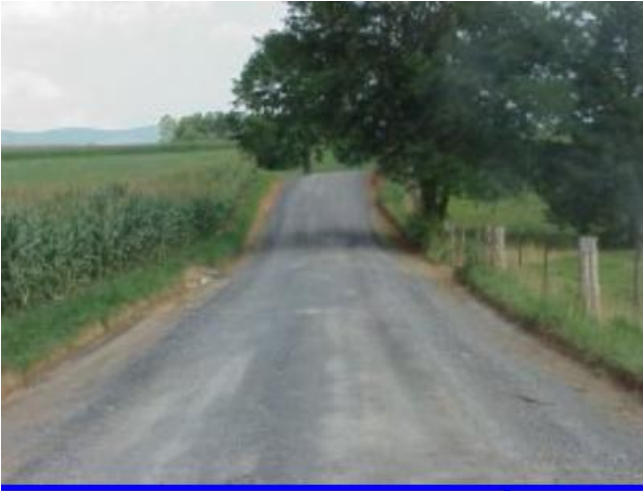


# Virginia Department of Transportation's

## Rural Rustic Road Program



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## Foreword

The Virginia Department of Transportation's Local Assistance Division working with the Rural Rustic Road Policy Committee established these **Guidelines for Rural Rustic Roads**. This concept, first enacted by the 2002 Session of the General Assembly of Virginia, is a practical approach to paving Virginia's Low Volume Unpaved Roads. A pilot program implemented in July 2002, demonstrated the success of this program concept. It ensures that we practice environmental and financial stewardship while providing basic paved access to more of our rural countryside. The 2003 Session of the General Assembly amended the legislation to provide that this method be considered as a first alternative for improving all unpaved roads in the future. The Rural Rustic Road Program became effective July 1, 2003. During the 2006 Session and again during the 2008 Session, the General Assembly expanded the program by increasing the maximum traffic count on eligible roads from the initial 500 vpd to the current 1500vpd. In addition, during the 2008 Session, the General Assembly established that the maximum speed limit for a road designated as a Rural Rustic Road on or after July, 1 2008 would be 35 MPH. That legislation also stated that all speed limits on rural rustic roads in effect on July 1, 2008, would remain in effect unless a different speed limit is warranted as a result of a traffic engineering study. The Commonwealth Transportation Commissioner is authorized under § 46.2-878 of the Code of Virginia to increase, or decrease, this speed limit based on an engineering study. The Local Assistance Division in consultation with the Location and Design Division updated these guidelines effective July 2008.

# **RURAL RUSTIC ROAD PROGRAM**

## **Table of Contents**

Introduction	1
Unpaved Road Program Options	1
Guidelines for Rural Rustic Road Program	2
Eligibility Criteria for the Rural Rustic Road Program	2
VDOT Review of Rural Rustic Road Candidate Projects	3
Approval Process	4
Environmental Requirements for Rural Rustic Road Program	6
Sample Resolution for Rural Rustic Road Project	8
Scoping Document for Rural Rustic Roads	9
Enabling Legislation	10
§ 33.1-70.1	10
§ 46.2-873.2	11

## Introduction

The Rural Rustic Road Program continues to significantly improve VDOT's ability to pave the vast backlog of unpaved roads in the Commonwealth. The following chart will help guide whether the Rural Rustic Road option is the best alternative for a given road.

### Unpaved Road Improvement Program Options

	<b>Unpaved Road</b>	<b>Pave-In-Place</b>	<b>Rural Rustic Road</b>
<b>Roadway Status</b>	The road must already be a state maintained road in the secondary system of state highways. These programs do not apply to the addition and improvement of roads that are privately maintained.		
<b>Traffic Volume</b> VPD = vehicles per day Limitations are based on funding (see below).	50 vpd minimum for unpaved road funds, otherwise no minimum for normal secondary construction funding.	less than 750 vpd	less than 1500 vpd
<b>County Government Action and Funding</b>	Project must be in the County's Secondary Six-Year Plan (SSYP) of improvements.	Project must be in the County's Secondary Six-Year Plan (SSYP) of improvements.	Project must be in the County's Secondary Six-Year Plan (SSYP) of improvements. Board must also request the Rural Rustic Road Program be used, by passing a special resolution declaring the road a "Rural Rustic Road."
<b>Land Use Growth Factor</b>	No restrictions.	No restrictions.	The County Board indicates growth and traffic generated by the land are not expected to increase significantly over the next 10 years.
<b>Safety</b>	Safety factors are addressed as part of the project.	Safety factors are addressed as part of the project.	Specific identified safety issues that cannot be addressed through signing should be corrected.
<b>Alignment</b>	Reconstruct as necessary to improve alignment and grade.	Minor changes in alignment may be necessary to address issues.	Ideally, a candidate road can be paved without alignment improvements. For higher traffic volume roads (>400vpd), 18 foot pavement is desirable and some typical section improvements may be necessary.
<b>Drainage</b>	Roadway drainage will be improved, if needed.	Roadway drainage will be improved, if needed.	Existing drainage provisions should be sufficient with minimal improvement. Improvements should be made as necessary to ensure positive drainage.
<b>Right of Way</b>	Abutting property owners will need to provide additional right of way, normally 50 feet in width.	Paving may be done within the existing right of way, but abutting property owners are normally expected to donate additional right-of-way for spot widening, if necessary for safety.	Paving may be done within the existing right of way, which may be a minimum of 30 feet prescriptive R/W.

## **GUIDELINES FOR RURAL RUSTIC ROAD PROGRAM**

**Effective July 1, 2008**

### **The following eligibility criteria apply to the Rural Rustic Road Program:**

- ❑ Must be an unpaved road already within the State Secondary System.
- ❑ Must carry no more than 1500 vehicles per day (vpd).
- ❑ Must be a priority (line item) in an approved Secondary Six-Year Plan, even if the funding source is not from normal, secondary construction allocations.
- ❑ Must be designated as a Rural Rustic Road by the County Board of Supervisors, in consultation with VDOT's Residency Administrator or designee.
- ❑ Must be a road predominately used for local traffic. The local nature of the road means that most motorists using the road have traveled it before and are familiar with its features.
- ❑ Must have minimal anticipated traffic growth. The County Board of Supervisors will endeavor to limit growth on roads improved under the Rural Rustic Road program and cooperate with the Department through its comprehensive planning process to develop adjacent lands consistent with rural rustic road concepts.
- ❑ Must have a special Resolution designating the road as a Rural Rustic Road by the County Board of Supervisors for each individual road (see page 6).

## **VDOT Review of Rural Rustic Road Candidate Projects**

- ❑ Consider the views of the governing body making the request and of the residents and owners of the adjacent property.
- ❑ Consider the historic and aesthetic significance of such road and its surroundings.
- ❑ Focus on leaving trees, vegetation, side slopes, and open drainage abutting the roadway undisturbed to the maximum extent possible.
- ❑ Improvements along Rural Rustic Roads may be less than minimum design standards, as outlined in the Chief Engineer's memorandum dated June 11, 2002. **AASHTO's Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT <= 400)** may be used as a guide for roads with current traffic volumes up to 400 vpd. For roads with traffic volumes between 400-1500 vpd, an 18 foot paved surface with 2 foot shoulders is desirable but not required. The District L&D Engineer shall be consulted for the higher volume roads (over 400 vpd).
- ❑ Look for evidence of site-specific safety problems and focus safety expenditures on those sites where a site-specific safety problem exists. Improvements beyond those required to address specific safety issues should be weighed against their probable cost. In lieu of more costly improvements, consideration should be given to the use of appropriate warning signs as needed. In addition to any crash data available, other indicators of safety problems should be considered including field reviews to note skid marks or roadside damage, speed data (which may indicate whether speeds are substantially higher than the intended design speed), or concerns raised by police or local residents.

## Approval Process

\*Residency Administrator is VDOT's designated representative in dealing with County Boards of Supervisors regarding Rural Rustic Roads.

- ❑ Candidate project initiated when Board of Supervisors requests the Residency Administrator to evaluate a section of road as a candidate for the Rural Rustic Road program or when Residency Administrator reviews new proposed unpaved road project in the approved Secondary Six-Year Plan for eligibility as a Rural Rustic Road project.
- ❑ Residency Administrator advises Board whether unpaved road appears to be a good candidate for Rural Rustic Road program.
- ❑ Board of Supervisors designates road as Rural Rustic Road, by resolution.
- ❑ Residency Administrator concurs in designation and determines if improvements can be made according to Rural Rustic Road concepts and advises Board of project concept. The District L&D Engineer shall be consulted for roads with traffic volumes between 400-1500 vpd.

If for some reason the Board of Supervisors does not accept the final decision from the Residency Administrator after consideration by the District Administrator's office, a final appeal may be sent through the Residency Administrator and District Administrator to the Chief Engineer, for consideration by the Commissioner.

- ❑ Residency Administrator notifies the District Administrator and the Regional Operations Director that the road has been designated as a Rural Rustic Road. The Regional Operations Director will determine if the road will be posted at 35 MPH or whether a speed study will be performed.
- ❑ Residency Administrator requests assistance from other divisions, as needed in developing project in accordance with Rural Rustic Road Guidelines.
- ❑ Rural Rustic Road projects require State Environmental Review Process and permit determination by Environmental staff of VDOT. Rural Rustic Road Projects must comply with VDOT's Approved Standards and Specifications for Erosion and Sediment Control and Stormwater Management for regulated land disturbance activities. Each project must be evaluated for compliance with Minimum Standard (MS) 19 of the Virginia Erosion and Sediment Control Regulations in accordance with the guidelines in Location and Design Instructional and Informational Memorandum IIM-LD-245. Projects determined to be non-compliant with MS19 must request a variance from the Department of Conservation and Recreation in accordance with the instructions outlined in the latest IIM-LD-110.

- Scoping documentation submitted showing project as Rural Rustic Road project (either LD-430 package or modified scoping document developed by Programming Division, see page 11).

**\*Note:** The Transportation Manager will be VDOT's designated representative in Northern Virginia.

## **Environmental Requirements for Rural Rustic Road Program**

All projects being considered for this program should be reviewed by the Residency Environmental Specialist or District Environmental Staff (items 1 - 6) and the District Hydraulics Staff (items 7 – 9) for consideration of the following items. For planning purposes, a timeframe for accomplishing each activity is indicated. Up to 150 days may necessary in order to accomplish all of these activities.

1. **State Environmental Review Process SERP** (Averages 75 days)
  - Project is exempt from SERP if it involves:
    - i. Minor improvements to existing roads if pavement widening is equal or less than four feet and there are no vertical or horizontal realignments – there is no limit on right-of-way acquisition.
    - ii. Surface treatment of existing roads if pavement widening is equal to or less than four feet, or
    - iii. The right of way needed as been previously disturbed
  
2. **Water Quality Permits** (Requires 1-135 days)
  - Are not required if there are:
    - i. No streams,
    - ii. No water bodies,
    - iii. No wetlands,
  
3. **Cultural Resources** (Requires 7-30 days)
  - No coordination of SERP-exempt projects is required if there are:
    - i. No water quality or other federal permits, and
    - ii. Project is not located within a Rural Historic District listed in the Virginia Landmarks Register and/or the National Register of Historic Places, or within one of the Civil War Battlefields listed in the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields (1993) or the Study of Civil War Sites in the Shenandoah Valley of Virginia (National Park Service, 1992), or any formal updates from the American Battlefield Protection Program to those lists. As of June 2008, there were 17 such Rural Historic Districts (located in Albemarle, Bedford, Clarke, Fauquier, Franklin, Giles, King George, Loudoun, Louisa, Montgomery, Orange, Page, Tazewell, and Warren counties) and 123 such Civil War Battlefields in Virginia.
  
4. **Threatened and Endangered Species** (Requires 30-135 days)
  - A database search on the Department of Game and Inland Fisheries and the Department of Conservation and Recreation Natural Heritage websites must be conducted by Environmental staff for all projects.
  - No further coordination is required if there are:
    - i. No water quality permits and
    - ii. No threatened and endangered species identified in collections on the databases.
  
5. **Agricultural and Forestal Districts** (Requires 90-150 days)
  - No coordination is required if there will be:
    - i. No purchase of right of way and
    - ii. No exchange of right of way for work performed by VDOT.
      1. Straight donation of right of way is acceptable.

6. **Hazardous Materials** (Requires variable amount of time)
  - No coordination is required if there is:
    - i. No obvious signs of contamination within the project vicinity.
7. **Virginia Storm Water (VSMP) Permit** (Requires 30 -45 days)

Is not required if there is:

  - i. Grading or excavating (earthwork or manipulation of roadway surface or shoulders) that results in land disturbance less than 1 acre (2500 square feet in a Chesapeake Bay Preservation Area) on any one project or any combination of adjacent projects being constructed concurrently, including any offsite borrow or disposal areas.
8. **Erosion and Sedimentation Control Plan** (Requires variable amount of time)
  - Is not required if there is:
    - i. Less than 10,000 square feet of land disturbance (2500 square feet in the area defined as Tidewater Virginia in the Chesapeake Bay Preservation Act) including any off-site borrow or disposal areas.
9. **Stormwater Management Plan** (Post Construction) (Requires variable amount of time)
  - Is not required if there is:
    - i. Less than 1 acre of land disturbance (2500 square feet in a Chesapeake Bay Preservation Area).
  - On linear development projects (roadways), the disturbed area values are applied to each individual outfall or watershed. If the land disturbance values for the outfall or watershed are less than the values noted in (i.) above, the outfall is exempt from Stormwater Management requirements provided:
    - i. There will be insignificant increases in peak flow rates downstream of the discharge point and,
    - ii. There is no existing or anticipated flooding or erosion problems downstream of the discharge point.

**Sample Resolution for Rural Rustic Road Project**

The Board of Supervisors of \_\_\_\_\_, in regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, adopted the following:

**RESOLUTION**

**WHEREAS**, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

**WHEREAS**, any such road must be located in a low-density development area and have no more than 1500 vpd; and

**WHEREAS**, the Board of Supervisors of \_\_\_\_\_, Virginia (“Board”) desires to consider whether (show State Route number and street name) Route \_\_\_\_\_, From: \_\_\_\_\_ To: \_\_\_\_\_ should be designated a Rural Rustic Road; and

**WHEREAS**, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

**WHEREAS**, the public has been made aware that this road may be paved with minimal improvements; and

**WHEREAS**, the Board believes that this road should be so designated due to its qualifying characteristics; and

**WHEREAS**, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

**BE IT FURTHER RESOLVED**, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Recorded Vote

A Copy Teste:

Moved By:

Seconded By:

Yeas:

Nays:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed

Printed Name

Title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **Enabling Legislation (Effective July 1, 2008)**

§ 33.1-70.1. Requesting Department to hard-surface secondary roads; paving of certain secondary roads within existing rights-of-way; designation as Rural Rustic Road.

A. Whenever the governing body of any county, after consultation with personnel of the Department of Transportation, adopts a resolution requesting the Department of Transportation to hard-surface any secondary road in such county that carries 50 or more vehicles per day with a hard surface of width and strength adequate for such traffic volume, the Department of Transportation shall give consideration to such resolution in establishing priority in expending the funds allocated to such county. The Department shall consider the paving of roads with a right-of-way width of less than 40 feet under this subsection when land is, has been, or can be acquired by gift for the purpose of constructing a hard-surface road.

B. Notwithstanding the provisions of subsection A of this section, any unpaved secondary road that carries at least 50 but no more than 750 vehicles per day may be paved or improved and paved within its existing right-of-way or within a wider right-of-way that is less than 40 feet wide if the following conditions are met:

1. The governing body of the county in which the road is located has requested paving of such road as part of the six-year plan for the county under § 33.1-70.01 and transmitted that request to the Commonwealth Transportation Commissioner.

2. The Commonwealth Transportation Commissioner, after having considered only (i) the safety of such road in its current condition and in its paved or improved condition, including the desirability of reduced speed limits and installation of other warning signs or devices, (ii) the views of the residents and owners of property adjacent to or served by such road, (iii) the views of the governing body making the request, (iv) the historical and aesthetic significance of such road and its surroundings, (v) the availability of any additional land that has been or may be acquired by gift or other means for the purpose of paving such road within its existing right-of-way or within a wider right-of-way that is less than 40

feet wide, and (vi) environmental considerations, shall grant or deny the request for the paving of such road under this subsection.

C. Notwithstanding the provisions of subsections A and B, the governing body of any county, in consultation with the Department, may designate a road or road segment as a Rural Rustic Road provided such road or road segment is located in a low-density development area and has an average daily traffic volume of no more than 1500 vehicles per day. For a road or road segment so designated, improvements shall utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety. The Department, in consultation with the affected local governing body, shall first consider the paving of a road or road segment meeting the criteria for a Rural Rustic Road in accordance with this subsection before making a decision to pave it to another standard as set forth in this section. The provisions of this subsection shall become effective July 1, 2003.

D. The Commonwealth, its agencies, instrumentalities, departments, officers, and employees acting within the scope of their duties and authority shall be immune for damages by reason of actions taken in conformity with the provisions of this section. Immunity for the governing body of any political subdivision requesting paving under this section and the officers and employees of any such political subdivision shall be limited to that immunity provided pursuant to § 15.2-1405.

(1973, c. 360; 1977, c. 578; 1985, c. 440; 1997, cc. 715, 729; 1999, cc. 306, 320; 2001, cc. 355, 366; 2002, c. 414; 2003, c. 599; 2006, c. 546; 2008, c. 195)

## **Maximum Speed Limits on Rural Rustic Roads**

§ 46.2-873.2. Maximum speed limit on rural rustic roads.

The maximum speed limit on any highway designated a rural rustic road pursuant to § 33.1-70.1 shall be 35 miles per hour; however, all speed limits on rural rustic roads in effect on July 1, 2008, shall remain in effect unless and until changed subsequent to a traffic engineering study.

(2008, c. 165)