjacent to the right of way upon which the sign or structure is located or sought to be located.
    b. Located within 250 feet of such place of business or residence.

c. Relate solely to merchandise, services or entertainment sold, produced, manufactured or furnished at such place of business or residence.

3. Not more than 2 signs visible to traffic proceeding in any one direction on any highway will be permitted any one business or residence and no sign shall exceed a total area of 80 square feet.
4. No person shall erect and/or maintain a sign or advertising structure on highway rights of way unless and until a permit has been obtained from the Highway Department, and all permits issued for such signs and structures shall be subject to the rules and regulations of the State Highway Commission applicable to installations on the highway rights of way.
5. Any permit issued for a sign or advertising structure on highway rights of way shall be revoked, if not sooner, at the time that the Highway Department begins to make use of such rights of way for highway purposes, and such sign or structure shall be removed from the right of way immediately without expense to the Commonwealth.
6. No permit for any advertising sign or structure will be issued which is prohibited by any local ordinance.

The above policy is an express exception to Section No. 16 of the Rules and Regulations previously adopted by this commission. Motion carried.

**Regulations to Control Outdoor Advertising**
**Approved: 7/20/1967**

Comment [d347]: Operations (24VAC30-120)

WHEREAS, the 1966 session of the General Assembly passed legislation to regulate Outdoor Advertising on the Interstate and Federal-aid Primary highways in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, the State Highway Commission adopted interim standards governing the size, spacing and lighting of Outdoor Advertising signs in zoned and unzoned commercial and industrial areas until permanent standards could be agreed upon with the Federal Government; and

WHEREAS, the State Highway Department and the Federal Government have now reached an agreement regarding permanent standards;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby adopts the following regulations pursuant to Chapter 663, Acts of Assembly of 1966, to control Outdoor Advertising signs in zoned and unzoned commercial and industrial areas:

A. In zoned commercial and industrial areas where the locality has regulations governing the size, spacing and lighting of signs, such regulations shall control and govern.
B. In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

**SIZE OF SIGNS**

1. The maximum area for any advertisement shall be 1200 square feet with a maximum height of 25 feet and a maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron supports and other structural members.
2. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire advertisement.

3. A sign structure may contain one or two advertisements per facing, not to exceed the maximum area.
4. Double-faced structures will be permitted with the maximum area being allowed for each facing.

**SPACING OF SIGNS**

1. Interstate Highway and Freeways on the Federal-aid Primary System

    a. No two structures shall be spaced less than 500 feet apart.
    b. No structure may be located within 500 feet of an interchange, or intersection at grade, or rest area (measured along Interstate or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.)

2. Non-Freeway Federal-aid Primary Routes

    a. Outside of Municipalities – no two structures shall be spaced less than 300 feet apart.
    b. Inside Municipalities – no two structures shall be spaced less than 100 feet apart.

3. Explanatory Notes

    a. Official and “on premise” signs, as defined in section 131(c) of title 23, United States Code, shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
    b. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

**LIGHTING**

Signs may be illuminated, subject to the following restrictions:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver’s operation of a motor vehicle are prohibited.

3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the Commonwealth.

At any time that a locality adopts comprehensive zoning which includes the regulation of Outdoor Advertising, the regulation of signs in such area shall be transferred from Section B to Section A of these regulations.

For the purpose of these regulations, the following definitions shall apply:

1. Commercial or industrial activities mean those activities generally recognized as commercial or industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered commercial or industrial:

   a. Outdoor advertising structures.
   b. Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
   c. Transient or temporary activities.
   d. Activities not visible from the main traveled way.
   e. Activities more than 300 feet from the nearest edge of the right of way.
   f. Activities conducted in a building principally used as a residence.
   g. Railroad tracks and minor sidings.

2. Zoned commercial or industrial areas mean those areas which are reserved for business, commerce, or trade pursuant to a comprehensive State or local zoning ordinance or regulation.

3. Unzoned commercial or industrial areas mean those areas on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.

   All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

No permits shall be issued pursuant to these regulations for any Outdoor Advertising signs on the Interstate System which would be less restrictive than the regulations as previously agreed upon between the Highway Department and the Federal Government under the bonus agreement.

**Signs On the Right of Way of the Interstate and Controlled Access Highways**
**Approved: 12/17/1970**

Comment [d348]: Operations (24VAC30-120)

WHEREAS, the National Manual for signing the Interstate System of Highways reads in part as follows:

“Interstate signs will be erected at the roadside and, where appropriate, over the roadway, to furnish drivers with clear instructions for orderly progress to their destinations. Highway routes, place names, mileage indications, interchange numbers, service facilities, and operating rules are among the items of information that must be clearly identified. Only official signs under the direction and control of the State Highway Department and necessary for the orderly operation of the highway facility shall be installed. Care should be exercised to avoid a proliferation of informational signs. A consistent State policy that recognizes safety and aesthetic features shall govern the signing of all places of general assembly or other destinations of major traffic significance. Signs giving information about churches, civic clubs, ‘safety’ slogans, and the like, shall not be erected.”

WHEREAS, Section 16 of the Rules and Regulations of the State Highway Commission read as follows:

"No advertising signs of any description shall be erected or placed within the right of way of any highway in the State Highway System. This section shall not be construed to prohibit the erection and maintenance of traffic, directional or informational signs authorized by statute or the State Highway Commission."

WHEREAS, the State Highway Commission is desirous of cooperating with the American Association of State Highway Officials in the effort to standardize and otherwise coordinate the signing functions of the various State Highway Departments;

WHEREAS, Section 46.1-174 prohibits any commercial advertising on signs on highway rights of way and gives full responsibility for all signs on highway rights of way to the State Highway Commission;
WHEREAS, numerous requests have been received for the Department to erect signs on the Interstate and Controlled Access Highways for coliseums, stadiums, universities and colleges, historic sites or places, etc.;

WHEREAS, a proliferation of signs is both undesirable from an aesthetic viewpoint and confusing to the motorist, and also Interstate sign standards in effect throughout the country permit the use of a supplementary sign with two destinations;

WHEREAS, study has shown that selective signing in advance of certain interchanges on Interstate and Controlled Access Highways would be of benefit to motorists destined for certain locations and who are unfamiliar with the area;

WHEREAS, Virginia is a historic State with many points of interest to tourists and it is desirable to make these points of interest readily accessible; now, therefore,

BE IT RESOLVED, that the following criteria for the placement of signs on the right of way of the Interstate and other Controlled Access Highways are hereby adopted as the Virginia State Highway Commission Policy Regulation of such signs:

1. Within the seven major metropolitan areas of the State, signing will be limited to cultural, historical, and recreational facilities that are major traffic generators and are within view and/or directly accessible from an interchange.
2. In rural areas consideration will be given to the cultural, historical, and recreational facilities directly accessible from an interchange and classified as major traffic generators.
3. To receive consideration as a historic site, the following conditions must be met:
    i. The historical place in question must be recognized by the Virginia Historic Landmarks Association.
    ii. It must be open to the public at least five days per week on a year-round basis.
    iii. It must be maintained by a foundation, the State, Federal Government, or at other public expense, or non-profit private expense.
    iv. It must be within ten miles of the interchange at which the sign is to be placed.
4. Athletic or other events predicted to create major traffic movements on a temporary basis may have special signs erected for the duration of the activity.

BE IT FURTHER RESOLVED, that this policy will be reviewed on a continuing basis to insure adequate consideration of both signing needs and the effective and safe operation of the highways.

**Signs On the Right of Way of the Interstate and Federal-Aid Primary System**
**Approved: 10/29/1970**

**Comment [d349]:** Operations (24VAC30-120)

WHEREAS Sections 131 and 315 of Title 23, United States Code, Section 6(a)(1)(H) of the Department of Transportation Act (Public Law 89-670, 80 Sta. 931), and the delegation of authority contained in Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)), authorized the Federal Highway Administrator to set certain minimum standards for the control of outdoor advertising; and

WHEREAS Section 131 of Title 23, United State Code, includes in its language and meaning the control of directional other official signs; and

WHEREAS on January 17, 1969, the Federal Highway Administrator promulgated certain minimum standards for the control of directional and other official signs in areas adjacent to the Interstate System and the primary system designated Part 21 of Chapter 1 of Title 23 of the Code of Federal Regulations; and

WHEREAS the Commonwealth of Virginia elects to implement and carry out the provisions of Section 131 of Title 23, United States Code, in order to remain eligible to receive the full amount of all Federal-Aid Highway funds to be apportioned to the various states under Section 104 of Title 23, United States Code; and

WHEREAS the State Highway Commission is the authorized recipient of the power for control and jurisdiction necessary to comply with the provisions of the Federal-Aid Highway Act of 1956 and all acts amendatory or supplementary thereto as well as any statutes, laws or other provisions concerning State or local funds which were or may be appropriated for such purposes by virtue of § 33.1-49 or § 33.1-37 of the *Code of Virginia* of 1950.

NOW, THEREFORE, BE IT RESOLVED, that the following standards be adopted to apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right of way of the Interstate and Federal Aid primary system, which are not erected on the highway right of way and which are visible from the main traveled way of the system and that the following definitions shall apply:

a. “Sign” means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-Aid Primary Highway.
b. “Main traveled way” means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.
c. “Interstate System” means the National System of Interstate and Defense Highways, described in Section 103(d) of Title 23, United States Code.
d. “Primary System” means the Federal-Aid Highway System described in Section 103(b) of Title 23, United States Code.
e. “Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in other way bring into being or establish.
f. “Maintain” means to allow to exist.
g. “Scenic area” means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
h. “Parkland” means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

i. "Federal or State law" means a Federal or State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to a Federal or State constitution or statute.
j. "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.
k. "Freeway" means a divided arterial highway for through traffic with full control of access.
l. "Rest Area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.
m. "Direction and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
n. "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.
o. "Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.
p. "Public service club and religious notices" means signs and notices whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.
q. "Public service signs" means signs located on school bus stop shelters, which signs --

    1) Identify the donor, sponsor, or contributor of said shelters;
    2) Contain safety slogans or messages, which shall occupy not less than 60 percent of the area of the sign;
    3) Contain no other message;
    4) Are located on school bus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county, or State agency controlling the highway involved; and
    5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

r. "Directional signs" means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
s. "State" means any one of the 50 State, the District of Columbia, or Puerto Rico.

THAT the criteria for determining whether or not a sign may fall within the definition of "Directional Signs" set forth in (r) above shall be that criteria presently utilized or hereafter adopted by one of the existing state agencies who primary purpose is the control and administration of the type of specific unique phenomena or site for which a directional sign application may be made.

THAT the following state agencies are hereby recognized as being the State authority on the various matter contained in (r) above:

Department of Conservation and Economic Development
Commission of Outdoor Recreation

Historic Landmarks Commission
State Library (Historical Publications Division)

AND BE IT FURTHER RESOLVED, that a determination by the State agency to which a request is referred as to whether or not a site, agency or phenomena falls within the definition set out in (r) above will be binding upon the State Highway Commission and further

THAT privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas, any of which must be nationally or regionally known, and of outstanding interest to the traveling public as determined by the appropriate State agency authority.

BE IT FURTHER RESOLVED, that the following standards apply to directional and other official signs and notices:

A. General. The following signs are prohibited:
   1. Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.
   2. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
   3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
   4. Obsolete signs.
   5. Signs which are structurally unsafe or in disrepair.
   6. Signs which move or have any animated or moving parts.
   7. Signs located in rest area, parklands, or scenic areas.

B. Size.
   1. No sign shall exceed the following limits:
      a) Maximum area – 150 square feet.
      b) Maximum height – 20 feet.
      c) Maximum length – 20 feet.
   2. All dimensions include border and trim, but exclude supports.

C. Lighting. Signs may be illuminated, subject to the following:
   1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
   2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
   3. No sign may be so illuminated as to interfere with the effectiveness or obscure an official traffic sign, device, or signal.

D. Spacing.
   1. Each location of a sign must be approved by the State Highway Department.
   2. No sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest

point of the beginning or ending or pavement widening at the exit from or entrance to the main traveled way).

3. No sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
4. No two signs facing the same direction of travel shall be spaced less than 1 mile apart;
    a) Not more than three signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
    b) Signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
    c) Signs located adjacent to the Primary System shall be within 50 air miles of the activity.

E. Message content. The message on signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction or activity, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

AND FINALLY, the date of acceptance by the Department of Highways of applications for signs contemplated by this resolution shall be April 1, 1971 and thereafter. The intention shall be that the interim period is to be utilized by the concerned agencies to inform and otherwise educate the various affected parties with regard to the effect, proper submission of forms, etc.

NOW, THEREFORE, BE IT RESOLVED, that the abovementioned criteria for the placement of certain signs off the right of way up to and including 660 feet from the centerline of the nearest edge of the right of way of the Interstate and Federal-Aid Primary System is hereby adopted as the Virginia State Highway Commission policy regulation of such signs and the placement thereof.

**Six-Year Improvement Program Policy Related to HB2 (2014) and HB1887 (2015)**
**Approved: 10/27/2015**

Comment [d350]: Road Systems

WHEREAS, the Board believes it is in the public interest that transportation funds be programmed to projects and strategies that demonstrate the ability to address identified transportation needs in a cost-effective manner and that such programming of funds be prioritized to advance critical projects and strategies as quickly as possible; and,

WHEREAS, the past programming practice of providing partial funding to projects and funding projects by phase failed to demonstrate the Board's commitment to advancing projects from development to completion and created inefficiencies in the use of transportation funding; and,

WHEREAS, the past programming practice of partial funding resulted in lost purchasing power as funds sat idle on projects for years; and,

WHEREAS, in Chapter 726 of the 2014 Acts of Assembly the General Assembly declared the use of a statewide prioritization process for the programming of construction funds to be in the public interest; and,

WHEREAS, in Chapter 684 of the 2015 Acts of Assembly the General Assembly replaced both the "40-30-30" funding formula and the alternate "CTB" formula with a new formula that, for funds allocated for fiscal years beginning on or after July 1, 2020, distributes 45% of funds to the newly established State of Good Repair Program (§33.2-369), 27.5% of funds to the newly established High Priority Projects Program (§33.2-370), and 27.5% of funds to the newly established Construction District Grants Program (§33.2-371); and,

WHEREAS, the Board believes that the recent changes made by the General Assembly provide an opportunity to modify the process used to develop the Six-Year Improvement Program to increase the productivity of available funds, improve the efficiency of implementing agencies and provide increased certainty to project sponsors.

NOW THEREFORE, BE IT RESOLVED, that the Board adopts the attached policy [see below] entitled Six-Year Improvement Program Policy Related to HB2 (2014) and HB1887 (2015) and dated October 27, 2015, regarding the development of the Six-Year Improvement Program pursuant to §33.2-214.

BE IT FURTHER RESOLVED, that the policy shall be reviewed by the Board after the adoption of the FY 17-22 Six Year Improvement Plan and that the policy shall sunset on January 1, 2017 unless reaffirmed by the Board.

**Six-Year Improvement Program Policy Related to HB2 (2014) and HB1887 (2015)**

This policy outlines how the statewide prioritization process set forth in the Board's Policy and Guidelines for Implementation of a Project Prioritization Process, adopted in June 2015 and new funding formulas will modify the programming process used to update the Six-Year Improvement Program (SYIP). The changes in the programming process outlined in this policy will help (i) improve transparency in the programming process, (ii) increase certainty for local project sponsors, citizens and

businesses, and (iii) accelerate delivery of selected projects. The following summarizes changes to the programming process for updating the SYIP set forth in this policy:

- The SYIP will be updated on an annual basis, however certain funding programs may only be updated in odd- or even-numbered fiscal year updates. This change in process will be implemented over a period of time starting with the Fiscal Year 2018-2023 SYIP update;
- Changes relating to modification of the amounts of funds previously committed and programmed to projects under certain programs;
- Selection of projects for funding under the High Priority Projects Program and the Construction District Grants Program will demonstrate the Board's commitment to advance the project through construction. The Board's commitment will be demonstrated through the commitment of funds, from available resources in the applicable HB2 solicitation cycle, that when combined with other committed funds identified in the project's application, if any, fully fund the project through construction; and,
- The Board will select a preferred prioritization scenario to guide allocation of funds and consider modifications to the preferred prioritization scenario as outlined in this policy for the High Priority Projects Program and the Construction District Grants Program.
- Selection of projects for funding under the State of Good Repair will be in accordance with the priority ranking system established pursuant to §33.2-369. .

A. Schedule for Programming of Funds by Program

Allocations available in the following funding programs will be programmed in the SYIP annually:

- State of Good Repair Program pursuant to §33.2-369;
- Regional Surface Transportation Program funds provided to metropolitan planning organizations pursuant to 23 U.S.C. §133; and,
- Congestion Mitigation Air Quality funds pursuant to 23 U.S.C. §149.

On an annual basis the Board will program one additional year's worth of funding, the sixth year of the SYIP under development except for State of Good Repair funding, and may modify programmed amounts and projects from previously adopted programs based on revised revenue projections and project priorities for the above funding programs. State of Good Repair funding will be programmed in accordance with the yet to be developed and approved policy and related priority ranking system.

Starting with the Fiscal Year 2018-2023 SYIP update, allocations available in the following funding programs will be programmed in even-numbered fiscal year SYIP updates:

- High Priority Projects Program pursuant to §33.2-370; and
- Construction District Grants Program pursuant to §33.2-371.

During even-numbered fiscal year SYIP updates, the Board will program the funds available in the fifth and sixth years of the SYIP under development. The Board may adjust the timing of funds programmed to projects selected in previous HB2 cycles to meet the cash flow needs of the individual projects, but

will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds for re-scoring identified in the HB2 Implementation Policy. The Board may only program funds from these two programs to projects selected in accordance with the Board's Policy and Guidelines for Implementation of a Project Prioritization Process and only if such projects will be fully-funded with the programming of such funds.

In the event of revenue reductions that impact the funds available to support the projects previously committed to by the Board, the Board will maintain its commitment to previously approved projects by committing funds from a subsequent HB2 solicitation cycle. In the event of revenue increases that impact the funds available for a previous HB2 solicitation cycle, the additional funds will be set-aside and made available in the next HB2 solicitation cycle.

Starting with the fiscal year 2019 update, allocations available in the following funding programs will be programmed in odd-numbered fiscal year SYIP updates:

- Revenue Sharing Program pursuant to §33.2-359;
- Transportation Alternatives Program pursuant to 23 U.S.C. §214, excluding sub-allocated funds controlled by metropolitan planning organizations; and,
- Highway Safety Improvement Program pursuant to 23 U.S.C. §148.

During odd-numbered fiscal year SYIP updates, the Board will program two fiscal years for these programs. For the Revenue Sharing Program and Transportation Alternatives Program, the funds available in the second and third year of the SYIP under development will be programmed. For the Highway Safety Improvement Program, the funds available in the fifth and sixth year of the SYIP under development will be programmed. Subject to the provisions governing each of these programs, the Board may modify programmed amounts and projects from previously adopted programs.

B. Even-numbered fiscal year SYIP update process and schedule.

For even-numbered fiscal year SYIP updates the Board will solicit projects and strategies from eligible applicants, screen and evaluate submitted projects and strategies, and program funds for the High Priority Projects Program and the Construction District Grants Program based on the evaluation of such projects and strategies. The solicitation, screening and evaluation of projects and strategies will be conducted pursuant to the Board's Policy and Guidelines for Implementation of a Project Prioritization Process, adopted in June 2015.

The Board will develop of a program of projects and strategies for the High Priority Projects Program and Construction District Grants Program as follows:

- Consideration of additional projects for evaluation. Within two weeks of the close of the HB2 application solicitation process, the Board will be provided with a full list of projects submitted by eligible applicants. At the first Board meeting following the close of the solicitation process, members will have an opportunity to identify and discuss any potential projects that were not submitted that a member or members would like to be evaluated and considered for funding. The Secretary will coordinate with members and develop, if necessary, a list of up to two additional projects

identified by members of the Board to be evaluated and considered for funding. If the Secretary develops such a list, the Board will have the opportunity at the following Board meeting to discuss and consider a resolution based on the list compiled by the Secretary.

- Identification of #1 Board statewide priority. Within two weeks of the close of the HB2 project solicitation process, the Board will be provided with a full list of projects submitted by eligible applicants. At the first Board meeting following the close of the solicitation process, members will have an opportunity to identify and discuss which project out of the submitted projects should be considered the number one statewide priority of the Board. At the following Board meeting, based on the discussion at the previous meeting and completion of the VTrans screening process, the Secretary will introduce a resolution identifying the number one statewide priority of the Board for discussion and consideration by the Board.

- Development of Funding Scenarios. At the first Board meeting following the release of the project evaluations, the Office of Intermodal Planning and Investment shall present to the Board four scenarios for their consideration. In each scenario funding will be provided to each project as necessary to fully-fund such project.

    - Scenario #1 – Top Projects based on Total Cost. The Office will develop a conceptual program scenario where funds in the High Priority Projects Program and the Construction District Grants Program would be distributed to the projects with the highest degree of benefits relative to their total cost.
    - Scenario #2 – Top Projects based on HB2 Cost. The Office will develop a conceptual program scenario where funds in the High Priority Projects Program and the Construction District Grants Program would be distributed to projects with the highest degree of benefits relative to their HB2 cost.
    - Scenario #1 Alternative. The Office will modify Scenario #1, if necessary, to program funds to the number one statewide priority of the Board.
    - Scenario #2 Alternative. The Office will modify Scenario #2, if necessary, to program funds to the number one statewide priority of the Board.

- Adoption of the Preferred Program Scenario. At the Board meeting following the release of the conceptual program scenarios the Board shall adopted a preferred program scenario. This scenario will be used as the basis for the development of the Six-Year Improvement Program and may be modified by the Board at future meetings.

- Modification of the Preferred Program Scenario. Following the adoption of the preferred funding scenario, members of the Board will have the opportunity to identify proposed modifications to the scenario.

    - High Priority Projects Program. A subcommittee of the Board consisting solely of at-large members will review and discuss the preferred program scenario for this program. The subcommittee may, if it deems necessary,

develop a proposed set of changes to such preferred program scenario by a majority vote.

- Construction District Grants Program. Each district member of the Board will have the opportunity to review the preferred program scenario for the district they represent. The district member may, if it necessary, develop a proposed set of changes to such preferred program scenario.

Following adoption of the preferred program scenario, but prior to the June meeting, the Board shall discuss and consider the proposed modifications, if any, at a programmatic level for the High Priority Projects Program and at a district level for the Construction Districts Grant Program. Any adopted changes will be incorporated into the draft SYIP.

- Adoption of SYIP. The Board will consider the proposed Final SYIP at its June meeting.

- Administrative Adjustment of Allocations. Adjustment of allocations programmed to projects necessary to release allocations no longer needed for the delivery of the project and to address estimate increases within the rescoring thresholds defined in the Board's Policy and Guidelines for Implementation of a Project Prioritization Process within the same HB2 solicitation cycle will be undertaken administratively without action by the Board. The Board shall receive a report on a monthly basis regarding any such transfers.

Development of the FY2017-2022 SYIP will follow the outlined process for HB2 Program Development in accordance with the following schedule:

- October Board meeting

  - Release of list of submitted projects
  - Discussion of whether Board wishes to add up to 2 projects to evaluation list
  - Discussion of potential #1 statewide Board priority out of the submitted projects

- December Board meeting

  - Consideration of resolution to add up to 2 projects to the evaluation list, if necessary
  - Consideration of resolution to identify a #1 statewide Board priority
  - Consideration of amount of funds to allocate from the High Priority Project Program to the Innovation and Technology Transportation Fund
  - Consideration of amount of funds to allocate from the Construction Districts Grant Program to the Unpaved Roads Program

- January Board meeting

- Release of project evaluations to the Board and the public. Each member will receive a binder with a project scorecard for each evaluated project.

- February Board meeting
  - Release and discussion of program scenarios and the alternative scenarios, if any.
- March Board meeting
  - Adoption of a preferred program scenario
- April Board meeting
  - Release of the Draft SYIP
- SYIP public hearings
- May Board meeting
  - Consideration of proposed modifications to the High Priority Projects Program, if necessary
  - Consideration of proposed modifications to the Construction District Grants Program for each district, if necessary
- June Board Meeting
  - Consideration of the proposed Final SYIP for adoption

C. Odd-numbered fiscal year SYIP update process and schedule.

The Board shall program funds available for the Revenue Sharing Program, Transportation Alternative Program and the Highway Safety Improvement Program in a manner consistent with the guidelines for each of these programs with the exception that two fiscal years of funding shall be programmed on a biennial basis as specified in Section A above.

In general, it is the Board's intent to demonstrate commitment to projects selected for funding in the SYIP by fully funding the projects through construction.

**Soil Conservation Program**
**Approved: 4/21/1960**

Comment [d351]: Operations

WHEREAS, soil conservation districts are being set up throughout the State for the purpose of controlling erosion in the watersheds of certain streams; and

WHEREAS, an erosion problem is caused by raw cut and fill slopes along the highways, which in turn results in highway drainage and maintenance problems; and

WHEREAS, the soil conservation districts have agreed to obtain the necessary easements, arrange for the removal and replacement of fences, and furnish the fertilizer, seed, and mulch necessary to obtain ground cover on the highway cut and fill slopes within the watershed areas being developed;

NOW, THEREFORE, BE IT RESOLVED: That in view of the contribution easements, adjustment of fences, and fertilizer, seed, and mulch by the soil conservation districts, the State Highway Commission, beginning with the fiscal year, 1960-61, will provide funds to prepare and seen the highway cut and fill slopes in order to obtain ground cover. The total of said funds shall not exceed $70,000 in any one fiscal year and are to be provided from the following sources: For the Primary System, from Primary Maintenance funds; for the Secondary System, from Secondary funds prior to allocation to the counties.

BE IT FURTHER RESOLVED: That in the case of highway projects being constructed within the limits of a watershed development area, provisions will be made to use project funds to control erosion on the cut and fill slopes.

BE IT FURTHER RESOLVED: That where Secondary highway funds have been budgeted for this purpose in fiscal 1959-60, reimbursement will be made from funds available July 1, 1960.

**Actuated Light Signals**
**Approved: 4/18/1940**

Comment [d352]: Operations (24VAC30-315)

Moved by Mr. Rawls, seconded by Mr. Massie, that the Chairman be authorized to make a thorough study and investigation of highway intersections and where a light is necessary to put in an actuated light. The Highway Department to pay the difference in cost between a "stop and go" light and the actuated light, provided the county, town or city in which such light is located will pay an amount equal to the cost of a "stop and go" light, and maintain the same.

**Classifying and Marking State Highways**
**Approved: 2/18/1988**

Comment [d353]: Operations (24VAC30-315)

WHEREAS, Section 46.1-173 of the *Code of Virginia* authorizes the Commonwealth Transportation Board to classify, designate, and mark State highways and provide a uniform system of marking and signing such highways and provide that such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states; and

WHEREAS, Section 46.1-187 of the *Code of Virginia* provides that traffic signs erected on and after January 1, 1959, and traffic signals and marking placed or erected on or after January 1, 1969, by local authorities shall conform in size, design, and color to those erected for the same purposes by the Virginia Department of Transportation (sic) and

WHEREAS, Section 33.1-47 of the *Code of Virginia* provides that all markings and traffic signals installed or erected by towns on the Primary roads therein maintained by the Virginia Department of Transportation shall first be approved by the Commonwealth Transportation Commissioner; and

WHEREAS, the federal Manual on Uniform Traffic Control Devices for Streets and Highways has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, United States Code, Sections 109(b), 109(d), and 402(a), and 23CFR1204.4; and

WHEREAS, the 1978 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways was adopted by the Board (formerly Commission) resolution dated March 15, 1979, as the standard for all highways under the jurisdiction of the Virginia Department of Transportation; and

WHEREAS, there have been four (4) revisions to the 1978 edition, published in December 1977, December 1983, September 1984 and March 1986, respectively; and

WHEREAS, since December 1, 1985, there have been several new rulings which, it is anticipated, will be incorporated into future revisions of a new edition; and

WHEREAS, it is important for the Commonwealth to keep current the classification, marking and signing of the various systems of State and local highways to effectuate uniformity with other States for the convenience and safety of the traveling public and to enhance law enforcement efforts; and

WHEREAS, some State standards may exceed minimum federal requirements and some design, installation, and operation details may not be covered in the federal Manual on Uniform Traffic Control Devices for Streets and Highways; and

WHEREAS, the Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways was adopted by Board (formerly Commission) resolution dated November 20, 1980; and

NOW, THEREFORE, BE IT RESOLVED, that the federal Manual on Uniform Traffic Control Devices for Streets and Highways and revisions thereto, when effective, shall be the standard for all highways under the jurisdiction of the Virginia Department of Transportation; and the Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways and revisions thereto, when effective, shall promulgate any State standards for traffic control devices that exceed minimum federal requirements and present any pertinent traffic control design, installation and operation details not covered in the Manual on Uniform Traffic Control Devices for Streets and Highways. The Commonwealth Transportation Commissioner is authorized to publish changes to the MUTCD as published in the Code of Federal Regulations in advance of receiving the published revisions as he deems warranted.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation which was implemented administratively without CTB action, see 24 VAC 30-520. At the recommendation of the OAG's Regulatory Task Force, this regulation was recommended to be consolidated into a single regulation with 24 VAC 30-310 (Virginia Supplement to the Manual on Uniform Traffic Control Devices) and 24 VAC 30-561 (Adoption of the Federal Manual on Uniform Traffic Control Devices). For the current status of this action, contact the Policy Division.*

**Classifying and Marking State Highways**
**Approved: 3/15/1979**

Comment [d354]: Operations (24VAC30-315)

WHEREAS, Section 46.1-173 of the *Code of Virginia* authorizes the State Highway and Transportation Commission to classify, designate, and mark State highways and provide for a uniform system of marking and signing such highways and provides that such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states; and

WHEREAS, Section 46.1-187 of the *Code of Virginia* provides that traffic signs erected on and after January 1, 1959, and traffic signals and markings placed or erected on or after January 1, 1959, by local authorities shall conform in size, design, and color to those erected for the same purposes by the Virginia Department of Highways and Transportation; and

WHEREAS, Section 33.1-47 of the *Code of Virginia* provides that all markings and traffic signals installed or erected by towns on the primary roads therein maintained by the Virginia Department of Highways and Transportation shall first be approved by the Commissioner; and

WHEREAS, the federal Manual on Uniform Traffic Control Devices for streets and highways has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, United States Code, Sections 109(b), 109(d), and 402(a), and 23 CFR 1204.4; and

WHEREAS, the 1978 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways has been printed and is now available to the public;

NOW, THEREFORE, BE IT RESOLVED, that the federal Manual on Uniform Traffic Control Devices for streets and highways shall be the standard for all highways under the jurisdiction of the Virginia Department of Highways and Transportation.

**Classifying and Marking State Highways**
**Approved: 10/16/1951**

Comment [d355]: Operations (24VAC30-315)

Moved by Mr. Barrow, seconded by Mr. Rawls, that the State Highway Commissioner's authorization to act for and on behalf of the State Highway Commission relating to classifying, designating and marking State Highways, posting signs, markers and establishing speed limits, be affirmed and ratified.

Motion Carried.

**Installation and Maintenance of Traffic Control Signals**
**Approved: 9/25/1946**

Comment [d356]: Operations (24VAC30-315)

Moved by Mr. Rawls, seconded by Mr. Rogers, that vehicle actuated traffic signals being the great majority of cases more efficient than fixed time signals, and unless conditions peculiar to a certain location indicate a fixed time signal to be satisfactory, all stop and go signals on the State Highway System shall be vehicle actuated signals. That where traffic signals are requested by localities on highways maintained by the Highway Department, full investigation be made by the Department's Traffic Division and where such investigation shows the "minimum warrants justifying control signals" as adopted by the Commission on October 9-10, 1945 to have been complied with, the appropriate signal be installed and maintained at the expense of the Highway Department. Motion carried.

**Manual on Uniform Traffic Control Devices**
**Approved: 3/17/2005**

Comment [d357]: Operations (24VAC30-315)

WHEREAS, Section 46.2-830 of the *Code of Virginia* authorizes the Commonwealth Transportation Board to classify, designate, and mark State highways and provide a uniform system of marking and signing such highways and provide that such system of marking and signing shall correlate with and, so far as possible, conform to the system adopted in other states; and

WHEREAS, Section 46.2-1312 of the *Code of Virginia* provides that traffic signs, traffic signals and markings placed or erected by local authorities shall conform in size, design, and color to those erected for the same purpose by the Virginia Department of Transportation; and

WHEREAS, Section 33.1-47 of the *Code of Virginia* provides that all markings and traffic lights installed or erected by towns on the primary roads therein maintained by the Virginia Department of Transportation shall first be approved by the Commonwealth Transportation Commissioner; and

WHEREAS, the 2000 (Millennium) edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways and revisions including rulings thereto, when effective, was adopted by Board resolution dated September 19, 2002, as the standard for all highways under the jurisdiction of the Virginia Department of Transportation; and

WHEREAS, the 2003 edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways has been approved by the Federal Highway Administration; and

WHEREAS, it is important for the Commonwealth to keep current the classification, marking and signing of the various systems of State and local highways to effectuate uniformity with other states for the convenience and safety of the traveling public and to enhance law enforcement efforts.

NOW, THEREFORE, BE IT RESOLVED, that the 2003 edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways and revisions including rulings thereto, when effective, shall be the standard for all highways under the jurisdiction of the Virginia Department of Transportation, effective immediately for maintenance operations, and beginning no later than December 22, 2005 for project advertisements, with one exception. The one exception is Part 6, Temporary Traffic Control, which shall be effective May 1, 2005.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that adoption of the 2003 edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways and revisions including rulings thereto, when effective, shall not affect the status of the 1980 edition of the Virginia Supplement to the Manual on Uniform Traffic Control Devices or the 2003 edition of the Virginia Work Area Protection Manual, which shall still remain in full force and effect. The 2003 edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways shall be used in cooperation with those manuals. In those instances where there is a conflict between the 2003 edition of the federal Manual on Uniform Traffic Control Devices for Streets and Highways and the 1980 edition of the Virginia Supplement to the Manual on Uniform Traffic Control Devices, the federal manual shall have precedence. Revisions to the 2003 Virginia Work Area Protection Manual or new editions thereof shall become effective and shall override Part 6 of the 2003 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways upon acceptance by the Federal Highway Administration.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This action was filed as 24 VAC 30-561. At the recommendation of the OAG's Regulatory Task Force, this regulation was recommended to be consolidated into a single regulation with 24 VAC 30-310 (Virginia Supplement to the Manual on Uniform Traffic Control Devices) and 24 VAC 30-520 (Classification and Marking State Highways). For the current status of this action, contact the Policy Division.*

**Manual on Uniform Traffic Control Devices**
**Approved: 11/16/1989**

Comment [d358]: Operations (24VAC30-315)

WHEREAS, Section 46.2-830 of the *Code of Virginia* authorizes the Commonwealth Transportation Board to classify, designate, and mark State highways and provide a uniform system of marking and signing such highways and provide that such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states; and

WHEREAS, Section 46.2-1312 of the *Code of Virginia* provides that traffic signs erected on and after January 1, 1959, and traffic signals and markings placed or erected on or after January 1, 1969, by local authorities shall conform in size, design, and color to those erected for the same purposes by the Virginia Department of Transportation; and

WHEREAS, Section 33.1-47 of the *Code of Virginia* provides that all markings and traffic signals installed or erected by cities and towns on primary roads therein maintained by the Virginia Department of Transportation shall first be approved by the Commonwealth Transportation Commissioned; and

WHEREAS, the federal Manual on Uniform Traffic Control Devices for streets and highways has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, United States Code, Sections 109(b), 109(d), and 402(a), and 23CFR1204.4; and

WHEREAS, the 1978 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways was adopted by Board (formerly Commission) resolution dated March 15, 1979, as the standard for all highways under the jurisdiction of the Virginia Department of Transportation; and

WHEREAS, the Board, by resolution dated February 18, 1988, adopted revisions and rulings to the 1978 edition; and

WHEREAS, the 1988 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways has been promulgated by the Federal Highway Administration; and

WHEREAS, it is important for the Commonwealth to keep current the classification, marking and signing of the various systems of State and local highways to effectuate uniformity with other states for the convenience and safety of the traveling public and to enhance law enforcement efforts; and

NOW, THEREFORE, BE IT RESOLVED, that the 1988 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways and revisions including rulings thereto, when effective, shall be the standard for all highways under the jurisdiction of the Virginia Department of Transportation. The Commonwealth Transportation Commissioner is authorized to publish changes to the MUTCD as published in the Code of Federal Regulations in advance of receiving the published revisions as he deems warranted.

**Manual on Uniform Traffic Control Devices - Crossover Use**
**Approved: 6/16/1983**

Comment [d359]: Operations (24VAC30-315)

WHEREAS, Section 33.1-12(3) of the *Code of Virginia* authorizes the State Highway and Transportation Commission to make rules and regulations, from time to time, not in conflict with the laws of this State, for the protection of and covering traffic on and the use of systems of State highways and to add to, amend or repeal the same; and

WHEREAS, Section 46.1-173 of the *Code of Virginia* authorizes the State Highway and Transportation Commission to classify, designate and mark State highways and provide a uniform system of marking and signing such highways under the jurisdiction of this State and such system of marking and signing shall correlate with and so far as possible conform with the system adopted in other states; and

WHEREAS, crossovers are provided on the Interstate System and other controlled access highways primarily for maintenance purposes and for use by police, fire and rescue vehicles in the line of duty; and

WHEREAS, such open crossovers are signed in accordance with the Manual on Uniform Traffic Control Devices to allow their use by authorized vehicles only; and

WHEREAS, it is in the interest of public safety that the use of crossovers on the Interstate System and other controlled access highways be restricted to authorized vehicles only;

NOW, THEREFORE, BE IT RESOLVED, that for the purpose of this restriction, an AUTHORIZED VEHICLE is considered to be a police, fire or rescue vehicle being used in the line of duty, any vehicle or equipment owned or controlled by the Commonwealth of Virginia, Department of Highways and Transportation, while actually engaged in the construction, reconstruction or maintenance of highways, or other vehicle so directed by the Department or by police.

**Manual on Uniform Traffic Control Devices - Highway Advisory Radio**
**Approved: 5/18/1978**

Comment [d360]: Operations (24VAC30-315)

WHEREAS, the National Manual on Uniform Traffic Control Devices states, “Traffic Control Devices are all signs, signals, markings, and other devices placed on or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.”; and

WHEREAS, highway advisory radio is a traffic control device as defined in the Manual on Uniform Traffic Control Devices and can be used to regulate, guide, or warn traffic by electronic means in which audio messages are provided the motorist through his existing AM radio receiver; and

WHEREAS, there are numerous uses of highway advisory radio, some of which are:

1. To inform motorists of down road traffic conditions
2. To advise of lane closures
3. To divert traffic to alternate routes or lanes
4. To expedite responses to emergency routes or lanes
5. To provide preferential treatment for certain classes of vehicles
6. To eliminate confusion in entering or exiting at large traffic generators

WHEREAS, any recommended use of highway advisory radio is to be based on traffic engineering analysis of the use and physical features of the highway facility, section, or network under consideration. Such analysis is to identify those locations and sections of highway facility or network which experience critical operational problems or are predicted to experience such problems regularly under normal daily traffic demand and environmental conditions and for which use of the highway advisory radio can be expected to provide improved traffic flow and safety; and

WHEREAS, the responsibility for the operation of highway advisory radio as a part of surveillance and traffic control on highways under the State’s jurisdiction rests with the Virginia Department of Highways and Transportation and to carry out this responsibility, the Department may, when a traffic engineering analysis reveals the need, operate highway advisory radio or enter into an agreement for such operation; and

WHEREAS, any agreement will be limited to governmental organizations and for education, recreation, and historical locations which the Virginia Department of Highways and Transportation determines to be large traffic generators in need of this method of traffic control. Each agreement is to contain sufficient safeguards in the authorization to assure that safe and efficient movement of traffic is maintained;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Highway and Transportation Commission does approve the use of highway advisory radio as a traffic control device and authorizes the State Highway and Transportation Commissioner to enter into agreements for its use when warranted.

**Virginia Supplement to the Manual on Uniform Traffic Control Devices**
**Approved: 11/20/1980**

Comment [d361]: Operations (24VAC30-315)

WHEREAS, Section 46.1-173 of the *Code of Virginia* authorizes the State Highway and Transportation Commission to classify, designate, and mark State highways and provide a uniform system of marking and signing such highways and provides that such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states; and

WHEREAS, Section 46.1-187 of the *Code of Virginia* provides that traffic signs erected on and after January 1, 1959, and traffic signals and markings placed or erected on or after January 1, 1969, by local authorities shall conform in size, design, and color to those erected for the same purposes by the Virginia Department of Highways and Transportation; and

WHEREAS, Section 33.1-47 of the *Code of Virginia* provides that all markings and traffic signals installed or erected by towns on the Primary roads therein maintained by the Virginia Department of Highways and Transportation shall first be approved by the Commissioner; and

WHEREAS, the federal Manual on Uniform Traffic Control Devices for streets and highways has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, United States Code, Sections 109(b), 109(d), and 402(a), and 23CFR1204.4; and

WHEREAS, the 1978 edition of the federal Manual on Uniform Traffic Control Devices for streets and highways was adopted by Commission resolution dated March 15, 1979, as the standard for all highways under the jurisdiction of the Virginia Department of Highways and Transportation; and

WHEREAS, some State standards may exceed minimum federal requirements and some design, installation, and operation details may not be covered in the federal Manual on Uniform Traffic Control Devices for streets and highways;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Supplement to the federal Manual on Uniform Traffic Control Devices for streets and highways shall promulgate any State standards for traffic control devices that exceed minimum federal requirements and present any pertinent traffic control design, installation and operation details not covered in the Manual on Uniform Traffic Control Devices.

*Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This document was filed by description as 24 VAC 30-310. At the recommendation of the OAG's Regulatory Task Force, this regulation was recommended to be consolidated into a single regulation with 24 VAC 30-561(Adoption of the Federal Manual on Uniform Traffic Control Devices) and 24 VAC 30-520 (Classification and Marking State Highways). For the current status of this action, contact the Policy Division.*

**Warrants Governing Installation of Traffic Lights**
**Approved: 10/9/1945**

Comment [d362]: Operations (24VAC30-315)

In the view of the increased number of requests for traffic lights the Commission is of the opinion that a general policy should be adopted in regard to the minimum warrants to govern the installation of such lights. On motion of General Anderson, seconded by Mr. Rawls, which was duly carried, the following minimum warrants for traffic signals were adopted.

Minimum Vehicular Volume Warrant
Total vehicular volume entering the intersection from all directions shall equal at least 750 vehicles per peak hour in the average day, of which at least 175 shall enter from the minor road or street.

Heavy Left Turn Warrant
Total vehicular volume entering the intersection from all directions shall equal 750 vehicles per peak hour in the average day, of which at least 225 shall left turn and cross through an opposing stream of at least equal volume.

Minimum Pedestrian Warrant
Pedestrian volume crossing the major street shall equal at least 200 persons per peak hour in the average day, during which vehicles entering the intersection from the major street shall equal at least 500 vehicles.

Coordinated Movement Warrant
A traffic control signal not justified under any of the proceeding warrants may be permitted where there are other signals with which the one under consideration is to be coordinated, provided such coordinated signal will expedite the free flow of traffic.

Accident Hazard Warrant
A traffic control signal not justified under any of the preceding warrants may be permitted at intersection where four or more traffic accidents involving death, personal injury, or property damage to an apparent extent of $25.00 or more, have occurred within a 12-month period, provided that such accidents are of the type susceptible to correction by a traffic control signal. The types of accidents not susceptible to correction by traffic control signalization include the following:

a) Rear end collisions. Signalization often increases this type.
b) Collisions between vehicles proceeding in the same or opposite directions, one of which makes a turn across the path of the other.
c) Accident involving pedestrians and turning vehicles, both moving on the same “Go” signal.
d) Other types of pedestrian accidents, if pedestrians do not obey the signals.

**Warrants for Traffic Signal Installation in Manual on Uniform Traffic Control Devices**
**Approved: 7/19/1962**

Comment [d363]: Operations (24VAC30-315)

WHEREAS, the traffic signal is a valuable device for the control and safe facilitation of vehicular and pedestrian traffic, and because of its predetermined or traffic induced assignment of right of way at an intersection, exerts a profound influence on traffic flow; and

WHEREAS, due to this profound influence on traffic flow, it is of the utmost importance that the selection and use of such an important control device be preceded by a thorough study of roadway and traffic conditions by an experienced traffic engineers: and

WHEREAS, a manual has been prepared by the National Joint Committee on Uniform Traffic Control Devices, establishing the warrants for traffic signals, which manual has been adopted by the American Association of State Highway Officials, the Institute of Traffic Engineers, and approved and published by the Bureau of Public Roads; and

WHEREAS, it is the desire of the Highway Commissioner and the Engineers of the Highway Department to continue to support uniformity in traffic signalization;

NOW, THEREFORE, BE IT RESOLVED: That the Highway Commission hereby adopts the warrants for the installation of traffic signals as set forth in the Manual on Uniform Traffic Control Devises (sic) to govern the installation of traffic signals by the Highway Department.

BE IT FURTHER RESOLVED: That all prior action of the Commission in regard to the above matter be, and the same is hereby, rescinded.

## Interim Policy for Selection of Transportation Alternatives Projects

**Approved: 10/17/2012**

Comment [d364]: Financial/Funding

WHEREAS, the federal Moving Ahead for Progress in the 21st Century Act (MAP-21) provides for a statewide Transportation Alternatives Program, using federal transportation funds and state or local matching funds; and

WHEREAS, from funds appropriated to the Transportation Alternatives (TA) program the Commonwealth Transportation Board (the CTB) shall approve the selection of projects on an annual basis and in accordance with §33.1-12(5) of the Code of Virginia and MAP-21; and

WHEREAS, the Board has expressed a desire to establish an interim FY2014 selection policy in order to conform with MAP-21 required policies and to ensure timely allocation of Transportation Alternatives funds; and

WHEREAS, after reviewing the proposed policy changes, the Board believes the interim policy for selection of Transportation Alternatives project should be adopted as set forth below;

NOW, THEREFORE BE IT RESOLVED, the CTB hereby rescinds its previous Enhancement Projects Selection policy adopted on December 8, 2010 and adopts the following policy and criteria governing the selection of Transportation Alternatives Program projects for FY2014:

1. For funding made available in FY2014, only existing Enhancement Program projects that meet the MAP-21 eligibility criteria shall be considered for Transportation Alternatives funding.
2. As required by MAP-21 the MPOs representing urbanized areas with populations greater than 200,000 (the Transportation Management Areas) will select eligible Transportation Alternatives projects in their areas up to the amount of funding provided them in MAP-21.
3. The CTB At-Large members will select eligible Transportation Alternatives projects with the remaining population based funds made available, up to the amount provided in MAP-21.
4. Statewide Transportation Alternatives funds (remaining 50% of allocation available for use anywhere in the state) will be apportioned equally among the Secretary and District CTB members up to a total amount of $10M. The Secretary and District members will select eligible Transportation Alternatives projects with these funds.

5. If the Statewide Transportation Alternatives funds mentioned in item 4 exceed $10M, the CTB At-Large members will be allocated the additional statewide funding over $10M to collectively select eligible projects that address statewide funding gaps or needs.

**Policy for Selection of Transportation Enhancement Projects**
**Approved: 12/8/2010**

Comment [d365]: Financial/Funding

WHEREAS, the federal Surface Transportation Act (currently SAFETEA-LU) provides for a statewide Transportation Enhancement Program, using federal Surface Transportation Program funds and state and local matching funds; and,

WHEREAS, the Commonwealth Transportation Board (the Board) shall approve the selection of projects to be allocated Transportation Enhancement Program funds on an annual basis and in accordance with §33.1-12(5) of the Code of Virginia; and,

WHEREAS, the Board has expressed a desire to revise the current selection policy so as to address high priority statewide initiatives and focus financial resources on the timely completion of existing projects; and,

WHEREAS, after reviewing the proposed policy changes, the Board believes the policy for selection of Transportation Enhancement projects should be adopted as set forth below;

NOW, THEREFORE BE IT RESOLVED, that the Board hereby rescinds its previous Enhancement Projects Selection policy adopted on November 19, 2009 and adopts the following policy and criteria governing the selection of Transportation Enhancement Program projects:

1. The Board shall set aside $4 million annually from the Transportation Enhancement Program funds for high priority statewide initiatives. The Secretary of Transportation will determine the allocation of these set aside funds. The Board shall allocate the remaining funds, between District members and At-Large members with 75% of the available allocation being allocated to District members and 25% allocated collectively to the At-Large members.
2. Funds allocated to the District members shall be apportioned equally among the nine (9) construction districts. The Board members representing the nine (9) construction districts shall select their projects first before At-Large members allocate remaining funds.
3. Funds allocated collectively to the At-large members will focus on projects of regional significance and completing funding of projects selected by District members. The Secretary and At-Large members will collectively prioritize the allocation of these funds.
4. All projects selected must be completed within four (4) years of the date of the grant availability (typically October 1 of each year), unless specifically exempted by the District CTB member or the Secretary if it is a statewide project.
5. All projects selected by the Board shall receive not less than 50% of the amount of Transportation Enhancement Program funds requested in the application. In addition, all projects selected by the Board will be fully funded to the requested Transportation Enhancement Program amount, if that amount is $200,000 or less and such amount is all that is required to complete the project.
6. For projects to be implemented in FY2012; limit application submissions to existing projects.

The Board approves the Transportation Enhancement Program De-allocation, Project Transfer, and Inactive Project Process dated December 8, 2010 and attached hereto to guide the Department's efforts in ensuring funds are effectively utilized within the established timeframes.

**Policy for the Selection of Enhancement Projects**
**Approved: 11/19/2009**

Comment [d366]: Financial/Funding

WHEREAS, the federal Surface Transportation Act (currently SAFETEA-LU) provides for a statewide Transportation Enhancement Program, using federal Surface Transportation Program funds and state and local matching funds; and,

WHEREAS, the Commonwealth Transportation Board (the Board) shall approve the selection of projects to be allocated Transportation Enhancement Program funds on an annual basis and in accordance with §33.1-12(5) of the Code of Virginia; and,

WHEREAS, the Board has expressed a desire to revise the current selection policy so as to focus financial resources on the timely completion of existing projects; and,

WHEREAS, the Board has also expressed a desire to revise the current selection policy so as to emphasize the selection of projects that promote the movement of non-motorized traffic; and,

WHEREAS, after reviewing the proposed policy changes and soliciting public input, the Board believes the policy for selection of Transportation Enhancement projects should be adopted as set forth below;

NOW, THEREFORE BE IT RESOLVED, that the Board hereby rescinds its previous Enhancement Projects Selection policy adopted on March 20, 2003 and adopts the following policy and criteria governing the selection of Transportation Enhancement Program projects:

1. The Board shall allocate the Transportation Enhancement Program funds in fifteen (15) equal shares, nine (9) such shares to be apportioned among the nine (9) construction districts and six (6) shares to be recommended by the At-Large members and the Chairman of the Board for at-large projects. The Board members representing the nine (9) construction districts shall have priority in the selection of applications
2. All projects selected must be completed within four (4) years of the date of the grant availability (typically October 1 of each year), unless specifically exempted by resolution of the Board.
3. All applications selected by the Board shall receive not less than 50% of the amount of Transportation Enhancement Program funds requested in the application.
4. All projects selected by the Board will be fully funded to the requested Transportation Enhancement Program amount, if that amount is $200,000 or less and completes the project.
5. For projects to be implemented in FY2012:
    a. Limit the application submissions and funding to existing projects for this Fiscal Year only.
6. For projects to be implemented in FY2013 and subsequent fiscal years:
    a. Apply any funding for new projects only, to those applications that promote the following Transportation Enhancement Program activities:
        - Pede trian and Bicycle Facilities
        - Pedestrian and Bicycle safety and Education
        - Landscaping and Scenic Beautification along Transportation Corridors (including streetscaping activities)
        - Preservation of Abandoned Railway Corridors and Conversion to Trails
        - Rehabilitation of Historic Transportation Buildings, Structures or Facilities
        - Acquisition of Scenic or Historic Easements and Sites

## Policy for the Selection of Enhancement Grants

**Approved: 3/20/2003**

Comment [d367]: Financial/Funding

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the following policies and criteria governing the selection of Enhancement Program projects:

1. The Board hereby adopts the attached "Application for Enhancement Program Funding";
2. The committee, working with the staffs of VDOT and DRPT, shall explain the criteria and assist potential applicants in a pro-active and publicly accessible manner; receive, evaluate and prioritize applications; and present to the Board for final selection those applications that were highly ranked;
3. The Board shall allocate the enhancement program funds in fifteen (15) equal shares, nine (9) such shares to be apportioned among the nine (9) construction districts and six (6) shares to be recommended by the At-Large members and the Chairman of the Board for at-large projects. The Board members representing the nine (9) construction districts shall have priority in the selection of applications.
4. Projects to be selected by the Board shall receive not less than 25% of the amount of Enhancement Program funds needed to complete the project, unless specifically exempted by resolution of the Board.

All projects selected must be completed within four (4) years of the date of the grant availability (typically October 1 of each year), unless specifically exempted by resolution of the Board.

## Scoring Criteria for Enhancement Program Applications

**Approved: 4/20/2006**

Comment [d368]: Financial/Funding

WHEREAS, the CTB has established a policy to enhance bicycle and pedestrian transportation in the Commonwealth; and

WHEREAS, the Commonwealth Transportation Board (CTB) developed scoring criteria to assist in evaluation of, and making funding allocations to Enhanced Program projects; and

WHEREAS, at the request of the Secretary of Transportation, the Virginia Department of Transportation has reviewed and prepared modifications to the scoring criteria that will increase emphasis on bicycle and pedestrian facilities; and

WHEREAS, the recommended modifications will not reduce the eligibility of applications for other Enhancement Program categories nor decrease the scoring of applications not related to bicycle and pedestrian facilities; and

WHEREAS, the Department staff believe that the modified scoring criteria meets the objectives of Board policy and the Secretary's request; and

NOW, THEREFORE BE IT RESOLVED, the revised scoring criteria for Enhancement Program applications as reflected on attachments A and B is hereby approved and adopted.

**Transportation Trust Fund Investment Guidelines**
**Approved: 4/21/1988**

Comment [d369]: Financial/Funding

**OBJECTIVES:** Within the framework of the guidelines and constraints below, the investment objectives of the Fund will be:

1. to assure safety and repayment of the principal;
2. to provide needed liquidity; and
3. to generate a return in excess of that for the 91 day U.S. Treasury Bill and the Donoghue Money Market Fund Index and rank in the upper quartile when compared to other funds with similar objectives and guidelines.

**ELIGIBLE SECURITIES:**

1. Obligations issued by the U.S. government, an Agency thereof, or government-sponsored corporation – up to a maximum of 100% of the value of the Fund.

2. Certificates of deposit and time deposits of Virginia Banks and Savings and Loan Institutions federally insured to the maximum extent possible and/or collateralized up to 100% for the amount of the deposit in excess of federal insurance coverage. Certificates of deposit and/or time deposits are permitted – up to a maximum of 25% of the value of the Fund.
3. Bankers' Acceptances with major U.S. money center banks rated B/B or better in the Keefe, Bruyette & Woods Bank Watch Ratings. Bankers' Acceptances with international banks (Yankee BA's) provided the bank has a rating from Keefe, Bruyette & Woods of I for country; II/III or better for peer group rating and II/III or better for dollar access rating. Total exposure to Bankers' Acceptances is limited to a maximum of 40% of the value of the Fund.
4. Repurchase Agreements, with Virginia Banks acting as principal or agent on an overnight basis, collateralized by U.S. Treasury/Agency securities – up to a maximum of 35% of the value of the Fund. The collateral will at all times be no less than 100% of the value of the repurchase agreement. However, market fluctuations could result in the value of the collateral increasing or decreasing between initial valuation and published closing prices.
5. Commercial paper issued by domestic corporations having a credit rating no lower than P-1 by Moody's Investors Service and A-1 by Standard & Poor's Corporation – up to a maximum of 35% of the value of the Fund.
6. Corporate Notes having a credit rating no lower than Aa by Moody's Investor's Services, Inc. and AA by Standard & Poor's Inc.

**CREDIT QUALITY:** In all cases, emphasis will be on securities of high credit quality and known marketability. Holdings are subject to the following limitations:

1. Commercial Paper -- Commercial paper notes of domestic corporations will be rated no lower than Standard & Poor's A-1 and Moody's P-1.
2. Domestic Bankers' Acceptances – Domestic banks will be rated no lower than Keefe, Bruyette & Woods B/C.
3. International Bankers' Acceptances – International banks must be rated no lower than:

| | |
|---|---|
| Keefe, Bruyette & Woods Country | I |
| Keefe, Bruyette & Woods Peer Group | II/III |
| Keefe, Bruyette & Woods Dollar Access | II/III |

4. Corporate Notes – Corporate notes of domestic corporations will be rated no lower than Aa by Moody's Investors Services, Inc. and AA by Standard & Poor's, Inc.

**MATURITY LIMITATIONS:**

1. The maximum maturity for any single issue may not exceed one (1) year.
2. The allowable percentage of the Investment Fund permitted in each maturity range is as follows:

| | |
|---|---|
| Overnight | 70% |
| 2-29 Days | 70% |
| 30 Days – 1 Year | 70% |

**DIVERSIFICATION:**

1. The portfolio will be diversified with no more than 5% of the value of the Fund invested in the securities of any single issuer. This limitation shall not apply to U.S. Government, an Agency thereof, or any government sponsored corporation securities, fully insured and/or collateralized certificates of deposit.
2. The maximum percentage of the Fund permitted in each eligible security is as follows:

| | |
|---|---|
| U.S. Treasuries/Agencies | 100% maximum |
| Certificates of Deposit | 25% maximum |
| Bankers' Acceptances | 40% maximum |
| Repurchase Agreements | 35% maximum |
| Commercial Paper and Corporate Notes | 35% maximum |

**UNAUTHORIZED INVESTMENTS:**

1. First liens residential mortgages

**Transportation Trust Fund Investment Guidelines**
**Approved: 5/21/1987**

Comment [d370]: Financial/Funding

**OBJECTIVES:** Within the framework of the guidelines and constraints below, the investment objectives of the Fund will be:

1. to assure safety and repayment of the principal
2. to provide needed liquidity
3. to generate a return in excess of that for the 91 day U.S. Treasury Bill and the Donoghue Money Market Fund Index and rank in the upper quartile when compared to other funds with similar objectives and guidelines.

**ELIGIBLE SECURITIES:**

1. Obligations issued by the U.S. government, an Agency thereof, or government-sponsored corporation up to a maximum of 100% of the value of the Fund.

2. Certificates of deposit and time deposits of Virginia's Banks and Savings and Loan Institutions federally insured to the maximum extent possible and/or collateralized up to 100% for the amount of the deposit in excess of federal insurance coverage. Certificates of deposit and/or time deposits are permitted up to a maximum of 25% of the value of the Fund.

3. Bankers' Acceptances with major U.S. money center banks rated B/C or better in the Keefe, Bruyette & Woods Bank Watch Bank/Thrift Ratings. Bankers' Acceptances with international banks (Yankee BAs) provided the bank has a rating from Keefe, Bruyette & Woods of I for country; II/III or better for peer group rating and II/III or better for dollar access rating. Exposure to Bankers' Acceptances is limited to a maximum of 40% of the value of the Fund of which no more than one half or 20% of the value of the Fund may be invested in Yankee Bankers Acceptances.

4. Repurchase Agreements with Virginia Banks acting as principal or agent on an overnight basis, collateralized by U.S. Treasury/Agency securities up to a maximum of 35% of the value of The Fund. The collateral will at all times be no les than 100% of the value of the repurchase agreement.

5. Commercial paper issued by domestic corporations having a credit rating no lower than P-1/A-1 by Moody's Investors Service and Standard & Poor's Corporation up to a maximum of 35% of the value of the Fund.

**CREDIT QUALITY:** In all cases, emphasis will be on securities of high credit quality and known marketability. Holdings are subjected to the following limitations:

1. Commercial Paper: commercial paper notes of domestic corporations will be rated no lower than: Standard & Poor's A-1 and Moody's P-1.

2. Domestic Bankers' Acceptances: domestic banks will be rated no lower than: Keefe, Bruyette & Woods B/C.

3. International Bankers' Acceptances: international banks must be rated no lower than:

| | |
|---|---|
| Keefe Bruyette & Woods Country | I |
| Keefe Bruyette & Woods Peer Group | II/III |
| Keefe Bruyette & Woods Dollar Access | II/III |

**MATURITY LIMITATIONS:**

1. The maximum maturity for any single issue may not exceed one (1) year.

2. The allowable percentage of the Investment Fund permitted in each maturity range is as follows:

| | |
|---|---|
| Overnight | 70% max. |
| 2 –29 Days | 70% max. |
| 30 Days – 1 Year | 70% max. |

**DIVERSIFICATION:**

1. The portfolio will be diversified with no more than 5% of the value of the Fund invested in the securities of any single issuer. This limitation shall not apply to U.S. Government and Agency thereof [sic], or government-sponsored corporation securities, fully insured and/or collateralized Certificates of Deposit.

2. The maximum percentage of the Fund permitted in each eligible security is as follows:

| | |
|---|---|
| U.S. Treasuries/Agencies | 100% max. |
| Certificates of Deposit | 100% max. |
| Bankers' Acceptances (Domestic) | 100% max. |
| Bankers' Acceptances (Yankee Bas) | 100% max. |
| Repurchase Agreements | 100% max. |
| Commercial Paper | 100% max. |

*Overall exposure to Bankers' Acceptances is limited to a maximum of 40% of the value of the Fund. No more than one-half of the percentage allowable may be invested in Yankee Bankers' Acceptances.

**UNAUTHORIZED INVESTMENTS:**

1. First liens residential mortgages.

**Adjustment of Public Utilities**
**Approved: 3/25/1952**

Comment [d371]: Operations (24VAC30-151)

Moved by Mr. Rogers, seconded by Mr. DeHardit, that the policy of the Department, in connection with urban work, to require the adjustment of public utilities owned by the cities, to be done at the cities' expense prior to any construction work being put under way be adhered to in the future. Motion carried.

**Construction and Maintenance of Pole Lines**
**Approved: 5/10-14/1920**

Comment [d372]: Operations (24VAC30-151)

See Construction and Maintenance of Pole Lines

**Construction and Maintenance of Utility Lines on Right of Way**
**Approved: 10/7/1954**

Comment [d373]: Operations (24VAC30-151)

See Construction and Maintenance of Utility Lines on Right of Way

**Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas**
**Approved: 8/4/1955**

Comment [d374]: Operations (24VAC30-151)

See Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas

**Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas**
**Approved: 4/21/1955**

Comment [d375]: Operations (24VAC30-151)

See Construction, Operation, and Maintenance of Pipelines for Transmission of Natural Gas

**Erection of Pole Lines on Highways**
**Approved: 3/20/1935**

Comment [d376]: Operations (24VAC30-151)

Moved by Mr. Rawls, seconded by Mr. Shirley, that the following be the policy of the Commission in regard to erection of pole lines on highways: "That no telephone, electric light or other pole lines be permitted on the new highways, or on the highways where none exist at the present time. If a highway has been relocated, cutting across an old highway at a number of places and the old highway has been closed, they will permit poles to be erected to fill in the gaps on the new highway. If these relocations are run and the old highway is still open then no transfer of pole lines will be made." Motion carried.

**Gas or Petroleum Products Transmission Pipelines**
**Approved: 1/18/1968**

Comment [d377]: Operations (24VAC30-151)

1. When a gas or petroleum products transmission pipeline is to be constructed through an existing subdivision, the street right of way may be utilized under the following conditions:

    a. Provided the pipeline is constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of pipeline and for the ultimate development, traffic volume, and population density of the area.
    b. Provided the pipeline is not constructed under the pavement or shoulders of the street (except for crossings). The pipeline may be constructed in the median or sidewalk areas of nonlimited access streets if it will not conflict with other utilities, drainage facilities, or other roadway features.
    c. Provided the pipeline is covered by a permit which places all liability for the pipeline and any damage to person or property, and all the responsibility for future adjustments of the pipeline, upon the public service corporation.

2. When a gas or petroleum products transmission pipeline is existing through an area which is to be developed as a subdivision, the developer may lay out the streets to include the pipeline under the following conditions:

    a. Provided the pipeline was constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of the pipeline and for the ultimate development, traffic volume, and population density of the area.
    b. Provided the pipeline will not be located under the pavement or shoulders of the street (except for crossings). The pipeline may remain in median or sidewalk areas on nonlimited access streets if it does not conflict with other utilities, drainage facilities, or other roadway features.
    c. That, upon application by the developer to the State to take over the subdivision streets for maintenance, the public service corporation will, in exchange for a permit granted in accordance with the Manual on Permits, quitclaim to the State its easement and/or right of way within the subdivision street with the following reservations:

        1) That the transmission pipeline may continue to occupy such street in its existing condition and location,
        2) That the public service corporation will be responsible for such pipeline and for any damages to persons or property resulting therefrom, and
        3) (4)(1) That in the event the Virginia Department of Highways should later require for its purposes such public service corporation to alter, change, adjust, or relocate such transmission pipeline, the nonbetterment cost of any such alteration, change, adjustment, or relocation will be the responsibility of the State.

    d. In the event the above conditions cannot be met, the developer shall lay out and develop the subdivision so that the pipeline is contained in a distinct and separate easement and/or right of way of its own. In this case it will still be necessary for the public service corporation to comply with Section 2 (c) above, where the pipeline crosses any streets, insofar as the crossing is concerned.

**Gas or Petroleum Products Transmission Pipelines**
**Approved: 11/19/1964**

Comment [d378]: Operations (24VAC30-151)

WHEREAS, there has been an increasing amount of construction of gas and/or petroleum products transmission pipelines throughout the State, by Public Service Corporation; and

WHEREAS, these transmission pipelines at times pass through existing or proposed subdivisions which streets are to be taken into the Secondary Highway System, and

WHEREAS, it is desirable to establish criteria and policy to apply to these situations,

NOW THEREFORE, the State Highway Commission hereby adopts the following policy entitled "Policy Governing Gas or Petroleum Products Transmission Pipelines through Subdivisions when Streets are to be taken into the Secondary System of State Highways";

1. When a gas or petroleum products transmission pipeline is to be constructed through an existing subdivision, the street right of way may be utilized under the following conditions:

    a. Provided the pipeline is constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of pipeline and for the ultimate development, traffic volume, and population density of the area.
    b. Provided the pipeline is not constructed under the pavement or shoulders of the street (except for crossings [sic]. The pipeline may be constructed in the median or sidewalk areas of non-limited access streets if it will not conflict with other utilities drainage facilities, or other roadway features.

    c. Provided the pipeline is covered by a permit which places all liability for the pipeline and any damage to person or property, and the responsibility for future adjustments of the pipeline, upon the public service corporation.

2. When a gas or petroleum products pipeline is existing through an area which is to be developed as a subdivision, the developer may lay out the streets to include the pipeline under the following conditions:

    a. Provided the pipeline was constructed in conformity with standards, specifications, and safety regulations of the applicable pipeline code for the ultimate use of the pipeline and for the ultimate development, traffic volume, and population density of the area.
    b. Provided the pipeline will not be located under the pavement or shoulders of the street (except for crossings). The pipeline may remain in the median or sidewalk areas on non-limited access streets if it does not conflict with other utilities, drainage facilities, or other roadway features.
    c. That, upon application by the developer to the State to take over the subdivision streets for maintenance, the public service corporation will quitclaim to the State any and all rights within the subdivision streets. The pipeline will then be covered by a permit which will place all liability for the pipeline and any damages to person or property, and the responsibility for future adjustments of the pipeline, upon the public service corporation.

In the event all the above conditions cannot be met, the developer should lay out and develop the subdivision so that the pipeline is contained in a distinct and separate right of way of its own. In this case, it will still be necessary for the public service corporation to quitclaim to the State any and all

rights where the pipeline crosses the subdivision streets and to assume all liability as set out in Sections 1 (c) and 2 (c) above. In such cases, the road crossings shall also be covered by a permit.

BE IT FURTHER RESOLVED, that this policy shall be made a part of the Subdivision and Permit requirements and Utility procedures of the Department.

**Inspection Charge for Transmission Lines**
**Approved: 9/10/1924**

Comment [d379]: Operations (24VAC30-151)

Moved by Mr. Sproul, seconded by Mr. Massie, that telephone, telegraph and electric light and other companies, corporations or individuals be required to pay $0.25 per pole as an inspection charge, for the erection of poles on the State Highway System. Motion carried.

**Inspection Charges on Permits**
**Approved: 4/28/1927**

Comment [d380]: Operations (24VAC30-151)

Moved by Mr. Gilmer, seconded by Mr. Sproul, that the inspection charges on permits and guarantee checks required to be adopted as follows:

**POLE LINES**

| | Inspection | Guarantee | |
|---|---|---|---|
| Poles | 25¢ each | For each $1.00 or less | $ 10.00 |
| Guys | 25¢ each | $ 2.50 | $ 25.00 |
| Wires | $2.50 for crossing | $ 5.00 | $ 50.00 |
| | | $10.00 | $100.00 |
| | | $15.00 | $150.00 |
| | | $20.00 | $200.00 |
| | | Or as specified by the District Engineer | |

No inspection charge is made for the erection of a new pole in place of an old pole

**PIPE LINES**

| | Inspection | Guarantee |
|---|---|---|
| Driven Under Highway | $ 2.50 | $ 10.00 |
| Highway Cut – | | |
| Soil or Gravel | $ 2.50 | $ 25.00 |
| Mcadam or Concrete | $ 2.50 | $ 50.00 |
| Parallel to Highway | | |
| Up to 100 feet | $ 2.50 | $ 25.00 |
| 101 to 500 feet | $ 5.00 | $ 50.00 |
| 501 to 1000 feet | $ 7.50 | $ 75.00 |
| 1001 to 1 mile | $10.00 | $100.00 |
| 1 mile to 5 mile | $50.00 | $500.00 |

If application is made for laying a pipe line over 5 miles in length, information as to amount of inspection and guarantee will be furnished by District Engineer on request.

No charge is made for the house connections with a main already laid.

**ENTRANCES**

| | Inspection | Guarantee |
|---|---|---|
| Uniform Charge | $ 2.50 | $ 25.00 |
| Where drain pipe is necessary | $ 2.50 | $ 50.00 |

No charge is made where materials are furnished and State does work.

**MOVING HOUSES, ETC.**

Variable. Left to discretion of District Engineer

Applications for permits should be accompanies by checks, unless a City, Town, or other public department, operating without a profit, is responsible. The application should be returned to District Engineer

Companies during continuous construction work in the State can put up a bond or certifies check for $1000.00 and secure various permits by stating on permit that guarantee is covered by such bond or check.

**Inspection Fee on Permits**
**Approved: 11/9/1937**

Comment [d381]: Operations (24VAC30-151)

Moved by Mr. Rawls, seconded by Mr. Shirley, that the inspection cost on any one permit not exceed $10.00 nor be less than $2.50 for crossing the primary and secondary highways with power lines. Motion carried.

**Issuance of Permits to Public Utilities Companies**
**Approved: 8/4/1922**

Comment [d382]: Operations (24VAC30-151)

Moved by Mr. Sanders, seconded by Mr. Truxton, that the Chairman be authorized to issue permits for the use of the State Highways for public utilities companies and others under the rules and regulations of the Commission. Motion carried.

**Participation in the Removal and Relocation of Utilities**
**Approved: 12/8/1960**

Comment [d383]: Operations (24VAC30-151)

WHEREAS, the State Highway Commission on October 15, 1953, adopted a policy whereby public or private utilities which had to be relocated or readjusted due to construction on the Primary or Secondary System within towns and cities had to be relocated or readjusted without expense to the Commonwealth; and

WHEREAS, this Commission by letter ballot resolution on October 26, 1960, adopted a modification of the existing policy, which action it now desires to rescind;

NOW, THEREFORE, BE IT RESOLVED: That the above-mentioned letter ballot resolution adopted on October 26, 1960, is hereby rescinded and the original policy adopted on October 15, 1953, is hereby modified to provide that the State Highway Commission will participate in the cost of removal and relocation of public or private utilities on all projects other than Interstate undertaken by the Highway Department within towns and cities except where the utilities are located on public property which has been dedicated or acquired for street or road purposes, including uses incidental thereto, or where there are franchise or other provisions whereby the utility company would have to bear the expense of such relocation or readjustment.

**Participation in the Removal and Relocation of Utilities**
**Approved: 10/3/1960**

Comment [d384]: Operations (24VAC30-151)

The request of the City of Danville for a change in the Commission policy regarding participation in cost of removal of utility lines within cities and towns was discussed. On motion by Mr. Flythe, seconded by Mr. Barrow, the Commission voted to modify the policy to provide that the State Highway Commission will participate in the cost of removal of private utilities within towns and cities under certain conditions.

**Participation in the Removal of Public or Private Utilities**
**Approved: 10/15/1953**

Comment [d385]: Operations (24VAC30-151)

Moved by Mr. DeHardit, seconded by Mr. Barrow, that it be the policy of this Commission that whenever a project for the construction or improvement of a route on the Primary and Secondary System of Highways is undertaken within Towns and Cities, that the Towns and Cities shall agree to relocate or readjust publicly or privately owned utilities located either above ground or below ground, as may be necessary so as not to delay or interfere with the work on the project. The relocating or readjusting of the publicly or privately owned utilities is to be done without expense to the Commonwealth. Motion carried.

**Permit Fees**
**Approved: 7/15/1965**

Comment [d386]: Operations (24VAC30-151)

WHEREAS, on January 1, 1958, the "Manual on Permits, currently in use by Virginia Department of Highways was adopted by the State Highway Commission and all other permit manuals, resolutions, or orders of the Commission in conflict therewith were repealed; and

WHEREAS, the "Manual on Permits", effective January 1, 1958, did contain minimum inspection fees to be collected in conjunction with the issuance of permits by agents of the State Highway Commission; and

WHEREAS, it has now been determined by facts submitted from records of the Department that minimum fees established by action of the State Highway Commission on January 1, 1958, are not adequate to compensate the Virginia Department of Highways for services rendered in conjunction with the issuance of permits.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby revises the "Manual on Permits" to effect the following minimum schedule of fees:

1. OVERHEAD CROSSINGS – Minimum fee $10.00 or $5.00 each in case of two (2). Each additional crossing, above two (2) covered by same permit $2.50 each.

2. COMMERCIAL ENTRANCES – Minimum fee $15.00. In case of two (2) openings $7.50 each. Additional openings above two (2) will be at the rate of $2.50 each.
3. UNDERGROUND CROSSINGS – Minimum fee $12.50. The rate will be $6.25 each in case of two (2). Additional crossings above two (2) covered by same permit will be at the rate of $2.50 each.
4. PARALLEL INSTALLATIONS – (Underground)
   a. Up to 5,000 Lin. Ft. - $5.00 for the first hundred feet, plus $1.00 for each additional hundred feet or fraction thereof.
   b. In excess of 5,000 Lin. Ft. – Minimum inspection fee of $10.00 with the application. Permittee to pay full salary and expenses of an assigned inspector plus 10% for handling. (In the event that full time inspection cannot be provided, the fee as outlined in 4-A, will be used.
   c. BLANKET PERMITS - $25.00 annual fee. (Issued on July 1, to June 30, of the following year).

**Permits and Inspection Fees for Farmers Rural Utilities Corporation, Inc.**
**Approved: 4/15/1936**

Comment [d387]: Operations (24VAC30-151)

Moved by Mr. Massie, seconded by Mr. Rawls, that where there are not more than ten poles erected at any one time by the Farmers Rural Utilities Corporation, Inc., for a rural electrification, that the minimum inspection fee be 25¢ per pole and the maximum inspection fee be not more than $2.50 for a greater number, provided only one inspection is necessary. Motion carried.

**Permits for Public Utility Companies**
**Approved: 1/28/1936**

Comment [d388]: Operations (24VAC30-151)

Moved by Mr. Wysor, seconded by Mr. Rawls, that the ruling of the Commission concerning erection of poles be modified insofar as towns of less than 3500 population are concerned, to read that “with the request of the town authorities” permits will be granted to various public utility companies to erect poles within the right of way provided there will be a clear 40 ft. width of roadway at all times; and further that these poles are to be removed upon request of the commission. Motion carried.

**Permits for Water and Gas Mains**
**Approved: 6/25/1931**

Comment [d389]: Operations (24VAC30-151)

Moved by Mr. Gilmer, seconded by Mr. Massie that no charge be made the cities and towns of the state on permits issued for the laying of water and gas mains so long as they work properly and the state is put to no expense account on the same. Motion carried.

**Poles and Power Lines – Distance from Property Line**
**Approved: 10/8/1925**

Comment [d390]: Operations (24VAC30-151)

Motion carried by Mr. Sproul, seconded by Mr. Shirley, that all poles erected along any State Highway shall be set back not more than two feet from the property line. Motion carried.

**Policy on Placing Utility Facilities Underground**
**Approved: 4/15/1993**

Comment [d391]: Operations (24VAC30-210)

WHEREAS, the current policy and practice of the Department is to relocate existing overhead utility facilities to a new overhead location compatible with the proposed roadway design and the Department's design criteria, except when engineering considerations require that the facilities be placed underground; and

WHEREAS, representatives of local governing bodies have advised the Department that there are many economic, environmental and public safety advantages to having all utility facilities placed underground; and

WHEREAS, the Board determined at its December 17, 1992 meeting that there was sufficient justification to consider changing the policy and authorized the Department to solicit public comments on a Draft Proposed Policy on Placing Utility Facilities Underground; and

WHEREAS, the Department held public hearings in Salem, Fredericksburg and Chesapeake Virginia, on February 17th, 24th and 25th of 1993 to solicit comments and received written testimony until March 8, 1993, and has made copies of the transcript available for public review; and

WHEREAS, all comments received from the public involvement process have been duly considered and evaluated by the Department, resulting in many of the suggestions provided being fully or partially incorporated into the final draft; and

WHEREAS, the Board has determined that it is in the public's interest, in many urban areas, to place utility facilities underground in connection with transportation improvement projects in order to enhance the safety, economic and environmental impact of the project on the community.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the policy on Placing Utility Facilities Underground in connection with projects constructed in accordance with Section 33.1-44 of the *Code of Virginia*, which primarily consists of the urban system of highways, and authorizes the Department to reimburse utility companies fifty (50) percent of the additional cost to place the utility facilities underground from any locality's urban allocation, where the locality elects to have utility facilities placed underground and has enacted an ordinance establishing an underground utility district which is based on a plan developed for that segment of its community. The maximum reimbursement to utility companies shall not exceed $3,000,000 on any project.

**Public Service Utilities Permits Granted to Towns**
**Approved: 8/28/1927**

Comment [d392]: Operations (24VAC30-151)

Moved by Mr. Sproul, seconded by Mr. Shirley, that when permits are granted to Towns for the operation of public service utilities for profit outside of the corporate limits of the town that they be

charged just the same as other public service corporations for the use of the State Highway. Motion carried.

**Wire Inspections Fee**
**Approved: 5/3/1938**

Moved by Mr. Rawls, seconded by Mr. Massie, that no inspection charge be made for permits to lay subsurface wires on the secondary system. Motion carried.

**Comment [d393]:** Operations (24VAC30-151)

**Wire Inspections Fee**
**Approved: 7/28/1937**

Moved by Mr. Rawls, seconded by Mr. Shirley, that the inspection fee on permits for laying sub-surface wires be at the rate of $2.50 for one mile or fraction thereof and $1.00 for each additional mile. Motion carried.

**Comment [d394]:** Operations (24VAC30-151)

## Brush Cutting and Mowing on Secondary Roads
**Approved: 9/16/1949**

Comment [d395]: Operations

1. Hard surfaced roads, school bus routes and all other roads carrying more than 50 vehicles per day will receive at least two cutting per season to the back of the ditch line.
2. Roads not included above, and having from 10 to 50 vehicles per day at least one cutting per season to back of ditch line.
3. Other roads carrying less than 10 vehicles per day will receive such attention as is necessary to keep the way open.
4. On all roads covered by Numbers 1 and 2 the entire right of way, with the exception of especially desired shrubs and trees, will be cleared at least once in three years.
5. Where the property owners take pride in keeping their frontages cleared, the Department of Highways will cooperate to the maximum reasonable extent possible.
6. Previous instructions regarding the keeping of our signs, hazardous curves and corners, clear at all times, of course will continue in effect.

## Experimental Policy to Control Vegetation
**Approved: 5/15/1986**

Comment [d396]: Operations

The Department recognizes the need to extend an experimental policy to allow minimum trimming, shaping and removal of vegetation to provide visibility for businesses and billboards classified as “conforming signs” and, at the same time, not detrimentally affect the beauty of the roadsides of the Commonwealth.

For the purposes of this policy, “conforming signs” are defined in the law as signs in zoned or unzoned commercial or industrial areas either in or outside the corporate limits. Certain on-premise signs are also “conforming signs”.

No trees will be eliminated more than two inches in diameter. Selective thinning of small trees will be allowed on an individual basis to enhance the health and growth of the best trees. Brush and limbs up to two inches in diameter may be removed on a site-by-site basis. Certain larger trees that are diseased or unsightly may be removed when approved by the Environmental Engineer.

When daylighting signs, every effort shall be made to form a picture frame around the sign with remaining vegetation so as to accent the beauty of the surrounding roadside.

All work shall be performed by the permittee at his expense, including permit and inspection fees. A violation of this policy may result in a company losing its permit privilege for five years. Isolated violations of this permit will require replacement on a four-to-one basis of dogwood, redbud or other suitable small trees approved by the Environmental Engineer to enhance the roadside beauty. Specific provisions of this policy will be included in the permit issued for each site.

This experimental policy will apply to ten signs per district beginning July 1, 1986, for one year. The policy will be reviewed at the end of the experimental year and may be abandoned or extended at the pleasure of the Highway and Transportation Board.

THE FOLLOWING PROVISIONS SHALL PREVAIL FOR THIS PERMIT:

1. No trees, shrubs, vines, or plant material, except as covered by this permit, are to be cut or disturbed.
2. Where permit covers the selective thinning or removal of trees, shrubs, vines, including brush to enhance the health and growth of the best trees, brush and limbs up to 2 inches in diameter may be removed. Certain diseased or unsightly trees and shrubs may also be removed when approved as a part of this permit.
3. All work on trees covered by this permit shall be done in accordance with approved tree surgery practices. Stubs and dead wood in trees covered by this permit must be removed, whether occasioned by present requirements or not.
4. All brush, wood, etc. is to be removed immediately from within sight of the right of way and disposed of at a lawful location which is not visible to motorists from any highway. No leader branches are to be cut off in such a manner as to retard the normal upright growth of the tree.
5. The Resident Engineer and the Environmental Manager must be notified when work is started and again when completed in order that inspection and report on same may be made.
6. The use of climbing irons or spurs is positively forbidden in any tree.
7. All access and work shall be accomplished from the sign side of right of way on interstate and controlled-access facilities.
8. All work done under this permit on the right of way shall in all respects be subject to Department directions and shall be completed to the satisfaction of the Environmental Engineer or his representative.
9. Applicants to whom permits are issued shall at all times indemnify and save harmless the State Highway and Transportation Board and the Commonwealth of Virginia and its employees, agents, and officers from responsibility, damage, or liability arising from the exercise of the privilege granted in such permit.
10. All work shall be performed by the applicant at its expense.
11. All permit and inspection fees shall be paid to the Department by the applicant.
12. The District Environmental Manager shall be notified at least three days in advance of the date any work is to be performed.
13. This application for selective pruning and/or tree cutting will be inspected by the Resident Engineer and District Environmental Manager, then forwarded with their recommendations to the Environmental Engineer for approval or denial.
14. All trees and brush removed shall be cut at ground level.
15. Pruning and shaping shall be performed by training personnel; i.e., by skilled nurserymen or tree experts which have been authorized by the District Environmental Manager prior to beginning such work.
16. Dogwood or other small flowering trees on the site shall not be removed.
17. The applicant shall attach two 8” x 10” color glossy prints (a close-up and distant view) showing the vegetation to be controlled, the highway, and the sign immediately before the work is performed and provide two 8” x 10” color glossy prints (a close-up and distant view) showing the same views immediately after the work has been completed. The applicant shall also submit two 8” x 10” color glossy prints (a close-up and a distant view) showing the same views one year after completion on the work.

**Grading and Trimming on Limited Access Highways**
**Approved: 10/25/1973**

Comment [d397]: Operations (24VAC30-151)

WHEREAS, on July 15, 1965, the State Highway Commission adopted a resolution declaring it to be the policy of the Commission not to grant permits for removing trees or grading on the right of way of the Interstate System, or otherwise its appearance except in unusual circumstances where such work would improve the appearance, safety or operation, and

WHEREAS, there have been an increasing number of requests for grading, clearing or otherwise changing the terrain features on the Limited Access portions of the Arterial Network and other systems, for the purpose of exposing to view commercial establishments, etc., and

WHEREAS, the policy adopted on the Interstate System has preserved the natural beauty of the landscape of that system and the area through which it passes and this same protection should be afforded to all Limited Access highways.

NOW, THEREFORE, BE IT RESOLVED, that the policy adopted by the Commission on July 15, 1965, for the Interstate System, shall also be applicable to all sections of roads declared to be Limited Access highways by the Commission.

**Permits for Grading on the Interstate System**
**Approved: 7/15/1965**

Comment [d398]: Operations (24VAC30-151)

WHEREAS, an increasing number of requests are being received to grade, clear or otherwise change the terrain features on the Interstate System right of way to improve visibility of commercial establishments, and

WHEREAS, it is recognized that the Interstate System was designed to be as pleasing in appearance as possible and for safe and efficient operation, now therefore,

BE IT RESOLVED, that it shall be the policy of the Commission not to grant permits for removing trees, or grading on the right of way of the Interstate System or otherwise changing its appearance except in unusual circumstances where such work would improve the appearance, safety or operation.

**Tree Trimming Permits**
**Approved: 8/18/1960**

Comment [d399]: Operations (24VAC30-151)

WHEREAS, on August 28, 1958, the Highway Commission adopted the revised Manual on Permits and authorized the agents of the Commission to “issue such permits as are required of them in the Manual;” and,

WHEREAS, the authority to issue tree trimming permits was delegated to the Landscape Engineer; and,

WHEREAS, it has been determined that it is desirable to permit the issuance of such permits by the District Engineers as well as the Landscape Engineer;

NOW, THEREFORE, BE IT RESOLVED: That the District Engineers are hereby authorized to issue all normal tree trimming and removal permits, with special or unusual cases being referred to the Landscape Engineer for issuance.

**Vegetation Control Policy**
**Approved: 11/15/1990**

Comment [d400]: Operations (24VAC30-200)

**§1 Definitions.**

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

1.1 "Board" means the Commonwealth Transportation Board as defined in §33.1-1 of the *Code of Virginia*.
1.2 "Boundary of any locality" means the limits of the jurisdiction of any local Board of Supervisors, Town Council, or City Council.
1.3 "Conforming outdoor advertising signs" means signs, advertisements, or advertising structures which were lawfully erected, have been lawfully maintained, and which comply with current state law, state regulations, and local ordinances.
1.4 "Department" means the Virginia Department of Transportation
1.5 "District Administrator" means the chief executive officer in each Transportation Construction District.
1.6 "Environmental Manager – Field" means the chief environmental manager in each Transportation Construction District.
1.7 "Federal-aid primary highway" means the highway as defined in §33.1-351(b)(18) of the *Code of Virginia*.
1.8 "Inspector" means any employee designated by the District Administrator or Environmental Manager – Field to inspect the work performed under authority of these regulations.
1.9 "Interstate system" means any highway as defined in §33.1-48 of the *Code of Virginia*.
1.10 "Land Use Permit Manual" means the manual maintained by the Board for the purpose of authorizing activities within the limits of State rights of way.
1.11 "Limited access highway" means any highway as defined in §33.1-57 of the *Code of Virginia*.
1.12 "Nonconforming outdoor advertising sign, advertisement of advertising structure" means one as defined in §33.1-351(b)(29) of the *Code of Virginia*.
1.13 "Permittee" means the person, firm, or corporation owning the outdoor advertising sign, advertisement, or advertising structure or the business for whom the vegetation control work is being performed.
1.14 "Resident Engineer" means the chief executive officer of any Transportation Residency within the Commonwealth of Virginia.
1.15 "Specifications" mean the current Virginia Department of Transportation's Road and Bridge Specifications.

**§2 General Provisions.**

2.1 Permits will be issued to control vegetation in front of a sign/structure or business provided the vegetation control application may be filed by an agent, including but not limited to companies which trim trees. No permit shall be issued to cut, prune or selectively thin trees for a nonconforming outdoor advertising sign/structure.
2.2 No trees that are more than two inches in diameter will be eliminated. Selective thinning of small trees will be allowed on an individual basis to enhance the health and growth of the best trees. Brush and limbs up to two inches in diameter may be removed on a site-by-site basis. No leader branches shall be cut off in such a manner as to retard the normal upright growth of the tree. Certain larger trees that are diseased or unsightly may be removed when approved by the District Administrator.
2.3 When daylighting signs, every effort shall be made to form a picture frame around the sign with remaining vegetation so as to accent the beauty of the surrounding roadside.
2.4 A permit must be obtained from Virginia Department of Transportation prior to any vegetation control work on the state's rights of way. All work shall be performed by the permittee at his expense, including permit and inspection fees.

2.5 A violation of these regulations may result in a permittee or its agent or both losing its vegetation control permit privilege for five years. Inadvertent violations of this permit will require replacement on a four-to-one basis with suitable small trees approved by the District Administrator to enhance the roadside beauty. The District Administrator shall have full authority to determine specie and size of all replacement vegetation.

**§3 Special Provisions.**

3.1 The permittee shall attach two 8" x 10" color glossy photographs (a closeup and a distant view) immediately before the work is performed showing the vegetation to be controlled, the highway, and the sign or business.

3.2 The permit for selective pruning and/or tree cutting will be inspected by the Resident Engineer and Environmental Manager – Field, then forwarded with their recommendations to the District Administrator for approval or denial.

3.3 A permit may be denied any applicant, and all permits issued by the Commonwealth Transportation Board may be revoked whenever, in the opinion of the Commonwealth Transportation Commissioner or his authorized representative, the safety, use, or maintenance of the highway so requires or the integrity of the permit system so dictates.

3.4 If, during or before work begins, it is deemed necessary by the Department to assign inspectors to the work, the permittee shall pay the Department an additional inspection fee in an amount that will cover the salary, expense and mileage allowance, equipment rental, etc., of the inspector(s) assigned by the Department for handling work covered by this regulation. Said inspection by the Department.

3.5 The absence of a state inspector does not in any way relieve the permittee of his responsibility to perform the work in accordance with provisions of these regulations or permit.

3.6 The Resident Engineer and the Environmental Manager – Field shall be notified at least three days in advance of the date any work is to be performed and when completed, in order that an inspection may be made.

3.7 No trees, shrubs, vines, or plant material, except as covered by this regulation, shall be cut or disturbed. Stubs and dead wood in trees covered by this regulation must be removed, whether occasioned by present requirements or not.

3.8 Where permit covers the selective thinning or removal of trees, shrubs, vines including brush to enhance the health growth of the best trees, brush and limbs up to 2 inches in diameter may be removed. Certain diseased or unsightly trees and shrubs may also be removed when approved as a part of this regulation.

3.9 Pruning of trees shall only be performed by qualified tree workers who, through related training and/or experience, are familiar with the techniques and hazards of arboricultural work including trimming, maintaining, repairing or removing trees, and the equipment used in such operations. The supervisor and tree workers shall be approved by the Environmental Manager – Field prior to issuance of a permit to perform work under this regulation.

3.10 All brush, wood, etc. shall be chipped and beneficially used or removed immediately and disposed of in a landfill which has a permit from the Virginia Department of Waste Management.

3.11 The use of climbing irons or spurs is positively forbidden in any tree.

3.12 All access and work shall be accomplished from the abutting property side of right of way on interstate and other limited-access highways. Any damage caused to property owned by the Commonwealth shall be repaired or replaced in kind when work is complete.

3.13 All work done under this regulation on the right of way shall in all respects be subject to Department directions and shall be completed to the satisfaction of the Environmental Manager – Field or his representative.

3.14 The Department reserves the right to stop the work at any time the terms of the regulations are not satisfactorily complied with, and the Department may, at its discretion, complete any of the

work covered in the permit at the expense of the permittee. If it is in the best interest of traffic safety, the Department may complete or have completed at the expense of the permittee any of the work that must be done to properly protect the traveling public.

3.15 The permittee shall immediately have corrected any condition which may arise as a result of this work that the inspector or Resident Engineer deem hazardous to the traveling public or state maintenance forces even though such conditions may not be specifically covered in these regulation or in the Land Use Permit Manual.

3.16 Applicants and their agents to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board and the Commonwealth of Virginia and its employees, agents, and officers from responsibility, damage, or liability arising from the exercise of the privilege granted in such permit except if political subdivisions are the applicants. Then special arrangements will be made whereby the agent of the political subdivision performing the work will indemnify and save harmless the Board and others.

3.17 All work shall be performed by the permittee at his expense. All permit and inspection fees shall be paid to the Department by the permittee.

3.18 All trees and brush removed shall be cut at ground level.

3.19 Dogwood or other small flowering trees on the site shall not be removed.

3.20 The permittee agrees that if the work authorized by this regulation including any work necessary to restore shoulders, ditches, and drainage structures to their original condition, is not completed by the permittee to the satisfaction of the Resident Engineer, the Department will do whatever is required to restore the area within the right of way to Department standards, and the permittee will pay to the state the actual cost of completing the work. When the permittee is a political subdivision, this requirement will be satisfied by a sum which will appear in the permit.

3.21 Road and street connections and private and commercial entrances are to be kept in a satisfactory condition. Entrances shall not be blocked. Ample provisions must be made for sage ingress and egress to adjacent property at all times. Where entrances are disturbed, they shall be restored to the satisfaction of the Department.

3.22 Road drainage shall not be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the Department. Necessary precautions shall be taken by the permittee to ensure against siltation of adjacent properties, streams, etc. in accordance with the Virginia Erosion and Sediment Control Handbook.

3.23 Any conflicts with existing utility facilities shall be resolved between the permittee and the utility owners involved.

3.24 Where landscape is disturbed on state right of way, it shall be replaced with a minimum of two inches of topsoil and reseeded according to Department specifications.

**Amendment to Virginia Transportation Infrastructure Bank Resolution of September 21, 2011**
**Approved: 10/19/2011**

Comment [d401]: Finance/Funding

WHEREAS, at its September 21, 2011 meeting, the Commonwealth Transportation Board approved the Management Agreement among the Board, the Manager and the Secretary of Finance for use in administering the Virginia Transportation Infrastructure Bank, and gave its approval, from a substantive standpoint, to the *Program Overview, Guidelines and Selection Criteria* to guide the award of financial assistance from the Bank; and

WHEREAS, the Board, among other things, directed VDOT to, after placing them in appropriate form, subject the *Program Overview, Guidelines and Selection Criteria* to the requirements of Virginia Administrative Process Act (APA); and

WHEREAS, pursuant to the process of implementing the Board's direction with regard to the *Program Overview, Guidelines and Selection Criteria,* indications are that the content in the *Program Guidelines* need not be promulgated as a regulation, and the *Program Guidelines* more properly meet the definition of a Guidance Document as defined in the APA.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby amends its September 21, 2011, resolution entitled *Approval of Management Agreement and Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank* , and hereby directs s VDOT to submit the *Program Guidelines* as a Guidance Document in accordance with applicable requirements established by the *Code of Virginia*, Executive Order 14 (10), and the State Registrar of Regulations.

BE IT FURTHER RESOLVED, that the CTB hereby directs the Secretary of Transportation, as soon as practicable, pursuant to § 33.1-23.13 of the *Code of Virginia,* to provide copies of the Management Agreement among the Board, the Manager and the Secretary of Finance, and the *Program Overview, Guidelines and Selection Criteria* to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation.

BE IT FURTHER RESOLVED, that in all other respects, the September 21, 2011 resolution, entitled *Approval of Management Agreement and Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank,* shall remain unmodified and in full force.

**Approval of Management Agreement and Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank**
**Approved: 9/21/2011**

Comment [d402]: Finance/Funding

WHEREAS, Chapters 830 and 868 of the 2011 Acts of Assembly (the "Acts") created the Virginia Transportation Infrastructure Bank (VTIB or the "Bank") for the purpose of making loans and other financial assistance to localities, private entities and other eligible borrowers and grants to localities to finance transportation projects; and,

WHEREAS, in accordance with the Acts, the Commonwealth Transportation Board (CTB or the "Board"), the Virginia Resources Authority (VRA or the "Manager") and the Secretary of Finance are authorized to enter into a Management Agreement to, among other items, set forth the terms and

conditions for which the Manager will advise the Board and identify requirements of the Act to be applied and administered; and,

WHEREAS, in accordance with the Acts, the Board, in consultation with the Manager, shall issue guidelines for scoring projects and awarding assistance from the Bank; and,

WHEREAS, no loan or other financial assistance shall be awarded from the Bank until the Secretary of Transportation has provided copies of the Management Agreement and related guidelines and selection criteria documents to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation; and,

WHEREAS, a proposed Management Agreement, which is attached hereto, has been developed in consultation with the Board, the Manager and the Secretary of Finance in accordance with the Acts; and,

WHEREAS, the proposed Program Overview, Guidelines and Selection Criteria, which is attached hereto, has been developed by the Board, in consultation with the Manager in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves the Management Agreement among the Board, the Manager and the Secretary of Finance for use in administering and managing the Bank in the substantially final form presented at this meeting and further, authorizes the Chairman to execute the Management Agreement with such completions, omissions insertions and changes as he may deem necessary to effect the purposes of the Acts; and,

BE IT FURTHER RESOLVED, that the CTB hereby approves, from a substantive standpoint, the Program Overview, Guidelines and Selection Criteria to guide the award of financial assistance from the Bank presented at this meeting and further directs VDOT, after placing them in appropriate form, to subject the Program Overview, Guidelines and Selection Criteria to the requirements of the Virginia Administrative Process Act (APA); and,

BE IT FURTHER RESOLVED, that the CTB hereby directs the Secretary of Transportation, upon successful completion of the APA process for the Program Overview, Guidelines and Selection Criteria, to provide copies of the Management Agreement and the Program Overview, Guidelines and Selection Criteria to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation.

**Guidelines for Decreasing Weight Limits on the Highway and Secondary Systems**
**Approved: 9/4/1957**

Comment [d403]: OPerations

WHEREAS, by § 46-341 of the *Code of Virginia* of 1950, as amended, the State Highway Commission is authorized and empowered to decrease the weight limits of any highway or section of highway or bridge constituting a part of the State Highway System or Secondary System of State Highways whenever it will promote the safety of travel or is necessary for the protection of the highway; and

WHEREAS, the desirability and necessity of reducing weight limits on such highways or sections thereof so as to prevent undue breakup or distress requires timely action based on information available to the District and Resident Engineers;

NOW, THEREFORE, BE IT RESOLVED, that the District and Resident Engineers under the provisions of § 46-341 of the *Code of Virginia* of 1950, as amended, be authorized, empowered and instructed to decrease weight limits on any highway or section of highway or bridge constituting a part of the State Highway System or Secondary System of State Highways to a limit of five (5) tons per axle weight upon the happening of any of the following conditions:

1. When the moisture content of the base and surface material is critical and the continuation of heavy traffic thereover may cause breakup or distress of that section of roadway.
2. When the depth and extent to which freezing has occurred within and under the roadway is such that the continuation of heavy traffic over that section of roadway may cause breakup or distress.
3. When rutting, surface cracks or other surface changes occur which indicate that the carrying ability of the road has been impaired.
4. When an inspection of the bridge or culvert discloses conditions which indicate impairment of its carrying ability.

**Restriction of Vehicle and Load Weights**
**Approved: 1/4/1937**

Comment [d404]: Operations

Moved by Mr. Mayor, seconded by Mr. Rawls, that the State Highway Commission hereby authorize, empower and instruct the District Engineer, that when the weather condition is such as to weaken the surface of the roads making them incapable of withstanding heavy loads, to restrict traffic to a load not to exceed five tons, including weight of vehicle and load and to place signs at both ends of the road giving notice of such restriction. Motion carried.

**Reduction of Speed Limits on the Highway and Secondary System During Maintenance and Survey Operations**
**Approved: 10/8/1957**

Comment [d405]: Operations (24VAC30-315) (Work Area Protection Manual)

WHEREAS, by Section 46-340 of the *Code of Virginia* of 1950, as amended, the State Highway Commission is authorized to establish speed limits less than those prescribed by Title 46 of the *Code of Virginia* of 1950 on sections of roads constituting a part of the State Highway System and Secondary System of State Highways; and

WHEREAS, a reduction in the speed on the sections of roadway upon which maintenance and survey operations are being performed will promote the safety of travel on such roadways;

NOW THEREFORE, BE IT RESOLVED, that the speed limit on all sections of roadway upon which maintenance and survey operations are being performed is reduced to twenty five (25) miles per hour and that signs be posted on both ends of such sections designating the speed limit as herein established.

**Restricted Speed Zones**
**Approved: 12/15/1947**

Comment [d406]: Delegation – superseded by Commissioner's Delegation (5/9/17) ; see also §§ 46.2-870, 878, 881

Moved by Mr. Harpine, seconded by Mr. Rawls, that the Commission delegate to the Traffic and Planning Engineer and the District Engineers-authority [sic] to establish restricted speed zones on highways where circumstances warrant; objection to such action being subject to appeal to the Commission. Motion carried.

**Speed Limit in Construction Zones**
**Approved: 5/3/1938**

Comment [d407]: Operations (24VAC30-315) (Work Area Protection Manual)

Moved by Mr. East, seconded by Mr. Rawls, that the speed limit through construction zones be changed from 15 miles per hour to 25 miles per hour. Motion carried.

**Speed Limits**
**Approved: 8/28/1941**

Comment [d408]: Operations

Moved by Mr. Rawls, seconded Mr. Gilpin, that the Commissioner is glad to comply with the request of the Governor and reduce the speed limit on all State owned motor equipment ten miles per hour. Motion carried.


# Federal Transportation Grant Anticipation Notes Series 2017

**October 23, 2017**

**John W. Lawson**
**Chief Financial Officer**

# Commonwealth Transportation Board: Federal Transportation Grant Anticipation Notes, Series 2017

| Summary Terms of Offering* | |
|---|---|
| **Issuer** | Commonwealth Transportation Board |
| **Projects** | Projects with GARVEE allocations in the Six-Year Improvement Program (SYIP) |
| **Anticipated Ratings** | Double-A Category |
| **Pricing Date** | December 2017 |
| **Security** | The Series 2017 bonds are payable from and secured by revenues (i) first, from Project specific reimbursements, (ii) legally available revenues from the TTF, and (iii) from other such funds designated by the General Assembly for such purposes. |
| **Par (in millions)** | $230.3 |
| **Structure** | Serial Bonds 2018 - 2032 |
| **Final Maturity (years)** | 15 |

* Preliminary and subject to change

# GARVEE Program Overview

**Chapter 830 and 868 of the Acts of Assembly of 2011 authorized the issuance of $1.2 billion of GARVEEs.**

- **Successor program to Federal Highway Reimbursement Anticipation Notes (FRANs) authorized in 2000.**
- **Limits the outstanding GARVEEs and FRANs to $1.2 billion.**
- **Limits the maturity to 20 years.**
- **Secured first by project specific federal reimbursements and then by:**
  - Legally available revenues from the TTF.
  - Other such funds designated by the General Assembly for such purposes.
- **All FRANs were retired in September 2015.**

**Memorandum of Agreement (MOA) with Federal Highway Administration (FHWA) for the GARVEE program was executed in December 2011 and updated in August 2017.**

**Exhibit A of the MOA identifies the approved GARVEE supported projects and has been amended to incorporate the new projects to be supported by this sale.**

# GARVEE Issues

## The CTB has issued four series of GARVEEs to date:

| Date of Issuance | Amount (in millions) | Purpose |
|---|---|---|
| February 2012 | $298 | Downtown & Midtown Tunnels, Martin Luther King Expressway |
| July 2012 | $144 | Downtown & Midtown Tunnels, Martin Luther King Expressway and I-95 Express Lanes |
| November 2013* | $307 | Route 460 Corridor Development Project, I-495 express Lanes Shoulder Use |
| October 2016 | $317 | Projects in the SYIP and approved in Round One of SMART SCALE with planned GARVEE allocations |

* Due to the termination of Route 460, bond proceeds where reallocated to other active GARVEE projects

**Proceeds from the 2017 issue will provide continued support to projects funded previously with GARVEE bonds and projects approved in round two of SMART SCALE**

## Debt Service for the GARVEE Bonds

**Virginia's GARVEE bonds are secured first by project specific federal reimbursements and then by,**

- legally available revenues from the TTF,
- from other such funds designated by the General Assembly for such purposes.

**Bond issuances are limited to:**

- Maximum outstanding amount cannot exceed $1.2 billion
- Debt service must have 4x coverage

**After this sale:**

- Outstanding GARVEEs - $1.05 billion (additional revolving authorization provided to SMART SCALE in future years)
- Coverage – greater than 10x

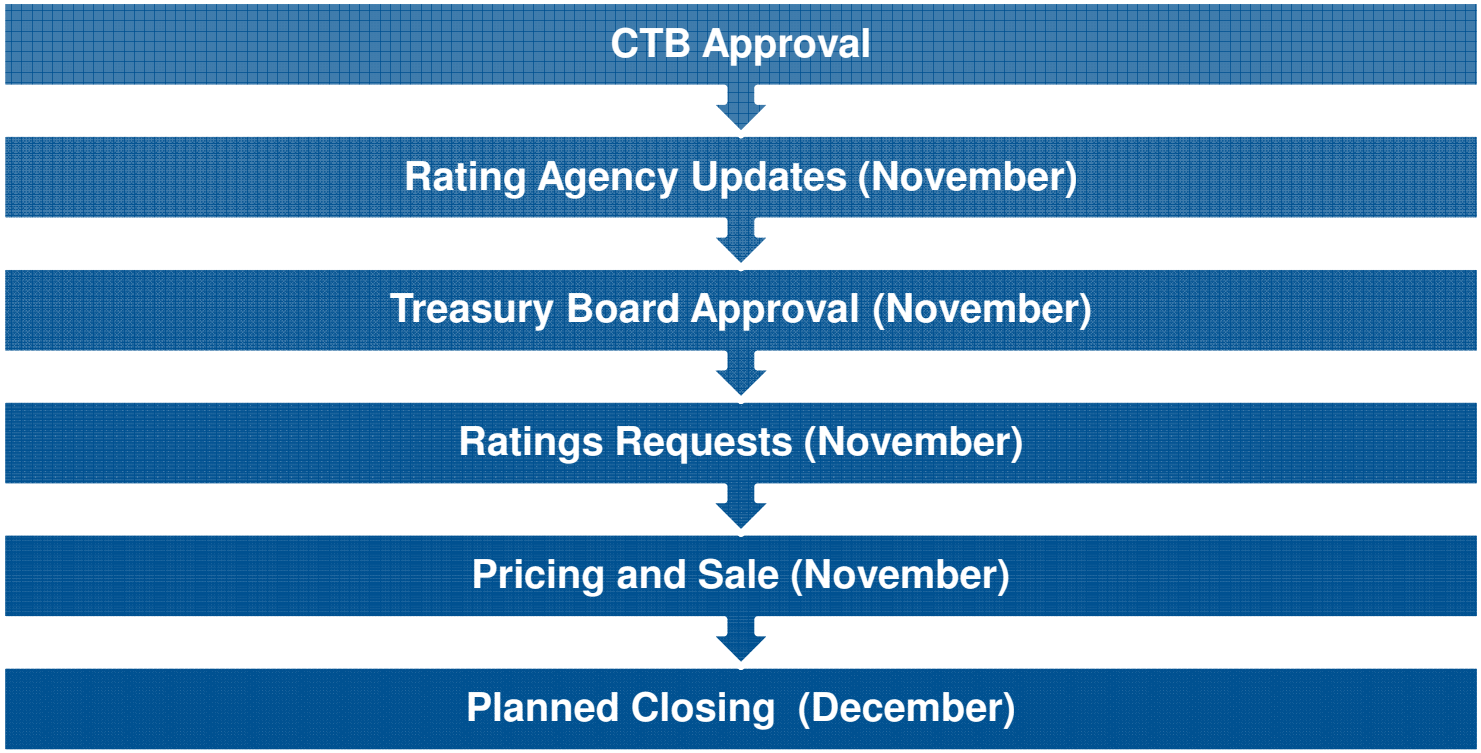
**Next sale anticipated for November 2018 and is estimated to be $141 million**

# Recent GARVEE Transactions

| | Commonwealth Transportation Board | Idaho Housing and Finance Association[3] | Arizona DOT | State of North Carolina | Georgia State Road and Tollway Authority[2] | Alabama Fed. Highway Finance Authority |
|---|---|---|---|---|---|---|
| Ratings (M/S/F) | Aa1/AA+/AA+ | A2/-/A+ | Aa2/AA+/AA | A2/AA/A+ | A2/AA/A+ | Aa1/AAA/- |
| Pricing Date | 10/25/2016 | 9/29/2017 | 8/30/2017 | 8/3/2017 | 7/19/2017 | 6/20/2017 |
| Security | Discretionary Pledge of TTF Revenues and Other Funds | Stand Alone | Other lawfully available funds, including State Highway Fund monies | Stand Alone | Stand Alone | Fuel Taxes |
| Series | Series 2016 | 2017 Series A | Series 2017A | Series 2017 | Series 2017AB | Series 2017AB |
| Par (in Millions) | $316.930 | $91.265 | $62.595 | $224.640 | $349.765 | $556.320 |
| Structure | Serial 2017 – 2029 Term 2030 & 2031 | Serial 2020 – 2027 | Serial 2018 – 2032 | Serial 2018 – 2023 | Serial 2018 – 2029 | Serial 2018 – 2037 |
| Final Maturity (Years) | 15 years | 10 years | 15 years | 6 years | 12 years | 20 years |
| All-in Rate[1] | 2.302% | 1.940% | 2.348% | 1.379% | 1.635% | 2.724% |

(1) Approximate All-in TIC based on information found in Official Statements (2)GA SRTA Indirect GARVEEs rated A1/AA/A+ (3) On behalf of Idaho Transportation Department

# Next Steps for Virginia's Fifth GARVEE Issue



DRPT
Virginia Department of Rail and Public Transportation

VIRGINIA
STATEWIDE RAIL PLAN

# Virginia Rail Plan

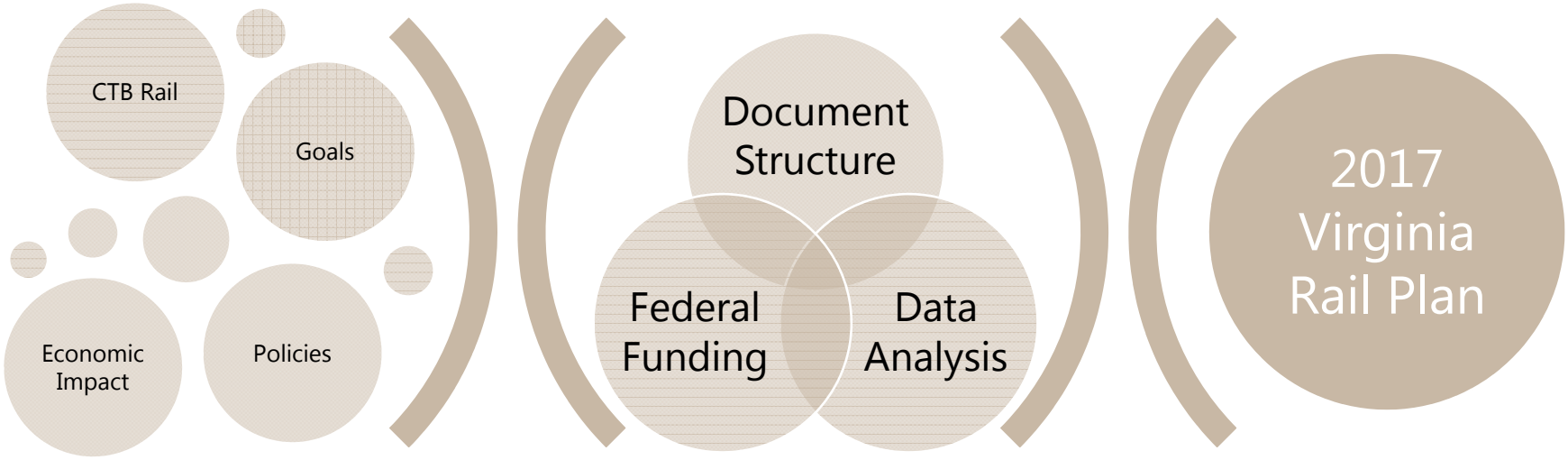
## October 23, 2017

Michael Todd, DRPT

Rail Enhancement & Planning

VIRGINIA
STATEWIDE RAIL PLAN

# Introduction and Purpose

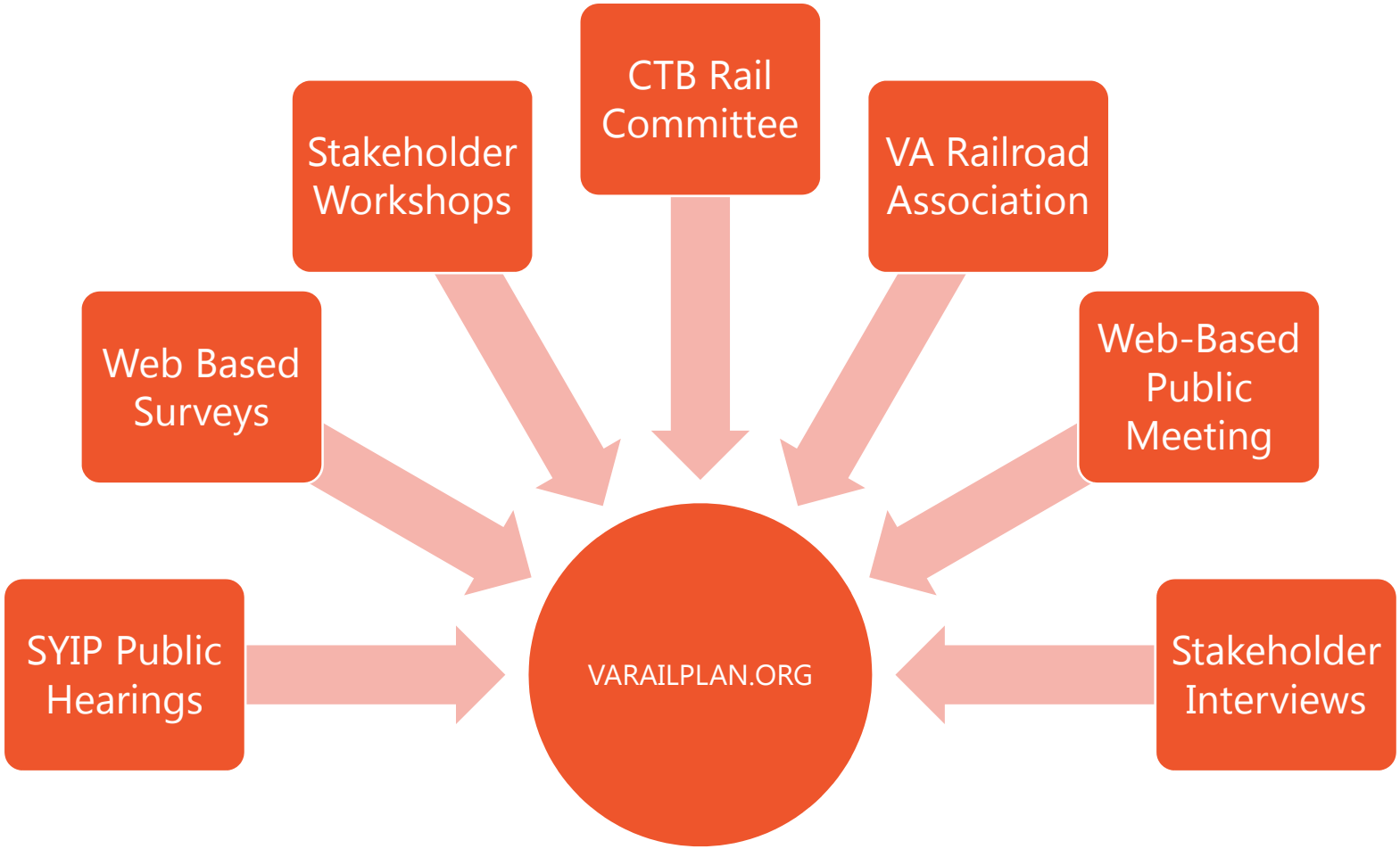



Context in Virginia

FRA Compliance

VIRGINIA
STATEWIDE RAIL PLAN

# Outreach



# Executive Summary

# Benefits of Rail in Virginia

## GROW THE ECONOMY

*RAIL SERVICES DRIVE 6% OF VIRGINIA'S TOTAL ECONOMY.*
*MORE THAN 6,000 JOBS CREATED DIRECTLY BY RAIL NETWORK*

**FREIGHT RAIL**

**$2.2 BILLION** in annual benefits

about 9 cents per ton-mile of rail use

**PASSENGER RAIL**

**$190 MILLION** in annual benefits

about 46 cents per passenger-mile of rail use

*Benefits are largely derived from savings from diverting freight and passengers from highways to rail and includes congestion savings and crash reduction benefits.*

## BREATHE EASIER

*3M TONS OF CO2 EMISSIONS AVOIDED*
*(6.4% OF TOTAL IN VIRGINIA PER YEAR)*

On average, railroads are **four times** more fuel efficient than trucks

Moving freight by rail instead of truck generates **75% less** greenhouse gas emissions

The total estimated level of rail service in Virginia in 2015 was about **25 billion ton-miles**

## TRAVEL SAFE

*18 LIVES SAVED AND 3,000 CRASHES AVOIDED EACH YEAR*

Shipping by rail avoids about **1.7 billion miles** of truck travel in Virginia

Passenger travel by rail avoids about **271 million miles** of personal driving in Virginia

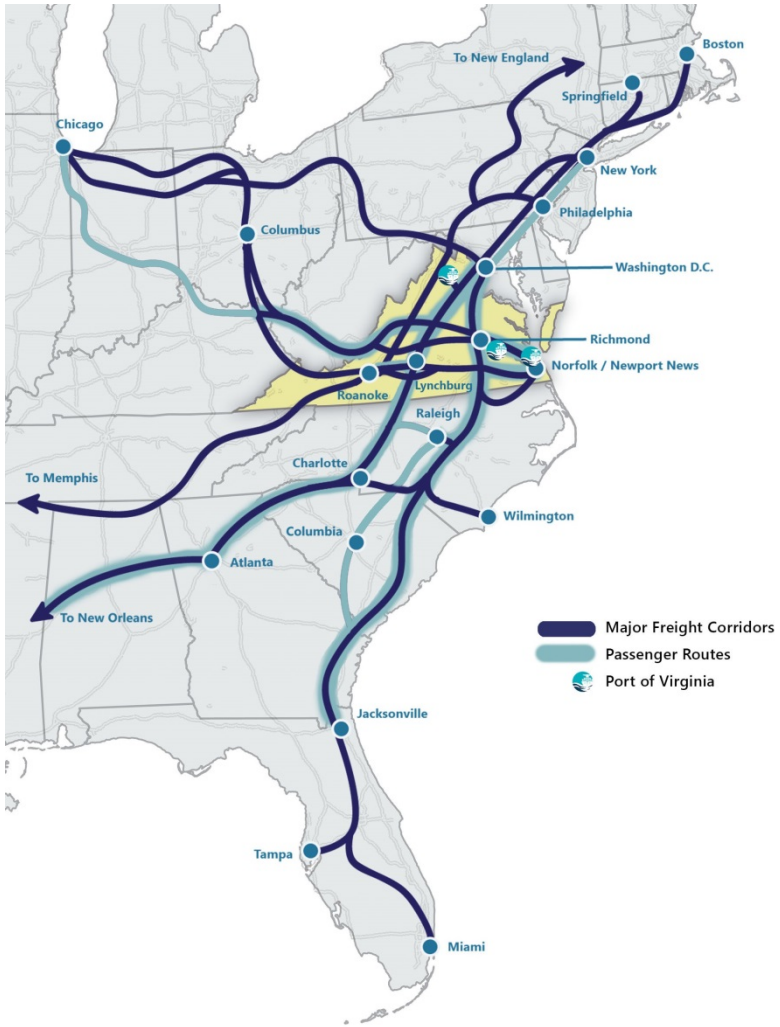
## SAVE MONEY

*$123M PAVEMENT MAINTENANCE SAVINGS*
*(6% OF ANNUAL VDOT MAINTENANCE BUDGET)*

**8** = **240**
*PASSENGER RAILCARS* *PASSENGER VEHICLES*

**100** = **340**
*FREIGHT RAILCARS* *SEMI-TRAILER TRUCKS*

# Benefits Continued




- Connects to National and International Markets
- Moves both people and goods
- Serves Port of Virginia

# Future Trends

# Future Trends

## RAIL INDUSTRY DRIVERS

Growth in Intermodal Traffic

Changes in Energy Production: Oil, Gas and Coal

Congestion

Environmental

Demographic Changes

Aging Infrastructure

Changes in Rail Governance Framework

Amtrak Northeast Corridor

VIRGINIA
STATEWIDE RAIL PLAN

# Future Trends

## FREIGHT

### Freight tonnage is expected to grow by 50% in Virginia by 2040

Movement by rail will increase by 14%; additional rail investment can enhance rail's modal share and keep additional freight from congested roadways.

### Port of Virginia Shipments

TEUs anticipated to more than triple from 2.1 M in 2012 to 7.2 M in 2040.

Capacity to move 45% by rail in 2040, up from 35% today.

### Expected Evolution of Major Freight Markets

Growth in intermodal traffic will impact operational approach to major freight corridors. Intermodal movement relies on tight timetables and high demand for on-time performance.

# Future Trends

## FREIGHT

Freight
expected t
in Virgi

Movement by
14%; additio
can enhance
and keep adc
congest

## PASSENGER

### Population concentrated in the urban crescent

Since 2010, the share of Virginia's total population growth in the urban crescent rose to 93 percent, up from 81 percent between 2000 and 2006.

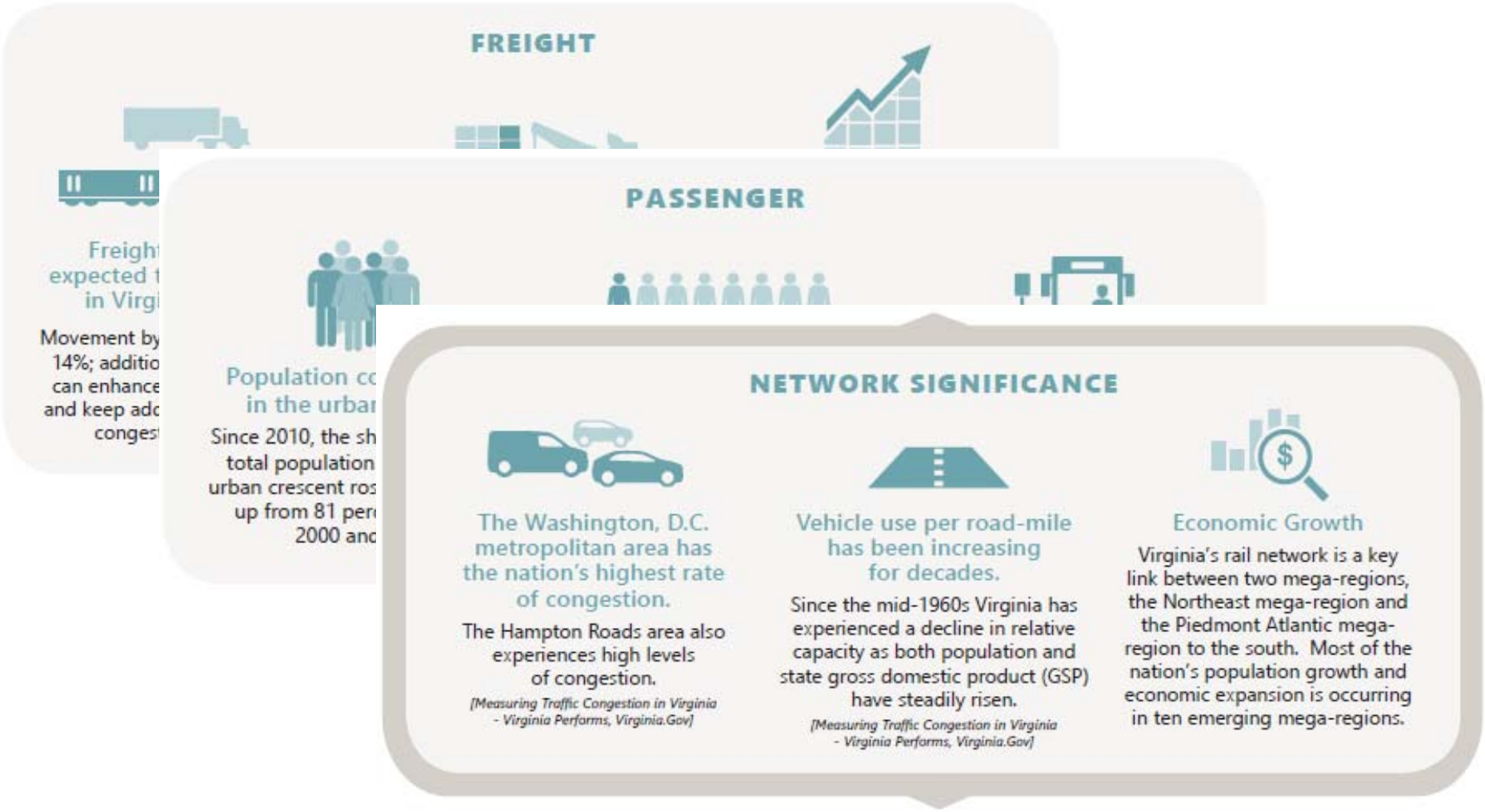
### Population is growing older – 1 in 8 Virginians is 65 or older,

and the largest concentration of Virginia's aging population lives in the urban crescent.
[DC2RVA Purpose and Need]

### Increasing demand for public transportation

Urban environments conducive to public transportation and an older demograhic create more reliance on multi-modal options.

# Future Trends



# Vision, Goals & Future Investments

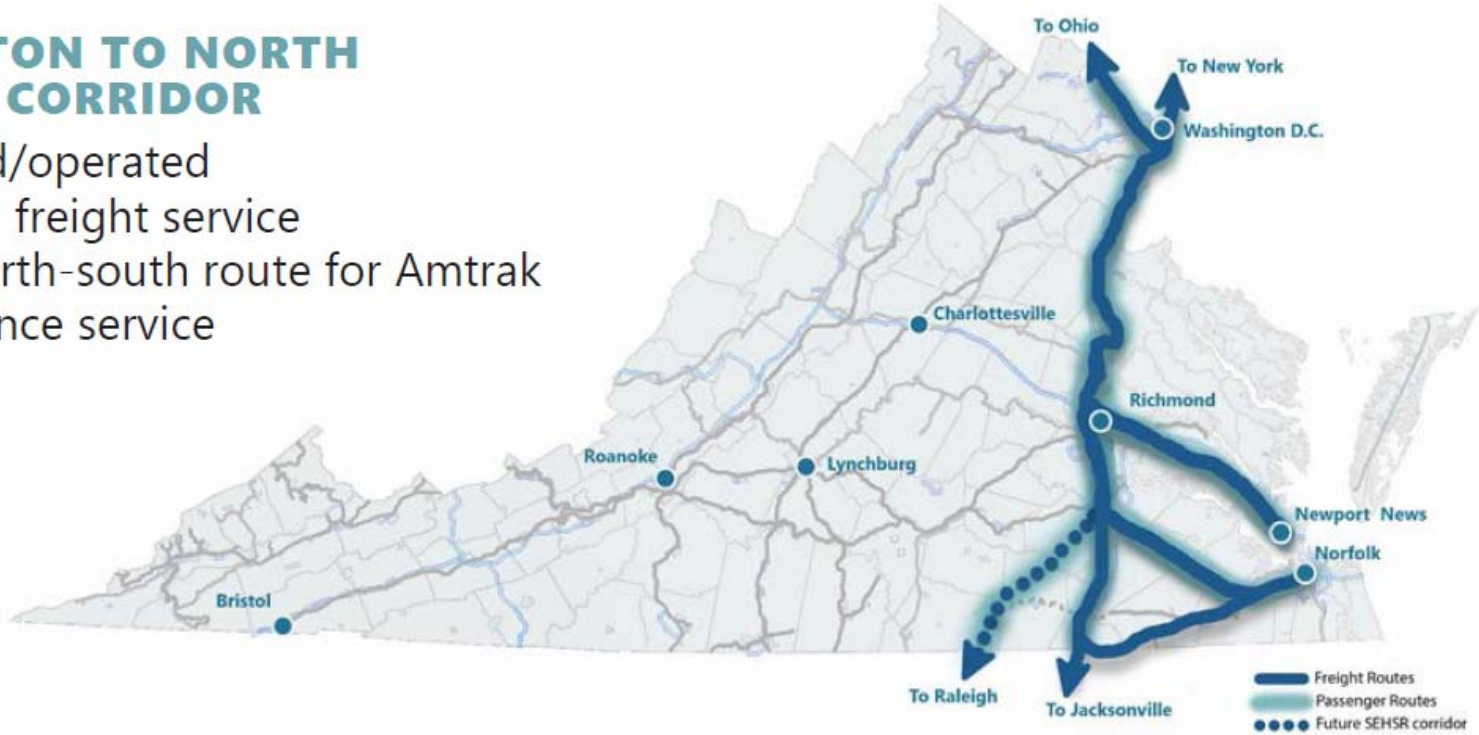
# Vision


*Goals and objectives link visions to prioritize investments in rail.*

# Investments

## WASHINGTON TO NORTH CAROLINA CORRIDOR

- CSX owned/operated
- Intermodal freight service
- Primary north-south route for Amtrak long-distance service




### TOP DRIVERS

- Growth in Intermodal Traffic
- Congestion
- Demographic Changes
- Amtrak Northeast Corridor

### KEY GOALS

- Optimize Return on Investments
- Consider Operational Improvements and Demand Management First
- Ensure Efficient Intermodal Connections

# Investments

## CRESCENT CORRIDOR

- Norfolk Southern owned/operated
- Intermodal freight service
- Amtrak long distance and regional service


## TOP DRIVERS

- Congestion
- Demographic Changes
- Amtrak Northeast Corridor

## KEY GOALS

- Optimize Return on Investments
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development

# Investments

## EAST-WEST CORRIDOR

- CSX and Buckingham Branch owned/operated
- Primary coal route
- Passenger connection to Newport News


## TOP DRIVERS

- Changes in Energy Production
- Amtrak Northeast Corridor
- Aging Infrastructure

## KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Ensure Transparency and Accountability, and Promote Performance Management
- Support Regional Economic Development

# Investments

## HEARTLAND CORRIDOR

- Norfolk Southern owned/operated
- Intermodal freight service
- Passenger connection to Norfolk


## TOP DRIVERS

- Growth in Intermodal Traffic
- Changes in Energy Production
- Environmental

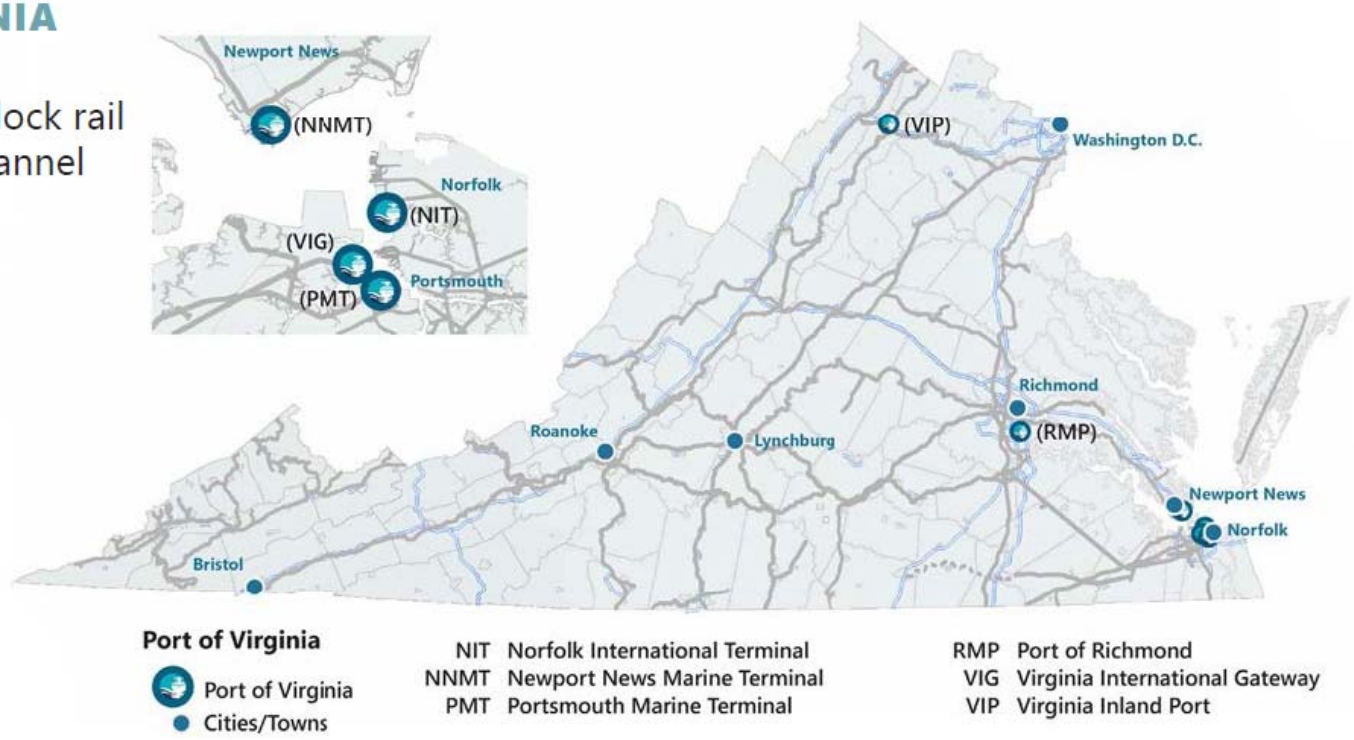
## KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development
- Ensure Efficient Intermodal Connections

# Investments

## PORT OF VIRGINIA

- 6 terminals
- 30 miles of on-dock rail
- 55 foot deep channel




NIT Norfolk International Terminal
NNMT Newport News Marine Terminal
PMT Portsmouth Marine Terminal
RMP Port of Richmond
VIG Virginia International Gateway
VIP Virginia Inland Port

## TOP DRIVERS

- Growth in Intermodal Traffic
- Congestion
- Environmental

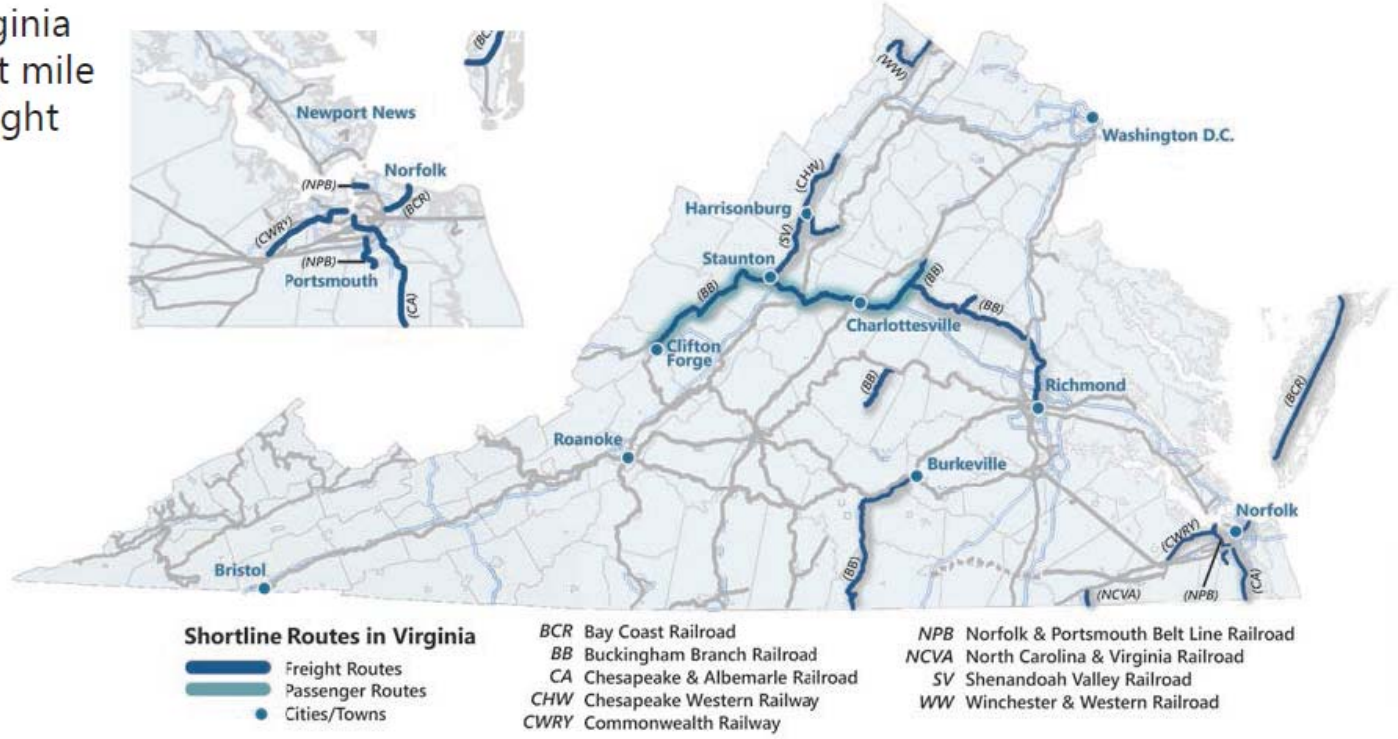
## KEY GOALS

- Ensure Transparency and Accountability, and Promote Performance Management
- Ensure Efficient Intermodal Connections
- Support Regional Economic Development

# Investments

## SHORTLINE ROUTES IN VIRGINIA

- 9 shortlines in Virginia
- Important first/last mile connection for freight




### TOP DRIVERS

- Changes in Energy Production
- Aging Infrastructure
- Changes in Rail Governance Framework

### KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development

# Thank You

## Questions?

# 2017
# VIRGINIA STATE RAIL PLAN
## Executive Summary



DRPT
Virginia Department of Rail and Public Transportation

VIRGINIA
STATEWIDE RAIL PLAN

Virginia's rail network is a valuable asset that drives the economy, reduces congestion, improves safety, and saves taxpayer money. Continued investment in rail infrastructure will ensure the mission and vision of the Commonwealth's transportation network is achieved.

# CONTENTS


02 BENEFITS OF RAIL IN VIRGINIA

07 FUTURE OF RAIL IN VIRGINIA

09 VIRGINIA'S VISION FOR THE FUTURE

15 PRIORITY IMPROVEMENTS AND INVESTMENTS

# BENEFITS OF RAIL IN VIRGINIA

## VIRGINIA'S RAIL SYSTEMS

Virginia's rail network is a valuable asset for the Commonwealth. It provides an efficient means of moving freight and passengers both within and through the state. The Commonwealth recognizes the privately owned rail network as part of a multimodal system with public benefits and growing economic impacts. Since the 2000s, significant state investments have leveraged private and federal funds to improve freight and passenger rail transportation and support the overall transportation system.

## GROW THE ECONOMY

*RAIL SERVICES DRIVE 6% OF VIRGINIA'S TOTAL ECONOMY.*
*MORE THAN 6,000 JOBS CREATED DIRECTLY BY RAIL NETWORK*

**FREIGHT RAIL**

**$2.2 BILLION** in annual benefits

about 9 cents per ton-mile of rail use

**PASSENGER RAIL**

**$190 MILLION** in annual benefits

about 46 cents per passenger-mile of rail use

*Benefits are largely derived from savings from diverting freight and passengers from highways to rail and includes congestion savings and crash reduction benefits.*

## BREATHE EASIER

*3M TONS OF CO2 EMISSIONS AVOIDED*
*(6.4% OF TOTAL IN VIRGINIA PER YEAR)*

On average, railroads are **four times** more fuel efficient than trucks

Moving freight by rail instead of truck generates **75% less** greenhouse gas emissions

The total estimated level of rail service in Virginia in 2015 was about **25 billion ton-miles**

## TRAVEL SAFE

*18 LIVES SAVED AND 3,000 CRASHES AVOIDED EACH YEAR*

Shipping by rail avoids about **1.7 billion miles** of truck travel in Virginia

Passenger travel by rail avoids about **271 million miles** of personal driving in Virginia

## SAVE MONEY

*$123M PAVEMENT MAINTENANCE SAVINGS*
*(6% OF ANNUAL VDOT MAINTENANCE BUDGET)*

**8 = 240**

*PASSENGER RAILCARS* = *PASSENGER VEHICLES*

**100 = 340**

*FREIGHT RAILCARS* = *SEMI-TRAILER TRUCKS*

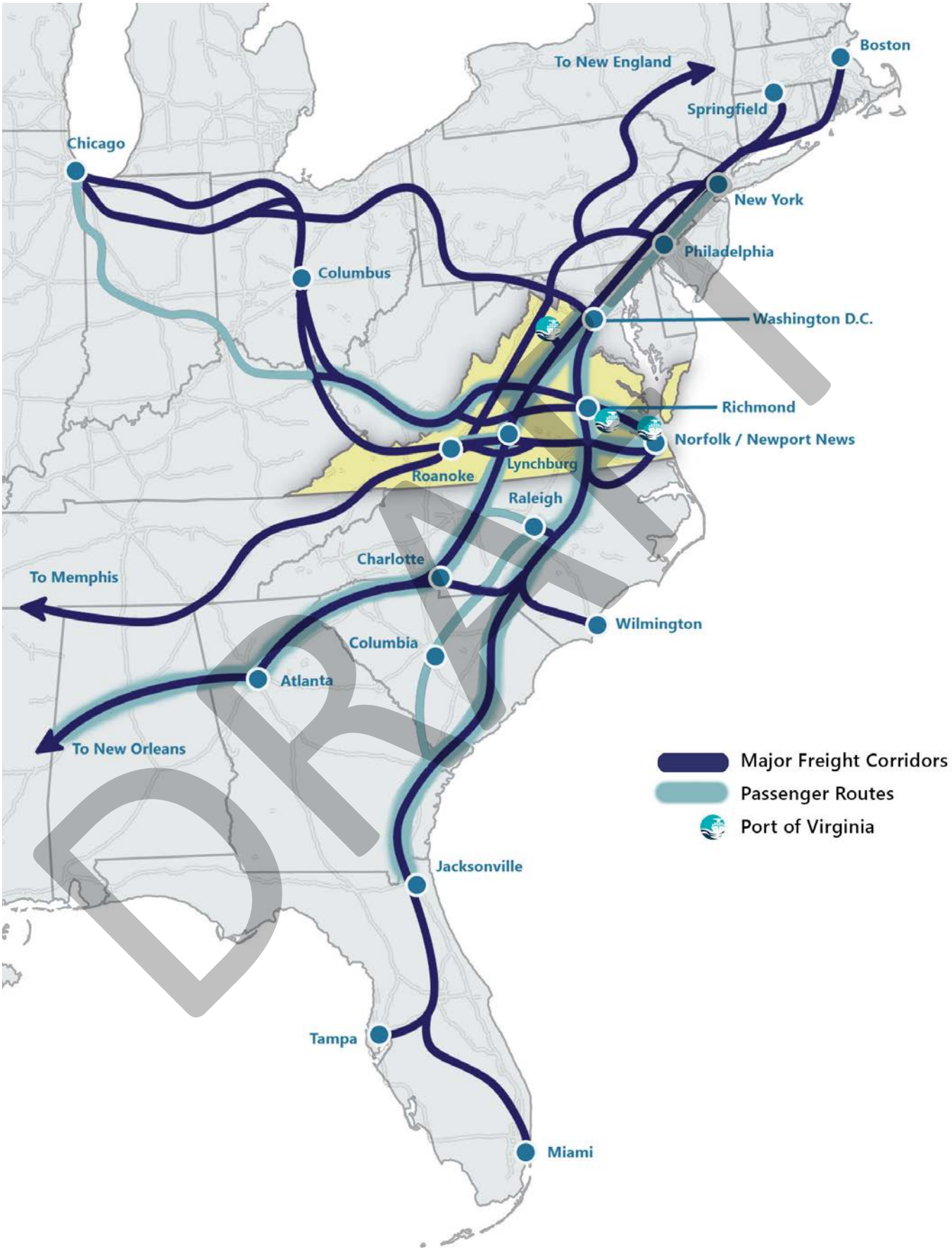
*Virginia's Rail Systems, continued*

By diverting freight and passenger traffic from road to rail, Virginia's rail network relieves congestion, saves lives, improves air quality, helps grow the economy, and complements the Virginia highway network while reducing capital and maintenance expenditures.

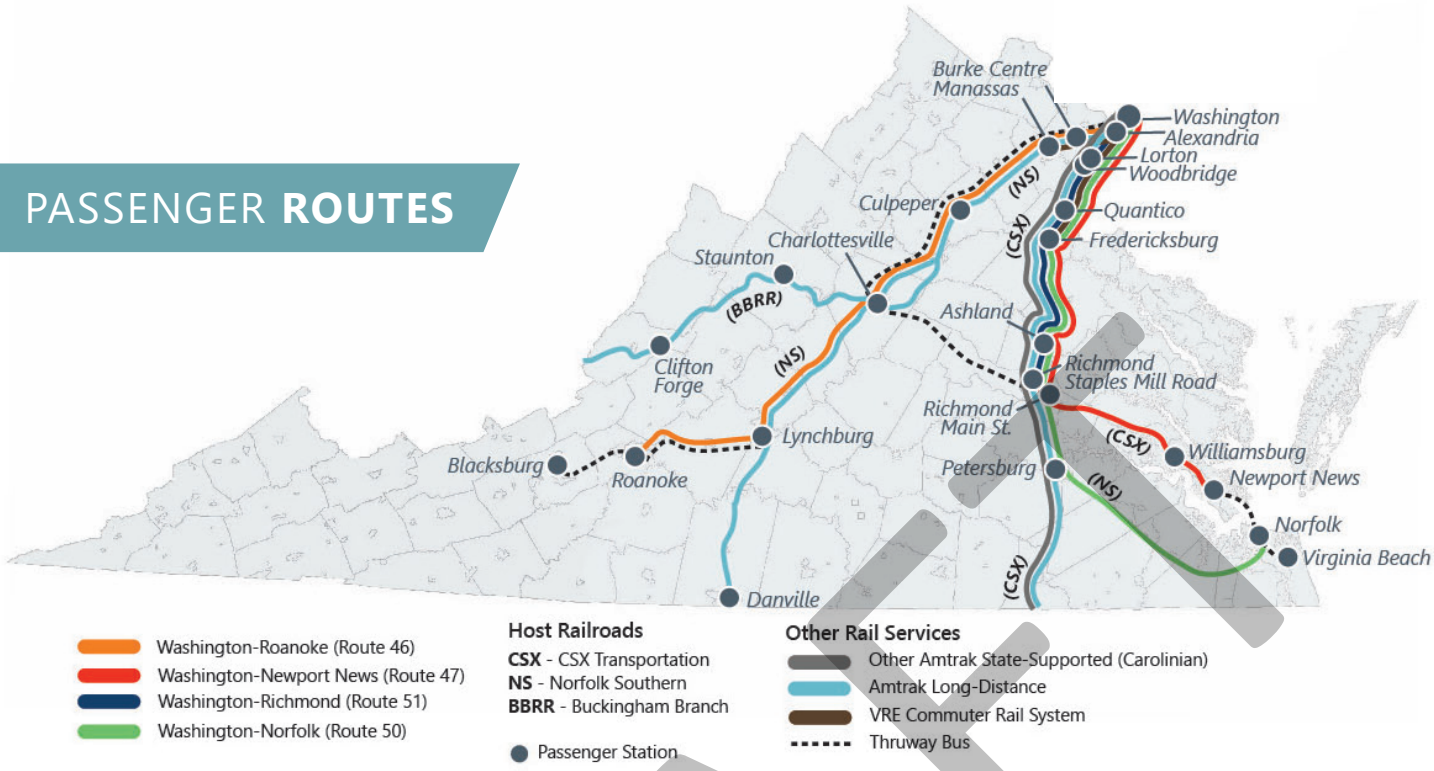
Virginia's rail network is a critical link in a larger rail system within the eastern United States; it connects the state's ports, businesses, and communities to other major population centers, customers, and manufacturing regions throughout the nation and the world. Corridors within the Commonwealth have unique characteristics that provide alternative transportation options and diverse public benefits to the economy. Many of Virginia's freight corridors also carry passenger trains. All of the freight corridors are privately-owned and serve the Port of Virginia in Hampton Roads in some capacity.

- CSX Transportation's I-95 Corridor spans the entire Eastern U.S., linking cities, ports, and manufacturing regions along the eastern seaboard. This corridor also carries the majority of Virginia's Amtrak passenger services, and serves as the gateway to Washington, D.C. for Virginia Railway Express commuter trains.
- CSX's National Gateway also uses the I-95 Corridor route through Virginia. This key rail artery diverges from the I-95 Corridor in Washington, D.C. to link the Port of Virginia and other mid-Atlantic ports with cities and markets in the U.S. Midwest.
- Norfolk Southern's Crescent Corridor runs from north to south, serving consumer markets and manufacturing regions between New Orleans, Memphis, and the Northeast. In Virginia, the Crescent Corridor serves the Virginia Inland Port – an intermodal container transfer facility in Front Royal – and carries several Amtrak services into the Northeast.
- Norfolk Southern's Heartland Corridor links Virginia's Port to Midwest markets, carrying intermodal containers from the docks in Hampton Roads to consumers in Chicago.
- Amtrak services are shown on the map as light blue shading along the privately owned freight corridors. Amtrak services operate over privately-owned railroads in Virginia. State-supported regional trains provide one-seat rides from Virginia's major cities to Washington, D.C. and the Northeast Corridor, while Amtrak long-distance trains carry passengers through Virginia between the Northeast, Southeast, and Midwest.

## VIRGINIA IS A CRITICAL LINK IN THE NATIONAL RAIL NETWORK

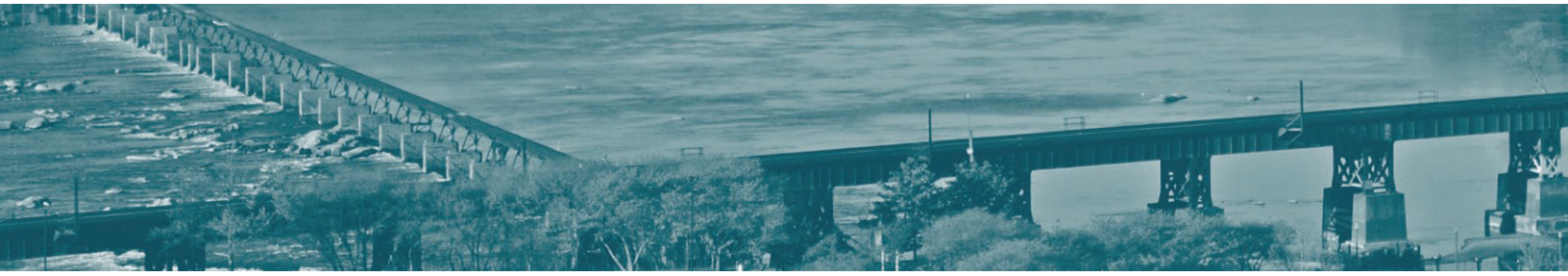


# PASSENGER **ROUTES**

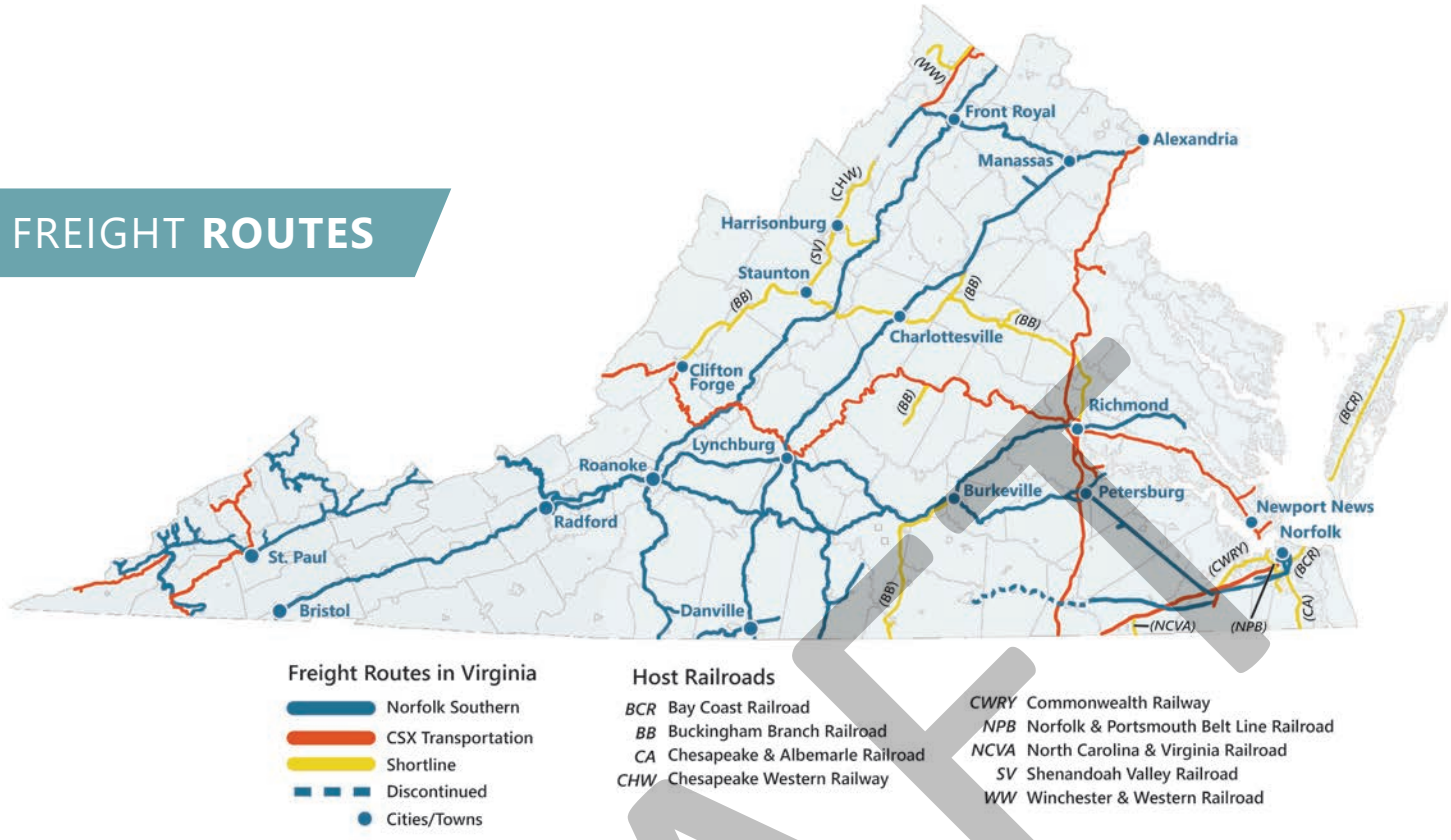



Passenger trips to, from, and within Virginia are growing and highways in Virginia are increasingly congested. Passenger rail service provides an alternative to congested highways, and the Commonwealth therefore invests in Amtrak intercity passenger routes, as well as Virginia Railway Express commuter service to improve mobility and meet the growing demand for travel. Projects and plans underway in CSXT's RF&P subdivision and the Long Bridge across the Potomac to Washington, D.C. will alleviate existing rail bottlenecks to better connect the entire Southeast region with Amtrak's Northeast Corridor. Since 2013 Virginia has provided dedicated funding to support and expand intercity passenger rail operations across the state. Virginia's busiest passenger rail routes parallel the heavily traveled I-95 corridor, where a growing number of state-supported Amtrak trains serve Richmond, Newport News, and Norfolk. Additional state-supported Amtrak services extend southwest from Washington, D.C. to Lynchburg and Roanoke. Passenger volumes on state supported Amtrak service totaled over 830,000 riders in FY2016. When combined with long distance service, passenger volumes exceeded 2.5 million riders. Virginia also supports commuter rail operations provided by Virginia Railway Express, which serves the heavily congested I-95 Corridor from Fredericksburg to Washington, D.C. as well as the I-66 Corridor between Manassas and Washington, D.C.





# FREIGHT **ROUTES**




As the economy grows, so do the freight demands on Virginia's highways. The Commonwealth recognizes the public benefits and economic impact of investments in a multimodal freight transportation system. The freight rail network has a unique role supporting the Port of Virginia's target markets in the Midwest. Both CSX and Norfolk Southern have intermodal rail corridors that connect Virginia to the nation, providing a cost-effective way to bring needed raw materials and products to our ports, manufacturers, and consumers, and to carry Virginia-made products and materials to destinations throughout the nation. In 2012, Virginia's rail network carried more than 800,000 carloads of coal, 534,000 carloads of mixed goods, 120,000 carloads of chemical products, 103,000 carloads of food products, and 85,000 carloads of pulp and paper products, keeping more than 5.5 million trucks off the Commonwealth's highways. Savings in pavement maintenance costs alone are estimated to be over $123 million per year, almost 6% of VDOT's annual maintenance budget.



# FUTURE OF RAIL IN VIRGINIA

## FUTURE OF RAIL

Virginia's passenger and freight rail networks are affected by many external factors that drive demand for services. Freight rail corridors serving the Port of Virginia and the main north-south freight routes are experiencing growth in intermodal traffic, while changes in domestic energy production and use are reflected in a decrease in coal traffic. Population growth, an aging population, and increasing highway congestion along the "urban crescent" between Washington and Hampton Roads is helping drive demand for environmentally friendly and safe alternatives to automobile travel. The Commonwealth invests in the rail network as part of a multimodal approach to meet the growing demand for freight and passenger transportation service and support the economic changes and travel preferences of Virginians.



### RAIL INDUSTRY DRIVERS

- Growth in Intermodal Traffic
- Changes in Energy Production: Oil, Gas and Coal
- Congestion
- Environmental
- Demographic Changes
- Aging Infrastructure
- Changes in Rail Governance Framework
- Amtrak Northeast Corridor

## FREIGHT

### Freight tonnage is expected to grow by 50% in Virginia by 2040

Movement by rail will increase by 14%; additional rail investment can enhance rail's modal share and keep additional freight from congested roadways.

### Port of Virginia Shipments

TEUs anticipated to more than triple from 2.1 M in 2012 to 7.2 M in 2040.

Capacity to move 45% by rail in 2040, up from 35% today.

### Expected Evolution of Major Freight Markets

Growth in intermodal traffic will impact operational approach to major freight corridors. Intermodal movement relies on tight timetables and high demand for on-time performance.

## NETWORK SIGNIFICANCE

### The Washington, D.C. metropolitan area has the nation's highest rate of congestion.

The Hampton Roads area also experiences high levels of congestion.

*[Measuring Traffic Congestion in Virginia - Virginia Performs, Virginia.Gov]*

### Vehicle use per road-mile has been increasing for decades.

Since the mid-1960s Virginia has experienced a decline in relative capacity as both population and state gross domestic product (GSP) have steadily risen.

*[Measuring Traffic Congestion in Virginia - Virginia Performs, Virginia.Gov]*

### Economic Growth

Virginia's rail network is a key link between two mega-regions, the Northeast mega-region and the Piedmont Atlantic mega-region to the south. Most of the nation's population growth and economic expansion is occurring in ten emerging mega-regions.

## PASSENGER

### Population concentrated in the urban crescent

Since 2010, the share of Virginia's total population growth in the urban crescent rose to 93 percent, up from 81 percent between 2000 and 2006.

### Population is growing older – 1 in 8 Virginians is 65 or older,

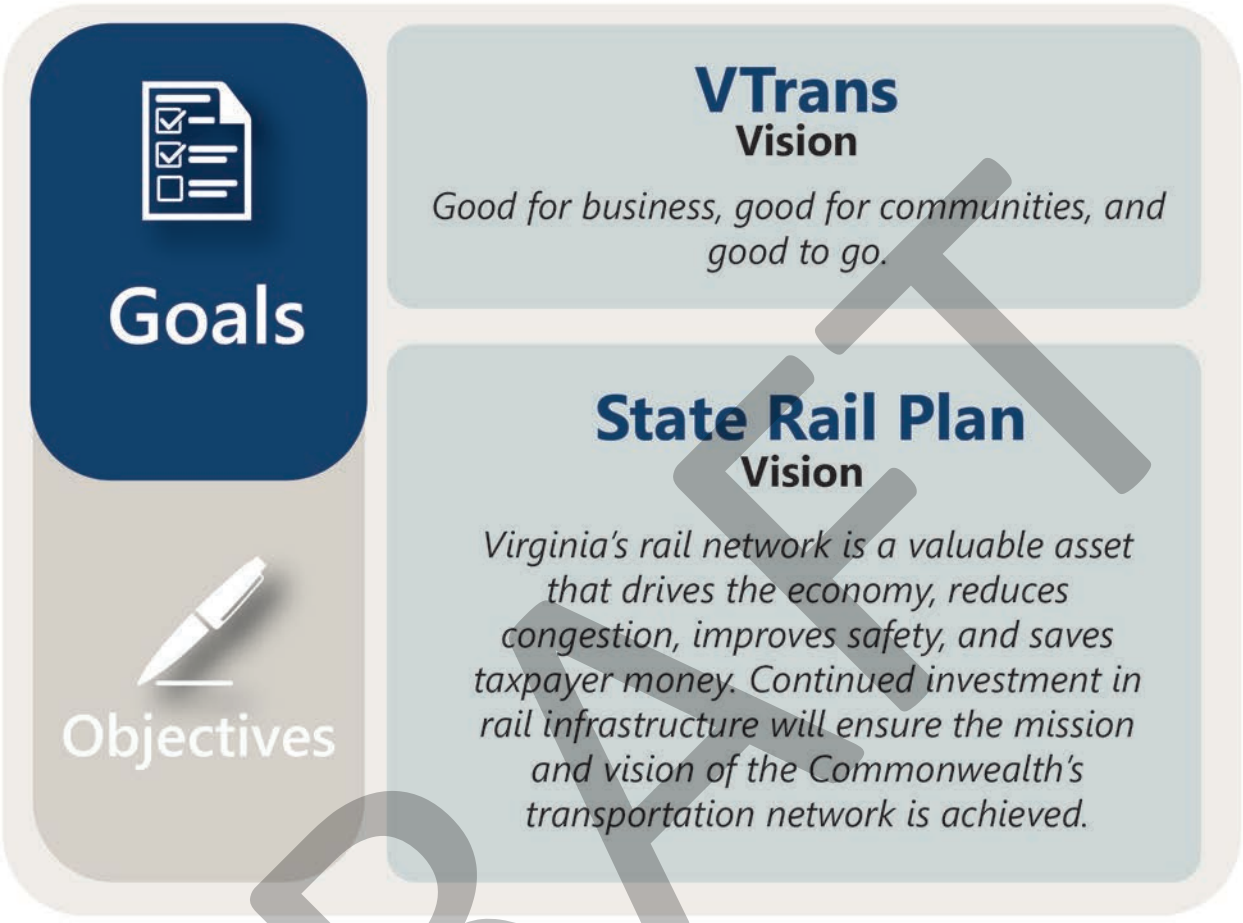
and the largest concentration of Virginia's aging population lives in the urban crescent.

[DC2RVA Purpose and Need]

### Increasing demand for public transportation

Urban environments conducive to public transportation and an older demograhic create more reliance on multi-modal options.

# VIRGINIA'S VISION FOR THE FUTURE




*Goals and objectives link visions to prioritize investments in rail.*



Virginia's Statewide Transportation Plan (Vtrans2040) provides a planning framework for all transportation modes in the state, including rail and public transit. Virginia's vision for its multimodal transportation system, described in Vtrans2040, is to be "Good for Business, Good for Communities, and Good to Go". Virginians will benefit from a sustainable and reliable transportation system that advances Virginia businesses, attracts a 21st century workforce, and promotes healthy communities where Virginians of all ages and abilities can thrive.

The Department of Rail and Public Transportation (DRPT) serves as Virginia's lead agency for rail and public transportation, with the mission to facilitate and improve the mobility of the citizens of Virginia and to promote the efficient transport of goods and people in a safe, reliable, and cost-effective manner. DRPT is also responsible for administering funds for rail investments and public transportation agency formula funds.

The Virginia State Rail Plan recognizes Virginia's vision and DRPT's mission and provides a framework for achieving both of these desired future outcomes through investments in Virginia's rail network as part of a multimodal transportation system supporting economic growth.

## RAIL PLAN GOALS AND OBJECTIVES

The Virginia Rail Plan goals are listed in blue and reflect the Vtrans2040 Guiding Principles. Corresponding objectives for each goal are shown in tan on the right. The objectives show how DRPT can advance freight and passenger rail through planning efforts and funding programs under DRPT's purview. Together the Rail Plan goals and objectives are tools to evaluate and prioritize short-term and long-term planning efforts and investments.

# GOALS AND OBJECTIVES

GOAL:
**Optimize Return on Investments**

*Implement the right solution at the right price*

OBJECTIVES:

- Leverage previous investments by supporting existing passenger services
- Enhance reliability for existing services
- Prioritize improvements to existing service corridors over service expansion capital projects
- Target growing markets and make efficient use of the Rail Industrial Access Program funds
- Leverage public-private partnerships by prioritizing projects with matching funds
- Target investment where traffic, employment, population, or demand is expected to grow
- Prioritize capacity investments that meet the needs of both the public and private sectors through enhanced data sharing
- Determine on a corridor-basis when rail is the most efficient mode to move people and goods

GOAL:
**Ensure Safety, Security, and Resiliency**

*Invest in projects that harness the safety benefits of moving people and goods by rail*

OBJECTIVES:

- Expand programs that support shortline railroads in maintaining FRA Class 2 track safety standards
- Invest in materials and industry practices that support a resilient rail network
- Prioritize critical infrastructure projects to reduce the risk of failure
- Support "State of Good Repair" projects



OBJECTIVES:

GOAL:
**Efficiently Deliver Programs**

*Deliver high-quality projects and programs in a cost-effective and timely manner*

- Update grant guidance annually and develop a grantee workshop to review program guidance and procedural updates
- Proactively identify projects and programs to support the DRPT mission
- Continually update DRPT grant management practices to ensure efficient administrative processes and project implementation
- Work with legislators and appointed officials to ensure policies are up-to-date and understood

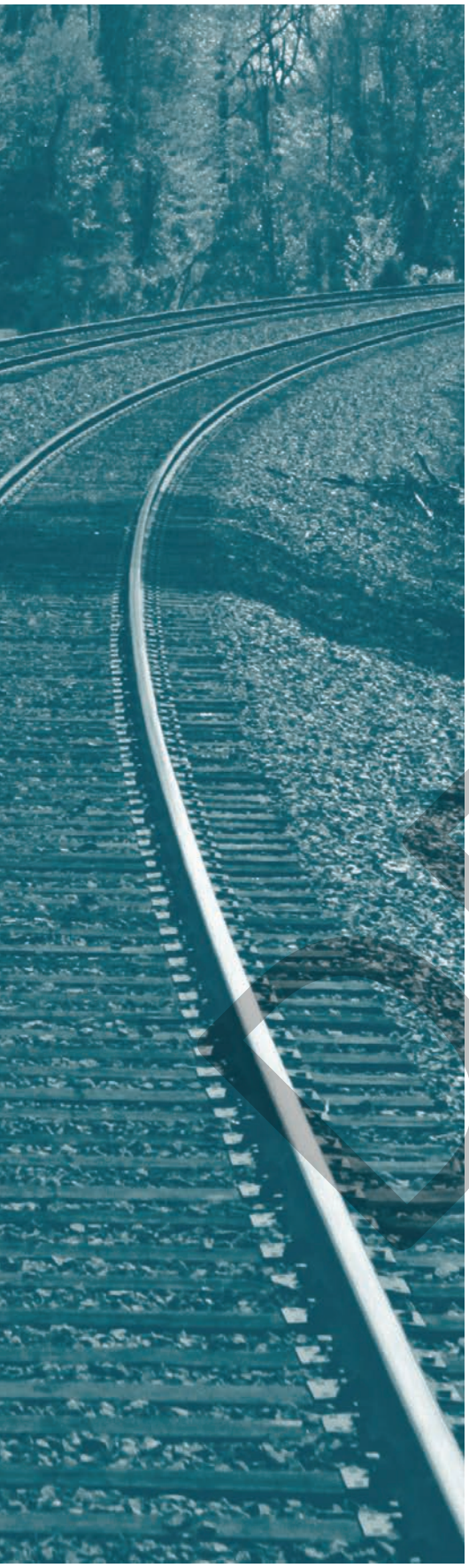
OBJECTIVES:

GOAL:
**Consider Operational Improvements and Demand Management First**

*Maximize capacity of the transportation network through increased use of technology and operational improvements before investing in major capacity expansions*

- Encourage use of Intelligent Transportation Systems to improve operational efficiency
- Evaluate operations when considering investment in capacity to ensure the investment yields a lasting benefit
- Incorporate program criteria that prioritize low-cost improvements to relieve bottlenecks and provide capacity

# GOALS AND OBJECTIVES



GOAL:
**Ensure Transparency and Accountability, and Promote Performance Management**

*Work openly with partners and engage stakeholders in project development and implementation, and establish performance targets that consider the needs of all communities*

OBJECTIVES:

- Publicize application evaluation metrics and project data for rail funding programs
- Implement passenger rail station stop policy
- Develop program scorecards to measure impact of rail investments
- Market economic impact of rail investment

GOAL:
**Improve Coordination between Transportation and Land Use**

*Encourage local governments to plan and manage transportation-efficient land development by providing incentives, technical support, and collaborative initiatives*

OBJECTIVES:

- Encourage local governments to support state funding decisions by making compatible investments and zoning
- Educate localities on appropriate land uses around both freight and passenger rail infrastructure
- Encourage local governments to support rail services with multimodal last-mile connections
- Integrate with and expand upon other state, regional, and local planning efforts

OBJECTIVES:

GOAL:
**Ensure Efficient Intermodal Connections**

*Provide seamless connections between modes of transportation*

- Prioritize rail projects that benefit the highway system and improve mode choice
- Enhance rail service to the Port
- Support " State of Good Repair" and capacity projects with shortlines

OBJECTIVES:

GOAL:
**Support Regional Economic Development**

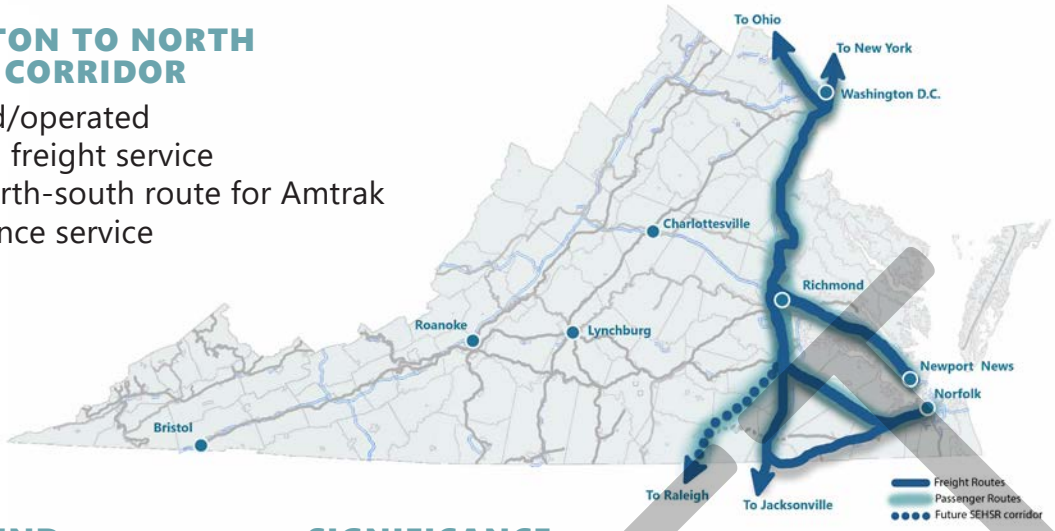
*Encourage local and regional economic development through investment in the rail network*

- Work closely with Virginia Economic Development Partnership to attract rail conducive industries
- Promote the use of the Rail Industrial Access program through education and outreach with local economic development offices
- Include input from local and regional freight railroads in economic development planning and initiatives
- Expand transportation options between regional markets through enhancements to passenger rail service

# PRIORITY IMPROVEMENTS & INVESTMENTS

## WASHINGTON TO NORTH CAROLINA CORRIDOR

- CSX owned/operated
- Intermodal freight service
- Primary north-south route for Amtrak long-distance service




## BACKGROUND

Virginia's Washington to North Carolina Corridor is served by two CSX rail corridors: CSX's I-95 Corridor between New York and Jacksonville, and CSX's National Gateway Corridor linking mid-Atlantic ports with the Midwest. The two rail corridors share one alignment that parallels I-95 from Washington, D.C., through Richmond to Petersburg and the south. This corridor also serves as a primary passenger rail route. Amtrak Virginia-supported regional trains from the Northeast Corridor and Washington, D.C. operate on the line to reach terminals in Richmond, Newport News, and Norfolk, while Amtrak long-distance trains from New York and Lorton, Virginia, continue farther south to Savannah, Sanford, Florida, and Miami. VRE Fredericksburg Line commuter trains also use the corridor from Spotsylvania County north to Washington, joined at Alexandria by Manassas Line commuter trains.

## SIGNIFICANCE

The Washington to North Carolina Corridor is the most heavily used corridor in Virginia, with increasing freight, regional and long distance passenger rail, and commuter rail services. The corridor provides a critical link between Amtrak's Northeast Corridor and the federally designated Southeast Corridor. The corridor also provides another rail link between the Port of Virginia and the Midwest, which previous Commonwealth investments have helped to clear for double-stack container service. The corridor has the most severe bottlenecks on the freight rail network, specifically across the Potomac River, where a four track system merges to just two tracks (the Long Bridge) to cross from Virginia into Washington, D.C.

Similarly, the parallel highway facilities, I-95 and US 1, are the most heavily used highway facilities with the most severe congestion in Virginia. As a result, capacity on the Washington to North Carolina Corridor must be preserved and improved in order to provide adequate access and multimodal options to both the residents and businesses along this dense and thriving corridor. The passenger rail, commuter rail, and intermodal freight services that use this corridor, including shipments serving the Port of Virginia, require high on-time performance.

## PROJECTS

Priority projects include adding capacity to the Long Bridge, a major chokepoint affecting CSX, Amtrak, and VRE service, and implementing additional capacity improvements to the corridor in Northern Virginia via the Atlantic Gateway improvement program.

Longer term, additional improvements will be necessary to support improved passenger service. These improvements are outlined in the R2R study, and in the DC2RVA Tier 2 EIS that is currently underway. The long term phasing and timing of these improvements will be based on funding availability, congestion levels, and passenger service benefits.

## TOP DRIVERS

- Growth in Intermodal Traffic
- Congestion
- Demographic Changes
- Amtrak Northeast Corridor

## KEY GOALS

- Optimize Return on Investments
- Consider Operational Improvements and Demand Management First
- Ensure Efficient Intermodal Connections

## CRESCENT CORRIDOR

- Norfolk Southern owned/operated
- Intermodal freight service
- Amtrak long distance and regional service


## BACKGROUND

The 2,500-mile Crescent Corridor spans 11 states, from New York to Louisiana and Tennessee. In Virginia it includes Norfolk Southern track parallel to I-81 (Winchester-Roanoke-Bristol) and a second route parallel to U.S. 29 (Front Royal-Manassas-Lynchburg-Danville).

The Crescent Corridor is a primary freight route for intermodal traffic moving through Virginia. The corridor also carries both Amtrak long distance trains (Crescent and Cardinal) and Virginia-supported regional passenger service connecting Roanoke, Lynchburg, and Charlottesville to Washington, D.C. and the Northeast Corridor. The corridor connects to Norfolk Southern's Heartland Corridor in Roanoke and Altavista.

## SIGNIFICANCE

The Crescent Corridor makes several vital connections to Virginia shortline railroads, including the Winchester & Western, Chesapeake Western, Buckingham Branch, and Shenandoah Valley railroads. In addition, the corridor connects to the Virginia Inland Port. Maintaining a seamless connection between this mainline freight route and these critical elements of the regional freight network is vital to the success of this corridor and regional economic development. Norfolk Southern estimates the Crescent Corridor keeps 1.3 million long distance trucks off the highways.

## PROJECTS

Priority projects include expanded passenger service to Lynchburg and Roanoke, and improving capacity and connectivity with shortline railroads and the Virginia Inland Port. Longer term considerations for this corridor include adding passenger service to southwest Virginia.



## TOP DRIVERS

- Congestion
- Demographic Changes
- Amtrak Northeast Corridor

## KEY GOALS

- Optimize Return on Investments
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development

# PRIORITY IMPROVEMENTS & INVESTMENTS

## EAST-WEST CORRIDOR

- CSX and Buckingham Branch owned/operated
- Primary coal route
- Passenger connection to Newport News


## BACKGROUND

The East-West Corridor parallels I-64 from Hampton Roads through Richmond to Clifton Forge. It serves as CSX's primary coal route from Appalachian coalfields to U.S. power plants and export terminals in Newport News. Loaded coal trains travel east on CSX's James River line, while empty trains return on the Buckingham Branch.

The corridor handles Virginia-supported regional passenger service from Newport News, ultimately making connections to Washington, D.C. and Amtrak's Northeast Corridor. Additionally, the Buckingham Branch carries the Amtrak long distance Cardinal route with connections to the Midwest and NEC.

## SIGNIFICANCE

The East-West Corridor serves primarily as a coal route, however, coal traffic has significantly dropped in response to recent changes in energy trends and a decline in demand for Appalachian coal. As a result, one of the primary drivers of investment is to maintain operability of the multiple passenger rail services.

## PROJECTS

Priority projects includes maintaining a state of good repair, particularly on the Buckingham Branch railroad, and supporting existing passenger services. This includes investments to add a new maintenance facility and improvements to reduce conflicts between passenger trains and freight trains on the corridor between Richmond and Newport News.



## TOP DRIVERS

- Changes in Energy Production
- Amtrak Northeast Corridor
- Aging Infrastructure

## KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Ensure Transparency and Accountability, and Promote Performance Management
- Support Regional Economic Development

## HEARTLAND CORRIDOR

- Norfolk Southern owned/operated
- Intermodal freight service
- Passenger connection to Norfolk


## BACKGROUND

The Heartland Corridor is a primary freight route for intermodal traffic traveling between the Port of Virginia terminals in Norfolk and midwestern markets, including Columbus and Chicago. The Heartland Corridor also carries Virginia-supported passenger trains between Norfolk and Petersburg, as well as a new service extension between Lynchburg and Roanoke. Both services ultimately connect to Washington, D.C. and the Northeast Corridor. The Heartland Corridor connects to the Crescent Corridor in Roanoke and Altavista.

## SIGNIFICANCE

Through significant previous investment, the corridor is cleared for double-stack container service from the Port, through Virginia, to Chicago. Tight timetables and high demand for on-time performance are critical needs to adequately serve intermodal customers. It is critical to eliminate any congestion points, particularly conflicts with passenger services, on this dense intermodal corridor.

## PROJECTS

Priority improvements include adding two additional round-trip passenger trains to Norfolk by extending two existing trains from Richmond. Longer term initiatives include the study of additional and/or higher speed passenger services to Hampton Roads and expanding capacity to the rail network in Roanoke to accommodate freight movements rerouted for additional passenger services in Southwest Virginia.



## TOP DRIVERS

- Growth in Intermodal Traffic
- Changes in Energy Production
- Environmental

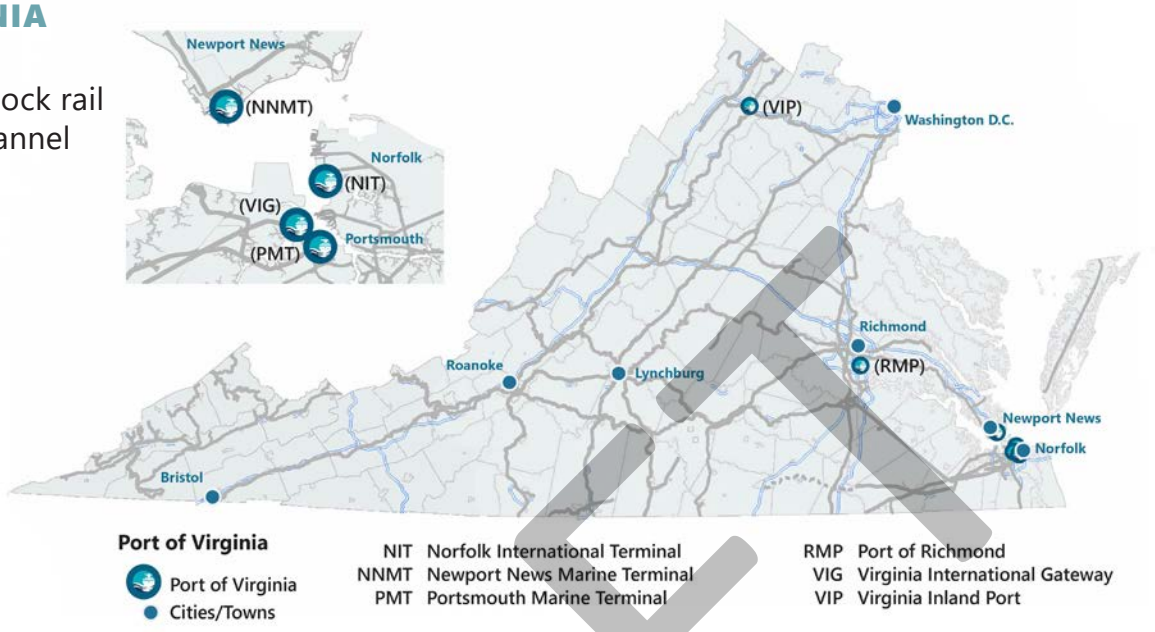
## KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development
- Ensure Efficient Intermodal Connections

# PRIORITY IMPROVEMENTS & INVESTMENTS

## PORT OF VIRGINIA

- 6 terminals
- 30 miles of on-dock rail
- 55 foot deep channel




## BACKGROUND

The Port of Virginia is the 5th largest container port in the nation. Port facilities include 4 deepwater marine terminals (Hampton Roads), an upriver terminal (Richmond) and an inland intermodal terminal (Front Royal). The Port is served by more than 30 international shipping lines, serving more than 200 countries. More than 33% of the Port's freight arrives and departs by rail, carried by NS, CSX, and two shortlines, the Norfolk & Portsmouth Belt Line and the Commonwealth Railway.

The Port primarily ships to customers in Virginia, North Carolina, Maryland, and West Virginia via truck, and to Ohio, Indiana, Illinois, Tennessee, Kentucky, and beyond via Norfolk Southern and CSX.

## SIGNIFICANCE

The Port is one of the most significant drivers of freight rail traffic in the Commonwealth. Due to changes in energy demand and production, intermodal traffic is the most dominant growth sector in freight rail traffic, and the Port is well poised to contribute heavily to that growth market. Ensuring efficient loading and unloading of trains, and last mile connectivity to the freight rail network are vital to ensuring that business at the Port continues to run smoothly and drive the Virginia economy forward.

## PROJECTS

Priority projects includes multiple terminal expansions, including VIG, VIP, and NIT, with additional rail capacity, and ensuring shortline and switch operators outside the Port gates have the needed capacity to handle the additional growth in rail traffic.

Additional priority projects include expanding the inland port at Front Royal and improving rail infrastructure, including grade crossings on tracks serving the Ports.

## TOP DRIVERS

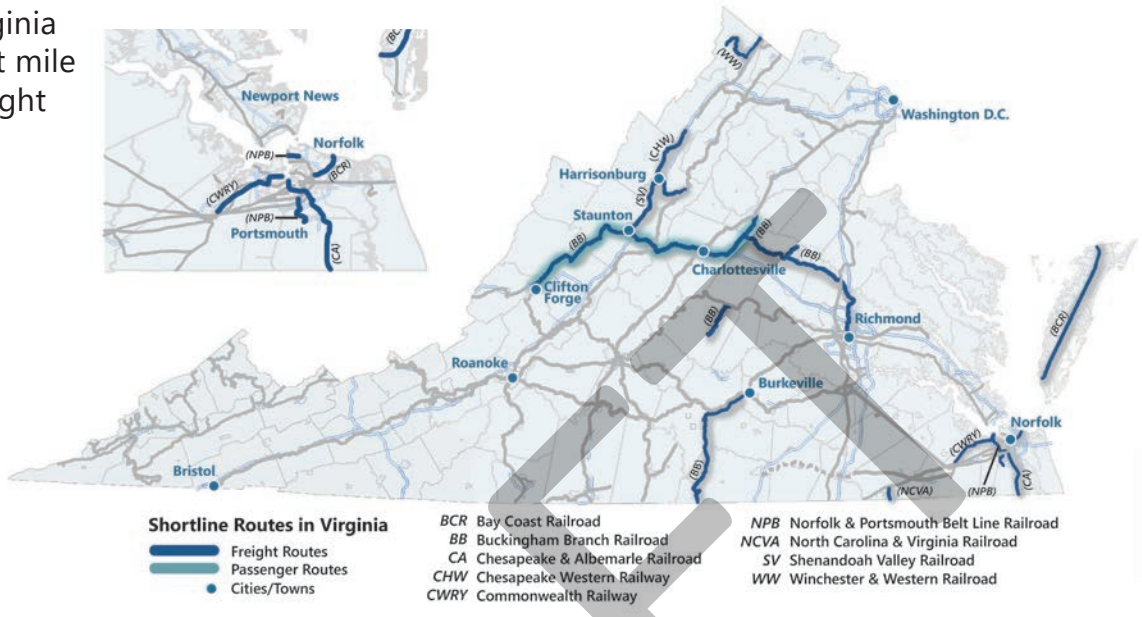
- Growth in Intermodal Traffic
- Congestion
- Environmental

## KEY GOALS

- Ensure Transparency and Accountability, and Promote Performance Management
- Ensure Efficient Intermodal Connections
- Support Regional Economic Development

## SHORTLINE ROUTES IN VIRGINIA

- 9 shortlines in Virginia
- Important first/last mile connection for freight




## BACKGROUND

Virginia's shortline railroads operate at the regional and local level to connect individual customers to the larger freight rail network and make last mile connections to the Port of Virginia. Shortline railroads often serve as either the point of origin or termination for freight carried in and out of Virginia by Norfolk Southern or CSX.

Virginia supports shortlines through the Rail Preservation Program, which funds both capacity and state of good repair projects.

## SIGNIFICANCE

Shortlines provide a critical link to local and regional customers, as well as the Port, loading, unloading, and building trains that eventually traverse the national rail network through Class I freight service. Many of the shortlines inherited track with years of deferred maintenance, requiring additional resources to maintain a state of good repair.

Shortlines are better positioned to accommodate smaller businesses with lower traffic volumes. Virginia supports shortlines as both a partner in economic development opportunities at the port facilities and in rural areas, and as a means to divert trucks from congested highways.

## PROJECTS

Priority projects include improving track to FRA Class 2 safety standards; improving signal systems and technology for more efficient operations; and upgrading bridges and track to accommodate heavier railcars that have become the industry standard. Longer term priority projects includes critical infrastructure rehabilitation such as bridges and tunnels, which, if allowed to fail, would create significant safety hazards and may make the entire rail line inoperable.



## TOP DRIVERS

- Changes in Energy Production
- Aging Infrastructure
- Changes in Rail Governance Framework

## KEY GOALS

- Ensure Safety, Security and Resiliency
- Improve Coordination between Transportation and Land Use
- Support Regional Economic Development

## VIRGINIA STATE RAIL PLAN

The 2017 Virginia State Rail Plan was developed by the Virginia Department of Rail and Public Transportation (DRPT) under the guidance of the Commonwealth Transportation Board (CTB) Rail Committee to address changes in the rail industry and prioritize Virginia's investments in freight and passenger rail services and infrastructure across the Commonwealth. This State Rail Plan guides Virginia's vision for railroad transportation to the horizon year of 2040, and lists strategies to achieve that vision.

The State Rail Plan meets the federal requirements of the Passenger Rail Investment and Improvement Act of 2008, as amended by the Fixing America's Surface Transportation Act of 2015. In addition, this State Rail Plan also meets the requirements of the State Rail Plan Guidance provided by the Federal Railroad Administration (FRA) in September 2013.



## CHAPTER INDEX


01
### THE ROLE OF RAIL IN STATEWIDE TRANSPORTATION
Chapter one introduces you to the role and importance of rail in the Commonwealth's transportation network. From a farm-to-market transportation system to an evolving system supporting a thriving economy and the Port of Virginia, rail has helped Virginia grow and prosper.

02
### THE STATE'S EXISTING RAIL SYSTEM
Chapter two provides an overview and inventory of Virginia's existing rail system and services, and identifies the economic, demographic, and transportation demand forecasts and trends that will affect future

03
### PROPOSED PASSENGER RAIL IMPROVEMENTS AND INVESTMENTS
This chapter introduces projects and initiatives that will enhance Virginia's passenger and commuter rail services to better serve the mobility needs of the state and region.

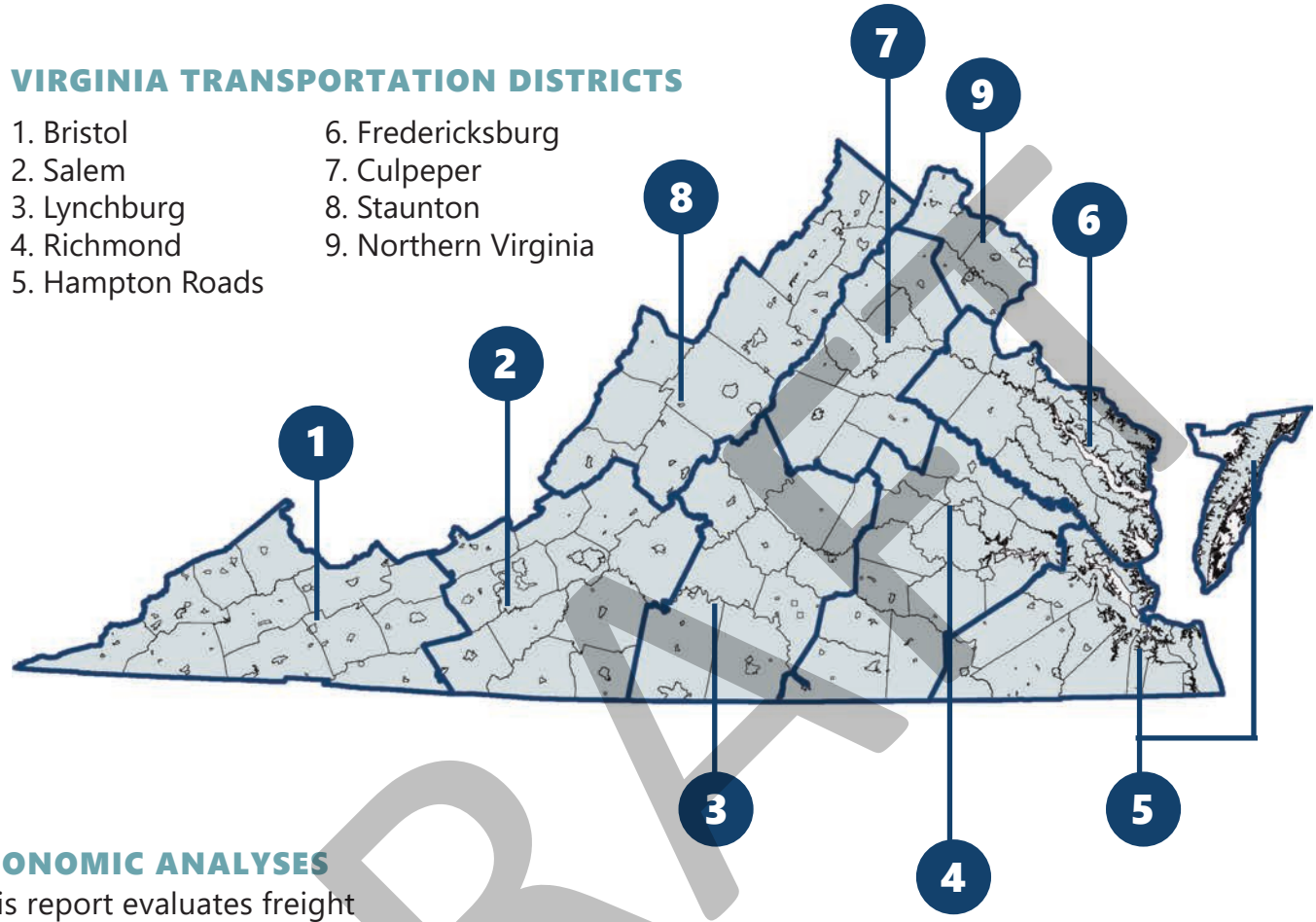
04
### PROPOSED FREIGHT RAIL IMPROVEMENTS AND INVESTMENT
The information in chapter four describes the recent improvements and investments that have been made, and potential future investments, by the state's freight railroads and the Commonwealth.

05
### THE STATE'S RAIL SERVICE AND INVESTMENT PROGRAM
Chapter five prioritizes short and long range investments for the Commonwealth.

06
### COORDINATION AND REVIEW
This chapter describes how the DRPT involved stakeholders in the coordination necessary to develop the rail plan.

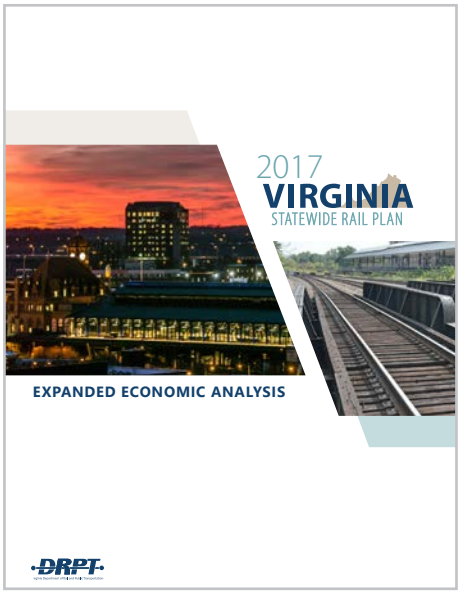
## VIRGINIA TRANSPORTATION DISTRICTS

1. Bristol
2. Salem
3. Lynchburg
4. Richmond
5. Hampton Roads
6. Fredericksburg
7. Culpeper
8. Staunton
9. Northern Virginia




## ECONOMIC ANALYSES

This report evaluates freight flows within Virginia by county and corridor. The estimation of volumes by location of shippers and receivers is intended to inform local and state discussions about the opportunities and constraints in the existing rail and road transportation network. The report includes: Freight Demand Baseline Analysis, Freight Forecast, and a Regional Economic Analysis of Expanded Freight Demand. County-level results are aggregated and reported by Transportation District.

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Virginia Department of Rail and Public Transportation

# Memorandum of Agreement on Annual Transit Investment from I-395 Express Lanes

October 24, 2017

**Jennifer DeBruhl**
Chief of Public Transportation

# Memorandum of Agreement

Purpose: Define roles and responsibilities of parties to the MOA regarding Annual Transit Investment (ATI) from I-395 Express Lanes

- MOA is a five-party agreement
  - CTB, VDOT, DRPT, NVTC & PRTC
- The Commonwealth has committed that at least $15 million will be provided annually through toll revenues as an Annual Transit Investment for multimodal improvements in the I-95/I-395 corridor

# I-395 Express Lanes Project

- Project will convert eight miles of the two existing reversible HOV lanes on I-395 to three reversible managed Express Lanes
- Construction is underway
- Express Lanes to open in 2019
  - Operated by 95 Express Lanes, LLC (Transurban)
- Comprehensive Agreement requires 95 Express Lanes, LLC to pay to VDOT an Annual Transit Investment from toll revenue attributable to the 395 Express Lanes

# I-395 Project Improvement Goals

Move more people

Enhance transportation connectivity

Improve transit service

Reduce roadway congestion


Increase travel options

# Annual Transit Investment

- Purpose of the Annual Transit Investment is to fund projects designed to accomplish the Improvement Goals
- Authority to select and administer projects funded by the Annual Transit Investment is delegated to NVTC and PRTC
- VDOT will transfer toll revenues to DRPT, which will program funding for selected multimodal improvements into its annual SYIP
- CTB approves multimodal improvements selected by NVTC and PRTC through annual approval of DRPT SYIP

# Key Terms of MOA

- I-395 MOA modeled on the MOA for I-66 Inside the Beltway
- Key differences from I-66 include:
  - I-395 tolls collected by private concessionaire
  - Inclusion of DRPT and PRTC as parties to the MOA
    - DRPT to program Annual Transit Investment funding in its SYIP as opposed to VDOT
    - Because projects along the entire length of the I-95/I-395 Express Lanes are eligible for funding from toll revenues, NVTC and PRTC will jointly determine projects to receive funding
      - Separate agreement needed between NVTC & PRTC to define roles and responsibilities

# Key Terms of MOA

- DRPT will annually apportion available funds to NVTC and PRTC *pro rata* based on each commission's population *in the corridor*
- NVTC and PRTC may agree on an alternate mechanism of designating the proportion of Annual Transit Investment funds available to either commission
  - DRPT will abide by any such agreed upon alternate mechanism if endorsed by the CTB

# Key Terms of MOA

- Use of toll revenues governed by state code and Meeks legal decision
  - Annual Transit Investment funds may only be used for programs and projects reasonably related to or benefiting users of the I-95/I-395 corridor
- Term of the MOA runs concurrent with the amended and restated Comprehensive Agreement between the Commonwealth and 95 Express Lanes, LLC (Transurban)
- A schedule of the expected ATI funds for each year of the MOA is attached
  - Minimum of $15 million per year, adjusted for inflation
  - $2.7 billion over 68 annual payments (adjusted for inflation)

# Key Terms of MOA

- ATI funds transferred to NVTC and PRTC must first be used to pay any ATI-related debt
- Neither NVTC or PRTC may expend more than 50% of total annual ATI funds for ATI-funded project operating costs
- Annual joint reporting requirement to the CTB by NVTC and PRTC
- Termination only for breach for material non-compliance with terms of MOA
- All obligations of CTB to allocate ATI funds are subject to appropriation by General Assembly

# Schedule & Next Steps

- Initial Presentations to NVTC and PRTC
  - **Completed** - Thursday, October 5, 2017
- Initial Presentation to CTB
  - Monday, October 23, 2017 (CTB workshop)

- Approval by NVTC and PRTC
  - Thursday, November 2, 2017
- Approval by CTB
  - Wednesday, December 6, 2017

Virginia Department of Rail and Public Transportation

# Memorandum of Agreement on Annual Transit Investment from I-395 Express Lanes

October 24, 2017

**Jennifer DeBruhl**
Chief of Public Transportation

Virginia Department of Rail and Public Transportation

# DC2RVA Project Update

## October CTB Workshop

October 23, 2017

**Jennifer Mitchell**
Agency Director

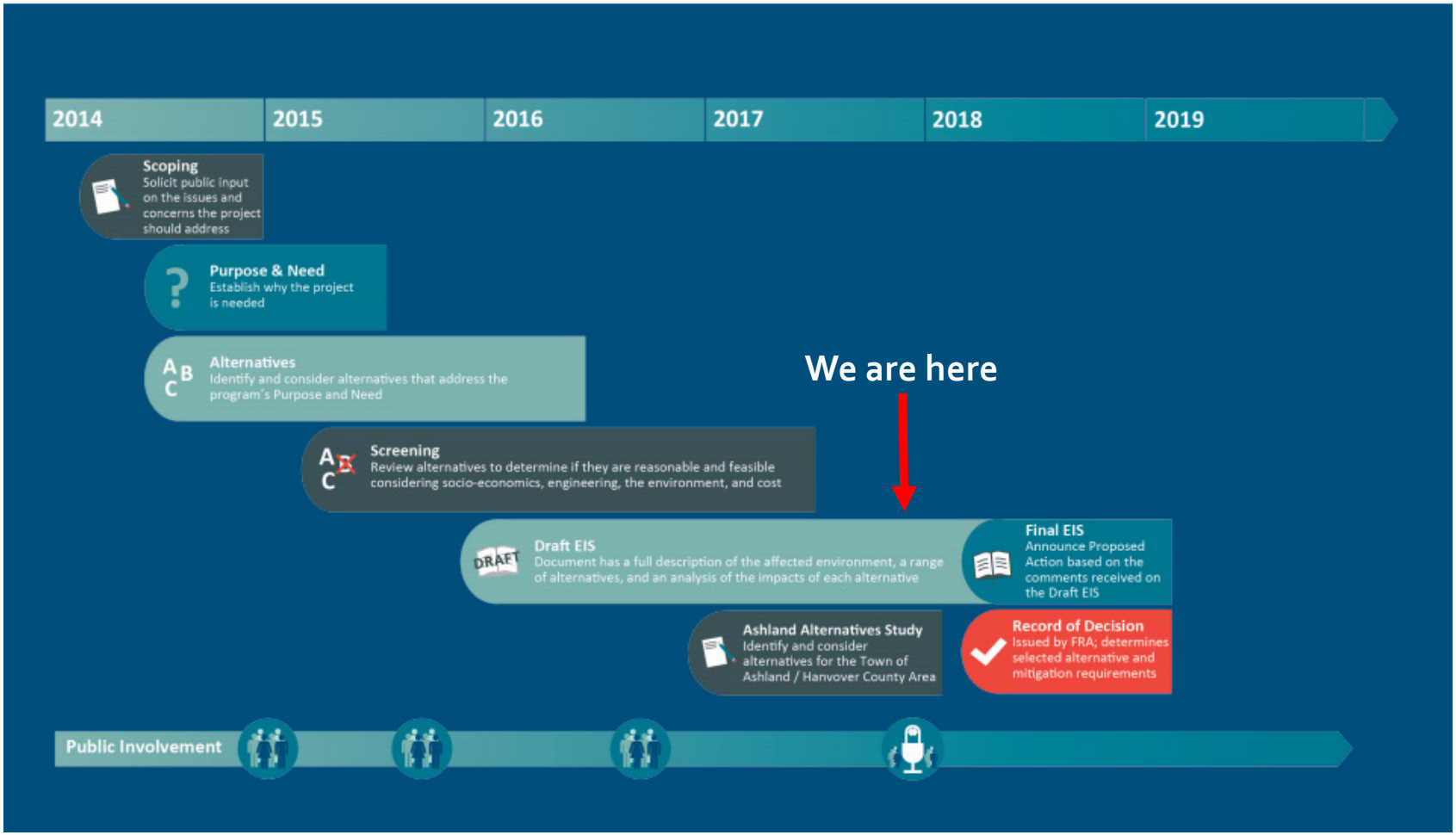
# Why are we doing this study?

- Increase passenger and freight throughput capacity on the I-95 corridor
  - Most unreliable and heavily congested corridor in Virginia (2013 VTRANS 2035 Update and INRIX US Traffic Hotspot Study 2017)
  - Additional VRE/Amtrak service impossible without more rail capacity
  - Additional I-95 truck diversion not possible without more rail capacity
- Provide more frequent and reliable intercity passenger trains
  - Double the number of Amtrak round trips in the corridor
  - Improved mobility for future workforce, businesses and customers
- Build upon rail projects already underway in corridor and region

# The SEHSR Network


# DC2RVA Purpose and Need

# DC2RVA Timeline

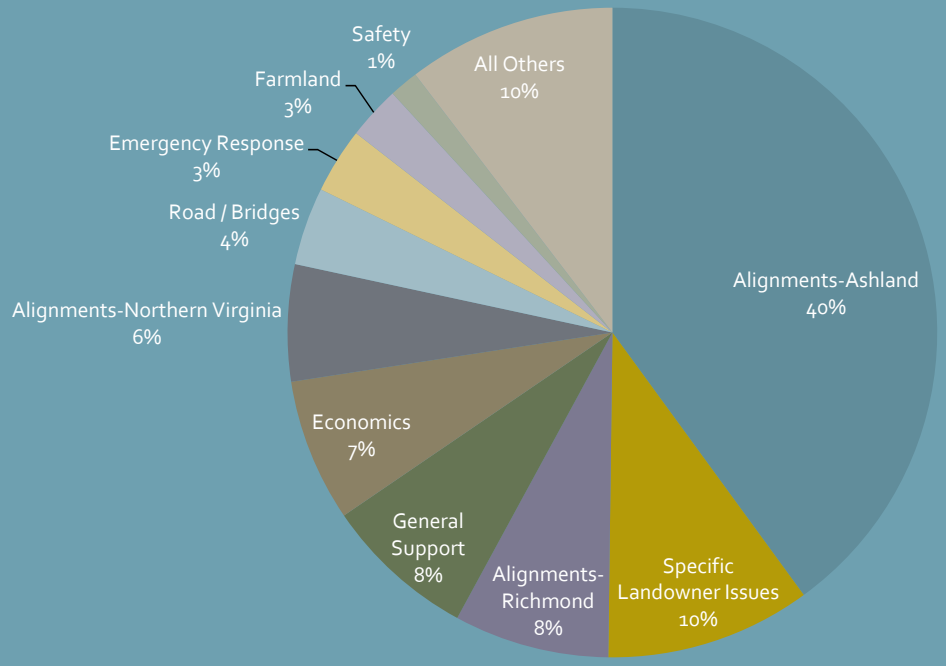


# Public Hearings were held in the following locations

| Richmond | Ashland |
|---|---|
| Tuesday, October 10<br>6:00 p.m. | Wednesday, October 11<br>6:00 p.m. |
| Main Street Station<br>1500 East Main St.<br>Richmond, VA 23219 | Patrick Henry High School<br>12449 West Patrick Henry Rd.<br>Ashland, VA 23005 |

| Alexandria | Fredericksburg | Quantico |
|---|---|---|
| Tuesday, October 17<br>7:00 p.m. | Wednesday, October 18<br>7:00 p.m. | Thursday, October 19<br>7:00 p.m. |
| Hilton Alexandria Old Town<br>1767 King St.<br>Alexandria, VA 22314 | James Monroe High School<br>2300 Washington Ave.<br>Fredericksburg, VA 22401 | National Museum of the Marine Corps<br>18900 Jefferson Davis Highway<br>Triangle, VA 22172 |

**Total Primary Issues Coded to-Date: 3891**
**Total Individual Comments Recieved to-Date: 1129**

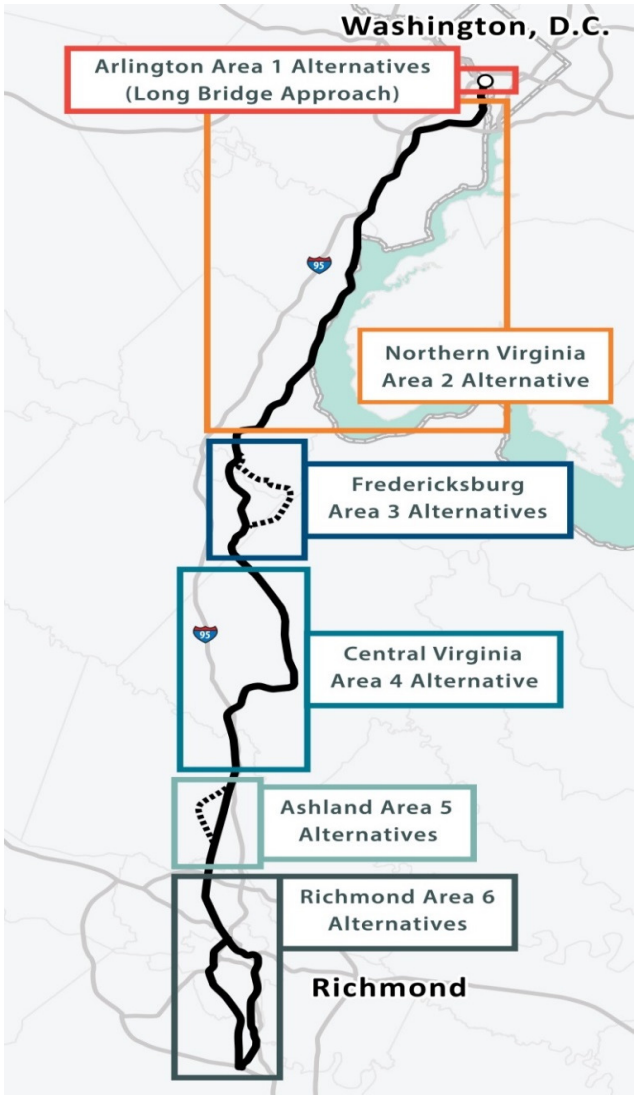



# Public Hearing Comment Summary

(To date)

# DRPT Recommendations for DC2RVA

- Must have additional track capacity to support passenger, commuter, and freight growth on the corridor
- Northern Virginia is most congested area, needs to be implementation priority
- Expanding capacity on the Long Bridge across the Potomac River is critical



# Area 1: Arlington (~1 mile)

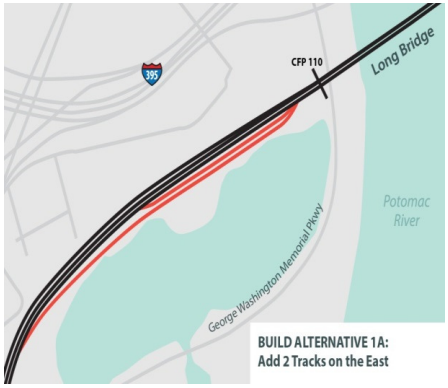
**DRPT Recommendation:**

**Add Two Tracks Within Existing Right-of-Way consistent with Long Bridge Study Recommendation** ($36-$47 Million)

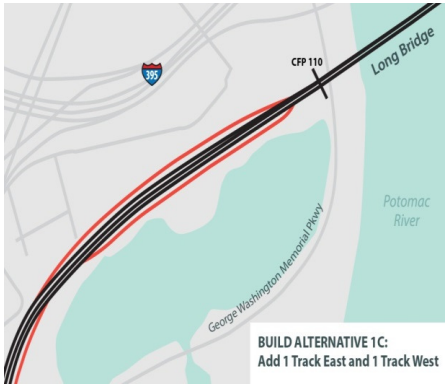
- 1A. Add two tracks east
- 1B. Add two tracks west
- 1C. Add one track west and one track east

**Note:**

- Final decision tied to DDOT Long Bridge EIS Recommendation







# Area 2: Northern VA (47 miles)

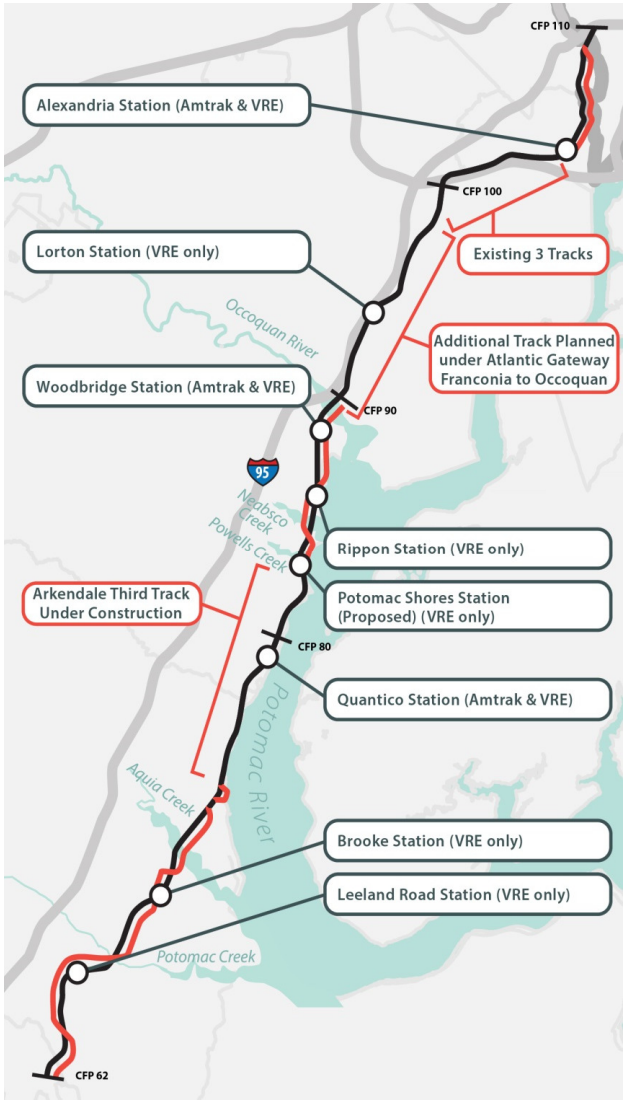
## DRPT Recommendation:

**Add Fourth Track Crystal City to Alexandria**

**Add Third Track Alexandria to Fredericksburg within Existing Right-of-Way**

($1.7 Billion)

Major water crossings at Occoquan, Neabsco, Powells, and Aquia (New bridges parallel to existing rail bridges)

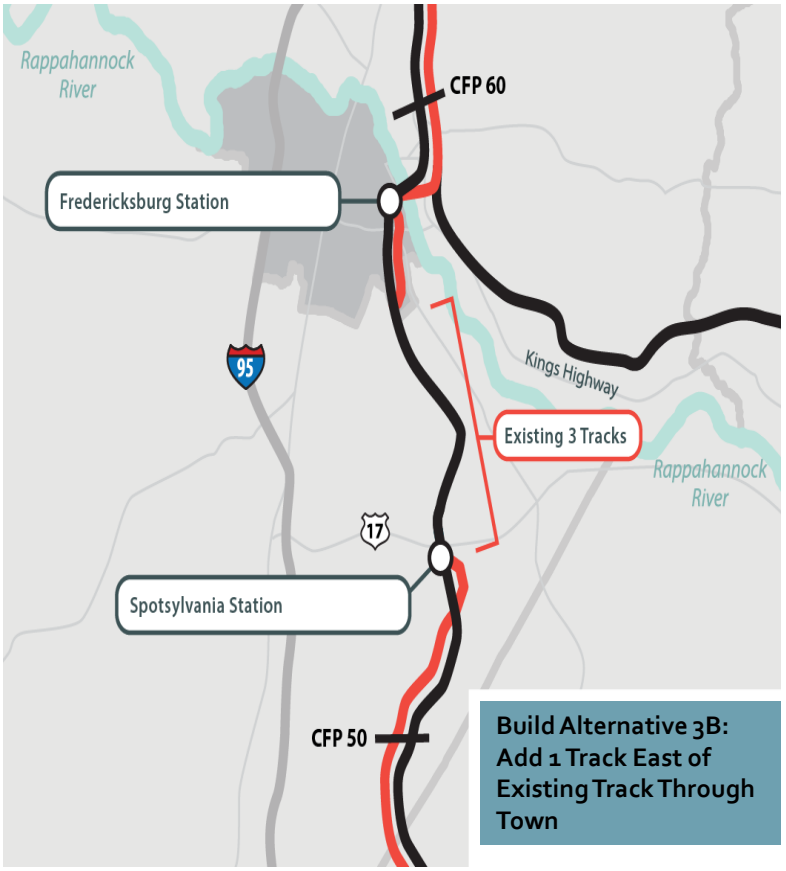


# Area 3: Fredericksburg (14 miles)

**DRPT Recommendation:**

**Add Third Track through City of Fredericksburg on Existing Right-of-Way**
($507 Million)

Major water crossing at Rappahannock River (New bridge parallel to existing rail bridge)



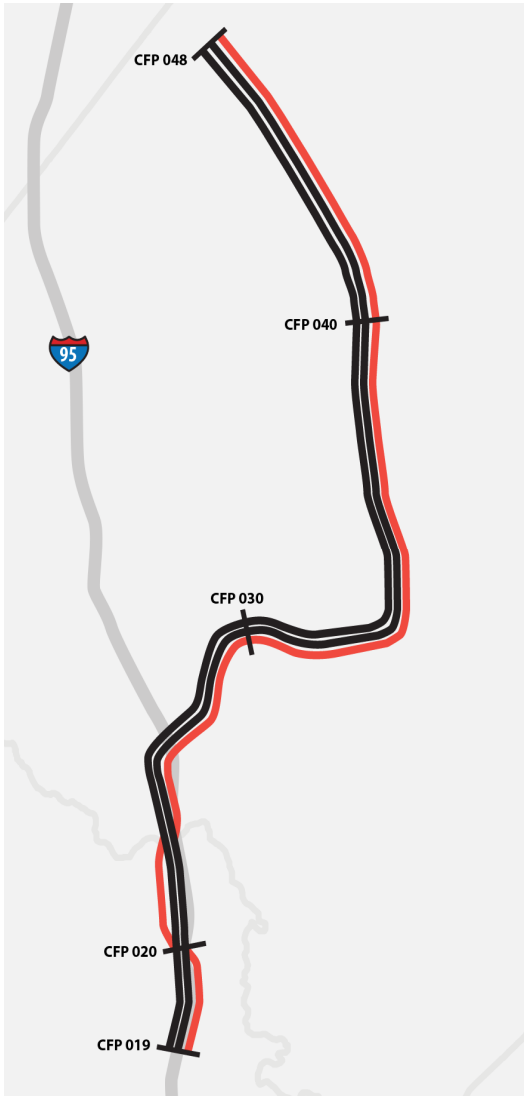
# Area 4: Central VA (29 miles)

## DRPT Recommendation:

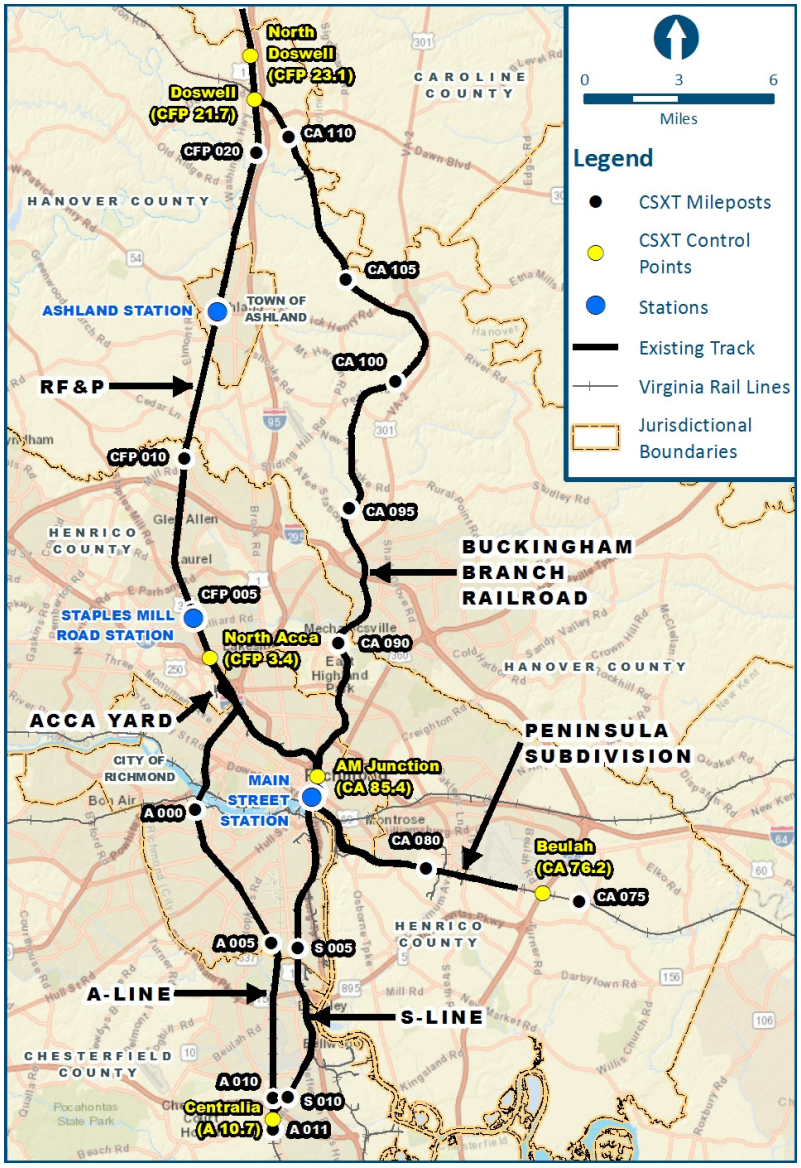
**Add Third Track in Existing Right-of-Way, Spotsylvania to Doswell**

($643 Million)

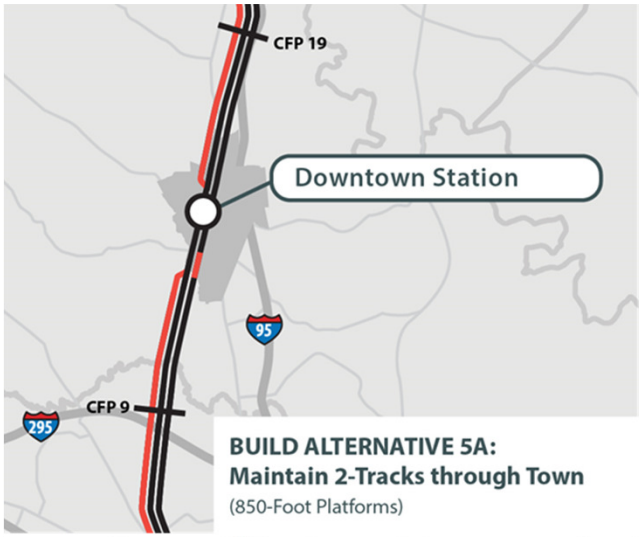
Multiple small waterway crossings, wetlands



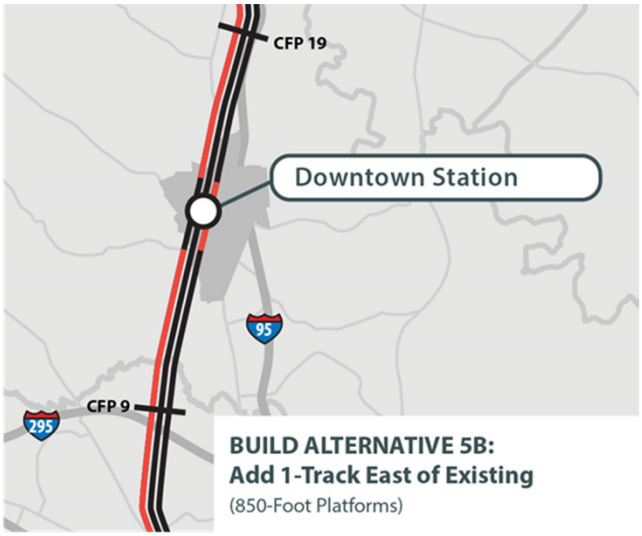
# Ashland/ Hanover and Richmond Area Rail Corridors



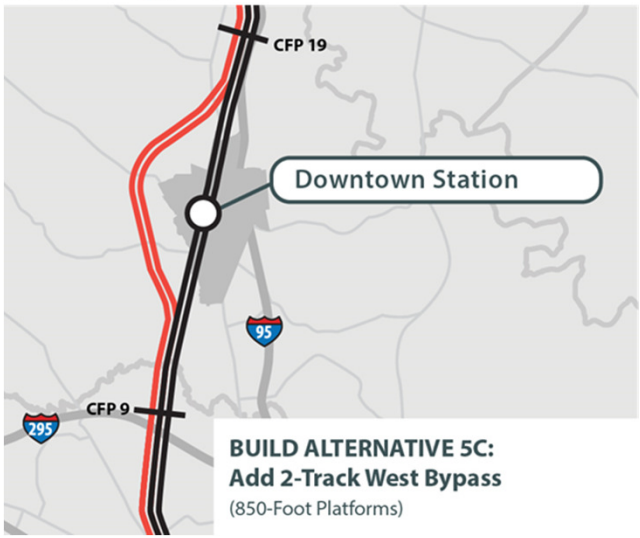
# Area 5: Ashland



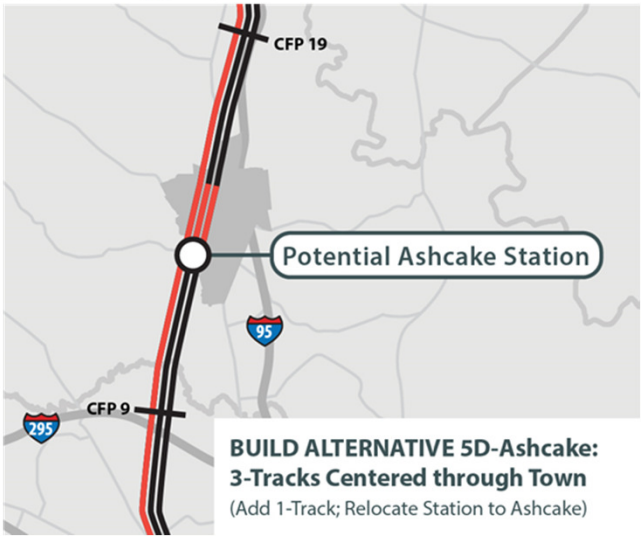

**BUILD ALTERNATIVE 5A:**
**Maintain 2-Tracks through Town**
(850-Foot Platforms)




**BUILD ALTERNATIVE 5B:**
**Add 1-Track East of Existing**
(850-Foot Platforms)




**BUILD ALTERNATIVE 5C:**
**Add 2-Track West Bypass**
(850-Foot Platforms)

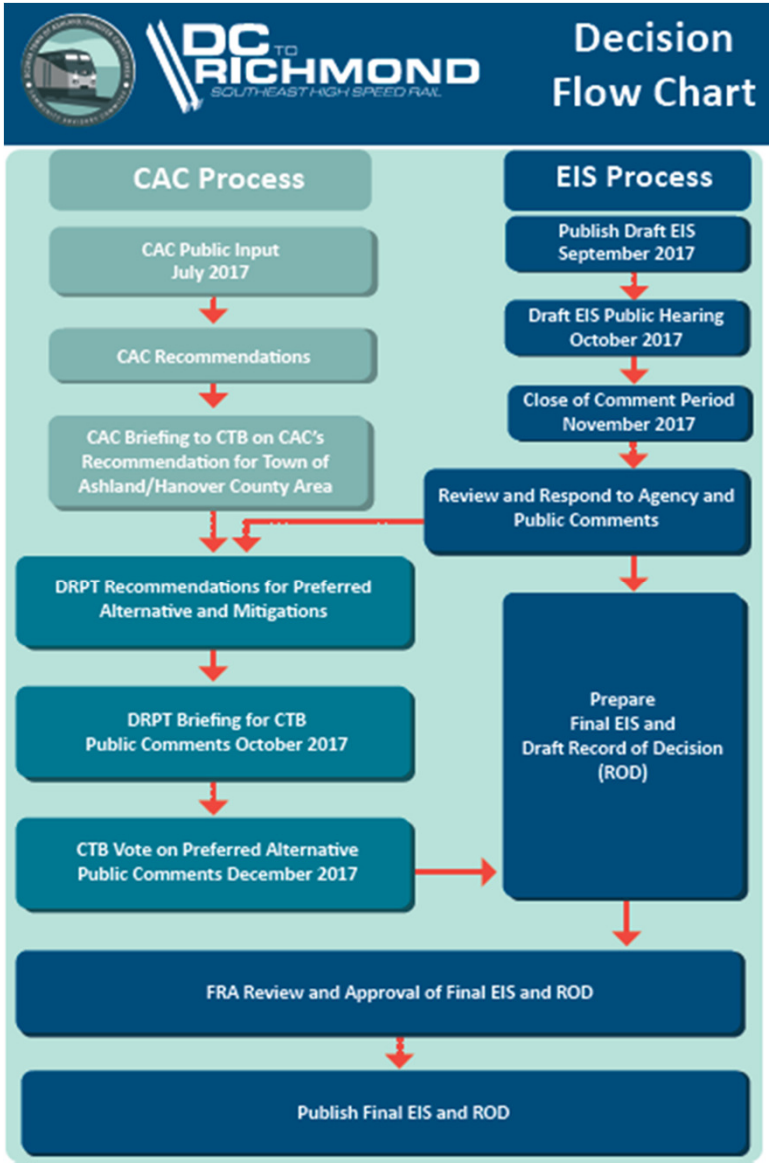



**BUILD ALTERNATIVE 5D-Ashcake:**
**3-Tracks Centered through Town**
(Add 1-Track; Relocate Station to Ashcake)

**No recommendation in DEIS**

# Ashland/Hanover Area Community Advisory Committee (CAC)

1. The **3-2-3 option** is the least objectionable above-ground option through the Town of Ashland
2. A **three-track trench** through the Town of Ashland is the least objectionable option for adding capacity below grade
3. The western bypass closest to the Town of Ashland, **AWB 1,** is the least objectionable option for adding rail capacity outside the Town of Ashland



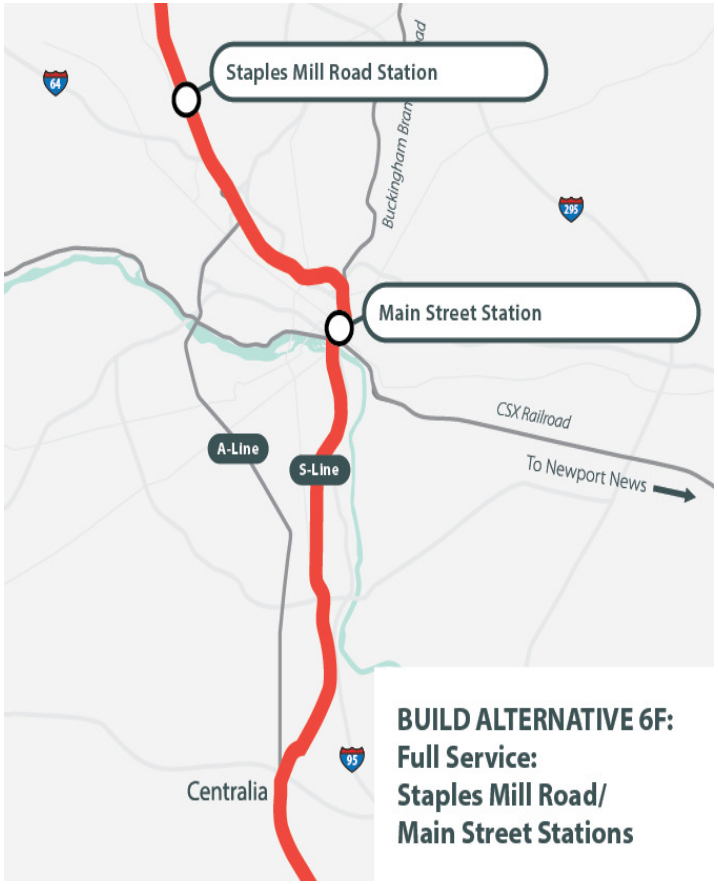
# Area 6: Richmond Area

## DRPT Recommendation:

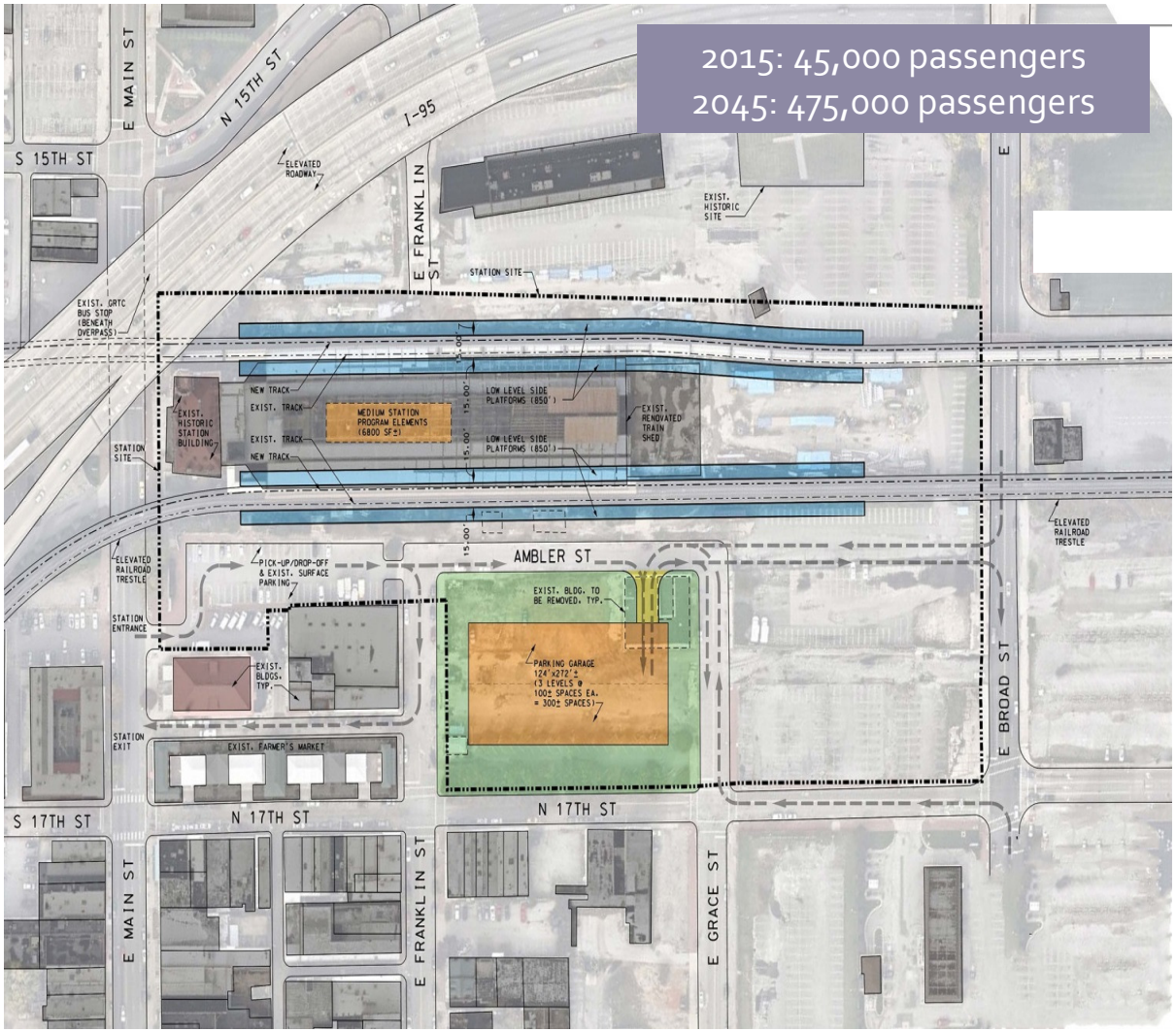
**Main Street Station & Staples Mill Road Station: Full Service Option to Both Stations via S-Line within Existing Right-of-Way**

($1.5 Billion)

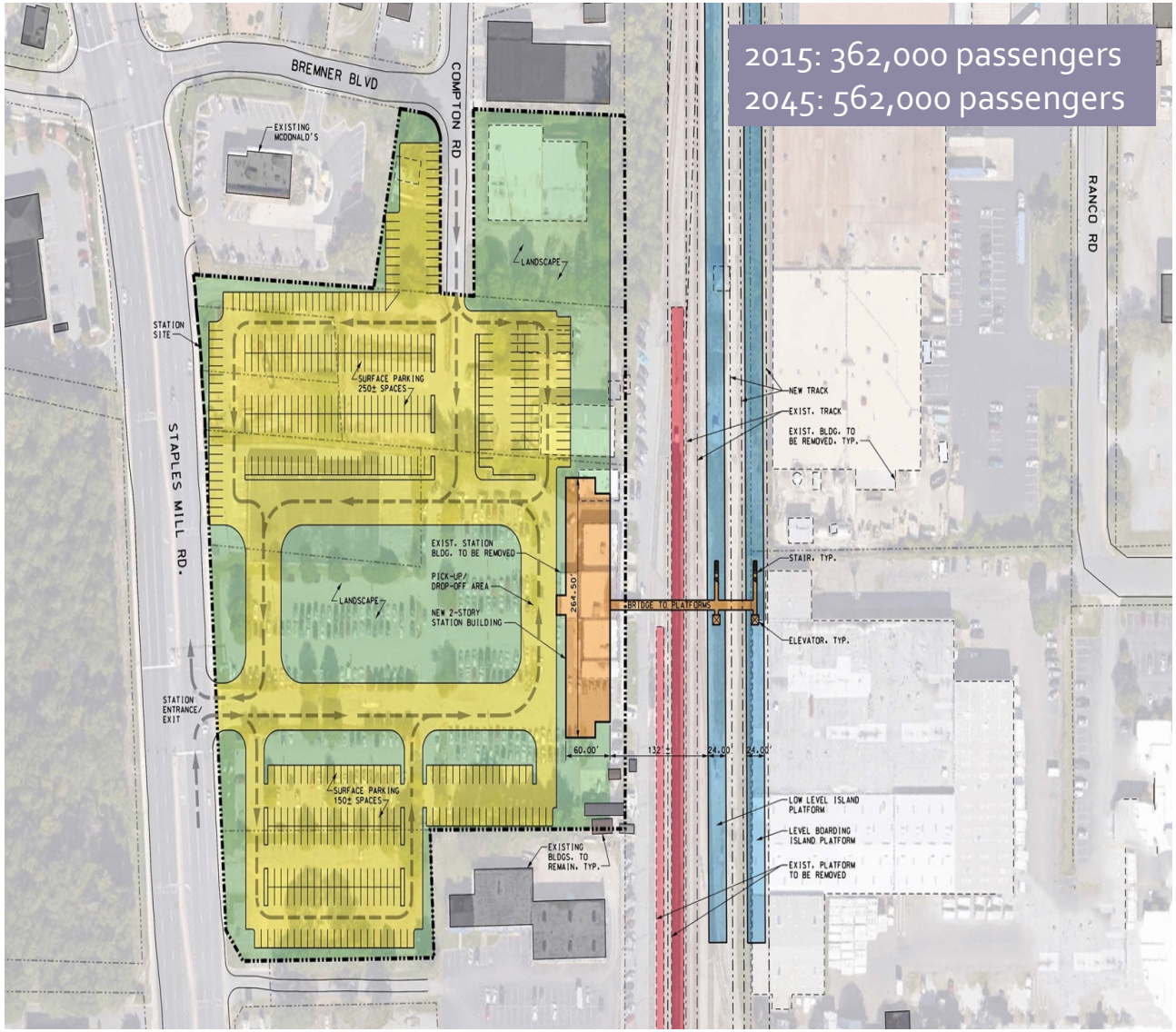
- Requires new bridge across James River parallel to existing S-Line bridge
- Requires new east platforms at Staples Mill Road
- Requires 2 additional platforms at Main Street Station



# Full Service Main Street Station Concept



# Full Service Staples Mill Road Station Concept



# DRPT's Prioritized Recommendation Summary

| Area in Order of Construction Priority | Recommendation | Approximate Comparative Cost (millions 2025 $) |
|---|---|---|
| Northern Virginia | Additional third or fourth track | $1,653 |
| Arlington | Three options depending on Long Bridge | $36 to $47 |
| Fredericksburg | Additional third track through City | $507 |
| Richmond | Main Street Station and Staples Mill Road Station Full Service via S-Line | $1,483 |
| Central Virginia | Additional third track | $643 |
| Ashland | TBD | TBD |

# DC2RVA Project – Next Steps

- 60-day public comment period—Happening now until November 7
- November 9th CTB Rail Sub meeting in Ashland—discuss Ashland/Hanover alternatives
- CTB decision on Preferred Alternative in December
- Preliminary Engineering for Preferred Alternative 2018
- Final EIS and ROD expected early 2019


Virginia Department of Rail and Public Transportation

# DC2RVA Project Update

## October CTB Workshop

October 23, 2017

**Jennifer Mitchell**
Agency Director

# I-64 Southside Widening and High Rise Bridge, Phase I

# I-64 Southside Widening and High Rise Bridge, Phase I

# I-64 Southside Widening and High Rise Bridge, Phase I

# I-64 Southside Widening and High Rise Bridge, Phase I Scope and Budget

**Project Scope:**

- Widening of the existing interstate from 4 lanes to 6 lanes
- Widening will accommodate one HOT lane, and two GP lanes
- Hard shoulder running will be provided between George Washington Highway (Route 17) and Great Bridge Blvd (Route 190) in the EB and WB directions.
- New fixed-span High Rise bridge south of the existing bridge with 100-foot vertical clearance over the Elizabeth River
- Replacement of the overpass bridge at Great Bridge Boulevard
- Widening of 6 existing I-64 bridges (at Military Highway, Yadkin Road and Shell Road)
- ITS civil infrastructure including gantries and signs
- ITS integration system will be provided by others as part of a separate project.

**Project Budget and Construction Cost:**

- Project Budget – $600M (original estimate)
- Project Budget – $525M to $550M (Post & Pre Scope Validation)*
- Construction Cost – $495.1M (original estimate)
- Construction Cost – $409.6M (at award)

* HRTAC Project Agreement will be revised after any Scope Validation claims are finalized.

# I-64 Southside Widening and High Rise Bridge, Phase I
# Source of Revenue

**Project Source of Revenue:**

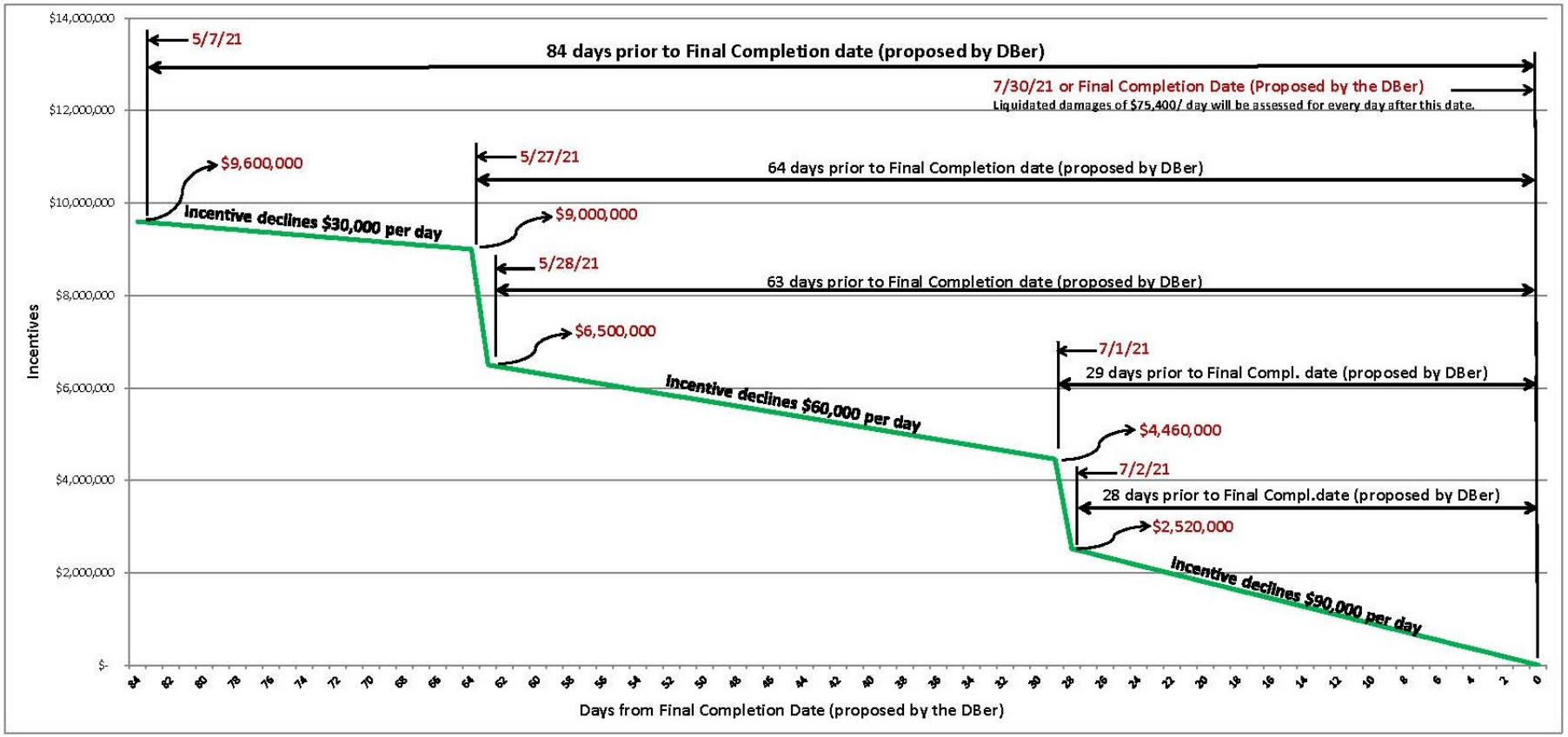
- $600M HRTAC
- $100M SMART SCALE High Priority Program GARVEES

**Project Contingency and CEI:**

- VDOT Contingency (10%) – $40.9M
- VDOT CEI, Design Review, Contract Administration – $24.3M
- Design-Build Risk Management – $25.0M

# I-64 Southside Widening and High Rise Bridge, Phase I
# $9.6M Available Incentive

- $9.6M earned if the project is completed at least 84 days prior to the Final Completion Date of July 30, 2021
- Incentive reduced to $6.5M on day 63
- Incentive reduced to $2.52M on day 28



# I-64 Southside Widening and High Rise Bridge, Phase I
# Final Ranking

**Final Ranking:**

1. Granite/Parsons/Corman (GPC) - $409,595,765
2. LMB Constuctors (LMB) - $489,019,000
3. Skanska-Archer Western (SAW2JV) - $454,520,856

SMART SCALE

*Funding the Right Transportation Projects in Virginia*

# SMART SCALE Updates

**Nick Donohue**
**Deputy Secretary of Transportation**
**October 23, 2017**

# Proposed Changes to Measures Update

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

- As a result of CTB meetings and feedback from applicants and the SMART SCALE team, the following changes will not be advanced:

| | |
|---|---|
| Congestion Mitigation | •Adjusting person throughput calculation to better reflect the size of project improvements. |
| Accessibility | •Eliminate the 45 and 60-minute cap for auto and transit job access, respectively. |

- Final draft of SMART SCALE Technical Guide updated to reflect the final proposed changes.

# Input Received

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

- **9 Public Meetings**
- **294 attendees**
- **23 entities submitted comments through letters or the online portal**
  - 11 local jurisdictions
  - 10 MPOs/PDCs
  - 2 stakeholder organization

# Input Received - Process

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

- **16 comments on application limits**
  - Vast majority were opposed to changes
  - Modification to address potential issue related to projects located in towns unable to submit projects
- **20 comments on project readiness and eligibility**
  - Concern over required documentation
- **8 comments on full funding policy**
  - Generally expressed support
  - Several localities expressed concerns about proffers being included in this policy

# Input Received - Measures

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

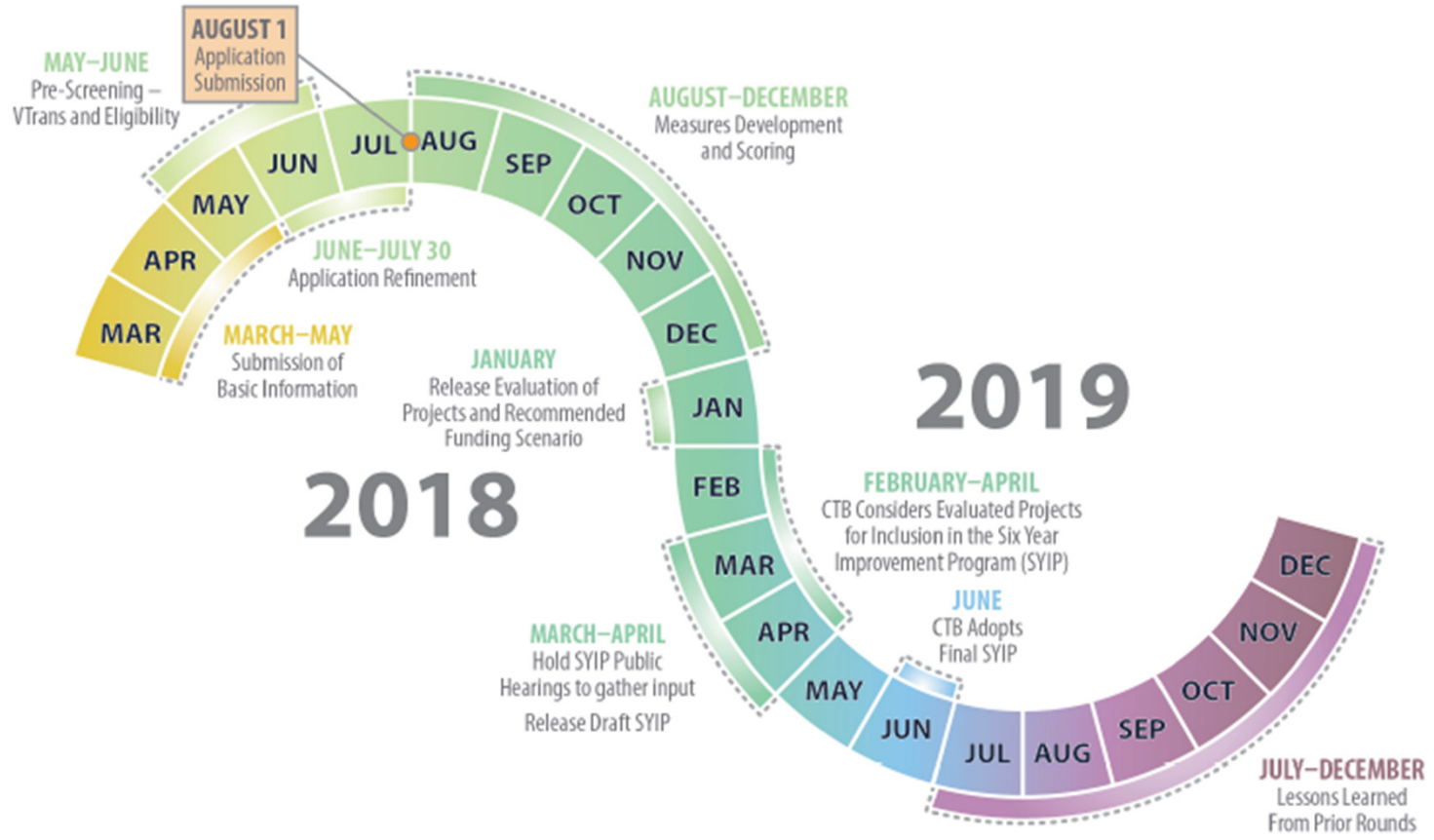
- **23 comments on congestion**
  - Concern over proposal to scale person throughput by project length
  - Support and opposition to using existing conditions
- **22 comments on economic development**
- **14 comments on access to jobs measures**
  - Support and opposition to retaining the 45- and 60-minute caps for access to jobs

SMART SCALE
Funding the Right Transportation Projects in Virginia

# Round 3 - Final Recommended Changes Recap

# Timeline

SMART SCALE
*Funding the Right Transportation Projects in Virginia*



# App Limits, Eligibility, and Readiness

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

| | |
|---|---|
| **Application Limits** | Limit number of applications allowed per applicant. Use a two-tiered population-based approach to set application limits (4 for smaller applicants, 8 for larger applicants). |
| **Project Eligibility** | Projects or project elements for repair or replacement of existing assets are not eligible for SMART SCALE funding. |
| **Full Funding Policy** | • Benefits associated with fully funded or committed project element(s) excluded from consideration.<br>• Projects fully funded through a proffer or in a CIP, TIP, or SYIP are not eligible. |
| **Project Readiness** | • New guidance on required level of planning and supporting documentation for major roadway projects.<br>• Applicants must coordinate with VDOT/DRPT to assess the level of environmental documentation required. |
| **Project Support** | Applicants must provide a resolution of support from relevant governing/policy board. |
| **Relationship of Major Project Elements** | Project elements must be associated (contiguous or same improvement type). |
| **Changes in Project Scope and Cost** | New guidance on rescoring and applicants responsible for cost attributable to increase in scope regardless of budget. |

# Measures

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

| | |
|---|---|
| **Safety** | Remove DUI crashes and use blended rate for fatal and severe injury crashes. |
| **Congestion Mitigation** | Person throughput and delay analysis will now use existing year traffic volumes, not future year traffic volumes. |
| **Economic Development** | • Zoned properties must get primary access from project.<br>• Require any project with more than 10 million square footage to provide additional documentation.<br>• Project must be specifically referenced in local comprehensive plan or regional economic development strategy.<br>• Projects receive additional points based on the degree to which the area is rated as economically distressed.<br>• Site development buffer reduced to a maximum of 3 miles.<br>• Revise points related to readiness of development to focus on site plans with more points awarded for approved detailed site plans and less for pending and conceptual site plans.<br>• Freight tonnage-based measure for intermodal access scaled by the length of the improvement. |
| **Land Use Coordination** | Replaced subjective criteria related to the degree to which an area had transportation efficient development patterns with a non-work accessibility criteria. |

# 'My Region isn't Getting its Fair Share'

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

- "Something is clearly wrong with a process that directs less than 4 percent of its High Priority dollars to a corridor … with the worst traffic congestion in the nation"
- "he would like to see total amount of dollars being spent on I-81 vs. I-95, to see if the area is getting its 'fair share'"
- "The Coalfields Expressway underfunded and overlooked by Administration"

# Fair Share of Funding

SMART SCALE
Funding the Right Transportation Projects in Virginia

| District | FY18-23 Under Old "40-30-30" | Actual FY18-23 Under SMART SCALE - SGR |
|---|---|---|
| Bristol | 126.8 | 211.8 |
| Culpeper | 117.9 | 173.3 |
| Fredericksburg | 130.4 | 385.5 |
| Hampton Roads | 375.0 | 636.8 |
| Lynchburg | 133.2 | 199.6 |
| NOVA | 392.1 | 596.7 |
| Richmond | 275.8 | 469.9 |
| Salem | 179.3 | 295.1 |
| Staunton | 146.8 | 227.5 |

Figures in millions and 40-30-30 is an extrapolation of FY21 funding levels

# Fewer Projects in SYIP, More Moving Forward

SMART SCALE
Funding the Right Transportation Projects in Virginia

| SYIP Update | Number of Projects Added | Projects Not Fully Funded |
|---|---|---|
| FY12-17 | 1152 | 242 |
| FY14-19 | 1143 | 297 |
| FY18-23 | 692 | 62 |

Includes all projects added over the course of the fiscal year

# Major Interstate: SMART SCALE vs. Other Resources

SMART SCALE
Funding the Right Transportation Projects in Virginia

| Interstate | SMART SCALE | Regional/Tolls/Other |
|---|---|---|
| I-64 | 397 | 1,179 |
| I-66 | 0 | 2,680 |
| I-77 | 5 | 0 |
| I-81 | 168 | 0 |
| I-85 | 0 | 0 |
| I-95/I-395 | 220 | 940 |

Figures in millions

# Safety Statistics

SMART SCALE
Funding the Right Transportation Projects in Virginia

| Interstate | Fatality Rate per 100M VMT | Injury Rate per 100M VMT | Total Fatalities and Serious Injuries |
|---|---|---|---|
| I-64 | 0.48 | 33.81 | 919 |
| I-81 | 0.37 | 18.22 | 612 |
| I-85 | 1.08 | 24.43 | 161 |
| I-95 | 0.33 | 32.76 | 908 |
| All Interstates | 0.39 | 29.42 | 3,438 |

# Safety Statistics

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# Coalfields Expressway/Corridor Q

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

- **$460M+ programmed to improvements**
  - –$140M expended
- **$100M 460 Connector completed 2015**
  - –Not open to traffic until connecting roads are constructed

# Resource Levels

SMART SCALE
Funding the Right Transportation Projects in Virginia

- **Currently $800M to $1B available every two years for SMART SCALE**
- **Viability of gas tax mid- to long-term is questionable**
  - –Volvo – all hybrid or battery power by 2019
  - –GM – at least 20 all electric vehicles by 2023
- **Transit fiscal cliff due to expiration of CPR bonds**
  - –CTB will need to consider options including use of SMART SCALE dollars if legislative solution is not identified

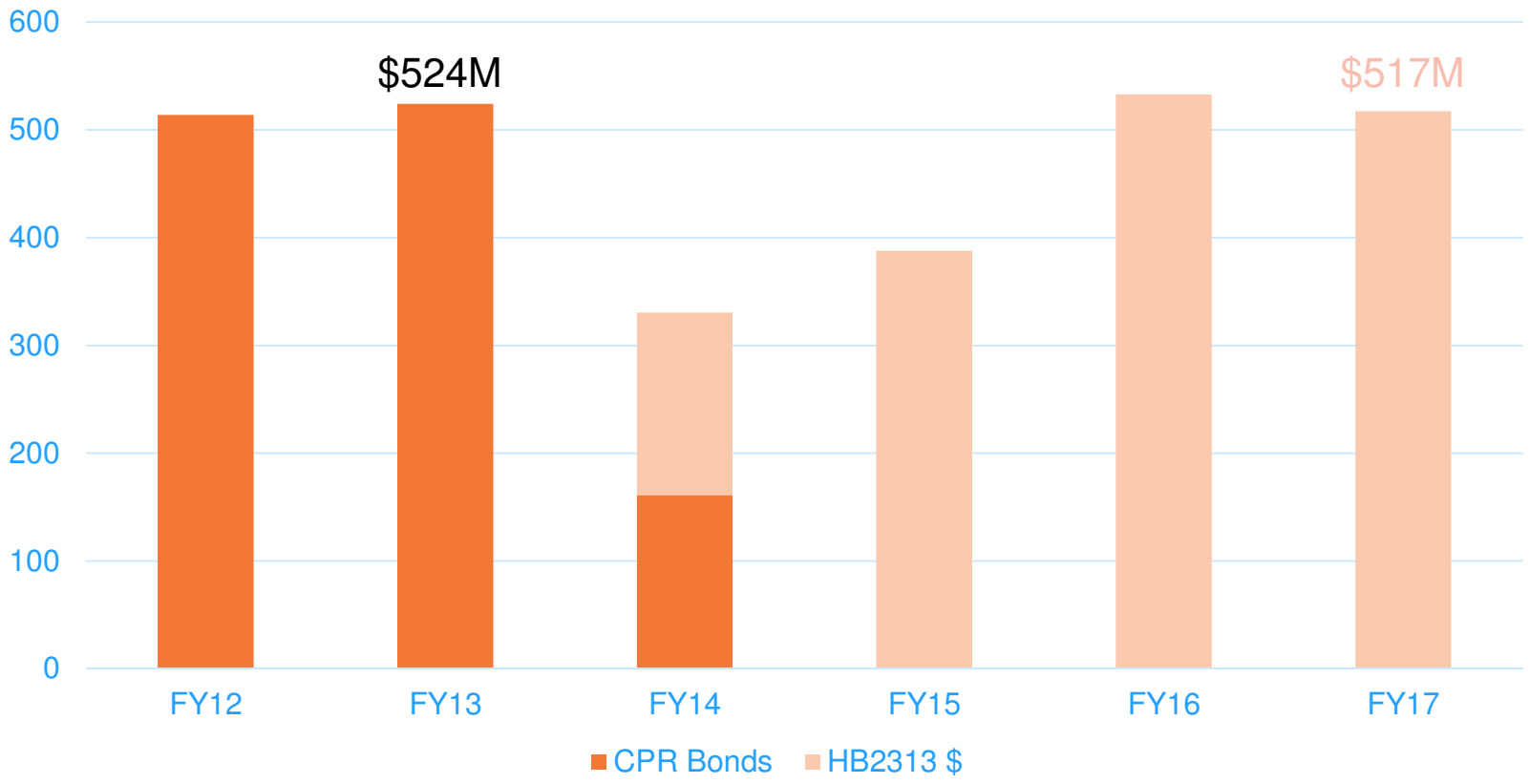
# HB2313 Revenues for Construction

SMART SCALE
*Funding the Right Transportation Projects in Virginia*

| | 2014 | 2015 | 2016 | 2017 | 2018 | 5-Year |
|---|---|---|---|---|---|---|
| 2013 Projections | 182.4 | 440.5 | 592.3 | 638.8 | 661.9 | 2,515.9 |
| Actual/ Forecast as of 2017 | 169.3 | 387.9 | 532.9 | 517.4 | 517.1 | 2,124.5 |
| Delta | (13.1) | (52.6) | (59.5) | (121.4) | (144.8) | (391.4) |

# CPR Bonds versus New Revenues for Construction

SMART SCALE
*Funding the Right Transportation Projects in Virginia*



# SMART SCALE Requests

SMART SCALE
Funding the Right Transportation Projects in Virginia

| | Round 1 | Round 2 | % Change |
|---|---|---|---|
| Total # Submitted | 321 | 436 | 36% |
| Requested Funding | 7.2B | 9.7B | 38% |
| Available Funding | 1.4B | 1B | -29% |
| Max # Apps from Locality | 12 | 33 | 175% |
| Avg # Apps per Locality | 2.2 | 2.8 | 27% |

COMMONWEALTH *of* VIRGINIA

*Office of the*

SECRETARY *of* TRANSPORTATION

# VTrans Tier I Recommendations

**Nick Donohue**

**Deputy Secretary of Transportation**

**October 23, 2017**

# Overview


- **Conduct a comprehensive review of statewide multimodal transportation and capacity needs for—**
  - **Corridors of statewide significance**
  - **Regional networks**
  - **Urban development areas**
  - **Safety**
- **Plan shall promote economic development, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety**

# Tier I Recommendations

- Focus on critical needs over next 10 years with solutions based on VTrans guiding principles
  - Does not include all needed improvements over longer term
- Restricts overall investment, generally, to available resources over 10 year period (~$5-6 billion)
  - Emphasis on common sense engineering, operations and technology
- Represents state perspective on a future pipeline of projects for consideration under SMART SCALE and other programs
- Strengthens the connection between planning, project development, and programming

# District Recommendations

VMTP 2025 VTRANS MULTIMODAL TRANSPORTATION PLAN
LOCAL | GLOBAL | MOBILE

## STAUNTON DISTRICT – 2025 RECOMMENDATIONS SUMMARY

VMTP 2025 VTRANS MULTIMODAL TRANSPORTATION PLAN
LOCAL | GLOBAL | MOBILE

www.VTrans2040.com

**12** Tier 1 Needs


**30 Funded Projects**
Funded projects addressing needs
**303 million (2018-2023 SYIP)**

**Note:** Many recommendations address more than one market, need type, or mode – therefore, numbers in charts do not add to the total number of gap recommendations (46).

**22 Pipeline Projects**
Unfunded or partly funded projects or programs from local and regional plans that address a Tier 1 need gap

**Pipeline Projects Highlights:** Recommendations within recent Bicycle and Pedestrian Plans in Harrisonburg, Staunton and SAWMPO, the I-81/I-64 Intercity Bus Study, the I-64 Congestion and Safety Study, and the Central Shenandoah PDC Transportation Demand Management Plan **provide a strong regional and local framework for bicycle and pedestrian, transit, and TDM priorities** throughout the District over the next 10 years. MPO and VDOT led studies in the I-81 and US 11 corridor will continue to shape capacity and operations strategies.

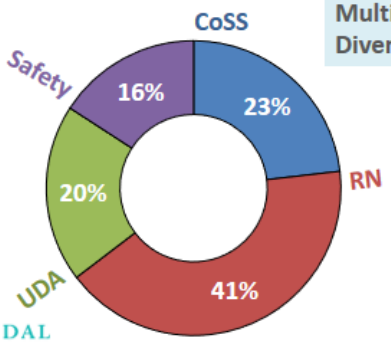
**Needs Gap**

Focus on VTrans2040 Guiding Principles: **Optimize Return on Investment** and **Consider Operational Strategies and Demand Management First**

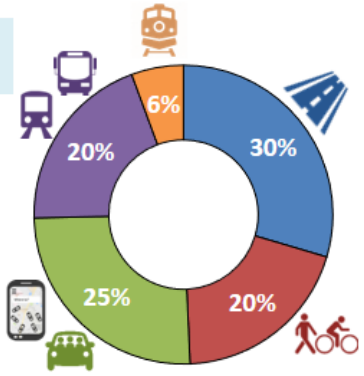
**24 New Ideas**
New projects, concepts, studies, or programs that address a Tier 1 need gap

**New Idea Highlights:** **12 of the new ideas note the need for further study and planning activities prior to implementation**, including corridor specific access management and operations programs and regional TDM policy and strategy development. Other new ideas **include corridor spot and safety improvements, park-and-ride lot expansion, rail crossing improvements, and enhanced system and incident management** in the I-81 and US 11 corridors.

**Market/ Need Diversity**




**Multimodal Diversity**




**The purpose of the VMTP 2025 Recommendations:**
To provide the CTB with statewide priorities for project development to create a pipeline for projects to be developed and proposed for funding within the SYIP through SMART SCALE or other sources.

**32** **SMART SCALE eligible**
(based on anticipated project scale and eligibility, pending concept development/study completion)

**14** **Other Federal and State funding sources**
(all projects are eligible for different Federal and State sources, these 14 projects are considered not eligible for SMART SCALE)

Office of INTERMODAL Planning and Investment

# Next Steps

- **Board action on VTrans Tier I Recommendations in December**
  - **Recommendations will receive priority as projects to be developed for rounds of SMART SCALE**
- **Workshop on VTrans Scenario Analysis**
- **Office of Intermodal Planning and Investment will develop VTrans implementation plan**
  - **Ensure guiding principles and policy are incorporated into agency plans and policies**