



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 14, 2006

MOTION

Made By: Mr. Bowie Seconded By: Mr. Witt Action: Motion Carried, Unanimously

Title: Urban Maintenance and Construction Program Policy

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

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

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

WHEREAS, these regulations have become outdated due to changes in the *Code of Virginia* and the Virginia Department of Transportation's (VDOT's) organizational structure; and

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

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

1. In addition to the eligibility requirements identified in Section 33.1-41.1 of the *Code of Virginia* (1950), as amended, the road and street eligibility criteria for urban maintenance payments shall also include the following:
 - a) The basic right-of-way width for cul-de-sacs eligible for payment will be 40 feet, with consideration of requests for pavement widths less than 30 feet. For the purpose of making this assessment, a cul-de-sac will be defined as a dead end street, open only at one end.
 - b) If a municipality has jurisdiction over and operates a toll facility, such facility is eligible for street payments.
 - c) Local one-way streets, loop roads, and school bus entrances will be eligible for payment provided that they are constructed to a width of 16 feet with a right of way width of not less than 40 feet. This includes service and frontage roads where contiguous to an interstate, primary, or urban system route.
 - d) VDOT can consider a waiver of standards on a site specific basis with appropriate supporting information. Each case will be considered on its own merits.
2. In determining lane mileage eligibility, the following conditions will apply:
 - a) Turning lanes and ramps will not be considered for street payments. This includes center turn lanes unless they serve as moving through lanes during peak hours.
 - b) Parking must be restricted and enforced by towing during peak traffic periods.
 - c) Each road or street with more than two moving lanes must have pavement markings in accordance with the Manual on Uniform Traffic Control Devices.
 - d) Pavement widths of less than 14 feet qualify for only one moving lane even if it carries traffic in two directions.
 - e) Non-hard surfaced streets do not qualify for street payments.
3. Mileage adjustments, including the results of annexations, mergers, or incorporations, will be made on an annual basis as part of this Board's approval of the annual maintenance payments. All adjustments submitted to the Department by February 1 will be eligible for payment effective July 1 of the following fiscal year.
4. For the purpose of calculating maintenance payments, streets will be functionally classified based on the Federal Functional Classification system, except for where the federal system is not parallel with the state system.
5. Bridge safety and regular inspection is of utmost importance. The Federal Highway Administration and the Department require strict compliance with the National Bridge Inspection Standards regarding the frequency of inspection and load posting requirements. The Commonwealth Transportation Commissioner may elect to

withhold street payments from a municipality for delinquent or inadequate bridge inspection reports.

6. Municipalities, by resolution of their governing body and agreement with the Department, may elect to utilize up to one-third of their urban construction allocation for reimbursement of debt incurred for eligible project costs on approved projects. The payback is limited to a maximum 20-year timeframe.
7. Landscaping is important to enhance the safety and visual quality of roads and to maintain quality of life for communities. It is the intent of the Board that a maximum of 3% of the construction budget for individual urban construction projects may be allocated for landscape improvements. Pavers and stamped asphalt for crosswalks are considered a pedestrian safety and traffic calming measure for project participation and are not subject to this limitation. Elements of streetscape can also be constructed at project expense if the project is an identified gateway project or located within a historic or cultural district.
8. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

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

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

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