



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Rosen

Action: Motion Carried, Unanimously

Title: Continued Action on Content of Commonwealth Transportation Board Policy Index

WHEREAS, in August, 2017, the Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (are currently in effect/valid); and

WHEREAS, at its December 6, 2017 action meeting, (pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* and hereinafter referred to as the December 6, 2017 Resolution) the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention; and

WHEREAS, at its December 6, 2017 action meeting, the CTB also instructed VDOT and DRPT to further evaluate those policies and actions warranting additional review and evaluation (set out in an Attachment (C) to the December 6, 2017 Resolution) for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at the January 2018 CTB action meeting or thereafter; and

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WHEREAS, VDOT has performed further research on those policies and actions set forth in Attachment C to the December 6, 2017 Resolution and has prepared lists of policies and actions, identified by title and adoption date, consisting of those policies and actions that are obsolete or unnecessary/redundant and that warrant repeal (see Attachment A1) and those policies and actions that are still in effect/valid and that warrant retention (see Attachment B1).

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/actions set forth in Attachment A1, and directs that the policies/actions set forth in Attachment B1 be retained in the CTB Policy Index.

BE IT FURTHER RESOLVED, that those remaining policies and actions set forth in Attachment C to the December 6, 2017 Resolution continue to warrant additional review and evaluation for purposes of determining whether they should be repealed or retained and shall be presented to the CTB for final disposition at a subsequent action meeting, and until final disposition, said policies and actions shall remain in the CTB Policy Index.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action, by removing from the CTB Policy Index and adding to the electronic archive, those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

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CTB Decision Brief

Continued Action on Content of Commonwealth Transportation Board Policy Index

Issue: Commonwealth Transportation Board (CTB) approval and action is required to implement additional proposed revisions to the content of the CTB Policy Index so that it contains only those policies that are currently in effect/valid and to repeal and archive policies that are no longer in effect.

Facts: At an August 2017 CTB Retreat, the Secretary of Transportation, Aubrey L. Layne, directed that the CTB Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify, for retention, those policies and actions that reflect current operating needs and statutory responsibilities (are currently in effect/valid).

At its December 6, 2017, action meeting, pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* (December 6, 2017 Resolution) the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention. In addition, the CTB instructed VDOT and DRPT to further evaluate those policies and actions warranting additional review and evaluation (set out in an Attachment (C) to the December 6, 2017 Resolution) for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at the January 2018 CTB action meeting or thereafter.

VDOT has performed further research on those policies and actions in the CTB Policy Index set forth in Attachment C to the December 6, 2017 Resolution, and have prepared new attachments for the CTB's consideration containing policies and actions recommended for repeal and policies and actions recommended to be retained (Attachments A1 and B1, respectively).

Recommendations: VDOT recommends that the policies/actions contained in Attachment A1 be repealed and the policies/actions in Attachment B1 be retained. To be consistent with the December 2017 action, it is also recommended that the CTB clarify that the repeal of any policy/action in no way affects the validity of actions taken pursuant to the policy/action, prior to its repeal.

Action Required by CTB: A resolution will be provided for the CTB's consideration to repeal and retain the policies and actions listed by title and date in Attachments A1 and B1, respectively, to direct VDOT to take all actions necessary to document the action, and to direct VDOT and DRPT to continue to review remaining policies/actions set out in Attachment C to the December 7, 2017 Resolution for a determination and recommendation as to their final disposition. In addition the resolution will direct VDOT, to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or superseded by

subsequent actions of the CTB. The resolution will also clarify that the repeal of any policy or action pursuant to this CTB action does not affect the validity of actions taken pursuant to the policy/action prior to its repeal.

Result if Approved: The Policy Index will be revised according to the action taken by the CTB, with repealed policies and actions being archived in a separate document and retained policies remaining within the Policy Index.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: N/A

Attachment A1: Policies Adopted by the CTB – VDOT Proposed for Repeal¹

Establishment of Dumps

Approved: 11/3/1955

WHEREAS, the State Highway Commissioner by § 33-13 of the *Code of Virginia* of 1950 is given the authority to construct, improve and maintain the roads embraced in the State Highway System and the secondary system of State highways, and

WHEREAS, the disposal of trash collected from the aforementioned highways is considered to be an item involved in the maintenance of such roadways, now, therefore

BE IT RESOLVED, that the Department, in order to provide for an adequate and orderly disposal of such trash, as it collects, [sic] will establish dumps at such locations as it deems advisable from time to time. The dumps so established will be thereafter maintained by the Department and their use regulated by the Department.

Minimum Right of Way on Primary State Highways

Approved: 10/7/1954

That the standard minimum widths of rights of ways being, and to be, acquired for Primary State Highways be as follows:

- a) 300 feet for Limited Access Highways.
- b) 160 feet for Class 1 roads- 4 lane pavement, divided or undivided.
- c) 110 feet for Class 2 roads- 2 lane pavement.
- d) 80 feet for Class 3 roads- 2 lane pavement.
- e) 50 feet for Class 4 roads- 2 lane pavement.

Provided that in cases where topographic or other conditions justify a variation from these standard minimum widths, the Chairman is hereby authorized to designate such normal minimum widths as he may deem proper; and provided further that in cases where conditions require or justify the acquisition of rights of ways in excess of 160 feet in width for roads designed or designated to have 4 or more lanes of pavement, the Chairman is hereby authorized to designate such normal minimum widths as he may deem proper.

Standard Minimum Widths of Right of Way

Approved: 8/18/1966

Moved by Judge Weaver, Seconded by Mr. Chilton, that the following policies be, and the same are, hereby adopted:

¹ Maintenance Division sent an e-mail dated December 21, 2017 that concurred with items listed on the attachments to retain and repeal that was sent out on Dec. 20 by Mohammad Mirshahi. Also, the division made specific recommendations on a number of individual actions originally assigned to it, which are also included on the “repeal” and “retain” attachments.

That the standard minimum widths of right of way being, and to be acquired for Interstate, Arterial and Primary State Highways be as follows:

- a) Interstate – 200-300 Feet with control of access
- b) Arterial – 160-200 feet
 - 1. By-passes – 200 feet with control of access
 - 2. Major relocations – 200 feet and control of access, where feasible
 - 3. Rural areas with minimum right of way damage and to provide vertical and horizontal bifurcation – 200 feet
 - 4. Other project development – 180 feet
- c) Primary Class I – 110 –200 feet
 - 1. By-passes – 200 feet with control of access
 - 2. Ultimate four-lane highways – 160 feet
 - 3. Ultimate two-lane highways – 110 feet
- d) Primary Class II –
 - 1. Rural areas minimum right of way damage, two-lane highways – 110 feet
 - 2. Suburban areas – 80 feet and two-lane highways
 - 3. Urban areas – 50 feet and two-lane highways

Where topographic or other conditions justify a variation from these standard minimum widths, the Chairman or Deputy Commissioner is authorized to designate such normal or maximum widths as he may deem proper.

Access Roads to Interstate Highways

Approved: 1/12/1962

WHEREAS, a National System of Interstate and Defense Highways is now being developed; and

WHEREAS, certain other roads and streets will have access to such Interstate and Defense Highways at interchanges; and

WHEREAS, it is anticipated that such other roads and streets will carry considerable volumes of traffic entering and leaving the Interstate Highways at such interchanges; and

WHEREAS, such traffic can be expected to cause increased development along such roads and streets in the vicinity of these interchanges.

NOW, THEREFORE, BE IT RESOLVED: That all roads and streets having access to the National System of Interstate and Defense Highways at interchanges provided for that purpose shall be designed to the geometric and structural standards of Class I primary highways for a distance of not less than one-half mile from the Interstate Highway. All structures and ramps in the interchange shall be designed to these same standards, and when warranted, these standards may be applied beyond the one-half mile limitation.

Construction of Interchanges on Interstate System

Approved: 6/18/1964

WHEREAS, the Commission, at its meeting on November 14, 1963, approved the construction of an additional interchange on Interstate Route 95 with the right of way being donated, and the full cost of construction being borne by private funds and requested concurrence by the Bureau of Public Roads; and

WHEREAS, questions which were raised concerning both the need for the interchange and the proposed method of financing it resulted in the request for the Bureau's concurrence being withdrawn, pending a public hearing on the matter; and

WHEREAS, following the public hearing, a report was received from the Engineers of the Highway Department, which confirmed the need for the additional interchange; and

WHEREAS, a committee of the Commission was appointed to study and recommend a general policy to govern interchanges on the Interstate System; and

WHEREAS, the Committee has reported to the Commission its recommendations which have been thoroughly considered by the Commission;

NOW THEREFORE BE IT RESOLVED, that the Highway Commission hereby adopts the following policy to govern the construction of additional interchanges on the Interstate System:

1. Beginning with the year 1964 and at five year intervals thereafter, studies will be undertaken of those portions of the Interstate System which have been completed or are under construction to determine where additional interchanges are felt necessary to accommodate the anticipated traffic and would be built if funds were available.
2. The Bureau of Public Roads will be requested to approve the additional access points as determined by the studies, with the interchanges to be built with or without Federal participation.
3. Public hearings will be held on all additional access points approved by the Bureau before a final decision is made as to the exact location of each interchange.
4. Requests for studies for additional access points during the interim between the five year studies will not be considered.
5. Construction of additional interchanges determined to be required by the studies and approved by the Bureau of Public Roads will be undertaken at such time as the necessary 90-10 interstate funds become available and preference will be given to interchanges where rights of way are donated and/or contributions are made toward the cost of construction.

Sidewalk Maintenance Policy

Approved: 4/16/1981

WHEREAS, this Commission on October 28, 1980, adopted a resolution regarding sidewalk maintenance needs, especially as they exist in Northern Virginia, and the following guidelines were established:

Sidewalks will be accepted on streets adjacent to and in the immediate vicinity of multiple businesses or public buildings or on one side of subdivision streets

within the specified range of a County's required pedestrian transportation policy from home to school.

NOW, THEREFORE, BE IT RESOLVED, that the following criteria are established regarding the acceptance of sidewalks for state maintenance:

- 1) A sidewalk will be eligible for maintenance on one side of all streets within one mile of all existing elementary schools and one and one-half miles of all existing intermediate and high schools.
- 2) The same criteria apply as in paragraph (1) at proposed schools, the construction of which is included in a county's five-year capital improvement budget.
- 3) Sidewalks on both sides of a school access street described in paragraph (1) will be eligible for maintenance when the existing or projected traffic use exceeds 3000 vehicles per day.
- 4) No sidewalks will be eligible for maintenance on permanent dead-end streets, short loop streets or cross streets which do not serve as access to a high density residential area.
- 5) Sidewalks will be eligible for maintenance on streets adjacent to and in the immediate vicinity of multiple commercial businesses or public facilities. Immediate vicinity shall mean 600 feet beyond zoning line or to the nearest street intersection within 600 feet.
- 6) Sidewalks not covered by these guidelines may be approved for maintenance eligibility after individual study by the Department's resident engineer and the county involved.

Sidewalk Maintenance Policy

Approved: 10/28/1980

WHEREAS, a maintenance need has accrued for sidewalk repair, especially in Northern Virginia, to the extent the Department will be unable to finance the existing needs within the next ten or fifteen years; and

WHEREAS, subdivisions in certain counties are continuously being designed for the construction of sidewalk in residential and business areas;

NOW, THEREFORE, BE IT RESOLVED, that necessary steps must be take to curtail additional sidewalk maintenance needs which cannot be covered within the Department's financial structure; and

BE IT FURTHER RESOLVED, that beginning with the date of this resolution the Department's design standards for sidewalks, including related underdrains, as shown on the attached sketch, are approved and will be enforced for all subdivision plans approved by the Department after this date; and

BE IT ALSO FURTHER RESOLVED, that the Commission will establish criteria for maintenance acceptance of sidewalks along subdivision streets effective July 1, 1981, using the following guidelines:

Sidewalks will be accepted on streets adjacent to and in the immediate vicinity of multiple businesses or public buildings or on one side of subdivision streets within the specified range of a County's required pedestrian transportation policy from home to school.

Sidewalks will not be eligible for State Highway Department maintenance on dead end or cul-de-sac streets without individual study and approval by the Department of Highways and Transportation.

Convict Camps**Approved: 7/19/1962**

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.

Bridge Authority Act**Approved: 5/28/1940**

Moved by Mr. Rawls, seconded by Mr. Massie, that the Commission delay any action as to how they will handle the financing of projects under the Bridge Authority Act until the feasibility of the projects has been decided. Motion carried.

City Street Mileage**Approved: 1/8/1959**

Moved by Mr. Flythe, seconded by Mr. Barrow, that the following policy be adopted, as presented to the Commission; Where a new Primary route is justified by a change in the traffic pattern of a city or town and such route is inclined within the approved Primary extension mileage, and there is existing within such city or town mileage which is no longer considered as an essential extension of the Primary System, consideration will be given to dropping such mileage. When an existing Primary route extension or connection is relocated by construction, generally parallel to or substantially providing the same service for through traffic, the old route should be dropped from the approved system. Motion carried.

NOW, THEREFORE, BE IT RESOLVED: That the policy of the State Highway Commission shall be: Upon request of the Board of Supervisors, the Highway Department will take over, for maintenance, structured by others, to standards and in accordance with specifications set up by the Department.

BE IT FURTHER RESOLVED: That the Department will maintain the road leading to the ramp in a condition commensurate with its service as compared to other roads in the county.

City Street Maintenance

Approved: 6/16/1942

Moved by General Anderson, seconded by Mr. Wysor, that wherever a municipality which is entitled to the \$2,500.00 per mile for maintenance has fulfilled necessary conditions, that the amount due it be paid and the municipalities be required to maintain their streets during the emergency standard set by the Department. Motion carried.

Scoring Criteria for Enhancement Program Applications

Approved: 4/20/2006

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.

Policy for Signs Requiring Operators of Motor Vehicles to Yield the Right-of-Way To Pedestrians in Crosswalks

Approved: 6/20/2002

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*.

Installations being accomplished on roadways where the Virginia Department of Transportation is normally responsible for signing will require a permit be issued prior to any installations accomplished by the locality.

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 1/2"

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.

Handicapped Parking on the Secondary System**Approved: 4/21/1983**

WHEREAS, Section 46.1-252.2 of the *Code of Virginia* provides that the State Highway and Transportation Commissioner may by regulation provide for the regulation of parking on any part of the State Highway System, (the primary system) which does not fall within the provisions of Sections 46.1-252 and 46.1-252.1, in the same manner and with the same powers as is provided for cities, towns, and counties in Sections 46.1-252 and 46.1-252.1 (1970, c. 257); and

WHEREAS, no specific authority exists for the regulation of parking on the secondary system other than Section 33.1-12(3) of the Code; and

WHEREAS, the Department of Highways and Transportation has received requests to provide handicapped parking on the primary and secondary road systems in towns and subdivisions where parking is permitted;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway and Transportation Commission delegates the authority to regulate parking, including handicapped parking, on the secondary system, to the State Highway and Transportation Commissioner so that he has the same authority over the secondary system as he has by virtue of Section 46.1-252.2 over the primary system. The State Highway and Transportation Commissioner or his authorized representative is the appropriate person to exercise this authority on a day to day basis;

BE IT FURTHER RESOLVED, that the State Highway and Transportation Commissioner develop criteria as a guide to regulate handicapped parking on the primary and secondary road systems and which may be amended or rescinded from time to time as he deems necessary.

Operation of 102-Inch Wide Buses**Approved: 8/19/1976**

WHEREAS, Section 46.1-328(d) of the *Code of Virginia* (1950), as amended, authorizes upon the general or special order of the State Highway and Transportation Commission the operation of passenger buses of widths in excess of 96 inches, but not exceeding 102 inches, on Federal Interstate and Defense Highways, and other four-lane divided highways under the jurisdiction of the Commission, on the condition that Federal law and regulations permit the operation of such buses on Federal Interstate and Defense Highways and to the extent that such operation will not jeopardize the Commonwealth's qualification for Federal-aid highway funds; and

WHEREAS, the "Federal-Aid Highway Act," 23 U.S.C. Section 127 (as amended May 5, 1976), authorizes the use of such buses on the Interstate system having lanes of 12 feet or more in width; and

WHEREAS, from time to time, the operation of such buses has been allowed by special permit in certain urban areas; and

WHEREAS, it appears the general operation of such buses on the Interstate and Primary Highway systems in the Commonwealth will provide more comfortable and convenient intercity passenger service and otherwise serve the public interest without substantially impairing the use of such highways;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 46.1-328(d) of the Code, passenger buses of a total outside width, excluding the mirror required by Section 46.1-289, not exceeding 102 inches are hereby generally authorized to operate on all interstate and four-lane divided highways under the jurisdiction of the State Highway and Transportation Commission, provided such buses comply in all respects with other provisions of local, state or Federal law.

Installation of Signs Advising of Maximum Penalty for Exceeding Posted Speed Limit in Residence Districts
Approved: 6/17/1999

Introduction

This policy and attendant procedures identify the specific responsibilities and requirements of VDOT and that of 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.

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 minor arterial streets with residential characteristics in certain residential districts and installing signs as prescribed in § 46.2-878.2 of the *Code of Virginia*.

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 abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of 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 the purposes of vehicular travel in the Commonwealth, including the streets and alley, 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 residential streets as well as serving traffic movements between residential areas and major roadways.

For purposes of this policy, “minor arterial streets and roads” are highways exhibiting the residential characteristics listed above for residential streets. These roads and streets also serve trips of moderate lengths at a somewhat lower level of travel mobility than principal arterials, provide access to geographic areas smaller than those served by the higher system, and provide intracommunity continuity.

Note: The definitions of residential streets, collector streets, and minor arterial 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 a local residential, collector, or minor arterial 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, collector, or minor arterial 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 have the signs installed.
3. Sign installations under § 46.2-878.2 will take place within 60 days of the date the request is approved.

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 from countywide traffic services in the secondary or primary road allocations to the respective counties.

Commonwealth Transportation Board Direction to the Office of Transportation Public Private Partnerships (OTP3) and the Virginia Department of Transportation (VDOT) Approved: 5/14/2014

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 identifies, 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 identifies, 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.

Attachment B1: Policies Adopted by the CTB – VDOT/DRPT Proposed for Retention

Secondary Roads through State Parks

Approved: 3/23/1937

Moved by Mr. Rawls, seconded by Mr. East, that the State secondary roads passing through State Parks, Government Parks, Reservations, and Recreational Areas, if requested to be closed or turned over for maintenance and construction to the various authorities in charge of such parks, areas, etc., that it be done provided they secure the approval of the Board of Supervisors of the county in which the road is located. Motion carried.

Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. This resolution was originally classified as a Department Policy Memorandum, currently DPM 8-4. For a copy of this regulation, which is filed by description as 24VAC30-500, contact the Governance and Legislative Affairs Division.

Operation and Maintenance of Rest Areas

Approved: 4/20/1995

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.

Maintenance at Interchanges and Grade Separations

Approved: 5/23/1962

WHEREAS, the construction of the Interstate System results in a combination of systems in the performance of maintenance operations at interchanges and grade separation structures; and

WHEREAS, it is desirable to establish a policy as to the responsibility for the physical maintenance operations at such interchanges and grade separation structures similar to the policy adopted for service roads on August 18, 1960.

NOW, THEREFORE, BE IT RESOLVED: That the following policy is hereby adopted by the Highway Commission for the maintenance of interchanges and grade separation structures in connection with the Interstate System:

1. IN CITIES AND TOWNS

A. Interchanges

1. Where the Interstate System construction provides an interchange within a city or town charged with the responsibility for the maintenance of its street system, the Interstate System will be responsible for the maintenance of the complete highway facility within the controlled access limits of the interchange.
2. Maintenance payments will not be paid to any city or town for street or road mileage maintained by the Interstate System under the provisions of Section A(1).

B. Grade Separation Structures (without access ramps)

1. Where the Interstate route passes under a street within a city or town charged with the responsibility for the maintenance of its street system, the 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, guardrails, 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 route passes over a street within a city or town charged with the responsibility for the maintenance of its street system, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks shall be the responsibility of the Interstate System. The street roadway underneath the Interstate route shall continue to be the responsibility of the city or town.

2. IN COUNTIES

A. In all counties, with the exception of Arlington and Henrico, where the Interstate System construction provides a grade separation structure with or without ramps at a primary or secondary route intersection, the maintenance costs will be borne as follows:

1. Where the Interstate route passes under the primary or secondary route, the Primary or Secondary Systems will provide the maintenance funds for the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line. The Interstate System will provide the funds for the maintenance of the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab and the pavement, shoulders and slopes of all ramps.
2. Where the Interstate route passes over the primary or secondary route, the funds for the maintenance of the entire structure, ramp pavement, shoulders and slopes will be provided by the Interstate System. The roadway underneath the Interstate route will be maintained from Primary or Secondary funds.

3. ARLINGTON AND HENRICO COUNTIES – Interstate System

A. Interstate – State Primary Route Intersections

The maintenance of the interchanges and grade separation structures and approaches at all intersections of the Interstate and primary routes in Arlington and Henrico Counties will be the responsibility of the Virginia Department of Highways and the cost will be apportioned between the systems in accordance with Section II. A(1).

B. Interstate – County Route Intersections

1. Where the Interstate route passes under a county maintained street or road, the 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 county. The Interstate System will maintain the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab, and the pavement, shoulders and slopes of all ramps within the limits of the normal Interstate right of way.
2. Where the Interstate route passes over a county maintained street or road, the maintenance of the entire structure and slopes back of 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 roadway underneath the Interstate route shall continue to be the responsibility of the county.

BE IT FURTHER RESOLVED: That the Commission policy on this matter which was adopted on February 16, 1961, be and the same hereby is rescinded. Motion carried.

Launching Ramps at Public Landings

Approved: 8/18/1960

WHEREAS, from time to time requests have been made that the Department construct and maintain launching ramps at public landings; and

WHEREAS, after due consideration of such requests, it is the feeling of this Commission that a policy should be adopted governing the construction and maintenance of launching ramps at public landings.

NOW, THEREFORE, BE IT RESOLVED: That the policy of the State Highway Commission shall be: Upon request of the Board of Supervisors, the Highway Department will take over, for maintenance, structured by others, to standards and in accordance with specifications set up by the Department.

BE IT FURTHER RESOLVED: That the Department will maintain the road leading to the ramp in a condition commensurate with its service as compared to other roads in the county.

Soil Conservation Program

Approved: 12/17/1970

WHEREAS this Commission did on April 21, 1960, establish the erosion control fund for the purpose of assisting soil conservation districts in the control of erosion on highway right of way in the watersheds of certain streams; and

WHEREAS the soil conservation districts at that time agreed to furnish the necessary easements, arrange for the removal and replacement of fences, and furnish the fertilizer, seed, and mulch necessary to obtain ground cover on highway cut and fill slopes within the watershed being developed; and

WHEREAS recent developments and changes in the Federal soil conservation laws prevent the soil conservation districts from furnishing the fertilizer, seed, and mulch; and

WHEREAS the program to this point has been exceptionally fruitful in providing deterrents to erosion along the State highways, Primary and Secondary, in the watershed areas.

NOW, THEREFORE, BE IT RESOLVED, that the policy of this Commission established on April 21, 1960, is hereby rescinded and the following substituted therefore:

That, in view of the contribution of easements and the adjustment of fences by the soil conservation districts, the State Highway Commission will provide funds to furnish the necessary fertilizer, seed, and mulch and to prepare and seed the highway out and fill slopes in conservation districts in order to obtain ground cover. The total of said funds shall not exceed \$70,000 in any one fiscal year and shall 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 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 out and fill slopes.

BE IT FURTHER RESOLVED, that this policy shall become effective immediately for all projects not already under agreement.

Bridge Maintenance

Approved: 10/18/1939

Moved, by Mr. Rawls, seconded by Mr. Wysor, that the N&W Railway Company be advised that the Highway Commission will have to be governed by the law covering the maintenance of bridges. In case the shorter portion of a bridge extends beyond the right of way of the railroad, the Railroad Company is to do all the work and bill the Commission for the cost beyond their right of way line. If the greater length is off the Railroad Company's right of way then the State Highway Commission does the entire work and bills the Railroad Company for its parts. Motion carried.

Policy on Open Rail/Parapets

Approved: 7/20/1995

WHEREAS, the Commonwealth of Virginia has been favored with much natural beauty including rivers, streams and other bodies of water that attract visitors from across the United States and other parts of the world; and

WHEREAS, tourism is a significant component of the economy of the Commonwealth; and

WHEREAS, the Virginia Department of Transportation has considered the above in working with the Advisory Committee on Highway Safety and Design Standards in Scenic and Historic Areas; and

WHEREAS, to provide for the safety of the traveling public, the Virginia Department of Transportation has adopted the use of Federal Highway Administration approved crash-tested parapets.

NOW, THEREFORE, BE IT RESOLVED that it is the policy of the Commonwealth Transportation Board that construction of bridges and roads over bodies of water in the Commonwealth, especially with respect to the secondary, urban, and primary systems, be accomplished in such a way as to complement these natural resources while maintaining the public safety.

BE IT FURTHER RESOLVED that the use of approved crash-tested open parapets shall be considered in the project development and are hereby preferred with respect to roads and

bridges in the secondary, urban, and primary systems over bodies of water in the Commonwealth.

Changes to Urban Construction Projects

Approved: 8/23/1962

WHEREAS, certain projects within cities and towns are financed jointly by Federal-Aid Urban, State, and City Funds; and

WHEREAS, from time to time some questions arise as to continued maintenance of the projects after completion in the manner constructed; and

WHEREAS, the Department of Highways deems it necessary in the interest of the traveling public that such projects not be altered without the approval of the Department.

NOW, THEREFORE, BE IT RESOLVED; that the State Highway Commission hereby authorizes the Highway Commissioner to include the following clause in all future City-State agreements concerning such projects:

“The City agrees that after construction of the project, or any part thereof, it will not permit any reduction in the number or width of traffic lanes, additional median cross-overs, enlargement of existing median cross-overs, or alterations of channelization islands, without the prior approval of the Department of Highways.”

Guidelines for Determining Lane Mileage Eligibility

Approved: 4/19/1984

1. Right of Way and Surface Widths must comply with appropriate Section of the Code.
2. All streets and highways will be considered as having a minimum of two moving lanes.
3. Turning lanes and ramps will not be considered as moving lanes.
4. Pavement widths between 27 feet and 36 feet cannot operate as three moving lanes without rigidly enforced parking restrictions unless it is a one-way street.
5. Only in rare instances could pavement widths of 42 feet or less between curbs operate as four (4) moving lanes.
6. Without curb and gutter 40-foot pavement is possibly the minimum that can operate as four (4) moving lanes.
7. Restricted parking lanes must be enforced to be eligible for lane mile payments.
8. Where parking is permitted during off peak traffic periods but restricted and rigidly enforced by towing during peak traffic periods, these lanes are eligible for lane mile payment.
9. Service roads adjacent and parallel to primary extensions or urban arterials (major thoroughfares) shall be considered as other streets for lane mileage payments.
10. One-way pairs will receive lane mileage payments for the total number of moving lanes.
11. Each street and highway with more than two moving lanes must have pavement markings in accordance with its lane mileage payments.
12. Measurement of 30-foot Hard Surface Widths: This is to be measured from face of curb to face of curb where curb and gutter exist. If no curb and gutter exist the 30-foot measurement would apply from edge of pavement to edge of pavement. The same rule

would apply to other widths as specified in the Code as it does for the 30-feet of hard surface.

13. A policy has been established to handle lane mileage on one way routings of primary extensions along two way streets through municipalities receiving maintenance payments under Section 33.1-41 and 33.1-43 of the Code. When this occurs, the lanes taking the traffic in the direction of the primary routing will be eligible for primary maintenance funds and the lanes taking traffic in the opposite direction will be eligible for "Other Streets" maintenance funds.

Maintenance at Interchanges and Grade Separations

Approved: 5/23/1962

WHEREAS, the construction of the Interstate System results in a combination of systems in the performance of maintenance operations at interchanges and grade separation structures; and

WHEREAS, it is desirable to establish a policy as to the responsibility for the physical maintenance operations at such interchanges and grade separation structures similar to the policy adopted for service roads on August 18, 1960.

NOW, THEREFORE, BE IT RESOLVED: That the following policy is hereby adopted by the Highway Commission for the maintenance of interchanges and grade separation structures in connection with the Interstate System:

1. IN CITIES AND TOWNS

A. Interchanges

1. Where the Interstate System construction provides an interchange within a city or town charged with the responsibility for the maintenance of its street system, the Interstate System will be responsible for the maintenance of the complete highway facility within the controlled access limits of the interchange.
2. Maintenance payments will not be paid to any city or town for street or road mileage maintained by the Interstate System under the provisions of Section A(1).

B. Grade Separation Structures (without access ramps)

1. Where the Interstate route passes under a street within a city or town charged with the responsibility for the maintenance of its street system, the 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, guardrails, 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 route passes over a street within a city or town charged with the responsibility for the maintenance of its street system, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks shall be the responsibility of the Interstate System. The street roadway underneath the Interstate route shall continue to be the responsibility of the city or town.

2. IN COUNTIES

A. In all counties, with the exception of Arlington and Henrico, where the Interstate System construction provides a grade separation structure with or without ramps at a primary or secondary route intersection, the maintenance costs will be borne as follows:

1. Where the Interstate route passes under the primary or secondary route, the Primary or Secondary Systems will provide the maintenance funds for the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line. The Interstate System will provide the funds for the maintenance of the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab and the pavement, shoulders and slopes of all ramps.
2. Where the Interstate route passes over the primary or secondary route, the funds for the maintenance of the entire structure, ramp pavement, shoulders and slopes will be provided by the Interstate System. The roadway underneath the Interstate route will be maintained from Primary or Secondary funds.

3. ARLINGTON AND HENRICO COUNTIES – Interstate System

A. Interstate – State Primary Route Intersections

The maintenance of the interchanges and grade separation structures and approaches at all intersections of the Interstate and primary routes in Arlington and Henrico Counties will be the responsibility of the Virginia Department of Highways and the cost will be apportioned between the systems in accordance with Section II. A(1).

B. Interstate – County Route Intersections

1. Where the Interstate route passes under a county maintained street or road, the 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 county. The Interstate System will maintain the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab, and the pavement, shoulders and slopes of all ramps within the limits of the normal Interstate right of way.
2. Where the Interstate route passes over a county maintained street or road, the maintenance of the entire structure and slopes back of 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 roadway underneath the Interstate route shall continue to be the responsibility of the county.

BE IT FURTHER RESOLVED: That the Commission policy on this matter which was adopted on February 16, 1961, be and the same hereby is rescinded. Motion carried.

Maintenance of Roads Crossing the Interstate System**Approved: 5/20/1976**

WHEREAS, the Commissioner of the Virginia Department of Highways and Transportation appointed a committee to review maintenance responsibilities of city streets within interchanges of the Interstate System; and

WHEREAS, several cities in the Tidewater area believed it would be more efficient and in the best interest of the public service for city streets passing through interchanges to be maintained by the city itself; and

WHEREAS, the committee has analyzed all aspects of the policy relating to interchanges;

NOW, THEREFORE, BE IT RESOLVED, that Section 1.01 of Policy Memorandum Number DPM 8-14, dated January 1, 1973, be amended to read as follows:

1.01 INTERCHANGES -

- A. As a general policy, where the Interstate, Arterial or Toll Road system construction provides an interchange within a municipality charged with the responsibility for maintenance of its street systems, the Department of Highways and Transportation, through the appropriate system of maintenance funds, will be responsible for the maintenance of the complete highway facility within the Controlled Access Limits of the interchange.

Maintenance payments will not be paid to any municipality for street or road mileage maintained by the Department of Highways and Transportation under this provision.

- B. Municipalities desiring to maintain municipal streets passing through Interstate, Arterial or Toll interchanges may maintain such streets in accordance with the following provisions:

Where the Interstate, Arterial or Toll route passes under a street within a municipality maintaining its own street system, the maintenance of the surface and sidewalks of the structure and the approach of roadways to the back of the shoulder line shall be the responsibility of the municipality. The Department of Highways and Transportation using the appropriate system maintenance funds will maintain the remainder of the structure, including handrails, guardrails, repairs to the structure, roadway slab and slopes beyond the shoulder line, within the limits of the normal right of way.

Where the Interstate, Arterial or Toll route passes over a street within a municipality maintaining its own street system, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks shall be the responsibility of the Department of Highways and Transportation using the appropriate system funds. The street roadway underneath the Interstate, Arterial or Toll route shall continue to be the responsibility of the municipality.

As a general policy, the Department of Highways and Transportation will continue to control and maintain all signs, signals, and other traffic control devices within the Controlled Access right of way of interchange areas. Signals within the interchange

areas may be maintained by the municipality when mutually agreed upon by the Department and the municipality.

Editor's Note: DPM 8-14 was reformatted as DPM 7-4 in 1991, when it was approved by the Commissioner. It is classified as an Administrative Process Act-exempt regulation and is filed by description as 24 VAC 30-430. For the current official version of this regulation, contact the Governance and Legislative Affairs Division.

Maintenance of Relocated and Newly Established Service Roads

Approved: 8/18/1960

WHEREAS, the construction of the Interstate System and other limited access highways results in the closing, relocation and establishment of certain streets and roads in connection therewith; and

WHEREAS, it is desirable to establish a policy as to the maintenance of the relocated and newly established streets and roads:

NOW, THEREFORE, BE IT RESOLVED that the following policy be and is hereby adopted for the maintenance of the above mentioned streets and roads:

1. In Cities and Towns
 - A. Arrangements should be made prior to construction for all relocated streets to be maintained with the ordinary maintenance payments to cities and towns.
 - B. Arrangements should be made prior to construction for the cities and towns to accept into their systems for maintenance payments all newly established service roads which meet the necessary requirements as to right of way and pavement widths.
 - C. Arrangements should be made for the Department of Highways to maintain all portions of newly established service roads located on highway right of way which do not meet the necessary requirements to be eligible for maintenance payments.
2. In Counties
 - A. Arrangements should be made prior to construction for all relocated existing publicly maintained roads to be maintained as part of the Primary, Secondary, or County System.
 - B. Arrangements should be made prior to construction for all newly established service roads which serve as extensions of or connections between existing publicly maintained roads to be maintained as part of the Primary, Secondary or County System.
 - C. Arrangements should be made for the Department of Highways to maintain as a part of the main roadway all parallel service roads which serve property owners who are denied access to the main roadway.
 - D. Arrangements should be made for the Department of Highways to maintain as a part of the main roadway all portions of access roads to private property which are located on highway right of way.

Reasonable Access Under the Surface Transportation Assistance Act of 1982

Approved: 9/20/1990

WHEREAS, the Surface Transportation Assistance Act of 1982 (STAA) required the United States Secretary of Transportation to designate certain Federal-aid highways for use by 48-foot long semi-trailers, 28-foot long double trailers, 102-inch wide trucks (hereinafter referred to as "STAA vehicles"); and

WHEREAS, the Commonwealth Transportation Board has the authority to designate, as well as to define reasonable access, for STAA vehicles in accordance with the intent of the Congress of the United States; and

WHEREAS, this Board (formerly Commission), by resolution, adopted reasonable access as the shortest possible route to terminals and/or facilities for food, fuel, repairs and rest but in no case to exceed one-half mile from the Interstate System and/or Qualifying Federal-aid Primary Highways; and

WHEREAS, by notice in the Federal Register dated June 1, 1990, the Federal Highway Administration stated "No State may enact or enforce any law denying access within 1 road-mile from the National Network using the most reasonable and practicable route available except for specific safety reasons on individual routes";

NOW, THEREFORE, BE IT RESOLVED, this Board finds, based on the notice in the Federal Register dated June 1, 1990, the following action shall be undertaken to conform to Federal STAA Standards;

1. That reasonable access for vehicles mandated 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 case to exceed one mile from the Interstate System;
2. That reasonable access for vehicles mandated under the STAA from Qualifying Federal-aid Primary Highways to terminals and/or facilities for food, fuel, repairs and rest shall be defined as the shortest possible route from the Qualifying Federal-aid Primary Highway to the facility but in no case to exceed one mile from the Qualifying Federal-aid Primary Highway;
3. That this one mile access for STAA vehicles does not apply to Virginia's Access System and STAA vehicles will only be allowed to leave this system to enter the Interstate System, Qualifying Federal-aid Primary Highways and terminals and/or facilities for food, fuel, repairs and rest if these facilities are adjacent to the Virginia Access System Routes.

Prohibition of Certain Users and Equipment on Controlled-Access Highways

Approved: 4/20/1967

WHEREAS, § 46.1-171.1 of the *Code of Virginia* of 1950, as amended, authorizes the State Highway Commission to prohibit the use of the Interstate System and other controlled-access highways or parts thereof (as described in § 33-36.1 of the Code) by certain persons, animals and vehicles when necessary to promote safety; and

WHEREAS, engineers of the Highway Department and the Superintendent of the State Police, after considering this matter as it applies to the Interstate System, have recommended that such

persons, animals and vehicles be excluded from any portion of the Interstate System in the interest of promoting maximum safety.

NOW, THEREFORE, BE IT RESOLVED, that (1) pedestrians, (2) persons riding bicycles, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden or driven on the hoof be prohibited from using Interstate Highways.

Prohibiting Certain Methods of Travel on Interstate Highways

Approved: 1/17/1985

WHEREAS, the State Highway and Transportation Commission on April 20, 1967, adopted a resolution that (1) pedestrians, (2) persons riding bicycles, (3) horsedrawn vehicles, (4) self-propelled machinery or equipment and (5) animals led, ridden or driven on the hoof be prohibited from using Interstate highways; and

WHEREAS, Section 46.1-171.1 of the *Code of Virginia*, as amended, authorizes the State Highway and Transportation Commission when necessary to promote safety, prohibit the use of Interstate highways, as described in Section 33.1-48 of the Code, and other controlled access highways or any part thereof by any or all of the following including "mopeds" to wit: (1) pedestrians, (2) persons riding bicycles or mopeds, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden or driven or driven on the hoof; and

WHEREAS, Section 46.1-1 (14b) defines a "moped" as a "bicycle-like device with pedals and a helper motor which is rated at no more than two brake horse-power and which produces speeds up to a maximum of thirty miles per hour." For purposes of Title 46.1, a moped shall be a vehicle while operated upon a highway.

NOW, THEREFORE, BE IT RESOLVED, that this resolution be amended to include mopeds to conform to the *Code of Virginia*, as amended. The State Highway and Transportation Commissioner is directed to undertake to post appropriate signs at locations determined by the Department.

Rules and Regulations Controlling Traffic on Roads at State Institutions

Approved: 3/30/1938

Moved by Mr. Rawls, seconded by Mr. East, that in controlling traffic over the roads included in the grounds of various State Institutions, the authorities of the Institutions be authorized to make such rules and regulations as to promote the highest degree of safety on such roads, provided such rules and regulations are not inconsistent with State laws.

Anti-Trust Monitoring and Detection Program Policy

Approved: 10/15/1987

- I. PREAMBLE – This policy and measures hereinafter describe operational procedures employed by the Virginia Department of Transportation regarding the Antitrust Monitoring and Detection Program. This program has been established to promote the free market

system and ensure a competitive environment for the provision of construction related goods and services directly or indirectly to the Department.

- II. PURPOSE – These measures reflect policies which seek to protect the interests of the citizens of the Commonwealth and the Department in the award of contracts to business or individuals participating in the competitive bidding process. These interests include, but are not limited to, equal access to the bidding process, cost containment through naturally occurring marketplace activities, and integrity in business practices. The Department, in its trustee role as a public contracting agency, is vested with wide discretion in the determination of a contractor's responsibility as it relates to moral and ethical considerations affecting the public procurement process.

These measures are specifically applied to Departmental cost control activities related to the bidding process and the Engineer's Estimating System. These measures apply to all actions undertaken by the Department, including all internal and external processes, communications, and procedures.

These measures will be used to protect the public interest and are not intended to be utilized as sanctions, penalties, or other forms of punishment. These measures do not apply directly to debarment, civil prosecution, or criminal prosecution, although results from the Program may have impact upon or initiate actions in each of these areas.

Insofar as possible in consonance with state Federal and State systems of law and mandates, and to the extent that such use is practical, suitable, and feasible, these measures will be undertaken with the intent being to equalize considerations of the public and private sectors.

- III. AUTHORITY – Authority for this policy is issued pursuant to Sections 33.1-12 &13 of the *Code of Virginia*, which authorizes the Transportation Commission and Commissioner to do all acts necessary to further the interests of the Commonwealth in the area of transportation.

Free competition is the essence of the American economic system of private enterprise, and only through free markets that allow for the expression, preservation, and expansion of such competition can the economic well-being and security of our Commonwealth be assured. Based on this principle, the General Assembly has authorized the Department to provide funding for Program personnel under Section 1-117.639 of Chapter 643, Acts of the Assembly [1986], and Section 1-117.639 of Chapter 723, Acts of Assembly [1987].

Further, the Department has the responsibility to protect the public interest by monitoring the highway construction industry to insure that it complies with the Virginia Antitrust Act, Sections 59.1-9.1 et. seq., of the *Code of Virginia*; the Virginia Governmental Frauds Act, Sections 18.2-498.1 et. seq., of the *Code of Virginia*; and the Virginia Public Procurement Act, Sections 11-35 et. Seq., of the *Code of Virginia*.

- IV. APPLICABILITY – This policy applies to participants and affiliates engaged directly or indirectly in the provision of construction related goods or services to the Department. Any person, partnership, corporation, joint venture, or business combination participating in the competitive bidding process, including but not limited to the supply of labor, materials, commodities, or support services, will be considered for monitoring and analysis activities.

For purposes of this program, any participant who through the public procurement process, or whose actions or inactions may impact upon this process will be included.

V. DEFINITIONS – This part sets forth definitions used in or referred to in this policy and are to be applied throughout.

“Affiliate” means, 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. Specific extensions of this definition are included in Volume 13, Code of Federal Regulations, Section 121.3 and Volume 14A, Code of Federal Regulations, Section 631.2A.

“Antitrust Monitoring and Detection Program”, hereinafter referred to as “Program” means, any measures set forth in the Department’s policy that describe, outline, specify, direct, or imply actions to be undertaken by the Department to protect the public from anticompetitive activities.

“Bid” means, a proposal submitted to the Department covering the fee for any work contemplated.

“Bidder” means, an individual, partnership, corporation, or joint venture, or business combination submitting a proposal for any work contemplated.

“Competitive Sealed Bidding” means, a method of contractor selection which includes the following elements:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.
2. Public notice of the Invitation to Bid at least ten days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. In addition, bids may be solicited directly from potential contractors. Any such additional solicitations shall include businesses selected from a list made available to the Office of Minority Business Enterprise.
3. Public opening and announcement of all bids received.
4. Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship,

- delivery, suitability for a particular purpose, which are helpful in determining acceptability.
5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple bids are so provided in the invitation to bid, awards may be made to more than one bidder.
 6. Competitive sealed bidding shall not be required for procurement of professional services.

“Contractor” means, any person, partnership, corporation, or joint venture, or business combination which is eligible to bid or desires to bid on work awarded by the Department, or which is eligible to bid, or has previously been contracted to bid as a supplier to the Department.

“Debarment” means, a disqualification from contracting with the Department because of perceived or actual nonresponsiveness, nonperformance, or nonresponsibility of a contractor, including moral and ethical considerations affecting integrity in business practices.

“Engineer’s Estimate” means, a cost estimate prepared for the confidential use of the Department in awarding contracts for construction or purchase of goods or services.

“Joint Venture” means, two or more individuals, partnerships or corporations, or combinations thereof, joining together for the purpose of bidding on and constructing a project, or supplying goods or services to the Department.

“Marketplace” specifically refers to, the organized market processes impacting upon public procurement activities engaged in by the Department through the competitive bidding endeavor. This term includes all businesses who directly or indirectly participate by virtue of product or process delineation and geographic scope; and whose activities, products, or services share related characteristics, uses, pricing or supply/demand considerations that are used to establish, maintain, or increase a respective business’ marketshare; and may refer to the broad concept of the highway construction industry or to more closely defined markets or submarkets active within the industry at any given time.

“Minority Business Enterprise” means, a small business that is both owned and controlled by minorities or by women. This means that minorities or women must own fifty-one percent of the business and that they must control the management and daily operations of the business. Minorities include Blacks, Hispanics, Asian Americans, American Indians and Alaskan Natives and members of other groups or individuals who the Small Business Administration (SBA) has determined are economically and socially disadvantaged under Section 8(a) of the Small Business Act.

“Participant” means, any individual, partnership, corporation, joint venture or business combination, that engages in the Department’s competitive bidding process that pertains to the obtaining of any good, services or construction.

“Responsible” or “Responsible Bidder” means, any person, business or business combination that has the capability, in all respects, to perform fully the contract requirements

and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if required.

“Responsive” or “Responsive Bidder” means, any person, business, or business combination that has submitted a bid which conforms in all material respects to the Departments’ Invitation to Bid.

VI. AUTHORIZED MEASURES – This part sets forth guidelines for actions to be undertaken by the Department to develop and implement the Program.

- A. The Department will provide for a program to monitor the highway construction industry as well as markets and submarkets active within the industry, to insure that competitive practices are maintained. The focus of this Program is the reduction of potential antitrust violations, and promotion of natural competition in contract award to industry participants. This Program is initiatory in nature and will refer detected irregular occurrences through a Uniform Reporting Procedure to appropriate outside agencies for further action.
- B. The Department will provide for the technical development and full utilization of computerized systems to aid in the analysis process and the assessment of competitive acceptability. These systems will be continually refined and updated to adjust to change in marketplace environment, advances in technology and statistical detection procedures, and development of new concepts from economic research. All reasonable efforts will be employed to maintain validity and reliability of systems information, and justifiable precautions will be taken to maintain systems security.
- C. The Department will provide for a multidisciplinary staff of professional analysts who will be responsible for the tracking and identification of unusual marketplace occurrences that may negatively impact the competitive bidding process. Their duties will include collection and development of information, and refinement of specific analysis techniques applied in the review of the bidding and estimate process and the initiation of Departmental referral procedures. Continual emphasis will be placed on advanced training of the staff in all areas referred to in and covered by this policy.
- D. The Department will provide for and conduct marketplace sampling activities on a regular basis with the intent being to assess the economic health and competitive well-being of the industry as a whole, as well as various submarket include commodities, suppliers, equipment cost, labor costs, and financial conditions. Special attention will be directed toward keeping the Department current in and responsive to changes in line-items pricing, producer/contractor efficiency, capacity considerations, and expected, and expected levels of competition.
- E. The Department will provide for all actions and activities necessary for Program support regarding exchange of information, concepts, or ideas to or from outside agencies, associations, groups or consultants. All necessary and reasonable efforts will be made to maintain security of information, procedures and systems deemed sensitive or restricted. The specific intent of these communications will be continual refinement of the Engineer’s Estimate System and enhancement of monitoring and detection techniques utilized by the Department.
- F. The Department will provide for an ongoing research effort to support the Program. Such research activities will provide adjustments to existing systems, both informational and conceptual, that parallel changes in marketplace environment, advance in ideas and

technology, and modifications in legal opinions. Such research will set forth characteristics of markets and behaviors associated with high probability of noncompetitive practices, and provide defensible analytic designs for continuing empirical examination of the industry and component markets operation within the Commonwealth.

VII. SPECIAL CONDITIONS – This part acknowledges conditions heretofore referred to in Department policy that require special treatment regarding the analytical activities undertaken by the Program. Such treatment is not intended to provide exemption from the stated purpose of this policy, but to acknowledge the necessity of analytical adjustment when dealing with such conditions. Special conditions may exist in reference to joint ventures or combinations thereof.

VIII. PROGRAM RESPONSIBILITY – This part applies to operational Department personnel and their responsibilities in undertaking all actions deemed necessary or convenient to execute the Program, and to fully comply with provisions of present and future State and Federal laws and mandates: to review, design, implement, and evaluate Program activities, and oversee the execution thereof and report thereon; and to initiate activities when necessary to further or protect the public interest. The Program will be overseen by the Construction Division Administrator who reports directly to the Director of Operations and secondarily to the Chief Engineer. Daily operational responsibility will be the charge of the Estimator/Bid Analyst Supervisor who will direct monitoring and analysis activities. The referral process will be the responsibility of the Chief Engineer upon recommendation of the Director of Operations and Construction Division Administrator. A professional staff of analysts will provide the functional support necessary to fulfill the trustee obligations of the Department in this area.

IX. UNIFORM REPORTING PROCEDURES – This part sets forth standard guidelines for the uniform reporting of Program findings, provides, for continual review of regulations for debarment of contractors, and referral to outside agencies, of any circumstances that impact upon or are related to potential antitrust violations. Such reporting procedures will be selected, designed, and designated to provide for operational efficiency and adherence to appropriate protocol. Such reporting procedures will recognize and comply with stated Federal and State systems of law and other mandates, and will provide for adequate adjustment to any changes to such systems or mandates hereafter.

In order to meet obligations in this area, the referral process will emanate from the Department through procedures outlined in this policy under Program Responsibility to interested outside agencies. Interested parties include, but are not limited to, the agencies. Interested parties include, but not limited to, the Virginia Attorney General's Office and/or the Office of Inspector General, United States Department of Transportation. The specific lines of referral will be to the Virginia Assistant Attorney General in charge of the Antitrust Section, and/or the Chief Investigator of the Inspector General, respectively. The handling, processing, and transfer, of referral information will utilize all precautions deemed necessary and practical in this policy, with Program Security hereafter mentioned in this policy, with the intent to equalize and protect both the public and private interests.

- X. PROGRAM SECURITY AND INFORMATION HANDLING – This part applies to the handling and transfer of information developed by, or in conjunction with, the Program. The Department will provide for all reasonable and practicable measures to assure the confidential treatment of any form of information in compliance with State and Federal laws or mandates. Information will be utilized with discretion and integrity, and in this regard, both the public and private good will be judged equal. Program Security, directly tied to the Engineer's Estimate System, will be in accordance with existing Departmental guidelines. All participating personnel will be required to sign a Memorandum of Understanding, pledging nondisclosure of information of procedures, and apply for and receive a minimum of a Class Four Systems Security Clearance. Violations of this Memorandum of Understanding will be dealt with in accordance with the Employee Standards of Conduct. All computer system access and printed files will be placed under coded or physical barriers, and Program discussions or meeting will be held in areas secure from non-involved operations personnel. All contact and communications outside the Department will be undertaken in compliance with the Uniform Reporting Procedures and Program Responsibility outlined in this policy. For Program purposes, these measures will apply to printed items, whether existing or to be developed.
- XI. POLICY REVIEW – This part applies to regular review of this Program Policy. Because of the complexity and fluidity of the marketplace environment and the continued advancement of technology and research directly related to the measures instituted in this policy, it is to be regularly reviewed by the Construction Division Administrator and his advisors. Such review will occur at least annually. Any measures found unacceptable or unpracticable will be referred to the Commissioner for consideration of revision. This review will include, but is not limited to, procedural review of debarment regulations and referral procedures to outside agencies.

Road and Bridge Specifications

Approved: 8/15/1991

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 in 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.

Rail Preservation Program Exception for the Continuation of Safe and Efficient Intercity Passenger Rail Operations
Approved: 5/21/2007

WHEREAS, Section 33.1-221.1:1.2 of the *Code of Virginia* requires the Commonwealth Transportation Board (Board) to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established Rail Preservation Program policies and procedures; and,

WHEREAS, it has been the policy of the Board to allocate funds to Rail Preservation projects at a goal of achieving and maintaining a Federal Railroad Administration (FRA) Class 2 Track Safety Standard; and,

WHEREAS, the Buckingham Branch Railroad is a shortline railroad that carries both passenger and freight trains on its line section between Orange, Gordonsville, Charlottesville, Staunton and Clifton Forge; and,

WHEREAS, the Buckingham Branch Railroad line section between Gordonsville and Clifton Forge is maintained at a FRA Class 3 Track Safety Standard for the purpose of achieving a 60 miles per hour passenger train speed and track safety for the movement of passenger trains where if this line section is allowed to be downgraded to a FRA Class 2 Track Safety Standard the achievable passenger train speed will decrease to 30 miles per hour over this 116 mile line section; and,

WHEREAS, the Amtrak Cardinal intercity passenger rail service utilizes the Buckingham Branch Railroad line section between Orange and Clifton Forge and travels over the FRA Class 3 Safety Standard line section between Gordonsville and Clifton Forge; and,

WHEREAS, the Buckingham Branch Railroad has applied for Rail Preservation Program funds for improvements to its line section between Gordonsville and Clifton Forge and this project is included in the Six-Year Improvement Program and Rail and Public Transportation Allocations for Fiscal Years 2008-2013 to assist in track and roadbed improvements that will contribute to the continuation of safe and efficient passenger services through improving and maintaining these rail sections at FRA Class 3 Track Safety Standards; and,

WHEREAS, the Rail Preservation Program adopted Board policies and procedures set a goal to improve shortline railroads to a FRA Class 2 Track Safety Standard, and the Buckingham Branch Railroad's projects to benefit Amtrak Cardinal service require the Board to make exception to the adopted Board policies and procedures goal to allow these projects to assist to maintain FRA Class 3 Track Safety Standards; and,

WHEREAS, allocation of grant funds to the Buckingham Branch Railroad for improvements to the Gordonsville to Clifton Forge line section will assist to maintain a FRA Class 3 Track Safety Standard and contribute to the continuation of Amtrak Cardinal passenger rail service that operates from New York to Chicago and serves Virginia stations located in Alexandria, Manassas, Culpeper, Charlottesville, Staunton, and Clifton Forge, of which Staunton and Clifton Forge have no other passenger rail service; and,

WHEREAS, the Board recognizes that this project is appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, that the Board grants an exception to its adopted Rail Preservation Program policies and procedures for the Buckingham Branch Railroad projects that will assist in track and roadbed improvements to maintain FRA Class 3 Track Safety Standards contributing to the continuation of safe and efficient Amtrak Cardinal intercity passenger rail service between Gordonsville and Clifton Forge as included in the Six-Year Improvement Program and Rail and Public Transportation Allocations for Fiscal Years 2008-2013.

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 Railroad Preservation Program (24 VAC 25-50). Contact [DRPT](#) for further information on this subject.