

HIGHWAY SYSTEM CHANGES

Abandonments and Discontinuances

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Removing Segments from the State Highway Systems

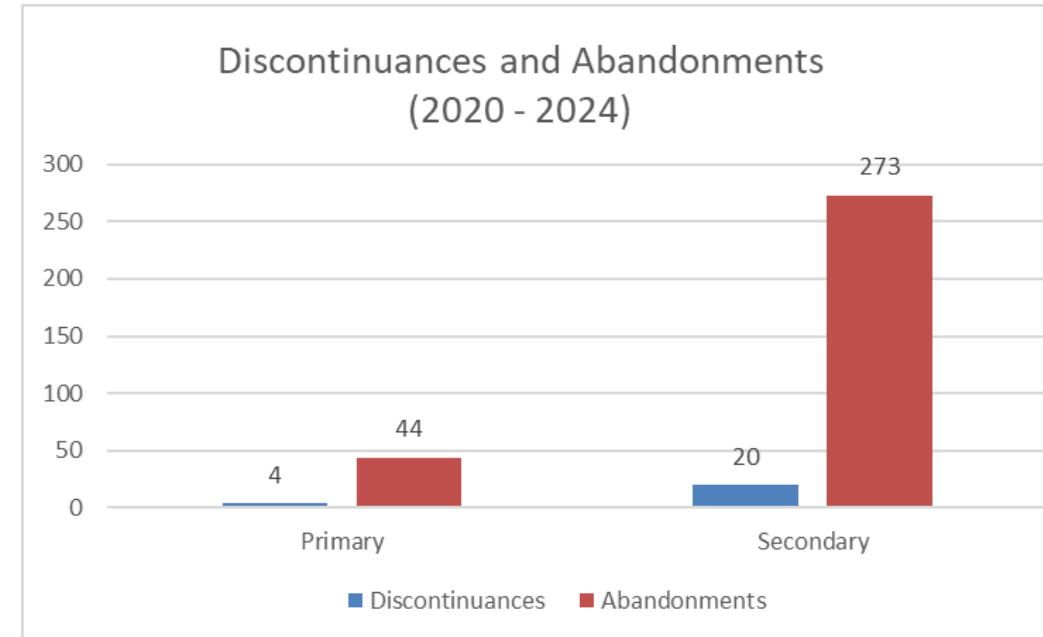
Virginia Code includes options to abandon or discontinue VDOT highways

- Relevant Code sections

- § 33.2-901 (Primary discontinuance)
- § 33.2-902 (Primary abandonment)
- § 33.2-906 (Primary abandonment – project related)
- § 33.2-908 (Secondary discontinuance)
- § 33.2-909 (Secondary abandonment)
- § 33.2-912 (Secondary abandonment – project related)

- Consideration of highway system changes triggered by

- Project completion (2/3 of changes)
- Request by locality or adjacent property owner (1/3 of changes)



Abandonments

Abandonment used when road is no longer necessary

- Determination made based upon lack of necessity
 - Property access: does not landlock property
 - Access to water: does not provide public access to water (as requested by DWR)
- Abandoned road is no longer a transportation facility open for public use
 - For prescriptive easement roadways, property reverts to adjacent property owners
(prescriptive easement is when adjacent property owners own the property the road is on)
 - For county-owned right-of-way, property reverts to county control
 - For VDOT-owned right-of-way, property is under VDOT control
 - Crossing property without VDOT permission is trespassing
- VDOT property on abandoned road may
 - Be retained by VDOT for future use
 - Be sold to adjacent property owners
 - If adjacent owners do not want to buy property, retained as surplus property owned by VDOT

Abandonments (cont'd)

Abandonment authority

- For Primary system
 - Process initiated by Commissioner or adjacent property owner
 - Commissioner approves project-related abandonments (§ 33.2-906)
 - CTB approves all other primary abandonments (§ 33.2-902)
- For Secondary system
 - Process initiated by Commissioner, county board of supervisors (BOS), or adjacent property owner
 - Commissioner approves project-related abandonments (§ 33.2-912)
 - BOS approves all other secondary abandonments (§ 33.2-909)

Discontinuance

Discontinuance is used when highway no longer needed for primary system or not required for public convenience for secondary system

Road does not provide “public convenience warranting maintenance at public expense”

- Recommendation made based upon
 - Use
 - Access to property (if road provides sole access to properties and not more than two homes)
 - Other transportation use (multi-use trail, for example)
- Discontinued road is still a transportation facility open for public use
- Discontinued Primary Highway
 - Maintenance of road using public funds stops
 - Maintenance by adjacent property owner, under land use permit
- Discontinued Secondary Highway
 - Removed from secondary system and reverts to county control
 - Maintenance is either by the county or by adjacent property owners (similar to a private road)

Discontinuance (cont'd)

Discontinuance authority

- For Primary system
 - Process initiated by Commissioner
 - Approved by CTB (§ 33.2-901)
- For Secondary system
 - Process initiated by Chief Engineer for project-related discontinuance
 - Process initiated by CTB or local governing body for all other discontinuances
 - Project-related discontinuance approved by Commissioner (§ 33.2-908, subsection C)
 - All other secondary discontinuances approved by CTB (§ 33.2-908, subsection B)

Decision Process Example 1 (Primary Hwy Project)

VDOT staff consults locality and recommends proposed action

1. Is road needed for purposes of the Primary System
 - Connects activity centers or classified as NHS or classified as arterial highway
 - If yes, retain as primary (may need route number change)
 - If no, go to #2
2. Does road serve at least three homes or equivalent uses or provides through service
 - If yes, recommend transfer to Secondary System
 - If no, go to #3
3. Does road serve as the only access to parcels or have other transportation use
 - If yes, recommend discontinuance
 - If no, go to #4
4. If no public necessity exists
 - Recommend abandonment

Decision Process Example 2 (Local Secondary Hwy Abandonment Request)

1. Does road provide service to public
 - Access to homes or property, DWR requested access to water, or other public use
 - If yes, go to #2
 - If no, recommend abandonment
2. Is abandonment need for public safety
 - Residential district, in county with population density of at least 1000 people/sq mile, and convenient alternative routes available
 - If yes, recommend abandonment under § 33.2-909, subsection F
 - If no, recommend against abandonment

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