

## VDOT DEPARTMENT MEMORANDUM (DM)

Date: July 1, 2016

VDOT-DM Number: 13-2

Approved: Charles A. Kilpatrick, Commissioner

Supersedes: DM 13-2 (12/11/13)

### **ADMINISTRATION OF THE UNPAVED ROAD PROGRAM**

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**Purpose**

This memorandum is intended to provide clarity and emphasize the flexibility specifically provided in legislation to ensure unpaved roads can be hard-surfaced at the lowest possible costs. This memorandum and the referenced Guide documents provide the framework for VDOT's unpaved road program.

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**Administration**

It has been a long standing goal of VDOT to support locality decisions to provide a hard-surface on unpaved secondary roads. There are several options for how to proceed with hard-surfacing an unpaved road project (Rural Rustic Road, Pave-In-Place, and Traditional Construction) as established in §33.2-332.

The Rural Rustic Road Program offers the most flexible alternative to hard-surfacing unpaved roads. Roads are paved within the existing right of way or prescriptive easement without any requirement to adhere to a set design standard. The unpaved road statute indicates that all unpaved roads will be first evaluated as Rural Rustic Road project candidates prior to pursuing other options. Rural Rustic Road projects focus on providing a hard-surface while leaving trees, vegetation, side slopes and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety.

The Pave In Place Program also allows hard-surfacing a road within the existing right of way or prescriptive easement. The American Association of State Highway and Transportation Officials' (AASHTO's) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)* should be used for these projects with ADT ≤ 400 VPD. Higher volume roads should meet resurfacing, restoration, and rehabilitation (3R) standards with a minimum 18 ft pavement and 2 ft shoulder. The Pave In Place Program may be an option for an unpaved road that carries at least 50 but no more than 750 vehicles per day but that does not meet the other criteria for the Rural Rustic Road Program.

Traditional Construction may be more appropriate for those unpaved roads that have significant alignment issues, need major reconstruction or have extensive proposed development along the road.

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**Rural Rustic Road Criteria**

To ensure the most effective use of limited resources, VDOT staff will take advantage of the flexibilities offered within the Rural Rustic Road legislation to the maximum extent possible and there should be a determination that the criteria for the Rural Rustic Road Program is not met before pursuing more costly paving options.

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## ADMINISTRATION OF THE UNPAVED ROAD PROGRAM, *Continued*

### Rural Rustic Road Criteria, (continued)

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Criteria for Rural Rustic Road Program participation:

- Must be an unpaved road already within the State Secondary System
- Must carry no more than 1,500 VPD
- Must be used predominately 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
- The Board of Supervisors, by resolution, must designate the road as a Rural Rustic Road and indicate they are unaware of pending development that would significantly increase traffic

### Funding

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There are designated funds allocated specifically for unpaved roads as noted below. In addition, Counties may use regular secondary construction funds and supplement these funds with other state or local funds to hard-surface their existing unpaved roads. The funding source will dictate whether restrictions apply.

#### **CTB Formula – Unpaved Road Funds – § 33.2-358.**

This statute provides for funding unpaved roads carrying more than 50 vehicles per day. These funds are intended to be used for hard-surfacing existing unpaved roads. Effective July 1, 2016, these funds can also be used for improving existing unpaved roads. However, for every project including an improvement project that does not result in a paved surface, the mileage of the county's nonsurface treated roads will be reduced based on the equivalent mileage of the improvement. Up to 5% of the funds set aside under this statute are available for unpaved roads distributed based on the pro rata share of unpaved roads meeting this criteria. Allocations under this statute will cease beginning July 1, 2020, unless otherwise extended.

#### **Unpaved Secondary Road Funds – § 33.2-359.**

Effective July 1, 2020, funds for unpaved roads with 50 or more vehicles per day will come from a portion of the funds allocated to each highway construction district pursuant to the Highway Construction District Grant Program established in subsection D of § 33.2-371. Funding is distributed to counties in the secondary state highway system based on the ratio of nonsurface treated roads in each county carrying 50 vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth. The maximum statewide allocation is \$25 million annually.

#### **Programming of Unpaved Road Funds and Transfer of Funds**

Allocations for both of the above referenced designated funds for unpaved roads are included in a SSYP approved by the local Board of Supervisors pursuant to §33.2-331.

Both CTB Formula Unpaved Road funds and Unpaved Secondary Road Funds distributed under §33.2-359 may be transferred between eligible secondary route projects in the SSYP as necessary to maintain funding based on approved cost estimates and schedules. Fund eligibility requirements based on the 50 vehicle per day traffic counts must be maintained.

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## ADMINISTRATION OF THE UNPAVED ROAD PROGRAM, *Continued*

### **Funding, continued**

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#### **Supplemental Funding – Revenue Sharing**

Counties also have the option of applying for Revenue Sharing funds to address the hard-surfacing of unpaved roads in the secondary system pursuant to § 33.2-357. There are no minimum traffic volume requirements and the normal Revenue Sharing Program guidelines apply. Additional information about application deadlines, eligibility requirements and the transfer process are in the Revenue Sharing Program Guidelines available at the following link:  
<http://www.virginiadot.org/business/local-assistance.asp>.

#### **Supplemental Funding – 3rd Party Funding/Accounts Receivable**

Additional funding may be provided by localities to supplement programmed allocations on eligible secondary unpaved road projects. A standard Project Administration Agreement (PAA) for Locally Funded/VDOT Administered projects identifying 3rd Party funds and outlining payment schedules is required. Guidance for developing the PAA is provided by the Local Assistance Division and documented in the Locally Administered Projects Manual in Chapter 10 and is available at:  
[http://www.virginiadot.org/business/locally\\_administered\\_projects\\_manual.asp](http://www.virginiadot.org/business/locally_administered_projects_manual.asp).

The 3rd Party funding payments will be recorded as accounts receivable and coordinated with the Fiscal Division Accounts Receivable Section.

#### **Other Local/Private Funds**

Locally/Private funded and administered projects to hard-surface an unpaved road can be approved under a land use permit. The appropriate plan reviews by VDOT and the surety requirements associated with a land use permit would apply. Any request to pave an existing unpaved road must have County Board of Supervisors approval and be presented at a public meeting; even when private funds are being utilized.

### **Project Development**

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The Residency Administrator (RA) will determine whether a proposed unpaved road project appears to be a good candidate for the Rural Rustic Road Program and will work with the County Board of Supervisors to determine if they will designate the road as such. The RA will review the unpaved road in the field to determine if there is any obvious reason that would indicate that the Rural Rustic Road option will not be a workable alternative and will confer with the Board of Supervisors. The RA will work in consultation with the appropriate District sections for assistance and reviews as needed.

A shortened scoping form (Rural Rustic Road Program Project Scoping Form) was developed to be used for all Rural Rustic Roads in lieu of the PM-100. The District L&D Engineer will be consulted for Rural Rustic Road projects with greater than 400 VPD and that noted on the scoping form and will sign the scoping form only when an engineering solution is required as further described in the signing and sealing section.

For additional information on the project development process, see the Rural Rustic Roads Program Manual.

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## ADMINISTRATION OF THE UNPAVED ROAD PROGRAM, *Continued*

### **Project Development, continued**

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§ 62.1-44.15:34 provides that Rural Rustic Road projects that essentially pave the road on the existing alignment with reestablishment of associated ditches and shoulders will be treated as maintenance projects for the purposes of stormwater management. Rural Rustic Road projects are exempt from many of the typical environmental and stormwater related requirements if the project can be classified as routine maintenance as outlined in the Environmental and Hydraulic Requirements Section of the Rural Rustic Road Manual.

The Rural Rustic Road concept is still a good alternative for roads that may need some reconstruction, but those Rural Rustic Road projects may not be subject to many of the exceptions and streamlined approvals that apply to Rural Rustic Road projects that can be classified as routine maintenance.

### **Signing/Sealing**

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The current unpaved road statute does not require that any specific design criteria be met for roads designated as Rural Rustic Roads. The legislation also includes an immunity clause for VDOT employees recognizing they are being asked to pave roads without constructing them to current design standards. Current guidelines indicate the District L&D Engineer will be consulted when traffic volumes exceed 400 vpd. There is still no minimum design standard that must be met for the higher volume roads and the intent is not to require an engineered solution at the higher traffic threshold; only to ensure the District L&D Engineer has an opportunity to review what is being proposed and to offer recommendations.

Based on the above, it is assumed there are few occasions when a Rural Rustic Road project would require an engineered solution and therefore trigger the signing and sealing requirement. However, it is recognized that some Rural Rustic Roads may require engineered solutions, (such as road realignment or total reconstruction) requiring more traditional plan design. In those cases, the plans as well as any drainage calculations including those for stormwater management would be signed and sealed in accordance with IIM-LD-243 and the District Location and Design Engineer should also sign the Rural Rustic Road project scoping form recommendation. Installing or replacing pipes or re-establishing the ditch line or providing a turnaround on donated right-of-way would not trigger the signing and sealing requirements.

### **Public Involvement**

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For Rural Rustic Road projects, the resolution from the Board of Supervisors designating the roadway as a Rural Rustic Road will be considered evidence that the public involvement requirements have been met. For unpaved roads that are not being developed as Rural Rustic Road projects, a willingness to hold a public hearing should be sufficient unless there is known opposition to paving the roadway. In the event emergency paving is deemed necessary, the Commissioner will provide notice to the locality and provide 72 hours for the local governing body's concurrence or other recommendation regarding the proposed paving.

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## ADMINISTRATION OF THE UNPAVED ROAD PROGRAM, *Continued*

<b>Construction</b>	The Residency Administrator will determine the best approach to construct the unpaved road project but the expectation will be that all efforts are made to minimize costs. Utilization of hired equipment and State Forces is encouraged for smaller projects with minimal reconstruction. VDOT forces may perform the construction work on any projects estimated to cost less than \$600,000 as specified in § 33.2-234. Special Advertisement and Award Process (SAAP) contracts are also a good option if the state force and hired equipment capabilities do not exist. Only in extremely unusual circumstances should full plans be considered for an unpaved road project.
<b>Speed Limits</b>	If the Rural Rustic Road Program is used, §46.2-873.2 provides that after the project is completed, the roadway shall be posted at 35mph. The RA, in consultation with the Regional Traffic Engineer, will conduct a field review after the project is completed to determine if 35mph is realistic for the roadway and if so, the road will be posted at 35mph without additional studies or approvals. Pursuant to §46.2-878, if the Regional Traffic Engineer determines that 35mph does not appear realistic, a speed study will be conducted to determine the appropriate posted speed limit.
<b>Inventory/ Record Keeping</b>	<p>To ensure an accurate distribution of unpaved road funding, it is essential that the unpaved road inventory be updated in a timely manner. The Roadway Inventory Management System (RIMS) is a component of the VDOT's Road Network System (RNS) Program and is used to provide the unpaved road inventory.</p> <p>Pavement data is entered into RIMS by the Roadway Inventory Management Unit (RIMU) in Maintenance Division from various sources including primary and secondary roadway acceptance assemblies, completed C-5 forms, and Inventory Change Requests. The completed C-5 is the primary trigger for updating the surface type for unpaved roads and these should be submitted as soon as possible after an unpaved road has been hard-surfaced. To ensure all changes from unpaved to paved surface are captured, unpaved roads data will also be confirmed through a semi-annual process where Residencies will be asked to review a summary of their inventory records and then provide the Central Office Roadway Inventory Management Unit with needed updates. The semi-annual review will typically begin by mid-January and July each year. The update schedule may be adjusted as needed to accommodate the SSYP development.</p>
<b>References and Related Procedures</b>	<p>VDOT Rural Rustic Road Program Manual <u>Rural Rustic Road Program Project Scoping Form</u> AASHTO's <i>Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)</i> <i>Code of Virginia</i>, §§ 33.2-234, 33.2-332, 33.2-331, 33.2-357, 33.2-358, 33.2-359, 33.2-371, 46.2-873.2, 46.2-878 and 62.1-44.15:34. IIM-LD-243 (Sealing and Signing)</p>