

**COMMISSION ON TRANSPORTATION
IN THE TWENTY-FIRST CENTURY**

**SUBCOMMITTEE ON STATE
AND LOCAL RELATIONS**

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Subcommittee on State and Local Relations

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The Honorable Linwood Holton
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The Honorable A. L. Philpott
The Honorable Wiley Mitchell
The Honorable N. Leslie Saunders, Jr.
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Mr. Joshua P. Darden
The Honorable Junie L. Bradshaw
The Honorable Lawrence A. Davies
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The Subcommittee has been assisted by members of the Legal Advisory Committee, Local Government Advisory Committee, and Technical Advisory Committee.

INTRODUCTION

Phase II of the work of the Commission on Transportation has focused on the role that local governments in Virginia might play in financing and controlling transportation networks. In response to overall goals of the Commission, joint resolutions of the 1987 General Assembly and areas identified by the Local Government Advisory Committee, the Subcommittee on State and Local Relations has addressed the following topics during this phase:

1. the coordination of new development with the provision of an adequate transportation network;
2. the role of local contributions in the provision of state transportation improvements;
3. improvement of local government and citizen input in transportation affairs;
4. traffic management regulations;
5. improvements in transportation planning; and
6. rural public transportation needs.

To expedite its work, the Subcommittee divided into two working groups. Working Group 1, chaired by the Honorable C. Richard Cranwell, has addressed topics 1 and 2. Working Group 2, chaired by the Honorable A. L. Philpott, has undertaken topics 3 through 6, all of which address state/local relations. Working Group 2 also reviewed the issue of private construction of toll facilities. In its consideration of these areas, the Subcommittee has been assisted by the the Legal, Local Government, and Technical Advisory Committees; Mr. William G. Thomas; and Commissioner Ray D. Pethel and other officials of the Virginia Department of Transportation (VDOT). A summary of the Subcommittee's deliberations follows, with copies of concept documents, related correspondence, and VDOT presentations located in the Appendices of this report.

REPORT OF WORKING GROUP 1

- o Conditional Zoning

- o Off-Site Road Improvements for Subdivision Development

CONDITIONAL ZONING

A major issue considered by the Subcommittee was the proposed expansion of conditional zoning. In responding to the recent survey of the Commission's Local Government Advisory Committee, localities throughout the state expressed strong interest in the expansion of conditional zoning authority. While developers tend to perceive the expansion of conditional zoning as a burden, local governments generally view this device as one of the few tools available to directly assess the extraordinary costs of growth.

Present Situation: The Subcommittee believes that the June 5th report of the Local Government Advisory Committee accurately explains the status of conditional zoning within the Commonwealth. As presently practiced in Virginia, there are two types of conditional zoning. In the early and mid-1970s the local governments in Northern Virginia, and on the Eastern Shore were granted the "old" form of conditional zoning, through section 15.1-491(a) of the Code of Virginia. This section enables a local government to approve reasonable conditions to an amendment to the zoning map when those conditions or "proffers" are offered in writing by the owners of the property that is the subject of the rezoning request.

Local governments in the rest of Virginia were granted a far more limited or "new" conditional zoning authority in 1978. Sections 15.1-491.1 through 15.1-491.4 were codified to enable certain limited conditions to be added to the zoning map. These proffered conditions must arise from the rezoning application and must bear a reasonable relation to the application. Unlike the proffers under "old" conditional zoning, these "new" conditional zoning proffers may not include cash contributions to the locality, nor dedication of property for schools, open space, parks, fire departments or other such facilities. Off-site improvements not expressly authorized under the subdivision legislation are also prohibited from being the subject of a proffer. Each condition must be related to the physical development or operation of the site and must be in conformance with the local comprehensive plan.

In summary, since 1978, every Virginia jurisdiction has been authorized to employ some form of conditional zoning as part of its land use regulations. Under conditional zoning, localities may accept "proffered" conditions that are in addition to the general, uniform zoning regulations. These new provisions can be very useful to a locality by allowing an applicant to tailor his particular development plan to the specific needs of the area. Conditional zoning allows the locality and the owner/developer to find an acceptable and mutually beneficial middle ground that would make an unacceptable project more

acceptable. Once accepted by the locality, conditions and restrictions proffered by the applicant become a part of the rezoning itself and are binding on the property.

Current Issues: The Subcommittee heard testimony and spent considerable time debating the merits of conditional zoning in its present forms, as well as the extension of "old" conditional zoning to all local governments in the state. The conditional zoning process, despite its shortcomings, has proven to be an effective method for local governments and developers to negotiate mutually agreeable contributions to compensate for the increased use of transportation facilities.

The Subcommittee believes that any changes to present conditional zoning policies should:

- o allow local governments to receive voluntary proffers from developers for off-site road improvements.
- o. exclude schools, parks, fire stations or other off-site improvements from voluntary proffers except for those local governments already allowed to receive them.
- o provide that the proffer offered by the developer has a reasonable relationship to the necessary road improvements required by the proposed development.
- o set up a mechanism for assessing the impact of each development on the overall cost of necessary road improvements. This mechanism should include a process reimbursing initial developers based on the ratio of traffic flow generated by subsequent development to the total traffic flow projected at the time of initial development.
- o clarify that the impact area must be designated at a duly advertised public hearing, as well as provide for specific notice by mail to owners of parcels located within a proposed impact area; and
- o allow two or more localities by separate ordinances to create a joint impact area.

Conclusions/Recommendations of the Subcommittee: The Subcommittee recommends that existing conditional zoning statutes be amended to permit all localities the authority to require/accept proffers for the cost of off-site road improvements and right-of-way acquisition within areas of impact. Further, such amendments should include a mechanism obligating subsequent developers within the impact area to reimburse the initial developer for property improvements and right-of-way, based on a ratio of traffic flow generation. The Subcommittee commends for consideration by the General Assembly the draft legislation located in Appendix A.

OFF-SITE ROAD IMPROVEMENTS
FOR SUBDIVISION DEVELOPMENT

An issue related to conditional zoning is the ability of local governments to receive off-site road improvements from developers as a condition of subdivision approval. The Subcommittee considered the need for legislation to provide local governing bodies with additional resources to receive these off-site road improvements.

Present Situation: The Subcommittee learned that off-site road improvements for subdivisions are not generally covered by conditional zoning policies because the land is usually already zoned for development. In this type of situation, localities do not have any basis for receiving off-site road improvements. While they can receive off-site sewerage and drainage improvements as per section 15.1-466 of the Code, they have been excluded from receiving off-site road improvements by the 1979 Virginia Supreme Court decision, Hylton Enterprises, Inc., V. Board of Supervisors of Prince William County et al.

The Subcommittee was informed that property development, particularly in fast-growing areas of the Commonwealth, can subject the road system to localized but significant increases in traffic congestion within a short time. Prior to the Hylton decision, some county governments elected to include a requirement that developers fund necessary road improvements, such as additional lanes, turning lanes, or curbs and gutters, as a condition of meeting the provisions of a subdivision ordinance. The improvements are considered "off-site" in that they involve roads bordering on and serving specific areas, but not within the subdivision in question.

As a result of the Hylton decision, local governments cannot, as a condition of subdivision approval require, the upgrading of roads located outside the areas being platted as subdivisions. This is true even when these roads are directly and significantly impacted by the traffic created or proposed to be created by the subdivision. Local governments have found it more difficult to obtain needed road improvements, and have either had to use general county road improvement funds from highway allocations, or tolerate decreased traffic service in the affected corridor.

The Subcommittee was told that legislation has been introduced regularly in the General Assembly since the Hylton decision. These bills proposed to give local governing bodies the power to require reasonable and necessary road improvements outside the property limits of land owned or controlled by the individual subdivider or developer. To date, no such legislation has passed.

Current Issues: The Subcommittee determined that major aspects of this issue are:

- o whether reasonable off-site road costs for subdivision development should be borne by the developers;
- o whether local governments should have unrestrained authority to determine and require off-site road contributions from developers;
- o whether off-site road demands of individual subdivision developments can be accurately determined; and
- o whether off-site road improvements should be required or "proffered" voluntarily by developers.

Because of numerous unresolved questions, the Subcommittee does not endorse a statutory change at this time. Rather, the issues should be studied to more conclusively determine whether or not voluntary assistance from developers may be appropriate.

Conclusion/Recommendation of Subcommittee: A legislative study commission should be established to determine the appropriateness of broadening the provisions within the Code of Virginia to establish a mechanism whereby developers could voluntarily provide assistance for off-site improvements and right-of-way acquisition.

REPORT OF WORKING GROUP 2

- o Private Construction of Toll Facilities
- o Transportation Planning in Virginia
- o Public Hearing Procedures
- o Procedures for Right-of-Way Acquisition
- o Standards and Approval Procedures for New Roads Built By Developers
- o Opportunities for Improved Traffic Management
- o Value Engineering at VDOT
- o Rural Public Transportation and Human Service Transportation in Virginia

PRIVATE CONSTRUCTION OF TOLL FACILITIES

The Subcommittee was informed that the construction of private roads is within the framework of state statute, and is a common activity for developers. However, state statute has, since 1956, prohibited the placement of a toll on private roads. This prohibition creates a barrier to the construction of private roads, particularly those proposed to serve commercial development, since parties funding and maintaining the road have no means of recouping their expenses. The Subcommittee was told that a change in this law would encourage private corporations to build bond-financed roads, using toll revenue to retire the bonds and maintain the roads.

A commonly-cited advantage of privately-constructed roads is that they might be built more quickly than roads financed with public funds. Theoretically, less time would be needed because right-of-way would often be donated, state purchasing and bidding procedures could be bypassed, and because the design-build method (utilization of one contractor for design, construction, and inspection) could be used. The potential of reduced project time provides an incentive for the Subcommittee to carefully consider this road-building alternative, since the acceleration of projects is a major objective and critical to public service needs throughout Virginia.

Present Situation: While the private toll road approach has potential application across the state, it is of particular interest to a partnership of Northern Virginia developers for the construction of a ten-mile facility extending from Dulles Airport to the Leesburg area of Loudoun County. This is also a project currently under study by VDOT. The Subcommittee heard testimony from Mr. William G. Thomas on behalf of the developers and also considered concept legislation that would enable the construction, operation, and maintenance of private toll roads.

This concept legislation, the draft Virginia Highway Corporation Act of 1988, would repeal the current prohibition of Section 56-49 of the Code of Virginia against private toll roads. The proposed legislation would also provide for:

- o regulation of private toll roads and rates by the State Corporation Commission;
- o approval of location by affected cities, counties, and towns;
- o contracts with state and local authorities for enforcement of traffic and public safety laws;

- o conformance of the roadway with local comprehensive plans; and
- o design and construction according to state standards.

The power of eminent domain would in no instance be granted to private corporations; thus, state or local governments would need to secure right-of-way if condemnation were required. The roads would need to be located so that they would interconnect with existing roadways. Moreover, dedication of assets and improvements to the Commonwealth would be required, usually within ten years after retirement of all debt on the road. A copy of the concept bill is located in Appendix B-1.

Current Issues: The Subcommittee commends the efforts of Mr. Thomas' group and others who assisted with the drafting and review of the concept legislation. While the bill has been carefully constructed, time pressures prevented the Subcommittee from resolving a number of policy issues, including:

- o where right-of-way would need to be obtained by VDOT or local governments, there may be a question about the legality of using condemnation for private purposes. However, the provisions in the legislation for reversion of the road to the state within a reasonable time after debt retirement may reduce or resolve this issue;
- o alignment based on the location of donated right-of-way might not always be consistent with environmental, planning, engineering, or cost considerations. Further, the concept legislation does not appear to provide local governments any opportunity to condition or modify private proposals;
- o lack of involvement of the Commonwealth Transportation Board may conflict with its legislative mandate to coordinate all transportation planning;
- o there are unresolved questions about the liability of private corporations in the areas of design and construction, and the effect of liability on tolls and financial viability;
- o there is no mechanism for reimbursing VDOT for expenses relating to environmental studies, design inspection, or, where needed, securing of right-of-way; and
- o potential time saved by private construction of roads could be eroded by the time needed to apply to the State Corporation Commission for certification; resolve complications in obtaining needed land; and obtain design approval and necessary environmental permits from VDOT.

Written correspondence and attachments from Transportation Commissioner Ray D. Pethel, Loudoun County Administrator Philip A. Bolen, and the Town of Leesburg, further detail these issues. They are located in Appendices B-2, B-3, and B-4.

Conclusions of the Subcommittee: The proposal to allow private toll roads in the form of the draft Virginia Highway Corporation Act of 1988 may have merit in that this proposal offers the Commonwealth another innovative option for transportation improvement. No recommendation as to the specific proposal for the draft Virginia Highway Corporation Act of 1988 is made.

LOCAL GOVERNMENT INVOLVEMENT IN ROAD CONSTRUCTION AND MAINTENANCE

The Subcommittee received briefings on the working relationships of the Virginia Department of Transportation (VDOT) and localities in making decisions about maintenance and construction projects. Input from local governments occurs principally through public hearings to influence the allocation, location, and design of projects; roundtable meetings around the state; ongoing formal resolutions transmitted to VDOT; and personal contacts with local officials, organizations, and citizens by the Commissioner, board members, district and resident engineers, and other VDOT staff. In addition, the Office of Policy Analysis, Evaluation and Intergovernmental Relations, as well as the Highway Helpline, have been established within the past year to facilitate communications with local governments and citizens.

Present Situation: Many of the Department's communications with local governments are guided by requirements of the Code of Virginia. These statutory mandates are associated with the regular allocation of funds for roads within the four administrative systems (interstate, primary, secondary, and urban), as well as those for special programs.

With respect to the interstate system, state-local relations are more implied than explicitly articulated. Sections 33.1-48 and 33.1-49 of the Code authorize this system and grant enabling powers to the Commonwealth Transportation Board for its planning, construction, maintenance, and regulation. However, in the development of this system, the Board considers local requests for additional interchanges and widening of the roadways.

Key statutory provisions regarding the primary system include the number of miles that may be added to the state system annually and an allowance for the Commonwealth Transportation Board to build and maintain portions of primary bypasses that run through municipalities. In addition, there is a provision for enabling agreements with the Counties of Henrico and Arlington regarding the installation of traffic control devices, as well as with any county relative to landscaping and maintaining the median and other untraveled portions of primary roads.

The Subcommittee noted that the Code provides considerable language to ensure that counties have significant input in the construction and maintenance of the secondary system. A major statutory provision calls for the joint development and update of a six-year plan by each county board of supervisors and the Department. Further, priority setting for the expenditure of state funds for secondary road construction is conducted at least annually by each board of supervisors in cooperation with the Department's resident engineer. Other Code provisions requiring

state-local communication and collaboration for their implementation include those that address:

- o the transfer of primary routes into the secondary system;
- o the hard-surfacing of county roads carrying more than 50 vehicles per day;
- o the acceptance of local roads into the state system for maintenance and construction;
- o the establishment of new roads or the altered location of existing ones;
- o county contributions for road construction; and
- o expenditure of funds by certain counties for their own projects.

The urban system is administered somewhat differently. While urban construction projects are funded through the regular allocation formula, statute calls for municipalities to request and to fund five percent of the cost of each construction project. This provision enables these jurisdictions to influence both project selection and priority. Further, Section 33.1-41.1 enables VDOT to provide towns and cities over 3,500 population with payments based on lane miles for the administration and maintenance of urban streets. Each year, about 200 lane miles of city and town streets are added to the system for maintenance payments.

In addition to projects funded through allocations to the four administrative systems, the Code provides for special funding for other projects that are generally initiated by local governments. These include industrial access railroad tracks, industrial and airport access roads, and access roads to recreational and historic areas. In addition, Section 33.1-75.1 enables VDOT to match up to \$500,000 of county funds for special projects. These projects include the maintenance and construction of primary or secondary roads, as well as bringing roads up to standards for inclusion into the state secondary system. The total of state matching funds that may be provided is five million dollars annually. Some statutory-based special programs are supported through special taxes, including those funded from the two percent coal severance tax in Southwest Virginia and from a surcharge on property taxes in special transportation improvement districts.

The Subcommittee was pleased to learn that the agency has moved beyond basic efforts to satisfy statutory requirements for communications with local governments to the exploration of innovative ways to enhance the quality and usefulness of those communications. One new activity that has produced particularly useful input is the roundtable meetings initiated with localities

during the past year. During these meetings, conducted in each construction district across the state, Department officials responded directly to the concerns and questions of local officials and other interested parties. For example, during some of the roundtable meetings, the issue of cooperative purchase of heavy equipment was discussed. As a result, VDOT has recently implemented a purchasing procedure to address cooperative buying. Additional follow-up relating to other concerns and questions has occurred since the roundtable meetings, which are now planned as an annual event.

Conclusions of the Subcommittee: The Subcommittee concludes that current statutory provisions provide a sound framework for communications between state and local governments. However, many of the higher quality interactions appear to evolve from constructive working relationships that have been developed outside statutory parameters. The Subcommittee encourages the Department to further expand the opportunities to work effectively with localities at all points in the process.

The Subcommittee would particularly like to commend the Department for the roundtable meetings initiated with local governments during the past year. We believe that efforts like these build effectively on relationships established through other contacts. The Subcommittee recommends the continuation of the roundtable meetings, as well as the conduct from time to time of special purpose functions to serve as arenas for focused discussion and problem-solving. In addition, we encourage local governments to fully participate in and utilize these forums.

The Subcommittee recommends additional concentration in two other areas. First, we urge exploration by individual counties and VDOT (where the county believes this to be in its best interest) regarding greater local responsibility in traffic management and maintenance. Second, the Subcommittee urges VDOT to continue its emphasis in ensuring timely coordination and full professional assistance to jurisdictions funding highway improvements from local sources of revenue. This assistance should also continue to be extended to private sector entities contributing to identified state needs.

TRANSPORTATION PLANNING IN VIRGINIA

Transportation planning has assumed increased importance with the expanded construction program. Because of its critical role in the overall process, planning was an area identified by the Local Government Advisory Committee for our additional study.

Present Situation: Transportation planning in the Commonwealth is broad-based, with major responsibilities for VDOT, as well as other state, regional, and local agencies. Local planning commissions and local governments prepare and adopt comprehensive plans, capital improvement programs, and subdivision ordinances. At the regional level, activities of the transportation district commissions include administration of specialized transit activities, and those of the planning district commissions cover the development of regional plans and planning assistance to local governments. At the state level, the agencies involved in transportation planning include the Virginia Port Authority, the Virginia Department of Aviation and VDOT. Current planning issues for the Port Authority include the additional demand for road projects to accommodate increased truck traffic to expanded port facilities. Similarly, the Department of Aviation must be concerned with planning for ground access to new and expanded airports.

The Subcommittee found that transportation planning conducted by VDOT encompasses both short- and long-term needs, and is geared to the size and complexity of specific geographic areas. These include urbanized areas, with populations greater than 50,000; urban areas, with populations less than 50,000; and rural areas.

In addition, legislation passed by the 1986 Special Session of the General Assembly directed the Commonwealth Transportation Board to conduct coordinated financial planning for all modes of transportation. These modes include highways, transit, rail, bikeways, pedestrians, ports, and air. The Department and Board have established mechanisms to carry out this coordinated financial planning, and the Board adopted multi-modal objectives for the first time in the 1987 Six-Year Improvement Program.

Current Issues: To improve the transportation planning process, VDOT has identified for the Subcommittee a range of planning issues, as well as refinements to address these issues:

- o first, the Department will be allocating more resources to look at existing long-range transportation plans. Emphasis here will be on providing faster updates and maintaining regular five-year updates for the urbanized areas. Faster updates of local plans will assist VDOT in pulling timely information into the statewide long-range plan, as well as provide local governments more current information to guide local decision processes.

- o second, in order to obtain more local planning input for the statewide highway needs update, VDOT will begin a series of public hearings during 1988 to receive comments on existing transportation documents;
- o in addition, VDOT will expand technical assistance to local governments by allocating additional resources to activities such as corridor studies and the review of local comprehensive plans and site plans.
- o the Department has placed additional emphasis on ensuring that proper interface occurs among all modes of transportation and that long-range plans include consideration of all modes;
- o VDOT is also developing a subregional process to supplement the regional process in Northern Virginia. In this regard, the Governor recently directed that the Secretary of Transportation and VDOT's Commissioner meet with mayors, chairs of boards of supervisors, and local leaders to develop a plan and map to identify regional highway and public transit needs.

Conclusions of the Subcommittee: Recent improvements have established the foundation for a well-coordinated, integrated transportation planning function. These improvements have been greatly aided by the infusion of a stable and adequate funding base. The Governor's charge to establish a subregional planning process also adds a significant component to the planning function and is enthusiastically endorsed by the Subcommittee. The Subcommittee urges that this process be expanded in a timely manner to include other urban regions.

Recognizing that data exchange is both a state and local responsibility, the Subcommittee encourages increased communication among VDOT, the Planning District Commissions, and localities to ensure the quality data needed for effective planning. In addition, we recommend that the Department more clearly articulate the planning process that considers the 20-year needs inventory, a ten-year planning horizon, the six-year improvement program, and the annual updating process. We also recommend that the Department place high priority on the integration and coordination of its financial planning, with the planning document clearly written and widely communicated to the public, local governments, the General Assembly, and others. Finally, we emphasize to the Department the importance of continued attention to modal and intermodal interests in establishing planning objectives.

PUBLIC HEARING PROCEDURES

The Subcommittee feels that the public hearing process is a critical component of VDOT's construction program. Through public hearings, Virginia's citizens are apprised of road proposals, informed of plans that affect them, and given the opportunity to participate in decision-making.

Present Situation: Location and design hearings, guided by VDOT's Public Involvement Policy Manual, are just one of several types of hearings conducted during the development of road projects. The public hearing process is initiated whenever a project has significant location or design features, such as changes in the layout or function of connecting roads or the road being improved, or substantial adverse impact on abutting property.

According to the Department, hearing requirements may be fulfilled by a notice of willingness to hold a hearing, a single combined location and design hearing (one-hearing process) or separate location and design hearings (two-hearing process). A notice of willingness is the method of choice for non-controversial projects and often satisfies the need for a hearing.

A single, combined location and design hearing, held when a project has only one possible location, presents both the "where" and "how" of a project. On the other hand, a two-hearing process, the first for location, and the second for design issues, is needed when a project has four or more lanes on new location; involves significant social, economic, or environmental effects; or has two or more feasible plans under serious consideration. Hearings are publicized in several ways. At least two notices are published in area newspapers, and copies of the notice are also placed in public building near the project. In addition, individual notices are sent to government officials, local organizations, and to any individuals known to be interested in a project. In this regard, it should be noted that the Department emphasizes the notification of owners of abutting properties about impending projects.

VDOT's public hearings are normally preceded by informal meetings to give citizens an opportunity to review a proposal prior to the formal hearing. The formal hearing is held at a convenient time and place, with presentations by VDOT staff prior to testimony from citizens. The hearing is transcribed and combined with written submissions made within ten days of the hearing for review by VDOT staff prior to recommendations to the Transportation Board.

The Subcommittee learned that recent significant changes in VDOT's public hearing process have included the establishment of a public participation unit in the central office, earlier

contact with citizens during the design phase of a project, and increased emphasis on public information meetings. The Department utilizes public information meetings on selected projects to provide additional data and solicit input prior to the public hearing process. Additional changes have been a more proactive role by VDOT representatives during the hearings and follow-up meetings when significant changes have been made, or in cases where citizen interest has been high.

Current Issues: Even though many improvements have been made, the Subcommittee feels additional refinements in the public hearing process would be beneficial. The following proposals would work to expedite the public hearing process or increase the amount of meaningful citizen input:

The time required to complete the hearing process could be shortened in instances where a notice of willingness process results in a request for a public hearing. At present, the notice of willingness period runs a full 45 days, even if a request for a hearing occurs during the first day or two. By scheduling and advertising a public hearing as soon as the first request for one occurs, up to two months time might be saved. The Department believes this change could be implemented on state-funded projects by revising the Public Involvement Manual, and on federal-aid projects with the concurrence of the Federal Highway Administration (FHWA).

A change in the FHWA regulations, to be effective on November 27, 1987, may allow a reduction in the public notice time for all hearings. The new regulation states that environmental documents must be available at least 15 days prior to a public hearing. The current regulation requires an environmental document at least 30 days before the hearing.

Finally, to gain more public input and increase the effectiveness of public hearings, the Department could adopt an alternate method for conducting hearings on selected projects. An informal hearing process could be instituted that would provide for testimony and responses for the record on an individual basis. Citizens could attend the hearing and be provided with all required information, then provide input in a quiet, unintimidating atmosphere, rather than before a group of people and panel of experts. States that use this format exclusively or as an optional method believe that it produces more meaningful citizen input. In addition, the FHWA has approved this method as appropriate to satisfy its hearing requirements.

Conclusions of the Subcommittee: The Subcommittee has been impressed with the extent and quality of public involvement that the Department has built into its procedures. Particularly noteworthy and commendable is the Department's acceleration of

hearings to a point very early in the preconstruction process. Three recommendations are made by the Subcommittee to further expedite the hearing process. These recommendations, noted in detail on page 32 and 33 of this report, cover a reduction in the time frame for the notice of willingness process under certain conditions, informal public hearings in certain instances, and additional efforts to notify owners of abutting property about impending projects.

PROCEDURES FOR RIGHT-OF-WAY ACQUISITION

The acquisition of right-of-way is an activity undertaken by both VDOT and local governments. In an age of rapid land development, right-of-way acquisition has become an area of increasing concern and legal complexity.

Present Situation: Both VDOT and localities must observe all state and federal legal requirements in acquiring right-of-way for their transportation facilities. In this regard, three overriding considerations govern all right-of-way decisions:

- o first, no state or local agency can reserve right-of-way;
- o right-of-way can be obtained only through acquisition, purchase or condemnation, proffer, or donation; and
- o acquisition, condemnation and, typically, donation require establishment of a centerline for the facility before right-of-way can be secured; however, centerline may or may not be required if right-of-way is obtained through proffer.

The Subcommittee found that VDOT's procedures for acquiring right-of-way differ somewhat from those of local governments. The major difference is that the Department determines location and design on a project-by-project basis, while local procedures provide for the adoption of a comprehensive plan for all facilities within the jurisdiction, as well as an official map with designated centerlines.

VDOT's process begins with nine preallocation hearings to discuss needs with localities, formulation of the six-year improvement program, and the initiation of preliminary engineering and environmental studies for specific projects within the program. Upon completion of these studies, a location public hearing, discussed in the previous section, is held. Following approval of location by the Commonwealth Transportation Board, a survey is undertaken to fix and permanently monument the project centerline. It is around the centerline that right-of-way is designed for a project. A design hearing (or combined location and design hearing) enables the discussion of right-of-way requirements and other design features, as well as input from citizens. Following this step, the Board approves plan design for right-of-way acquisition. Finally, acquisition is approved and authorized on the permanently fixed centerline, which is logged into the established coordinate system.

Local government procedures for acquiring right-of-way begin with the comprehensive planning process. However, no proposed street or highway has any official status until the centerline has been established. Further, to obtain the necessary permits

and enable state or federal funding for projects, the following steps would need to occur for centerline to be established:

- o engineering and environmental studies;
- o a location public hearing, followed by Board adoption or rejection;
- o the development of a survey;
- o right-of-way plans; and
- o a design public hearing or a combined location and design hearing followed by Board approval.

The Subcommittee was informed that no jurisdiction in Virginia is known to have established an official map, likely because of the extensive cost and time needed to meet the above requirements. Added complications are the identification and avoidance of environmental features protected by state and federal laws; a review of all projects by 12 state agencies and 14 federal agencies, and the potential for legal obstacles if environmental requirements are not met in a timely fashion.

Current Issues: Important and as yet unresolved issues associated with right-of-way acquisition are:

- o the federal and state Constitutions do not permit the reservation or taking of private property for right-of-way without just compensation to the property owner. Therefore, land needed for road projects is often developed before it is feasible to enter condemnation proceedings. This additional development of the land can then create serious social and public relations problems at the time of the actual taking, as well as a substantial increase in right-of-way costs.
- o the provisions of Section 15.1-458 et. seq. of the Code of Virginia regarding preparation of an official map do not shorten or streamline the acquisition of right-of-way by local governments. Requirements for the establishment of centerline entail extensive time and expense. Further, neither Section 15.1-458 et. seq. nor any other Code section explicitly provide the authority for localities to reserve or purchase right-of-way, once the map has been adopted.

Conclusions of the Subcommittee: Members have struggled long and hard to address the prominent issues related to acquisition of right-of-way. In resolving these issues, an equitable balance must be struck between the rights of individual property owners and the need for expeditious acquisition of right-of-way. With the assistance of the Legal Subcommittee, several recommendations

have been developed to improve upon the present situation. These recommendations, detailed on pages 33 and 34 focus on clarification of existing statute, provisions for freezing land use under certain specific conditions, and other reasonable accommodations to provide more acquisition flexibility without undue restrictions on the rights of other parties.

STANDARDS AND APPROVAL PROCEDURES FOR NEW ROADS
BUILT BY DEVELOPERS

The Department reports that subdivision streets are added to the state system of secondary roads at the rate of about 140 miles per year. Inclusion of these streets in the state system is well grounded in statute and has been regulated by the Commonwealth Transportation Board since 1949.

Present Situation: To promote economical maintenance and safe travel for the public, the Board, exercising its statutory discretion, requires that subdivision streets meet certain geometric standards (either state or local, whichever is more stringent), public service mandates, and administrative conditions. The Subcommittee was apprised of these requirements.

Standards entail minimum design and construction requirements, including grade; design speed; stopping sight distance; composition of the road; and widths for pavements, shoulders and rights-of-way. Many of the standards vary according to the amount of traffic the streets are projected to carry and the type of terrain on which they are constructed. Alignment and grade can be adapted to local conditions, providing safety features, structural integrity, and traffic capacities are not sacrificed.

To meet public service requirements, streets must either:

- (1) serve three or more occupied housing units that have different tenants or owners;
- (2) connect other streets that provide a public service;
- (3) serve as stub streets leading to the subdivision boundary; or
- (4) lead to public schools, churches, recreational areas, landfills or similar public facilities.

Finally, administrative requirements include (1) the construction of the street according to approved plans; (2) dedication of the right-of-way by the developer; (3) a resolution passed by the board of supervisors to include the street in the state secondary system; (4) proper interim maintenance; (5) the provision of a performance bond and, if appropriate, a maintenance fee; and (6) adequate connection with other roads.

The approval process for subdivision or site plans is conducted and coordinated by the resident engineer, who analyzes the plan's technical features for adherence to the standards, and sometimes refers more complex plans to district or central office personnel for additional review. Following completion of the review, the resident engineer either advises the developer that s/he is in compliance with design requirements, or returns plans with a notation of specific revisions that are needed. Any revision to initial plans must be returned to the resident engineer for re-evaluation and written approval.

The Subcommittee was informed that differences of opinion between the developer and VDOT about the interpretation and application of the requirements are usually resolved informally. However, a formal appeal process is available that provides for reconsideration by a district appeals committee, and, if the developer wishes, a final appeal to the Commissioner. Moreover, the annual meetings that VDOT has initiated with developers, local governments, and others involved in local issues are providing the additional communication and understanding needed to ward off major disputes in this area.

Current Issues: The Subcommittee found that the Subdivision Street Requirements are now undergoing major revisions to address recurrent issues. Revisions being considered by the Commonwealth Transportation Board include:

- o the acceptance of streets into the state secondary road system based on phased development. At present, developers are required to construct streets to their ultimate design, which means that the original developer could be required to provide a four-lane road, although current or near-future traffic requires just two lanes. The proposed revisions would provide for local governments to attain full implementation of design requirements over time.
- o the functional classification of streets for more precise analysis of design standards. Functional classifications would define the characteristics and magnitude of service that streets will provide. Functional classification, together with traffic and terrain, would then govern the geometric standards required of developers.
- o a review of the standards themselves. This review would be tied to the assignment of streets to their appropriate functional classification.
- o a priority system for the review of approved plans. This system would expedite a second review for developers who have undergone one review and have had their plans returned for minor modifications.

Conclusions of the Subcommittee: The Subcommittee recognizes and commends the efforts of VDOT to expedite the approval process for developers. Consumers can only benefit when developer costs are reduced through the minimizing of work delays.

For the future, the Subcommittee recommends that VDOT continue its annual meetings with builders and others at the local level. We also recommend that the Department review and, as necessary, update the Subdivision Street Requirements at five-year intervals. Further, we urge that consideration be given to revising Section 15.1-466 of the Code of Virginia to specify that local subdivision ordinances require subdivision streets to be constructed at least to state geometric standards.

OPPORTUNITIES FOR IMPROVED TRAFFIC MANAGEMENT

While most public attention on the Commission on Transportation has been focused on the construction program, the need for improved traffic management is also very important. In fact, with the increased construction program initiated by the Commission last year, improved traffic management in both rural and urban areas has become increasingly important. Basically, traffic management is a term applied to ongoing efforts to ensure that the existing system is operating at maximum efficiency and safety.

Present Situation: The Subcommittee found that, over the last few years, VDOT has undertaken a number of initiatives and improvements in its traffic management program. The basic philosophy of traffic management has been broadened from a focused concentration on traffic engineering tasks to accommodate: better communications with, and sensitivity to, local governments and citizens; state-of-the-art technology; involvement of a number of disciplines; and an issue orientation to problem-solving.

In the traditional areas of traffic management -- signs, signals, and pavement markings -- the Department reports a number of initiatives. These include contracting with the private sector for traffic signal and repair installation, as well as the establishment of a new traffic signal grant program designed to improve traffic flow, save fuel and enhance safety.

In the area of engineering techniques, the Department is using a variety of approaches throughout the Commonwealth, such as:

- o computerized traffic signalization;
- o reversible lanes, with preferential treatment for high occupancy vehicles;
- o park and ride facilities;
- o ride sharing;
- o mass transit coordination; and
- o motorist services.

The Department cites the area of truck regulation as illustrative of its current issue orientation to problem-solving. VDOT is working more closely with the trucking industry, local government officials and citizens to balance the needs of truck access with citizen and vehicle safety. In addition, the Department has just completed the development of

new rules and regulations for transportation of hazardous materials through tunnel facilities. The Subcommittee learned that these rules have elicited a positive response from private industry, as well as other state and local government organizations.

Other innovations include better safety programs, use of new and innovative technology, and increased attention to work zone safety. Some specific examples of improvements in these areas are:

- o special bumpers for State Police to remove vehicles from roadways;
- o establishment of the Northern Virginia Traffic Management Center, with a future center planned for Tidewater;
- o special traffic improvement funds for each district;
- o future implementation of Automatic Vehicle Identification systems; and
- o improved training of VDOT employees, contractors, and utility providers on work zone safety and other traffic management techniques.

Conclusions of the Subcommittee: The Department has undertaken aggressive steps to implement new traffic management and safety programs, actions that the Subcommittee commends and supports. These initiatives have been no less important than those associated with the expanded construction program, as it is critical that the Commonwealth utilize existing roadways to the best possible and safest advantage. This is an area that cannot be effectively legislated; hence, we will continue to depend on the Department's ongoing efforts in this area. However, we do recommend that the Department expand their initiative into a system of transportation management that would include mass transit and other modal alternatives.

VALUE ENGINEERING AT VDOT

Efficient and economical construction of roads and bridges will maximize the increased transportation funding provided by the Special Session. Value engineering focuses on this economy and efficiency and was therefore a topic of interest to the Subcommittee. The general concept of value engineering first took hold in a major way during World War II, when it was applied to the cost evaluation of substitute defense materials.

Present Situation: The Department indicated that value engineering has been applied to its road and bridge design projects since 1974. Value engineering at VDOT consists of a systematic evaluation approach that (1) identifies the function of a product or service, (2) establishes a worth for that function, (3) generates creative alternatives and evaluates their costs, and (4) recommends how the needed function may be provided at the lowest cost.

The basic steps of the value engineering approach are:

- o the solicitation of ideas for evaluation topics from all Department employees;
- o the prioritization and selection of topics, with emphasis on projects that:
 - substantially exceed initial cost estimates
 - include critical or high-cost design items, and/or
 - are extremely complex, and
- o conduct of value engineering studies on selected topics by multidisciplinary teams of five to seven personnel familiar with the basic function of a project.

The Department states that over the past 18 months , \$21 million in potential savings has been identified on 17 road and bridge projects, with \$18 million of recommendations already adopted for implementation.

This year, VDOT expanded the value engineering program from the examination of designated design projects to include the evaluation of standard design elements, procedures, and processes. Streamlining standards that are used in hundreds of plans has the potential for even greater cost-savings than just looking at individual projects.

The Subcommittee learned that the current plan for the value engineering program calls for the involvement of about 200 persons in several value engineering activities. Approximately 80 personnel will be trained in value engineering techniques.

Additionally, 11 special value engineering studies of procedures, processes, and standards will be conducted, as well as 12 evaluations of distinct road and bridge projects.

The Department reports that Virginia is one of only eight states with a full time coordinator for value engineering and was recently tied for second place nationally in the dollar value of savings resulting from review of roadway designs. Through the ongoing application of the value engineering approach, VDOT should be able to realize maximum cost-effectiveness in the responsible expenditure of expanded funding for transportation projects.

Conclusions of the Subcommittee: The Subcommittee believes that value engineering is a particularly useful process that has increased in importance with the expanded construction program. We recommend that the Department periodically report its progress in the application of value engineering techniques to the General Assembly and others interested in this activity. Further, we urge VDOT to consider the cross-training of personnel assigned to its Productivity Improvement Center to increase the availability of staffing for value engineering activities.

RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE
TRANSPORTATION IN VIRGINIA

The Department's presentation emphasized that public transportation and human service transportation are two separate and distinct types of public service programs operated at the local level in Virginia. Federal, state, and local governments support public transportation in order to provide a mobility alternative to the general public, serve the transportation-disadvantaged, and increase the passenger-carrying efficiency of the ground transportation system. The government's role in human service transportation is to transport people with special needs to human service agencies that offer programs to serve these needs.

Current Situation: According to the Department, public transportation programs serve people in rural areas of Virginia who are unable to drive or do not have ready access to an automobile because of age, income, or disability. The clients of human service agencies often experience this same type of transportation disadvantage. In this regard, rural public transportation and human service transportation are similar. It is important, however, that public transportation and human service transportation maintain their separate identities. The two programs serve two distinct functions of government, supported by separate agencies and financed through separate funding programs.

The Subcommittee was informed that 18 rural public transportation systems are currently operating in Virginia. In fiscal year 1986, these systems operated over 3.5 million miles of transit service at a cost of \$4.6 million, and provided more than 2.8 million passenger trips to citizens of rural Virginia. During the 1988 fiscal year, \$1.7 million in federal aid and \$1.2 million in state aid will be provided to Virginia's rural public transportation operators. Federal and state funding for rural public transportation is less than the funding appropriated to urbanized transit systems in Virginia. However, the proportionate shares of public transportation expenses that local governments currently bear are essentially the same in rural and urbanized areas (approximately 19 percent of operating costs).

VDOT enumerated very specific responsibilities in supporting rural public transportation, including: (1) promoting the establishment and expansion of rural public transportation systems; (2) administering federal financial assistance (the Urban Mass Transportation Administration Section 18 Program) and state aid; (3) providing technical assistance and training; and (4) monitoring and evaluating performance.

The Department indicated that human service transportation is provided in virtually every city, county, and town in Virginia. Over 100 local human service agencies supported by 14 different "parent" state agencies are involved in this activity. Many of these agencies work together to coordinate travel schedules and share transportation resources. Accurate information on the total miles of service, total expenditures, and ridership is not readily available. However, a report submitted to the 1983 General Assembly estimated that approximately \$10 million in state funds was spent for client transportation by human service agencies in the prior year.

Until recently, VDOT's role in supporting human service transportation has been somewhat limited. For 13 years, the Department has administered a federal program which provides capital funding to private, nonprofit human service agencies. VDOT has stressed the importance of coordinating agency transportation services in its administration of this program, and has conducted a number of technical studies to facilitate this coordination.

As a result of new federal funding, the Department will be expanding its support for human service transportation, providing technical assistance and training for both human service and public transportation operators in rural areas. In addition, an Interagency Coordinating Council for the Transportation Disadvantaged, which the Department chairs, has been formed to improve the provision and coordination of human service agency transportation.

The Subcommittee was told that, because of increased state support, the outlook for both rural public transportation and human service transportation is promising. While there have been reductions in federal funding, Virginia has new state funding for public transportation, initiated through the recommendations of the Commission on Transportation. This additional state aid will allow some growth in both existing and new rural programs. The key to growth in rural public transportation will be the development of local government support. The work of the Interagency Coordinating Council for the Transportation Disadvantaged and the new VDOT initiatives should work to improve human service transportation in Virginia.

Conclusions of the Subcommittee: The Subcommittee's examination of rural public and human service transportation was of necessity preliminary and general in nature. We feel that a more intensive examination of human service transit needs may be warranted. A recommendation to that effect, emphasizing an evaluation of needs in rural and intra-city areas, has been made in this report.

COMMENTS AND RECOMMENDATIONS

The members of Working Group 2 of the Subcommittee on State and Local Relations are pleased to submit the following comments and recommendations for consideration by the Commission on Transportation:

Local Government Involvement in Road Construction and Maintenance

The Subcommittee believes that current statutory provisions provide an adequate framework for communications between VDOT and local governments. We are pleased that the Department has moved beyond those legal provisions into high-quality relationships spawned from positive efforts such as the roundtable meetings with localities, the establishment of a more clearly defined intergovernmental relations function, and the implementation of the Highway Helpline.

Recommendation #1: The Subcommittee recommends that the Department continue its roundtable meetings on an annual basis, as well as conduct special purpose functions as needed for more focused discussion and problem-solving.

Recommendation #2: The Subcommittee urges exploration by the individual counties and VDOT (where the county believes this to be in its best interest) regarding greater local responsibility in traffic management and road maintenance.

Recommendation #3: The Subcommittee recommends that VDOT continue its emphasis in assuring timely cooperation and full professional assistance to jurisdictions funding highway improvements from local sources of revenue. This assistance should also continue to be extended to private sector entities that contribute to identified state needs.

Transportation Planning

The Subcommittee endorses the refinements that the Department has proposed or initiated to improve the transportation planning process. These enhancements, which complement the expanded transportation program, include:

- o the allocation of additional resources to examine existing long-range transportation plans;
- o the initiation of a series of public hearings to obtain additional local input for the statewide highway needs update;
- o the expansion of technical planning assistance to local governments;

- o increased planning emphasis on linkage among all modes of transportation; and
- o the development of a subregional planning process for Northern Virginia.

With regard to the latter area, the Subcommittee commends the Governor's Northern Virginia planning initiative as a worthy model for cooperative ventures in other jurisdictions, and recommends that this initiative be expanded in a timely manner to include other urban regions.

We also make the following recommendations to further upgrade the planning process:

Recommendation #4: The Department should more clearly articulate a planning process that considers the five-year update of the 20-year needs inventory, a 10-year planning horizon, the six-year improvement program and the annual updating process.

Recommendation #5: The Department should make special efforts to coordinate and integrate its financial planning, with the planning document clearly written and widely communicated to the public, local governments, the General Assembly and others.

Recommendation #6: The Department should continue to emphasize modal linkages and be accountable for modal and intermodal considerations in establishing its planning objectives.

Public Hearing Procedures

The Department has effected a number of very positive refinements to the public hearing process that have increased its responsiveness to citizens while still expediting overall procedures. The Subcommittee commends the Department on these improvements, and proposes the following recommendations to further enhance the hearing process:

Recommendation #7: The Department should revise its procedures to enable the scheduling and advertising of a formal public hearing immediately after the first request for one during the conduct of the notice of willingness process. This step would rectify the present situation in which the notice of willingness process runs a full 45 days, even if a request for a hearing occurs during the first day or two.

Recommendation #8: Where appropriate, the Department should adopt the informal hearing process that was discussed on page 18 of this report. This method, which would enable citizens to present their viewpoints in a more private setting, is reputed to increase the quality of input from the public.

Recommendation #9: The Department should make every possible effort to notify owners of abutting properties about the location and design of projects under its consideration.

The Subcommittee also supports an upcoming change in the current Federal Highway Administration regulation that reduces by 15 days the amount of time environmental documents must be available to the public prior to a public hearing. We believe that this reduction of time will expedite the hearing process while still affording ample time for citizens to become fully informed about the environmental issues associated with particular projects.

Right-of-Way Acquisition

It is in the public interest that future highway and road projects be known to the public as far in advance as possible. This avoids unnecessary construction and demolition and promotes orderly land use and development. Recent United States Supreme Court decisions make clear that neither the Commonwealth nor local governments can reserve future highway rights-of-way indefinitely without acquiring title to them through purchase, condemnation, donation or dedication. Those and earlier opinions of that Court and of the Virginia Supreme Court appear, however, to permit the General Assembly to provide for a reasonable freeze on certain uses of lands designated for acquisition for rights-of-way while the statutory procedures for acquisition by either the Department of Transportation or by local governments are being carried out.

The Subcommittee accordingly recommends that the following options be considered by the Commission as means of affording the Department of Transportation and local governments greater flexibility in highway planning and construction within applicable Constitutional constraints:

Recommendation #10: The Commission should encourage the Department to exercise its authority under existing statute to acquire wider rights-of-way where planning flexibility is needed.

Recommendation #11: An amendment should be proposed to Section 15.1-458 et. seq. of the Code of Virginia to clarify and simplify the requirements associated with official map procedures. Current law implies that the centerline should be established for all proposed transportation improvements shown in the comprehensive plan before the map becomes official. Further, Section 15.1-458 et. seq. should be strengthened to enable local governments to acquire right-of-way once the statutory provisions of the official map are met.

Recommendation #12: The Commission should support the Department's informal public hearing process and public information meetings to provide earlier public involvement in the formulation and selection of alternatives to be studied.

Recommendation #13: The General Assembly may wish to consider amending Section 33.1-90 of the Code to permit the Commonwealth Transportation Board to hold lands acquired through purchase or through the powers of condemnation beyond the 20-year limit currently specified. The amendment could provide for an extension in cases where a project is included in the Six-Year Improvement Program of the Commonwealth Transportation Board or the Six-Year Improvement Program for Secondary Roads for construction purposes and where clear actions have been taken to move forward.

Recommendation #14: The General Assembly may wish to consider a statutory amendment to provide a freeze of up to three years on the rezoning of, or improvements to, land designated by the Department or local governments for road projects. The land so designated would be described by metes and bounds or centerline and typical cross-section, and required for projects in the Six-Year Improvement Program of the Commonwealth Transportation Board, the Six-Year Improvement Program for Secondary Roads, or the capital improvement programs of local governments. (See concept bill in Appendix C).

Recommendation #15: An additional amendment should be considered that would require railroads and electric utilities to advise the Department of Transportation well in advance of the cessation of use of any rights-of-way or lands held in fee and give the Department priority in acquiring them for transportation purposes if it elects to do so.

Subdivision Street Requirements

The Subcommittee recognizes and commends VDOT's efforts to expedite the approval process for developers and offers the following recommendations in this area:

Recommendation #16: The Department should continue the annual information and problem-solving meetings that have been initiated with developers, local governments, and others involved in local issues.

Recommendation #17: The Department should conduct a formal review and, as necessary, update the Subdivision Street Requirements at five-year intervals.

Traffic Management

The Subcommittee supports the Department's far-reaching initiatives relating to signs and signals, traffic engineering, truck regulations and work zone safety, and recommends that:

Recommendation #18: The Department should expand its traffic management initiatives into a system of transportation management that would include mass transit and other modal alternatives.

Value Engineering

The Subcommittee commends the Department's emphasis and national leadership in applying value engineering principles to its road and bridge design projects, and recommends that:

Recommendation #19: The Department should periodically report its progress in applying value engineering techniques and the outcomes of these efforts to the General Assembly and others interested in these activities.

Recommendation #20: The Department should provide cross-training in value engineering techniques to staff assigned to the Productivity Improvement Center so that additional personnel might be made available for value engineering projects.

Rural Public and Human Service Transportation

The Subcommittee's examination of rural public and human service transportation has to this point been general, affording an overview for further decision-making. At this time, the Subcommittee believes that a more intensive analysis of human service transit needs is appropriate.

Recommendation #21: A study of transportation needs of Virginia's human service agencies should be conducted, with special emphasis on rural and intra-city transportation requirements. This study should include an action plan and examination of the sources of funding for both human service transportation and public transportation, with a close look at how and when these sources can be pooled effectively. The Interagency Coordinating Council for the Transportation Disadvantaged, which includes representation from all human service agencies as well as VDOT, should undertake this study using resources currently available. Such a study would be in accord with the preliminary plan for coordination of transportation services prepared by the Department for the Rights of the Disabled.

APPENDICES

- Appendix A Conditional Zoning Concept Legislation
- Appendix B Private Construction of Toll Facilities
- B-1 Concept Legislation
- B-2 Letter from Commissioner Ray D. Pethel,
 Virginia Department of Transportation
- B-3 Letter with attachments from
 County of Loudoun
- B-4 Letter with attachments from
 Town of Leesburg
- Appendix C Right-of-Way Concept Legislation
- Appendix D VDOT Presentations To Subcommittee

APPENDIX A

Conditional Zoning Concept Legislation

1 D 11/17/87 Austin C 12/01/87 smw

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend and reenact § 15.1-491.2 of the Code of Virginia and
4 to amend the Code of Virginia by adding a section numbered
5 15.1-491.2:1, the amended and added sections relating to
6 conditions as a part of rezoning or zoning map amendment
7 generally; and providing for proffering of off-site road
8 improvements and compensation by subsequent developers to the
9 initial developer whose proffer was accepted.

10

11 Be it enacted by the General Assembly of Virginia:

12 1. That § 15.1-491.2 of the Code of Virginia is amended and reenacted
13 and that the Code of Virginia is amended by adding a section numbered
14 15.1-491.2:1 as follows:

15 § 15.1-491.2. Same; conditions as part of a rezoning or amendment
16 to zoning map.--A zoning ordinance may include and provide for the
17 voluntary proffering in writing, by the owner, of reasonable
18 conditions, prior to a public hearing before the governing body, in
19 addition to the regulations provided for the zoning district or zone
20 by the ordinance, as a part of a rezoning or amendment to a zoning map
21 ; provided that however, (i) the rezoning itself must give rise for
22 the need for the conditions; (ii) such conditions shall have a
23 reasonable relation to the rezoning; (iii) such conditions shall not
24 include a cash contribution to the county or municipality; (iv) such
25 conditions shall not include mandatory dedication of real or personal
26 property for open space, parks, schools, fire departments or other
27 public facilities not otherwise provided for in subdivision A (f) of §
28 15.1-466; (v) such conditions shall not include payment for or

1 construction of off-site improvements except those provided for in
2 subdivision A (j) of § 15.1-466 or in § 15.1-491.2:1; (vi) no
3 condition shall be proffered that is not related to the physical
4 development or physical operation of the property; and (vii) all such
5 conditions shall be in conformity with the comprehensive plan as
6 defined in § 15.1-446.1. Once proffered and accepted as part of an
7 amendment to the zoning ordinance, such conditions shall continue in
8 ~~full force and effect~~ until a subsequent amendment changes the zoning
9 on the property covered by such conditions ~~, provided, however, that~~
10 ~~such~~ Such conditions shall , however, continue if the subsequent
11 amendment is part of a comprehensive implementation of a new or
12 substantially revised zoning ordinance.

13 § 15.1-491.2:1. Same; off-site road improvements as a part of
14 rezoning or zoning map amendment; reimbursements to profferer by
15 subsequent developers.--A zoning ordinance may include and provide, as
16 a part of a rezoning or amendment to the zoning map, for the voluntary
17 proffering by the subdivider or developer in writing, pursuant to §
18 15.1-491.2, of payments for or construction of reasonable and
19 necessary road improvements located outside the property limits of the
20 land owned or controlled by him but necessitated or required, at least
21 in part, by the construction or improvement of his subdivision or
22 development.

23 If such proffer is made and accepted, the governing body, by
24 ordinance duly adopted after public hearing, may designate for the
25 property a common traffic impact area, such area having related
26 traffic and road needs with the property owned or controlled by the
27 proffering subdivider or developer. In addition to all other notice
28 requirements for a public hearing, when a proposed common traffic

1 impact area will include 500 or fewer parcels, written notice shall be
2 given at least five days before the hearing to the owner or owners,
3 their agent, or the occupant of each parcel. Notice sent by
4 registered or certified mail in the event twenty-five or fewer parcels
5 are included, or by first class mail otherwise, to the last known
6 address of such owner as shown on the current real estate tax
7 assessment books shall be deemed adequate compliance with this
8 requirement.

9 If an impact area is designated, any subsequent subdivider or
10 developer of property located within the impact area shall be
11 required, prior to development of his property, to compensate the
12 initial developer for a proportionate share of his proffer. Such
13 share shall be based upon the ratio of the increased traffic flow
14 generated by the subsequent developer's subdivision or development to
15 the volume of traffic for which the initial developer's proffer was
16 estimated to provide.

17 The share assessed to the subsequent developer shall be deposited
18 by him with the local government prior to or at the time of issuance
19 of the first building permit for the developer's project. The local
20 government forthwith shall transfer such payment to the initial
21 profferer.

22 Alternatively, the owner of any parcel located within the impact
23 area may, at the time of the initial proffer, contribute his
24 proportionate share of the off-site road improvements. Such share
25 shall be based on the ratio of the traffic flow estimated to be
26 generated by his parcel when subdivided or developed to the volume of
27 traffic for which the initial proffer was estimated to provide. Upon
28 acceptance of such contribution, the owner of said parcel shall bear

1 no further obligation to the profferer under the requirements of this
2 section.

3 The requirement that a subsequent developer compensate the
4 initial profferer for a proportionate share of the initial proffer
5 shall not prevent such developer from voluntarily proffering payments
6 for any additional reasonable and necessary road improvements which
7 his development may necessitate or require, at least in part, above
8 and beyond those improvements included in the proffer of the initial
9 developer.

10 A common traffic impact area encompassing contiguous territory of
11 two or more political subdivisions may be established by means of
12 separate ordinances adopted by each subdivision designating that part
13 of the territory located within its jurisdiction as a part of such
14 common traffic impact area.

15 #

APPENDIX B

PRIVATE CONSTRUCTION OF TOLL FACILITIES

APPENDIX B-1
CONCEPT LEGISLATION

DRAFT -- 8/3/87

(REVISED -- 11/17/87)

(REVISED -- 11/25/87)

(REVISED -- 11/30/87)

VIRGINIA HIGHWAY CORPORATION ACT OF 1988

§ 56-49. . . .

~~But no corporation shall hereafter have any power to operate turnpikes or toll roads. -- That power is reserved to be granted from time to time to political subdivisions of the Commonwealth or otherwise as the General Assembly shall determine.~~

Chapter 20

Virginia Highway Corporation Act of 1988

§ 56-535. Title. -- This Chapter may be cited as the "Virginia Highway Corporation Act of 1988."

§ 56-536. Definitions. -- Whenever used in this Chapter, the following terms, words and phrases shall have the meaning and shall include what is specified in this section, unless the contrary plainly appears, that is to say:

"Certificate" shall mean the Certificate of Authority awarded pursuant to this Chapter which allows operation of a roadway.

"Commission" shall mean the State Corporation Commission.

"Department" shall mean the Virginia Department of Transportation.

"Highway" shall mean the entire width between the boundary lines of every way or place of whatever nature open to the use of the public under the provisions of this Chapter for purposes of vehicular travel in this Commonwealth.

"Operation" shall mean all functions and pursuits of the operator of any roadway under this Chapter which are directly or indirectly related to acquisition, approval, construction, maintenance, patrolling, toll collections, or connections of the roadway or highway with any other highway in the state highway system as that term is defined in § 46.1-1, or with any street, road or alley. This term shall also include, without limitation, management and administrative functions attendant to actual physical operation of the roadway and management of the affairs of the operator.

"Operator" shall mean the corporation which submits to the Commission an application for authority to construct, operate or enlarge a roadway, and which, after issuance of a Certificate of Authority, is responsible for operation of any roadway under the provisions of this Chapter.

"Person" shall include any natural person, corporation, partnership, joint venture, and any other business entity; however, person shall not include the state or any local government or agency thereof, or any municipal corporation or other corporate body with political powers granted by an act of the General Assembly.

"Roadway" shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved areas. "Roadway," as used in this Chapter, shall include only privately-owned or operated highways for use of which a toll or similar single-use charge is imposed.

§ 56-537. Policy. -- The General Assembly finds that there is a compelling public need for rapid construction of safe and efficient highways for the purpose of travel within the Commonwealth, and that it is in the public interest to encourage construction of additional safe, convenient, and economic highway facilities by private parties, provided that adequate safeguards are provided against default in the construction and operation obligations of the operators of roadways. Accordingly, the General Assembly enacts the following provisions for the public convenience, safety and welfare.

§ 56-538. Prerequisite for construction and operation. -- No person may construct, operate or enlarge any roadway, as defined in § 56-536, within the Commonwealth, without first having obtained a Certificate of Authority from the Commission authorizing such construction, operation or enlargement.

§ 56-539. Certificate of Authority. -- Any person may apply to the Commission for a Certificate of Authority to construct or operate a roadway, or to extend or enlarge a roadway for which a

Certificate has been issued under this Chapter. If the Commission determines in writing that the application is complete and that the applicant has complied with the provisions of this Chapter, it shall approve the application. Thereafter, the operator shall construct the roadway. Upon completion of construction and the opening of the roadway to the public, the roadway shall be kept at all times open for use by the public and made accessible to the public, upon payment of the toll established by the operator; provided that the roadway may be partially or completely closed, temporarily, to protect the public safety or for reasonable construction or maintenance procedures.

§ 56-540. Application. -- The Commission may charge a reasonable application fee to cover the costs of processing, reviewing, and approving or denying the application. The Application for a Certificate of Authority shall contain the following material and information:

a. The geographic area to be served by the roadway and a survey indicating the route of the roadway;

b. A list of the property owners through whose property the roadway or highway will pass or whose property will abut the roadway or highway;

c. The method by which the operator will secure all right-of-way required for the roadway, including a description of the nature of the interest in the lands to be acquired;

d. The comprehensive plan or plans for all counties, cities and towns through which the roadway will pass and an

analysis which shows that the roadway conforms to these comprehensive plans. To the extent that the roadway conforms to such plans, the fact that the operator is a public service corporation, as opposed to the Commonwealth, shall not affect the construction and operation of the roadway;

e. A certified copy of the resolution of the governing body of every county, city or town through which the roadway will pass, approving the proposed location of the roadway;

~~e.~~ f. The operator's plan for financing the proposed construction or enlargement of the roadway, including proposed tolls to be charged for use of the roadway, projected amounts to be collected from such tolls and anticipated traffic volumes;

~~f.~~ g. The operator's plan for operation of the proposed roadway or enlargement thereof;

~~g.~~ h. A list of all permits and approvals required for construction of the roadway from local, state or federal agencies and a schedule for securing such approvals;

~~h.~~ i. A description of any proposed interconnection of the roadway with the state highway system or secondary system of highways or the streets or roads of any county, city or town not within the state highway system, including a copy of the approval of the interconnection from the Department and that of any county, city or town for connection with a street or road not under state control;

~~i.~~ j. A list of public utility facilities to be crossed and plans for such crossings or relocation of such facilities;

~~j~~ k. A certificate of the operator that the roadway will be designed and constructed to meet Department standards, and that the operator will provide a design review and inspection agreement with the Department which shall provide that the Department shall authorize construction upon review and approval of the plans and specifications for the roadway and its interconnection with other roads, and that it shall inspect periodically the progress of the construction work to ensure its compliance with Department standards;

~~k~~ l. Completion and performance bonds in form and amount satisfactory to the Commission.

§ 56-541. Incorporation; eminent domain. -- The applicant shall be incorporated under the Virginia Stock Corporation Act as a public service corporation; however, eminent domain shall not be exercised by the operator for the purpose of acquiring any lands or estates or interests therein, nor any other property used by the operator for the construction or enlargement of a roadway pursuant to this Chapter.

§ 56-542. Powers of the Commission. -- The Commission shall have the power, and be charged with the duties of reviewing and approving or denying the application, of supervising and controlling the operator in the performance of its duties under this Chapter and Title, and of correcting any abuse in the performance of the operator's public duties. The Commission also shall have the duty and authority to approve or revise the toll rates charged by the operator. Initial rates shall be approved

if they appear reasonable to the user in relation to the benefit obtained, and not likely to materially discourage use of the roadway. Thereafter, the Commission, upon application, complaint or its own initiative, and after investigation, may order substituted for any toll being charged by the operator, a toll which is set at a level which is reasonable to the user in relation to the benefit obtained and which will not materially and permanently discourage use of the roadway by the public.

§ 56-543. Powers and duties of roadway operator. -- The operator shall have the authority to operate the roadway and charge tolls for the use thereof, and may pledge any revenue net of operational expenses realized from tolls charged for the use of the roadway in order to secure repayment of any obligations incurred for the construction, enlargement or operation of such roadway. Subject to applicable permit requirements, the operator shall have the authority to cross any canal or navigable water-course so long as the crossing does not unreasonably interfere with navigation and use of the waterway. In operating the roadway, the operator may: (1) classify traffic according to reasonable categories for assessment of tolls; and (2) with the consent of the Department, make and enforce reasonable rules and regulations, including rules which set maximum and minimum speeds (which shall conform to Department and State practices); which exclude undesirable vehicles or cargoes or materials from the use of the roadway; or which establish commuter lanes for use during all or any part of a day and limit the use of such lanes to

certain traffic. The foregoing enumeration of powers shall not limit the power of the operator to do anything it deems necessary and appropriate in the operation of the roadway, provided that the practice is reasonable and nondiscriminatory. In addition, the operator shall have the following duties:

a. It shall file and maintain at all times with the Commission an accurate schedule of rates charged to the public for use of all or any portion of the roadway and it shall also file and maintain a statement that such rates will apply uniformly to all users within any such reasonable classification as the operator may elect to implement. These rates shall be neither applied nor collected in a discriminatory fashion, except that the operator may exempt some or all state or local government traffic from the payment of tolls.

b. It shall construct and maintain the roadway for anticipated use according to appropriate standards of the Department for public highways operated and maintained by the Department, and enlarge or expand the road when unsatisfied demand for use of the roadway makes it economically feasible to do so. The operator shall agree with the Department for inspection of construction work by the Department at appropriate times during any construction or enlargement. In addition, it shall cooperate fully with the Department in establishing any interconnection with the roadway that the Department may wish to make.

c. It shall contract with the Commonwealth for enforcement of the traffic and public safety laws by state authorities, and may similarly contract with appropriate local authorities for those portions of the roadway within the local jurisdiction.

§ 56-544. Department approval; inspection agreement. -- The applicant for a certificate of authority to construct or enlarge a roadway pursuant to this Chapter shall secure the approval of the Department to connect the roadway with the state highway system or the secondary system of state highways, or both, at proper and convenient places in order to provide for the convenience of the public. Connection approval shall not be withheld if it is in the public interest; ~~however connection approval shall be made only following the hearing process set forth in § 33-1-18 for location of highways.~~ If the roadway is to be built partially or completely along existing state highway right-of-way, the Department shall grant the applicant authority to use such right-of-way only after approval of this use of the right-of-way by the General Assembly.

Following approval of the connections with state highways and if necessary, approval of use of right-of-way, the applicant and the Department shall enter into an agreement for inspection and approval of the engineering and design of the roadway and its connections with any other road. This agreement shall provide that construction may not begin until after approval of the plans and specifications, which shall not be withheld if they conform

to state practices. The approval and construction process may be undertaken in phases. The agreement shall also provide for inspection of the roadway and evaluation of construction and maintenance practices at reasonable intervals during construction of the roadway and thereafter, and it may provide for such arrangements respecting maintenance of interconnecting facilities as are reasonable, appropriate and in the public interest. Subject to the provisions of this Act, the Department or any other state agency may elect to treat the roadway as if it is a part of the state highway system.

§ 56-545. Insurance; limitation of liability; sovereign immunity. -- Any operator who constructs, operates or enlarges a roadway pursuant to this Chapter shall secure and maintain a policy or policies of public liability insurance in form and amount satisfactory to the Commission and sufficient to insure coverage of tort liability to the public and employees, and to enable the continued operation of the roadway. Proofs of coverage and copies of policies shall be filed with the Commission. The operator, its agents and employees shall have no liability to the public or employees for judgments or costs in excess of the coverage amount for other than gross negligence or willful and wanton misconduct. Nothing in this Chapter shall be construed as or deemed a waiver of the sovereign immunity of the Commonwealth with respect to its participation or approval of all or any part of the roadway application or operation, including

but not limited to interconnection of the roadway with the state highway system.

§ 56-546. Local approvals. -- Prior to the issuance of a certificate of authority by the Commission, the applicant shall provide the local governing body with the application information and materials required by § 56-540(a), (b), (c) and (d), as well as a description of the interconnections with other roads which are proposed by the operator and an overall description of the project and its benefits. The governing body shall conduct a public hearing, after reasonable notice to the public, concerning the proposed location of the roadway, and if it approves of the proposed location, shall adopt a resolution indicating approval, which shall be transmitted to the applicant.

Where the operator wishes to occupy lands owned by any city or town, including the streets or alleys of a city or town, it shall first obtain a franchise allowing such occupancy. Where the applicant wishes to interconnect with the streets of any city or town, or the road system of any county, it shall submit appropriate plans for the connection to the governing body, which shall approve the connection if it determines that the connection meets all appropriate engineering requirements. The operator and the county, city or town may also agree on any supplemental or related matters according to such terms and conditions as are reasonable, appropriate and in the public interest, and any such county, city or town is hereby enabled to enter into such an agreement.

§ 56-547. Utility crossings. -- The applicant shall include in the application a list of public utility facilities and rights-of-way to be crossed or otherwise affected in the construction of the roadway, and a plan and schedule for such crossings. The operator and each public utility whose works are to be crossed or affected shall each have the duty to cooperate fully with the other in planning and arranging of the manner of the crossing or relocation of the facilities. Any public service corporation possessing the power of eminent domain is hereby expressly granted such powers in connection with the moving or relocation of facilities to be crossed by the roadway or which must be relocated to the extent that such moving or relocation is made necessary by construction of the roadway, which shall be construed to include construction of temporary facilities for the purpose of providing service during the period of construction. Should the applicant or operator and the public utility whose facilities are to be crossed or relocated not be able to agree upon a plan for such crossing or any necessary relocation, either party may request the Commission to inquire into the need for the crossing or relocation and to decide whether such crossing or relocation should be compelled, and if so, the manner in which such crossing or relocation is to be accomplished and any damages due either party arising out of the crossing or relocation. The Commission may in its discretion employ expert engineers who shall examine the location and plans for such crossing or relocation, hear any objections and consider modifications, and

make a recommendation to the Commission. In such a case, the cost of the experts is to be borne equally by the applicant and the public utility, unless the Commission determines that it would be unjust, in which case the cost shall be borne as the Commission decides. Railroads shall be included within the scope of the term "public utility" for purposes of this section.

§ 56-548. Highway and roadway crossings. -- No crossing of a railway, highway, street, road or alley shall be at grade, but shall pass above or below the railway, highway, street, road, or alley.

§ 56-549. Default. -- In the event of material and continuing default in the performance of the operator's construction or operation duties, or in the event that construction has not begun within two (2) years of the issuance of a certificate, the Commission, after a hearing in which the applicant or operator has notice and opportunity to participate, may revoke the certificate of authority for the roadway, declare a default in the construction or operation of the roadway, and make or cause to be made the appropriate claim or claims under any completion or performance bonds, or take such lesser action as it may deem appropriate, under the circumstances. The Department may participate in or initiate such proceedings. In case of revocation of a certificate, the applicant or operator shall thereafter be without any authority to construct or operate the roadway, and the Department shall take over construction and operation of the roadway, and may proceed thereafter to take any steps which are

in the public interest, including completion of construction or additions to the roadway, closing the roadway, or any intermediate step. The Department shall receive the full proceeds of any payments due to claims against bonding companies or sureties for this purpose. In addition, in such event, the operator shall grant to the Department all of its right, title and interest in the assets of the public service corporation or the Department shall institute proceedings to condemn all such assets. In either case, the operator may obtain compensation from the Department for such assets, except that the Department shall first deduct from the value of such assets all of its costs incurred in connection with completion or fulfillment of the unperformed obligations of the operator, and any other costs associated with the events contemplated in this section. The Department shall take into account monies received from the proceeds of any payment or completion bond in calculating the amount due the operator.

§ 56-550. Police powers; violations of law. -- The roadways and highways constructed or operated under this Chapter may be policed in whole or in part by officers of the Department of State Police even though all or some portion of any such projects lie within the corporate limits of a municipality or other political subdivision, and just as if the roadway and highway were a part of the state highway system. The operator and the Department of State Police shall agree upon reasonable terms and conditions pursuant to which the activities contemplated in this

section may take place. Such officers shall be under the exclusive control and direction of the Superintendent of State Police and shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth, within the limits of any highway and roadway. All other police officers of the Commonwealth and of each county, city, town or other political subdivision of the Commonwealth through which any roadway, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such roadway and highway as they have beyond such limits and shall have access to the highway and roadway at any time for the purpose of exercising such powers and jurisdiction. This authority does not extend to the private offices, buildings, garages and other improvements of the operator to any greater degree than the police power extends to any other private buildings and improvements.

The traffic and motor vehicle laws of the Commonwealth shall apply to persons and motor vehicles on the roadway or highway, as shall Chapter 6 of Title 33.1, and the powers of arrest of police officers shall be the same as those applying to conduct on the state highway system. Punishment for offenses shall be as prescribed by law for conduct occurring on the state highway system.

§ 56-551. -- Termination of certificate; dedication of assets. Within ninety (90) days of the completion and closing of

the original permanent financing, the operator shall provide full details of the financing, including the terms of all bonds, to the Commission; and shall certify the date on which all debt will be retired. The Commission may require that the operator provide copies of any relevant documents, and shall review the financing and determine the date on which all bonds or other debt constituting the original permanent financing will be retired. After establishing this date, the Commission shall enter an order terminating the operator's authority pursuant to the certificate of authority on a date which shall be ten years from the date on which all of the original permanent financing will be completely retired. At the request of the operator or the Department, or on its own initiative, the Commission may revise its order to extend the date for termination of the certificate of authority in order to take into account any refinancing of the original permanent financing, where the refinancing or extension is in the public interest, or any refinancing for the purpose of expansion. Upon the termination of the certificate of authority, the authority and duties of the operator under this Chapter shall cease, and the highway assets and improvements of the operator shall be dedicated to the Commonwealth for highway purposes.

APPENDIX B-2

LETTER FROM COMMISSIONER RAY D. PETHTEL
VIRGINIA DEPARTMENT OF TRANSPORTATION



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219

RAY D. PETHTEL
COMMISSIONER

December 2, 1987

Virginia Highway
Corporation Act

The Honorable A. L. Philpott
Chairman of Privatization Subcommittee
Commission on Transportation in the
Twenty-first Century
P. O. Box 864
Bassett, Virginia 24055

Dear Mr. Speaker:

This letter has been prepared in response to your request of November 23, 1987, at the meeting of the Privatization Subcommittee for this Department's reaction to the proposed Virginia Highway Corporation Act of 1988, revision dated November 17, 1987, a second revision dated November 25, 1987, and a third revision of the proposal dated November 30, 1987.

The issues enumerated by Mr. Thomas in the meeting were as follows:

1. Should the mechanism established by the draft legislation be available to the State and local governments to meet future transportation needs of the Commonwealth?

2. Is the State Corporation Commission the appropriate agency of State government to approve and regulate the operator, and what relationship should be established with VDOT and the Commonwealth Transportation Board?

3. Are the regulatory provisions of the proposed statute sufficient to protect the public, local government, and State interests?

4. What are the specific advantages of the private sector undertaking the construction and operation of the Dulles Toll Road Extension as compared to the project being constructed by the State with bond proceeds?

The Honorable A. L. Philpott
Page 2
December 2, 1987

This response also incorporates information derived from further discussions with Messrs. Thomas, Miller, Ross and Pearson relative to the private sector's assumptions in making the proposal.

It is essential if we are to meet the transportation challenges that we explore every opportunity to speed-up the delivery of improvements and services. Certainly this creative proposal merits serious consideration, and we have, at your instruction, carefully reviewed the proposed legislation and offer the following in the spirit of improving the proposal so that it will assure as positive a response as possible to the questions posed above.

PUBLIC/PRIVATE COMPARISONS

Messrs. Miller and Thomas indicated that the private sector could have the project open to traffic by the end of 1990; that right of way could be secured at no cost to the project and without condemnation; that any short-term revenue shortfall to support the debt could be provided from private sources; and that fundamentally the State would be relieved of the risks and costs were the private sector to undertake the construction of the facility.

It was acknowledged that the consultant would utilize the environmental studies currently under development by the Department as the basis for any permits required from the Corps of Engineers, the Fish and Wildlife Service, the Metropolitan Washington Airport Authority, and any other State or federal agency having jurisdiction. This permits the process of construction by the private operator to start at the same point we would be in the development process -- a savings of approximately eighteen months for the developer. We now anticipate that the final environmental document will be completed in the summer of 1988.

It was my understanding that the private sector felt that the landowners involved would be receptive to donating the right of way to either the public or private sector if, in fact, the project could be delivered in a timely fashion. Thus, right of way acquisition is not a significant consideration unless condemnation is required for any portion of this project or some future project.

The Honorable A. L. Philpott
Page 3
December 2, 1987

The Department has indicated that the final design would be completed and approved by the fall of 1989. We originally anticipated that it would take about two years to purchase and condemn the right of way, with the advertisement of the project scheduled for the fall of 1991. If right of way is available for donation to VDOT, there would be no time savings or delays involved by either public or public parties. But if the private sector could actually construct the road by 1990 using a "design build" approach, it would represent an acceleration of approximately 6 to 12 months ahead of our current schedule. So construction time would probably be reduced and compressed by the "design build" concept.

In order to undertake the "design build" approach, the private operator would enter into a construction contract by negotiation rather than by competitive bid. Our experience, and that of other states we are familiar with, shows that form of contracting to be more expensive; thus the trade off to time in this case is likely to be some increased costs.

Our analysis of the timetable produced by the consultant indicates at least two areas where the time frames may need further review.

First, since the final EIS will not be available until mid summer of 1988, some time should be added to the schedule to obtain permits and to obtain Loudoun County's approval as required in the amended version of the bill. This will likely extend the timetable one to three months.

Second, the Commonwealth Transportation Board and the Department would want to hold a public hearing on the changes in use of existing highways and/or interconnections on this and subsequent projects. The hearing would have to be held after sufficient design was completed to assess the impact on adjacent property owners and the users of the existing roads. This would also add approximately two or three months, depending on the complexity of the connection and nature of changed use of existing roads.

With regard to the question of timeliness then, it appears that the private sector can build the facility several months faster than the public sector, with the primary trade-off being higher costs using the "design build" concept.

The Honorable A. L. Philpott
Page 4
December 2, 1987

The financial analysis for the issuance of debt cannot be undertaken by the Department until such time as detailed project cost estimates are available. Sufficiently detailed costs should be available by the fall of 1988, with the necessary analysis taking about three months. We are not able to respond to the ability of the private sector to cover short-term revenue shortfall without the benefit of this analysis. We are optimistic, based on the experience of the Dulles Toll lanes and the prospect that right of way could be donated for the project, that the financial feasibility of the project would be favorable for both public and private sectors.

Mr. Miller indicated that the private debt would carry an interest rate of about one percent higher than public debt. While this is a cost which the private sector would have to assume, it would in the final analysis result in tolls being left on the facility for a longer period of time and/or a higher toll structure to carry the increased debt service compared to public debt.

The latest revision we have seen provides that tolls would be collected for a period of 10 years beyond the retirement of the debt in order that the operator could recover his costs. Without the benefit of a detailed financial analysis, it is not possible to quantify the costs to the user; however, it would appear more prudent if this time frame were established subsequent to the construction of the facility based on a reasonable return on investment for the private operator.

REGULATORY PROVISIONS OF THE PROPOSED LEGISLATION

The proposed legislation envisions no process where the interest of the private sector at large would be solicited to propose on a particular transportation initiative. To the contrary, the revised legislation requires that the State Corporation Commission approve the application if it is complete and consistent with the provisions of the statute. The latitude for the State Corporation Commission to modify the submission has been removed from the proposed legislation. The salient issue, however, is that the proposed application procedure would not result in any competition to determine if there are alternative proposals for the facility -- except the competition that might exist between the private and public sectors.

The Honorable A. L. Philpott
Page 5
December 2, 1987

An amendment is proposed to require local government approval which may result in a hearing process at the local level; however, the legislation provides no remedy in the event that there are local objections. The current public hearing process requires the disclosure of all alternative locations being considered and affords landowners, the public in general, and local governments the opportunity to participate relative to the impacts on specific interests. The revised legislation also eliminates the requirement that the Department hold a public hearing prior to approving any connection to a road on the State system; although the Department would likely opt for a hearing.

The legislation does not contain specific provision whereby the Department would recover any costs incurred in connection with the preparation of environmental documents, review of the design, inspection, or review of proposals for connections to the State system. The SCC is empowered to charge a reasonable application fee by the revised legislation. We believe it would be in the public interest to include a specific requirement that costs incurred by VDOT that aid and assist in the planning or construction of a project be reimbursed.

The revised legislation does afford the State Corporation Commission the authority to make a finding of reasonableness of the toll structure proposed by the operator. The proposed legislation has also been amended for the reversion of the roadway to public ownership at least 10 years after the payment of all debt. It would appear that the legislation should also provide for a continuing financial audit and maintenance review to ensure that the public interest is served.

The insurance and tort liability issues in Section 56-545 should be reviewed by the Attorney General's office.

I remain concerned with the default procedures established by the proposed legislation. Surely there must be a simpler process for determining the value of assets rather than condemnation.

REGULATORY AGENCY

The proposed legislation clearly substitutes the State Corporation Commission for the Commonwealth Transportation Board in the planning, financing, construction, and operation

The Honorable A. L. Philpott
Page 6
December 2, 1987

of a major facility in the Commonwealth's transportation system. Such appears contrary to the legislation enacted in the 1986 Special Session which brought about a greater consolidation of transportation responsibilities.

We believe the legislation would be much more palatable if the certificate were granted by the the State Corporation Commission upon a favorable resolution by the Commonwealth Transportation Board addressing project need, financial feasibility, consistency with the statewide and regional planning process, and adequacy of design. Further, the public interest might also be served in future projects of this kind if a provision were included to the effect that such a project could also be built privately and then turned over to the Department for operation, control, and maintenance upon completion, after payment of a suitable rate of return on investment.

The very courageous action by the General Assembly during the Special Session and the recent innovative legislation enacted during the 1987 Regular Session provide the State and local governments with capabilities and resources to address many of our transportation needs. A number of the proposals being considered by the Commission during Phase 2, if approved by the Assembly, will further enhance our abilities to cope with the future transportation challenges.

This proposal could provide us with another feasible and innovative option. This agency stands ready to cooperate to the fullest extent possible.

Sincerely,



Ray D. Pethtel
Commissioner

APPENDIX B-3

LETTER WITH ATTACHMENTS FROM
COUNTY OF LOUDOUN



PHILIP A. BOLEN
County Administrator

TELEPHONE: 777-0200

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN
OFFICE OF COUNTY ADMINISTRATOR
18 NORTH KING STREET
LEESBURG, VIRGINIA 22078

FLORENTINE A. MILLER
Asst. County Administrator
JAMES R. KEENE, JR.
Asst. County Administrator

December 1, 1987

The Honorable A.L. Philpott
Speaker of the House of Delegates
P.O. Drawer C
Bassett, VA 24055

Re: COT 21 Subcommittee on Private Toll
Roads - Virginia Highway
Corporation Act of 1988
Our File #88-05-004

Dear Mr. Speaker:

On Monday evening, November 30, 1987, the Policy Legislative Committee of the Board of Supervisors of Loudoun County, Virginia, at the direction of the full Board, discussed the proposed Virginia Highway Corporation Act of 1988. The Board Committee is supportive of the concept espoused by the proposed enabling legislation insofar as it may be another option or means to provide the citizens of Loudoun County with an improved road network. This support is based upon the assumption that the final form of the legislation will ensure that the public interest will be served to at least an equivalent degree by the construction of the toll road extension by a private entity rather than the Department of Transportation. The Board Committee wishes to continue working with the drafters of the proposed legislation on the specific language. The revisions to date (through November 30, 1987) address, at least in part, many of the concerns raised by Loudoun County as well as the Department of Transportation. However, further work is needed. The full Board will take this matter up at its meeting on December 7, 1987.

Two documents have been attached for your consideration. The first is a listing of questions and concerns which need to be answered before the actual decision is made by the State to allow a private toll road operator to build and maintain a private toll road. This list was developed in lieu of a listing of "pros and cons". Without answers to these questions, it is difficult to develop "pros and cons" beyond statements already presented to as well as made by the Subcommittee. Obviously, these questions and concerns address immediate issues in Loudoun County but they also would be generally applicable to other jurisdictions. The second is a November 25, 1987 memorandum to the Board of Supervisors which was prepared for and which highlights the issues discussed by the Board Subcommittee on November 30, 1987. It also includes a summary of the November 23, 1987 meeting of COT 21 Subcommittee on Private Toll Roads.

December 1, 1987
A.L. Philpott
Page 2

In conclusion, Loudoun County wishes to inform COT 21 that it is willing to consider this approach to providing for important transportation needs. On the other hand, it is important to note that Loudoun County support is not to be considered a criticism of the Department of Transportation's current efforts to extend the Dulles Access Toll Road as a public road. Indeed, the Board hopes that the competitive spirit between the Department and the private sector will give Loudoun County the ability to be one of the decision-makers in choosing the best of two excellent proposals to provide relief to the immediate transportation needs of the travelling public.

Sincerely yours,



Philip A. Bolen
County Administrator

PAB/sm

Attachments

- cc: Members of the COT 21 Subcommittee
Board of Supervisors of Loudoun County, Virginia
Vivian E. Watts, Secretary of Transportation & Public Safety
Stuart W. Connock, Secretary of Finance
Thomas P. Harwood, Chairman of the State Corporation Commission
Ray D. Pethel, Commissioner of Transportation.
William G. Thomas, Esq.
Jeffrey H. Minor, Town Manager, Town of Leesburg

VIRGINIA HIGHWAY CORPORATION ACT OF 1988

QUESTIONS AND CONCERNS

VIABILITY.

- *Can it be done quicker?
- *Can it be done cheaper?
- *Can it be done without eminent domain?
- *Will all necessary parties agree to the private proposal?

-VDOT, Metropolitan Washington Airports Authority, Loudoun County, and Town of Leesburg. (The Town is apparently on record in opposition to a private proposal.)

LEGAL QUESTIONS.

*If the use of eminent domain is necessary to acquire right-of-way, would that use by a public entity, i.e., the Department, the County or the Town, be challenged as an illegal use of the public power in aid of a private profit-making enterprise?

*What is the authority of the private operator to use right-of-way owned by the State, by the County, by the Town, or by the Metropolitan Washington Airports Authority?

*In correspondence dated November 30, the drafter discusses the need for companion legislation which would address the use of existing State right-of-way and also the question of service road construction.

-It is expected that this legislation will be submitted for the 1988 General Assembly session but it has not yet been drafted. It is an integral part of this regulatory scheme.

*The provision regarding limitation of liability deals with protection of the sovereign immunity of the Commonwealth, it should also include a reference to the County and an appropriate reference to immunity for the Town from liability.

LOCAL CONCERNS.

*Is the scope of local approval efficiently broad?

-The latest draft (11/30/87) specifically allows for approval by the local governing body of the "proposed location". (Section 56-546).

-2-

-When read as a whole, the legislation gives no review authority regarding specific alignment, the construction timetable, the actual plan of operation, the financial viability of the project, the overall permitting process. Such information is important to the Board in making a determination of whether to support a specific proposal over another private proposal or over a proposal by the Department of Transportation.

*The proposed legislation does not appear to give the local governing body any ability to condition or modify the private proposal.

*Will adoption of the legislation slow down Department of Transportation work on the extension of the Toll Road?

GENERAL CONCERNS.

*The latest draft provides for reversion of the private corporation's assets to the public.

-This may help with regard to legal authority to use eminent domain. However, Loudoun County staff is not aware of any specific justification for the latest proposal.

*The latest draft provides for further control by both the SCC and VDOT with regard to such matters as tolls and design and construction standards.

-There is a question as to whether or not the SCC powers are sufficiently broad to allow the SCC to modify the proposal in the best interests of the public.

-The design, construction, and maintenance standards now appear to be the same as would be required of the Department of Transportation.

*There is no specific allocation of responsibility regarding construction and funding of necessary frontage and service roads.

COUNTY OF LOUDOUN

MEMORANDUM

Date: November 25, 1987
To: Members, Board of Supervisors
From: Edward J. Finnegan, County Attorney
Subject: COT - 21: Virginia Highway Corporation Act of 1988 (Private Toll Road in Loudoun County)
Our File #88-05-004

BACKGROUND

On Monday, November 30, 1987, at 7:30 p.m., the Policy Legislative Committee of the Board of Supervisors will consider proposed legislation known as "The Virginia Highway Corporation Act of 1988". This legislation would allow a private corporation to apply to the State Corporation Commission for a certificate of authority to build, own, and operate a toll road. The legislation is currently under review by the Commission on Transportation.*

At the close of the November 23 COT 21 Subcommittee meeting at which this legislation was discussed, the Speaker of the House requested the Loudoun County staff to provide further analysis of the legislation and to inform the Subcommittee of the Loudoun County position on this matter. Since the last meeting of the Subcommittee will be December 7, it was requested that this information be provided not later than December 1, 1987.

COT - 21 SUBCOMMITTEE MEETING

At the Subcommittee meeting, Mr. William G. Thomas, the drafter of the legislation and the representative for the partnership Municipal Development Corporation (MDC) and Parsons, Brinckerhoff, Quade, and Douglas, Inc. (PBQ&D), which is interested in extending the Dulles Toll Road, advocated the legislation from the perspective of whether or not the Commonwealth should have this option (private sector ability to build, operate, and maintain roads open for the public) available as one of the ways to provide the citizens of the

*/The latest draft of the proposed legislation, Attachment A, is dated August 3, 1987, revised November 17, 1987. Previously, this office provided to the Chairman of the Legal Advisory Committee to the Commission on Transportation an analysis of the August 3rd draft. That analysis is found in Attachment B. The Virginia Department of Transportation analysis of the proposed legislation is dated November 9, 1987 and is found in Attachment C. The Secretary of Finance analysis regarding the tax implications of the prior draft is dated September 29, 1987 and is found in Attachment D.

THIS MEMORANDUM DOES NOT CONTAIN THE ATTACHMENTS THAT WERE SENT ON NOVEMBER 25.

-2-

Commonwealth with an improved road network. Mr. Thomas identified a series of issues which were discussed with the members of the Committee. Mr. Thomas indicated the major advantage to private construction was expedited construction. Mr. Ross of PBQ&D and Mr. Miller of MDC also made short presentations and responded to questions raised by the Committee. Mr. Petral of VDOT raised a number of concerns regarding the proposal. These concerns are more fully set forth in his memorandum (Attachment C).

In response to questions from the members of the Subcommittee, County staff indicated that Loudoun County would be interested in studying the proposal further. It was pointed out that the 1988 Board legislative packet supports legislation permitting the creation of road corporations which are nonprofit corporations which will design and build road improvements eventually to be sold back to the State and which are authorized by local governing bodies in which the road improvement is located. Staff addressed some of the issues raised by Mr. Thomas and identified other issues which were contained in the memorandum which had been delivered to the Committee by letter of October 30, 1987 (Attachment 2). At the end of this memorandum there is a summary of the Subcommittee discussion.

At the conclusion of the hearing, the Speaker of the House asked, "What is the Loudoun County position?" He also asked for a discussion paper on the pros and cons related to private toll roads. Mr. Thomas indicated that he would be in touch with Loudoun County and VDOT to develop a listing of pros and cons. Both Mr. Thomas and his clients and the Virginia Department of Transportation have been requested to attend the November 30 Board Policy Legislative Committee meeting.

ISSUE

Does the Board of Supervisors wish to support this proposed legislation?

- Is this a viable option for construction of the toll road extended?
- In considering this question, the Board may wish to consider whether or not the public need will be met by private ownership.
- Should the corporation be nonprofit?
- The Board should consider what additional changes they would seek in the legislation. For example:

1. Local Board of Supervisors/Town Council approval of the project regarding
 - a) alignment;
 - b) design;
 - c) tolls;
 - d) construction timetable; and
 - e) interchange location.

-3-

2. Reversion of the road and associated improvements to the public sector at a time certain.
3. Use of toll road revenues to pay for service and frontage roads and other roads in the corridor.

Other forms of public-private partnerships might also be considered. For example, turnkey construction of the road with delivery to the State upon completion of the road.

EJF/sm

-4-

SUMMARY OF COT 21 SUBCOMMITTEE DISCUSSION

November 23, 1987

Toll Control.

Initially the legislation had no public toll control. The latest proposal does allow for initial toll control (i.e., review of rates) to be exercised by the State Corporation Commission.

Local approval.

The legislation requires toll road operator to show the State Corporation Commission that the proposed road is in accordance with the Comprehensive Plan.

-It was pointed out to the Subcommittee that in Loudoun the Comprehensive Plan already calls for a public road in the general location.

-It was suggested that specific local approval would be necessary.

-The scope of that local approval was touched upon but not fully discussed. Some aspects of it would include: toll control, design approval, specific location approval, and interconnection approval.

Reversion of the road to the public.

There was discussion throughout the meeting as to the possibility of something being worked out regarding transfer of the road to the State. There was some discussion that where State or County right-of-way would have to be used there would be a reversion provision. One proposal for reversion to the State would be after the bonds on the road were retired. No specific plan was discussed. There was no discussion regarding transfer or reversion of right-of-way already owned by the County:

Specific location approval.

Mr. Thomas indicated the need for flexibility in location approval. Concerns were raised regarding Byrd-Tallamy failure to recommend an alignment proposal using land which had been acquired through the proffer rezoning process.

-Mr. Hodge of VDOT indicated that the proffered right-of-way would be taken into account after the consultant had first indicated the "best" alignments.

-There was discussion regarding interconnection approval and compatibility within existing and planned roads.

-5-

Financial Feasibility.

Questions from the Subcommittee were raised regarding the financial benefits of a private vis-a-vis public bond sale and the cost of right-of-way acquisition.

-It was questioned whether the landowners would be willing to give the land to the State.

-It was the general consensus that the landowners' primary concern was to ensure road construction and that they would not care who the land went to as long as the road was built.

-Loudoun staff indicated that the County was acquiring right-of-way through the proffer process. Construction of this extension, whether it be public or private, is dependent upon a public-private partnership in which affected landowners would donate right-of-way.

-Related to the financing issues were questions regarding who would pay for the costs of frontage roads or service roads. This issue was raised but not addressed.

The power of eminent domain.

It is the position of PBQ&D and MOC that eminent domain is not necessary; that the landowners will give the right-of-way.

-There was some skepticism raised on the part of VDOT that members of the Subcommittee and the County staff as to this point.

-The Speaker of the House indicated that no private company, during his tenure, would receive the State's power of eminent domain.

-Loudoun staff has requested a map showing the proposed path of the private road..

Speed of Construction.

VDOT expressed surprise regarding the suggested timeline which the private operator believes can be met.

-There was a discussion that the private sector is willing to take risks which the public sector might not take.

-It was pointed out that a private operator is not constrained by the Public Procurement Act.

-The private operators stated that there would be no short cutting of any permit process. Rather, the time savings would occur by use of "design-build" construction techniques.

APPENDIX B-4

**LETTER WITH ATTACHMENTS FROM
TOWN OF LEESBURG**

*The
Town
Leesburg in Virginia,*

TO MAYOR AND COUNCIL

December 3, 1987

RE PROPOSED VIRGINIA HIGHWAY CORPORATION
ACT OF 1988/RECOMMENDED COUNCIL POSITION

Introduction

In February, 1987, the Virginia Department of Transportation (VDOT) initiated a study for a four-lane limited access highway extending the Dulles Toll Road to the Leesburg area. Byrd, Tallamy, McDonald & Lewis (BTML) were retained to establish the alignment and to prepare supporting environmental documents for the project. Both the town and Loudoun County have been active participants in the alignment study and the preliminary alignment and conceptual interchange locations fully developed by BTML conform fully with the Town Council's goals for this road.

The current schedule published in Newsletter No. 2 from BTML conforms with the Governor's goal to advertise and construct the facility in the Fall of 1991. Financing for this project can be secured through Section 9(c) Revenue Bonds under Article 10 of the Virginia Constitution, once the project is approved by the VDOT Board.

Private Toll Road Proposal

At the same time VDOT has been pursuing its study of the toll road extension, a partnership consisting of the Municipal Development Corporation and Parsons, Brinckerhoff, Quade & Douglas, Inc. has advocated the design, construction and operation of the toll road extension through private means. The law firm of Hazel, Thomas, Fiske, Beckhorn & Hanes has acted as legal counsel, chief spokesman and legislative architect for this proposal.

The private road alternative's first hurdle is General Assembly approval of the legislation authorizing private construction and operation of toll facilities. This legislation termed the "Virginia Highway Corporation Act of 1988" is under study by a sub-committee of the Commission on Transportation in the 21st Century (COT 21, hereafter). This sub-committee is scheduled to make a recommendation to the full COT 21 Commission on December 7.

On November 12, 1986, Leesburg's Town Council went on record expressing "grave concerns" about the private toll road option (Council Resolution No. 86-246) as part of its official comments to VDOT concerning the department's six-year transportation improvements program. The joint town and county resolution supporting a Leesburg terminus failed to mention the private road alternative. This, and the Council's consistent preference for public construction and ownership of the road resulted in a town staff focus on the preliminary design work of VDOT and BTML. Leesburg's involvement in policy development for the private toll road alternative has, therefore, been limited.

Loudoun County, however, has apparently been working closely with the COT 21 sub-committee in the review and analysis of the necessary legislation to permit private toll facilities within the Commonwealth. The legislation, as now proposed, has undergone several changes in response to VDOT, COT 21 and Loudoun County comments. The road alignment proposed by the private partnership has also changed from a Route 659/Route 7 connection to a direct connection with the Leesburg by-pass, though Leesburg has not been furnished a copy of the actual alignment.

The significant changes in the legislation are summarized in the November 30 letter from Steven Pearson to Ray Pethtel and are intended to

address local government approvals of the road, toll rate regulation and long-term control and profitability of the facility.

Issues

The following identifies and comments on some of the public policy issues associated with the proposed legislation.

1. Location approval--which entity best ensures an alignment and location that serves the public interest? Without the power of eminent domain, the partnership must rely on an alignment that depends solely on sympathetic property owners. Eminent domain gives VDOT the ability to consider an alignment based environmental considerations, cost savings, as well as engineering and planning principles which may not coincide with the route advocated by the development community or ownership interests.

2. Timing of project completion--is the Dulles Toll Road schedule proposed by the partnership realistic? The major justification for the private sector alternative is its claim that it can complete the extension sooner than VDOT. While design/build techniques may accelerate the construction phase of the project, the private sector will experience some disadvantages not faced by the state in other phases. These factors cast some doubt over the proposed schedule:

- Delays caused by possible competing applications before the SCC.
- A lengthy SCC certification process.
- Possible competing location approval applications with various units of government and the location approval process itself.
- Land acquisition difficulties.
- VDOT approvals of design.
- Possible design disagreements among the local governments, VDOT, partnership and land owners.

Extensive federal and environmental approvals for the Goose Creek Crossing.

Possible property dedications tied to future land use decisions.

3. SCC control of rates and operations--Is the SCC toll regulation and certification process sufficient to protect the public interest?

Traditionally SCC hearings are lengthy, complex and often require consultants to effectively represent the public before rate hearings and other SCC deliberations. This further isolates the public and local governments from the decision-making process. Rate policies for privately operated toll facilities must naturally consider a return on investment. A public sector toll need only consider debt retirement and operating expenses which would potentially result in lower tolls. Finally, SCC Commissioners are not chosen for their transportation expertise.

4. Liability-- How will private operation of the road impact liability? The Commonwealth has virtual sovereign immunity. Some exposure will remain for the partnership with respect to future lawsuits arising out of the operation or design of the road. Any substantial judgments, whether insured or uninsured could impact tolls and the financial viability of the project.

5. Expandability of toll road-- Will private operation of the road enhance or harm future expansion possibilities? With private sector development, future plans for light rail or lane widening will primarily depend on economic feasibility. Under public ownership other conditions such as public safety and transportation efficiency will be the primary consideration, along with economic realities.

6. Dulles toll road terminus--How will certification process impact toll road terminus? There is no guarantee that the existing partnership,

or a competing entity with a successful certification from the SCC, might not choose an alternative alignment for the toll road that excludes access to Leesburg or the alignment now endorsed by the Town Council and supported by BTML. A single governmental entity, like VDOT, is important to the resolution of interjurisdictional disputes involving regional transportation improvements which would be authorized under the proposed act. The SCC's role as currently envisioned cannot provide this function.

7. Impact of proposed legislation on VDOT Toll Road progress--Will adoption of the 1988 Virginia Highway Corporation Act stall VDOT's current progress on the toll road? Competition from the private sector for critical public services has generally not been held to be in the public interest. Competition for public services, such as transportation, may therefore, be counterproductive. There will be only one toll road extension. It would be imprudent for either side to expend vast sums of money to compete with each other for a single facility. The danger exists that VDOT may postpone further expensive design development, pending the outcome of any certification process filed by private interests.

Conclusion

The progress of the BTML study to align and locate the proposed toll road extension has been gratifying. We expect the project to continue on schedule and meet the objectives of the Governor.

The principal advantage of the private alternative, speed of construction, is questionable given the requirement for VDOT review and the additional local and SCC approvals at the pre-construction stage. Further, if environmental regulation, public input and sound procurement policies are indeed unnecessary obstacles to road construction, the General Assembly ought to amend those statutes which legislate these requirements. These

safeguards are in place, we believe, because the public has traditionally demanded them. Even if a one- or two-year timesavings is realized, is that a sufficient benefit to justify a fundamental change in the way roads are designed, built, and operated in the Commonwealth?

We believe the concept of traditional road construction and operation by state and local governments is still the best way to implement transportation public policy. The Dulles Toll Road, under public ownership and operation has enjoyed a brief, though successful history in Northern Virginia. No overriding public benefits exist to alter the Commonwealth's reliance on VDOT for regional toll facilities. Private sector involvement, such as the proposed Route 28 taxing district, is an appropriate method for the public and private sectors to work together to implement critical transportation improvements. Only a loss of resources and commitment, on the part of the Commonwealth to build the toll road, would justify the intervention of the private sector to provide regional transportation in Virginia.


 Jeffrey H. Minor
 Town Manager


 Martha Mason-Semmes, AICP
 Director, Planning & Zoning


 Thomas Poupard, AICP
 Assistant Director of
 Planning & Zoning

*The
Town
of*
Leesburg in Virginia

PRESENTED December 4, 1987

RESOLUTION NO. 87-265

APPROVED December 4, 1987

A RESOLUTION: COMMENTING ON THE PROPOSED VIRGINIA HIGHWAY
CORPORATION ACT OF 1988

WHEREAS, in February, 1987, the Virginia Department of Transportation (VDOT) initiated a study for a four-lane limited access highway extending the Dulles Toll Road to Leesburg; and

WHEREAS, a private partnership consisting of the Municipal Development Corporation and Parsons, Brinckerhoff, Quade & Douglas, Inc., concurrently proposed private development of the Dulles Toll Road extension with a road alignment through the Route 659 corridor terminating at Route 7, east of the Leesburg corporate limits; and

WHEREAS, this Council by Resolution No. 86-246 expressed "grave concerns" about the private toll road option and its proposed terminus; and

WHEREAS, VDOT through its consultants Byrd, Tallamy, McDonald & Lewis has established an alignment that reflects a joint county/town resolution; and

WHEREAS, the subcommittee of the Commission on Transportation in the 21st Century (COT 21) is considering a bill which would authorize the construction of privately constructed and operated toll road facilities, entitled "Virginia Highway Corporation Act of 1988"; and

WHEREAS, the current version of the legislation does address some of the Council's earlier concerns; and

WHEREAS, the private partnership now advocates a Leesburg terminus, generally consistent with the preliminary VDOT alignment; and

RESOLUTION -COMMENTING ON THE PROPOSED VIRGINIA HIGHWAY CORPORATION ACT OF 1988

WHEREAS, a staff memorandum to the Council dated December 3, 1987, outlines a number of significant outstanding issues that will be difficult to resolve to the satisfaction of both public and private interests; and

WHEREAS, this Council desires to provide input to the COT 21 subcommittee:

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. This Council continues to support the on-going and successful efforts of VDOT and its consultants with respect to the alignment of the toll road extension and prefers a publicly owned and operated Dulles Toll Road facility.

SECTION II. This Council recognizes that the proposed Virginia Highway Corporation Act of 1988 and the toll road alignment now advocated by the private partnership represent a significant improvement over the original private proposal. If future events demonstrate that the Commonwealth no longer has a commitment to expedite development of the toll road extension to Leesburg and to the Governor's 1991 proposed construction start-up, then this Council would consider interest on the part of the private sector toward development of this toll road and other regional transportation facilities.

SECTION III. The manager is authorized and directed to transmit a copy of this resolution and the memorandum to the Council dated December 3, 1987, to the Honorable Gerald L. Baliles, Governor of the Commonwealth, the Honorable Vivian Watts, Secretary of Transportation, the Honorable Ray Pathtel, Commissioner of Transportation, the Honorable A. L. Philpott, Speaker of the House Delegates, and the members of the Commission on

RESOLUTION - COMMENTING ON THE PROPOSED VIRGINIA HIGHWAY CORPORATION ACT OF 1988
Transportation in the 21st Century Subcommittee, the Honorable Charles L.
Waddell, the Honorable Kenneth B. Rollins, the Honorable Robert Andrews,
the Honorable Betty Tatum and Philip A. Bolen.

PASSED this 4th day of December, 1987.


Robert E. Sevilla, Mayor
Town of Leesburg

ATTEST:


Dorothy B. Rosen
Clerk of Council

APPENDIX C

RIGHT-OF-WAY CONCEPT LEGISLATION

CONCEPT LEGISLATION TO IMPLEMENT
RECOMMENDATION 14 OF WORKING GROUP 2

The Code of Virginia is amended by adding a new Section 33.1-89.2 to read as follows:

33.1-89.2. Limitations of Land Use of Properties Designated for Acquisition for Highway Purposes. -- Whenever the Commonwealth Transportation Board includes in the then current Six-Year Improvement Program of the Commonwealth Transportation Board any project for the Interstate, Primary, Secondary and Urban Systems or a county board of supervisors includes any project in the Six-Year Improvement Program for Secondary Roads or a local government includes any highway project in its capital improvement plan and describes by metes and bounds or by centerline and typical cross-section based on Departmental standards for the class of intended road improvement, the location of lands to be acquired for such highway purposes, the locality, in consultation with VDOT as appropriate, shall give written notice to the owners of such lands and to any governmental entity having zoning or other land use jurisdiction over such lands that such lands are to be acquired for highway purposes. After such notice has been given and until such time as any such property is acquired for highway purposes or three years from the date of such notice, whichever first occurs, no change in zoning classification of such land shall be made and no new improvements shall be made upon such lands other than those that are necessary for the continued use of such lands by the owner for the same purpose for which it was being used at the time of receipt of such notice. After giving such notice, the government entity shall move expeditiously to acquire such property.

APPENDIX D

VDOT Presentations to Subcommittee

**VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON**

**LOCAL CONTRIBUTIONS FOR TRANSPORTATION
LOCAL APPROVAL/REVIEW**

**TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY**

**J. G. RIPLEY, DIRECTOR
PLANNING AND PROGRAMMING
OCTOBER 28, 1987**

SLIDE 1 -- INTRODUCTION

CHAIRMAN PHILPOTT, LADIES AND GENTLEMEN: I WILL DESCRIBE THE OPPORTUNITIES FOR LOCAL GOVERNMENT INPUT INTO THE HIGHWAY CONSTRUCTION PROCESS WITH CONTRIBUTIONS, APPROVALS AND REVIEWS.

VDOT WELCOMES INPUT FROM ALL SOURCES. ONE OF THE MOST VALUED IS LOCAL GOVERNMENT. WE DO WANT TO BE RESPONSIVE TO THIS INPUT AND TRY TO FIND WAYS TO INCORPORATE LOCAL SUGGESTIONS IN OUR PROJECT PLANNING AND DESIGN.

YOU WILL RECALL AT YOUR MEETING ON SEPTEMBER 23, 1987, MR. PETHTEL DISCUSSED TRANSPORTATION PLANNING AND SUBDIVISION REQUIREMENTS, BOTH OF WHICH REQUIRE LOCAL INPUT AND COOPERATION. I DO NOT PLAN TO REVISIT THOSE SUBJECTS EVEN THOUGH THEY ARE VERY IMPORTANT.

**LOCAL CONTRIBUTIONS
FOR
TRANSPORTATION
LOCAL APPROVAL/REVIEW**

SLIDE 2 -- HIGHWAY CONSTRUCTION, LOCAL INPUT

LOCAL INPUT INTO HIGHWAY CONSTRUCTION IS OBTAINED IN SEVERAL WAYS. WHILE WE ARE DEVELOPING RECOMMENDATIONS FOR OUR ANNUAL ALLOCATIONS, WE HOLD PUBLIC HEARINGS IN EACH OF OUR 9 CONSTRUCTION DISTRICTS. WHILE WE SPECIFICALLY SEEK INPUT FOR INTERSTATE, PRIMARY, AND URBAN PROJECTS, WE ALSO RECEIVE SUGGESTIONS FOR SECONDARY IMPROVEMENTS.

THE COMMONWEALTH TRANSPORTATION BOARD HOLDS TWO PUBLIC HEARINGS TO RECEIVE ADDITIONAL INPUT ON THE PRELIMINARY ALLOCATIONS BEFORE THEY ARE FINALLY ADOPTED.

WHEN WE PROPOSE TO CONSTRUCT A SPECIFIC PROJECT, ADDITIONAL INPUT IS ACHIEVED THROUGH THE PUBLIC HEARING PROCESS. HERE, INDIVIDUALS AS WELL AS LOCAL GOVERNMENTS ARE GIVEN AN OPPORTUNITY TO COMMENT UPON THE PROPOSED LOCATION AND/OR DESIGN.

VDOT DOES NOT BEGIN PRELIMINARY ENGINEERING ON URBAN PROJECTS UNTIL A RESOLUTION HAS BEEN PASSED BY THE MUNICIPALITY TO PROVIDE THE 5% LOCAL MATCHING FUNDS. THIS GIVES TOWN AND CITY GOVERNMENT CONSIDERABLE SAY, NOT ONLY IN PROJECT SELECTION BUT ALSO IN THE ORDER IN WHICH THEY WILL BE ADVERTISED. ALSO, COUNTY OR MUNICIPAL GOVERNMENTS HAVE INFLUENCED PROJECT ADVERTISEMENT DATES BY CONTRIBUTING FUNDS IN EXCESS OF ANY REQUIRED BY LAW FOR A SPECIFIC PROJECT.

IT IS NOT NECESSARY FOR A LOCAL GOVERNING BODY TO WAIT UNTIL ONE OF THE HEARING DATES TO INFORM US OF THEIR CONCERNS OR DESIRES. THROUGHOUT THE YEAR, FORMAL RESOLUTIONS ARE TRANSMITTED FROM THE GOVERNING BODIES TO VDOT. IN EACH INSTANCE THESE ARE GIVEN SERIOUS CONSIDERATION.

INFORMALLY, PERSONAL CONTACTS PROVIDE ANOTHER AVENUE FOR LOCAL INPUT. OUR RESIDENT AND DISTRICT ENGINEERS ARE ENCOURAGED TO SEEK INPUT FROM LOCAL OFFICIALS, EITHER THROUGH PERSONAL CONTACTS OR IN LOCAL MEETINGS.

HIGHWAY CONSTRUCTION

LOCAL INPUT

- **9 PREALLOCATION PUBLIC HEARINGS**
- **2 ALLOCATION PUBLIC HEARINGS**
- **PROJECT PUBLIC HEARINGS**
- **MATCHING/CONTRIBUTIONS**
- **RESOLUTIONS**
- **PERSONAL CONTACTS/MEETINGS**

SLIDE 3 -- HIGHWAY CONSTRUCTION

A CONSTRUCTION PROJECT CAN BE UNDERTAKEN ON ANY OF OUR FOUR ADMINISTRATIVE SYSTEMS. BESIDES FORMULA FUNDING FOR INTERSTATE, PRIMARY, SECONDARY AND URBAN SYSTEMS PROJECTS, SPECIAL FUNDING IS PROVIDED FOR OTHER SPECIFIC PURPOSES. I WOULD NOW LIKE TO DESCRIBE HOW EACH IS APPLIED ACCORDING TO THE PROVISIONS OF THE CODE OF VIRGINIA.

HIGHWAY CONSTRUCTION

- **INTERSTATE SYSTEM**
- **PRIMARY SYSTEM**
- **SECONDARY SYSTEM**
- **URBAN SYSTEM**
- **OTHER CONSTRUCTION PROJECTS**

SLIDE 4 -- INTERSTATE SYSTEM

SECTION 33.1-48 AUTHORIZES THE INTERSTATE SYSTEM IN VIRGINIA IN ACCORDANCE WITH THE FEDERAL LAW.

ACCORDING TO SECTION 33.1-49, THE BOARD MAY PLAN, DESIGNATE, ACQUIRE, OPEN, CONSTRUCT, RECONSTRUCT, IMPROVE, MAINTAIN, DISCONTINUE, ABANDON AND REGULATE THE SYSTEM.

AT THIS POINT IN THE DEVELOPMENT OF THE INTERSTATE SYSTEM IT IS IMPORTANT TO NOTE WE RECEIVE MANY REQUESTS FOR ADDITIONAL INTERCHANGES AND WIDENING OF THE ROADWAY AND HAVE RESPONDED TO THESE REQUESTS IN A POSITIVE MANNER.

INTERSTATE SYSTEM

<u>ACTIVITY</u>	<u>CODE CITE</u>
SYSTEM AUTHORIZED	33.1 - 48
POWERS AUTHORIZED	33.1 - 49

SLIDE 5 -- PRIMARY SYSTEM

PRIMARY ROUTES ARE INTERSTATE AND INTRASTATE IN NATURE. AS PROVIDED BY SECTION 33.1-34, UP TO 50 MILES MAY BE ADDED TO THE PRIMARY SYSTEM FROM SECONDARY ROUTES OR NEW CONSTRUCTION PER YEAR.

IF A PORTION OF A BYPASS LIES WITHIN A MUNICIPALITY, AND THE MUNICIPALITY DOES NOT CHOOSE TO PARTICIPATE IN THE COST OF CONSTRUCTING IT, SECTION 33.1-39 ALLOWS THE BOARD TO CONSTRUCT THE FACILITY AND MAINTAIN IT AS A PRIMARY ROUTE, EVEN THOUGH PART OF IT IS WITHIN THE MUNICIPALITY.

SECTION 33.1-46.3 DEALS WITH ARLINGTON AND HENRICO COUNTIES. THIS SECTION ALLOWS THE COMMISSIONER TO ENTER INTO AN AGREEMENT WITH THOSE BOARDS WHICH WILL ALLOW THE COUNTIES TO INSTALL TRAFFIC SIGNALS, PARKING METERS, AND OTHER TRAFFIC CONTROL DEVICES ON PRIMARY ROUTES PROVIDED THEY MEET VDOT STANDARDS.

ANY COUNTY CAN ENTER INTO AN AGREEMENT WITH VDOT TO LANDSCAPE AND MAINTAIN THE MEDIAN AND/OR ANY UNTRAVELED PORTION OF PRIMARY ROADS UNDER SECTION 33.1-46.4

PRIMARY SYSTEM

<u>ACTIVITY</u>	<u>CODE CITE</u>
TRANSFER OF ROADS	33.1-34
BYPASSES	33.1-39
AGREEMENTS	33.1-46.3 33.1-46.4

SLIDE 6 -- SECONDARY SYSTEM

UNDER THE PROVISIONS OF SECTION 33.1-70.01, THE BOARD OF SUPERVISORS OF EACH COUNTY MAY, JOINTLY WITH THE DEPARTMENT'S RESIDENT ENGINEER, DEVELOP A 6 YEAR PLAN FOR THE EXPENDITURE OF AVAILABLE SECONDARY CONSTRUCTION FUNDS. THIS PLAN IS PRESENTED AT A JOINT PUBLIC HEARING. AFTER CONSIDERING THE PUBLIC INPUT, THE PLAN MUST BE ADOPTED AND UPDATED AT LEAST EVERY TWO YEARS. THE BOARD AND THE DEPARTMENT MUST ALSO MEET ONCE A CALENDAR YEAR TO DEVELOP PRIORITIES (FROM THE ADOPTED 6 YEAR PLAN) FOR THE IMPROVEMENT FUNDS AVAILABLE DURING THE NEXT FISCAL YEAR. THE PRIORITIES ARE ALSO PRESENTED AT A PUBLIC HEARING.

SECTION 33.1-70.1 ALLOWS THE BOARD TO REQUEST THE DEPARTMENT TO HARDSURFACE A SECONDARY ROAD WHICH CARRIES MORE THAN 50 VPD. FUNDING FOR THIS PURPOSE IS PROVIDED THROUGH SECTIONS 33.1-23.1:1 AND 33.1-23.4.

UNDER SECTION 33.1-35, PORTIONS OF A PRIMARY ROUTE MAY BE TRANSFERRED TO THE SECONDARY SYSTEM PROVIDED THE PROPER NOTICES ARE POSTED AND, IF THE COUNTY BOARD OF SUPERVISORS REQUESTS, A PUBLIC HEARING IS HELD. NO MORE THAN 150 MILES MAY BE TRANSFERRED STATEWIDE IN ANY YEAR.

LOCAL ROADS ARE TAKEN INTO THE SYSTEM UNDER SECTION 33.1-72.1. BASICALLY THIS SECTION ESTABLISHES THE PROCEDURES UNDER WHICH A COUNTY MAY REQUEST THAT THE DEPARTMENT BEGIN CONSTRUCTION AND MAINTENANCE OF THE ADDITION. THERE ARE LIMITATIONS UPON THE NUMBER OF MILES PER YEAR THAT CAN BE TAKEN INTO THE SYSTEM, AND ANY ROAD MUST MEET OUR MINIMUM STANDARDS BEFORE WE WILL BEGIN MAINTENANCE.

SECTION 33.1-229 SETS OUT THE AUTHORITY FOR THE LOCAL COUNTY AUTHORITIES AND/OR THE COMMISSIONER TO ESTABLISH NEW OR ALTER THE LOCATION OF EXISTING ROADS ON THE SECONDARY SYSTEM.

SECONDARY SYSTEM

<u>ACTIVITY</u>	<u>CODE CITE</u>
ANNUAL MEETING	33.1-70.01
HARD SURFACE	33.1-70.1 33.1-23.1:1 33.1-23.4
TRANSFER OF ROADS	33.1-35
TAKING ROADS INTO SYSTEM	33.1-72.1
COUNTY AUTHORITY	33.1-229

SLIDE 7 -- SECONDARY CON'T.

IF ANY COUNTY WISHES TO PROVIDE A CONTRIBUTION FOR CONSTRUCTION OF A PRIMARY OR SECONDARY ROAD, IT MAY DO SO UNDER THE PROVISIONS OF SECTION 33.1-75.2.

SECTION 33.1-75.3 ALLOWS STAFFORD COUNTY AND ANY COUNTY WITH AN URBAN COUNTY EXECUTIVE FORM OF GOVERNMENT OR A POPULATION IN EXCESS OF 125,000 TO SPEND ITS OWN FUNDS, EVEN BOND FUNDS, FOR ITS OWN PROJECTS. PROJECTS INITIATED UNDER THIS PROVISION MUST BE AGREED TO BY THE DEPARTMENT.

ARLINGTON AND HENRICO COUNTIES HAVE ELECTED TO MAINTAIN THEIR OWN STREETS. UNDER SECTION 33.1-23.5 EACH RECEIVES A PAYMENT BASED ON THE NUMBER OF LANE MILES IN THE COUNTY. THE ANNUAL PER-MILE PAYMENT IS INCREASED ANNUALLY BASED ON VDOT'S MAINTENANCE INDEX OF UNIT COSTS.

SECTION 33.1-71 REQUIRES THE DEPARTMENT TO PROVIDE EACH COUNTY A STATEMENT SETTING FORTH:

(A) EACH HIGHWAY IN THE COUNTY UPON WHICH IMPROVEMENTS WERE MADE, (B) THE AMOUNTS EXPENDED UPON EACH HIGHWAY, AND (C) THE NATURE OF SUCH IMPROVEMENT.

SECONDARY SYSTEM

<u>ACTIVITY</u>	<u>CODE CITE</u>
LOCAL CONTRIBUTIONS	33.1-75.2
BONDS BY CERTAIN LOCALITIES	33.1-75.3
ARLINGTON AND HENRICO MAINTENANCE PAYMENTS	33.1-23.5
ANNUAL STATEMENT	33.1-71

SLIDE 8 -- URBAN SYSTEM

SECTION 33.1-44 REQUIRES THE MUNICIPALITY TO REQUEST THE PROJECT AND AGREE TO PAY 5% OF THE COST FOR AN URBAN CONSTRUCTION PROJECT. THIS IS DONE BY RESOLUTION. WHEN THE LOCALITY ELECTS TO ACQUIRE THE NECESSARY RIGHT OF WAY FOR A PROJECT, THE VALUE OF THE STATE'S SHARE OF THE RIGHT OF WAY MAY BE CREDITED TO THE CONSTRUCTION MATCHING REQUIREMENT.

IF A COUNCIL DETERMINES THAT ITS TRANSPORTATION NEEDS FOR THE GREATEST NUMBER OF PEOPLE WOULD BE BETTER SERVED BY ALLOCATING FUNDS TO A TRANSIT RELATED PROJECT RATHER THAN A HIGHWAY CONSTRUCTION PROJECT, IT MAY DO SO UNDER THE PROVISIONS OF SECTION 33.1-46.1.

SECTION 33.1-89 GIVES THE DEPARTMENT THE AUTHORITY TO ACQUIRE RIGHT OF WAY. UNDER THIS PROVISION, VDOT CAN ACQUIRE MUNICIPAL RIGHT OF WAY. THIS GIVES THE LOCAL COUNCIL THE OPTION OF ACQUIRING THE RIGHT OF WAY ITSELF, OR OF REQUESTING THE STATE TO ACQUIRE IT.

OCCASIONALLY A CITY WITH A POPULATION IN EXCESS OF 100,000 WILL DEEM IT NECESSARY TO EXTEND A ROAD BEYOND ITS CORPORATE LIMITS. SECTION 15.1-373 EMPOWERS THE COUNCIL TO ACQUIRE THE NECESSARY RIGHT OF WAY IN THE ADJACENT TERRITORY.

APPROXIMATELY 200 LANE MILES OF CITY AND TOWN STREETS ARE ADDED FOR MAINTENANCE PAYMENTS EACH YEAR UNDER THE PROVISIONS OF SECTION 33.1-41.1. ONCE A STREET IS APPROVED, IT BECOMES ELIGIBLE FOR STREET PAYMENTS FOR ITS CONTINUING MAINTENANCE. THIS SECTION ALSO CONTAINS PROVISIONS FOR THE REMOVAL OF SECTIONS FROM THE STATE SYSTEM WHEN THAT BECOMES NECESSARY.

STREET PAYMENTS ARE PROVIDED ACCORDING TO SECTION 33.1-41.1. UNDER THIS SECTION, THE DEPARTMENT PROVIDES TOWNS AND CITIES WITH POPULATIONS IN EXCESS OF 3,500 PAYMENTS ACCORDING TO THE NUMBER OF LANE MILES AVAILABLE TO PEAK HOUR TRAFFIC. THESE FUNDS ARE PROVIDED FOR MAINTENANCE AND ADMINISTRATIVE COSTS ASSOCIATED WITH THE URBAN STREETS AND ARE LINKED TO THE DEPARTMENT'S MAINTENANCE INDEX OF UNIT COSTS. THE LOCAL COUNCILS DETERMINE HOW THESE FUNDS SHOULD BE EXPENDED FOR MAINTENANCE. THEY THEN FURNISH QUARTERLY REPORTS TO VDOT AND ARE SUBJECT TO ANNUAL AUDITS.

URBAN SYSTEM

<u>ACTIVITY</u>	<u>CODE CITE</u>
PROJECT RESOLUTION/ MATCHING FUNDS	33.1-44
USE OF FUNDS FOR MASS TRANSIT	33.1-46.1
R/W ACQUISITION AND CONVEYANCE	33.1-89
LAND ACQUISITION	15.1-373
STREET PAYMENTS	33.1-41.1

SLIDE 9 -- OTHER CONSTRUCTION

UP TO THIS POINT I HAVE BEEN DEALING WITH WHAT COULD BE CALLED "MAINSTREAM" CONSTRUCTION PROJECTS. THERE ARE A NUMBER OF PROVISIONS IN THE CODE FOR SPECIAL FUNDING, OVER AND ABOVE THE REGULAR ALLOCATION FORMULA, FOR PROJECTS WHICH ARE LOCAL IN NATURE AND ARE GENERALLY INITIATED BY LOCAL GOVERNMENT.

THE CURRENT APPROPRIATION ACT SETS OUT \$800,000 EACH YEAR FOR INDUSTRIAL ACCESS RAILROAD TRACKS. SECTION 33.1-221.1:1 ALLOWS FOR THE CONSTRUCTION OF RAIL SPURS TO SERVE INDUSTRIAL AREAS. IMPROVEMENTS MAY BE ON PUBLICLY OR PRIVATELY OWNED LAND AND NO MORE THAN 25% OF THE APPROPRIATION MAY BE APPLIED IN ANY ONE COUNTY OR CITY.

INDUSTRIAL AND AIRPORT ACCESS FUNDING ARE BOTH PROVIDED THROUGH SECTION 33.1-221. \$3,000,000 AND \$500,000 RESPECTIVELY ARE SET ASIDE EACH YEAR OF THE CURRENT BIENNIUM. WE ARE RECOMMENDING \$4,000,000 PER YEAR FOR INDUSTRIAL ACCESS IN THE NEXT BIENNIUM BECAUSE OF THE INCREASED ACTIVITY IN ECONOMIC DEVELOPMENT AS A RESULT OF GOVERNOR BALILES' INITIATIVES. CONSTRUCTION MAY OCCUR IN ANY COUNTY, CITY, OR TOWN BUT THE RIGHT OF WAY MUST BE PUBLICLY OWNED.

ACCESS ROADS TO RECREATIONAL AREAS ARE FUNDED THROUGH SECTION 33.1-223. THE MAXIMUM AMOUNT AVAILABLE TO THE FUND AT THE BEGINNING OF THE FISCAL YEAR IS \$1,500,000. IN ADDITION TO THE RESOLUTION FROM THE COUNTY, CITY OR TOWN INVOLVED AND THE COMMONWEALTH TRANSPORTATION BOARD'S CONCURRENCE, RECREATIONAL ACCESS PROJECTS REQUIRE CONCURRENCE OF THE DIRECTOR OF CONSERVATION AND HISTORIC RESOURCES. THESE FUNDS MAY BE USED FOR ACCESS ROADS TO PUBLIC RECREATIONAL AREAS, HISTORIC SITES, OR FOR CONSTRUCTION OF BIKEWAYS.

AUTHORITY FOR A COUNTY TO USE REVENUE SHARING FUNDS FOR ROAD CONSTRUCTION AND MAINTENANCE IS PROVIDED THROUGH SECTION 33.1-225.1. SECTION 33.1-75.1 FURTHER PROVIDES THAT THE DEPARTMENT WILL MATCH THE AMOUNT SET ASIDE BY THE COUNTY UP TO 25% OF THE COUNTY'S REVENUE SHARING ALLOCATION OR \$500,000 WHICH EVER IS GREATER. AS YOU KNOW, THERE ARE NO LONGER ANY FEDERAL REVENUE SHARING FUNDS AND THEREFORE THE \$500,000 APPLIES. THE STATEWIDE MATCHING LIMIT IS \$5,000,000. FUNDS MAY BE USED TO MAINTAIN OR CONSTRUCT SECTIONS OF STATE PRIMARY OR SECONDARY ROADS, OR MAY BE USED TO BRING LOCAL ROADS UP TO STANDARD FOR INCLUSION IN THE STATE SYSTEM.

OTHER CONSTRUCTION

<u>ACTIVITY</u>	<u>CODE CITE</u>
RAIL ACCESS	33.1-221.1:1
INDUSTRIAL AND AIRPORT ACCESS	33.1-221
RECREATIONAL ACCESS	33.1-223
REVENUE-SHARING	33.1-75.1 33.1-225.1

SLIDE 10 -- OTHER CONSTRUCTION CON'T

THROUGH THE PROVISIONS OF SECTION 58.1-3713 COUNTIES AND CITIES IN SOUTHWEST VIRGINIA ARE EMPOWERED TO EFFECT A 2% SEVERANCE OR MINERAL DEPLETION TAX BETTER KNOWN AS THE COAL SEVERANCE TAX. REVENUES COLLECTED ARE PAID INTO A SPECIAL FUND. A COMMITTEE CONSISTING OF A REPRESENTATIVE FROM THE COUNTY, THE COAL INDUSTRY, AND VDOT SELECTS PROJECTS TO BE CONSTRUCTED FROM THIS FUND.

SPECIAL PRIMARY HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICTS ARE PERMITTED THROUGH THE CHAPTER BEGINNING WITH SECTION 15.1-1372.1. WITHIN THE DISTRICT SPECIAL FUNDING MAY BE GENERATED THROUGH A REAL ESTATE TAX SURCHARGE OF UP TO 20 CENTS PER \$100. IMPROVEMENTS MAY BE INITIALLY FUNDED BY BONDS AND REGULAR HIGHWAY ALLOCATIONS AS WELL AS THE SPECIAL REVENUE APPLIED TO THE PROJECT.

OTHER CONSTRUCTION

ACTIVITY

CODE CITE

COAL SEVERANCE

58.1-3713

SPECIAL TRANSPORTATION
DISTRICTS

15.1-1372.1
thru
15.1-1372.17

SLIDE 11 - SUMMARY

AT THE BEGINNING I STATED THAT THE DEPARTMENT WELCOMES, EVEN SEEKS OUT, LOCAL INPUT FOR HIGHWAY CONSTRUCTION. I HAVE DESCRIBED SOME OF THE HIGHLIGHTS OF OUR PROCESSES AND HAVE TRIED TO EMPHASIZE AREAS OF LOCAL INPUT.

OUR 9 PREALLOCATION AND TWO ALLOCATION PUBLIC HEARINGS ARE A MAJOR VEHICLE FOR PUBLIC INPUT FOR INTERSTATE, PRIMARY, AND URBAN PROJECTS. THE SIX YEAR PLANS AND ALLOCATIONS ADOPTED BY COUNTY BOARDS PROVIDE SIMILAR INPUT FOR THE SECONDARY SYSTEM.

SOME 36 PROJECT PUBLIC HEARINGS WERE CONDUCTED DURING FISCAL YEAR 1987 AND IN ADDITION THE DEPARTMENT OFFERED TO CONDUCT 109 MORE BY PUBLISHING NOTICES OF WILLINGNESS. IN THOSE INSTANCES LOCAL AND PUBLIC SUPPORT FOR THE PROJECT WAS SUCH THAT NO HEARING WAS NECESSARY.

A RECENT INNOVATION HAS BEEN THE CONDUCTING OF LOCAL GOVERNMENT ROUNDTABLES. THROUGH THIS PROCESS THE DEPARTMENT HAS GIVEN LOCAL OFFICIALS THE OPPORTUNITY TO MEET WITH AND DISCUSS LOCAL TRANSPORTATION ISSUES WITH TOP AGENCY ADMINISTRATORS.

THROUGH ITS CONTINUING DECENTRALIZATION EFFORT, MUCH OF THE DECISION MAKING AUTHORITY HAS BEEN TRANSFERRED TO OUR FIELD OFFICES. THIS ACTION PLACES THE AUTHORITY FOR DECISIONS CLOSER TO THE LOCAL SOURCES AND WE HOPE IT WILL ALLOW VDOT TO RESPOND MORE QUICKLY TO LOCAL INPUT.

LAST, AND CERTAINLY AS IMPORTANT, IS THE MEETINGS OF THE COMMISSIONER HIMSELF AND THE STAFF WITH A HOST OF PRIVATE ORGANIZATIONS AND INDIVIDUALS TO OBTAIN THEIR VIEWS ON PROJECTS AND PRACTICES.

THANK YOU FOR YOUR TIME AND FOR YOUR ATTENTION. IF YOU HAVE ANY FURTHER QUESTIONS, I WILL TRY TO RESPOND TO THEM AT THIS TIME.

SUMMARY

- **9 PREALLOCATION PUBLIC HEARINGS**
- **2 ALLOCATION PUBLIC HEARINGS**
- **36 PROJECT PUBLIC HEARINGS**
- **109 NOTICES OF WILLINGNESS POSTED**
- **9 LOCAL GOVERNMENT ROUNDTABLES**
- **DECENTRALIZATION**
- **PERSONAL CONTACTS**

VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON

TRANSPORTATION PLANNING
IN VIRGINIA

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

RAY D. PETHTEL
COMMISSIONER
SEPTEMBER 23, 1987

TRANSPORTATION PLANNING HAS RECEIVED A GREAT DEAL OF ATTENTION IN THE DEPARTMENT IN RECENT MONTHS. I WANT TO SPEND THE NEXT SEVERAL MINUTES REVIEWING THE STRUCTURE FOR TRANSPORTATION PLANNING IN VIRGINIA, THE MULTIMODAL EMPHASIS OF PRESENT-DAY PLANNING, AND SOME CRITICAL PLANNING ISSUES THAT ARE BEING ADDRESSED.

TRANSPORTATION PLANNING
IN VIRGINIA

MY REMARKS WILL TOUCH ON ALL SEVEN MODES OF TRANSPORTATION AND EFFORTS TO PROVIDE COORDINATION AMONG THEM.

MODES OF TRANSPORTATION

HIGHWAYS

TRANSIT

RAIL

BIKEWAYS

PEDESTRIANS

PORTS

AIR

AGENCIES AT THE LOCAL, REGIONAL, AND STATE LEVELS ARE INVOLVED IN TRANSPORTATION PLANNING.

AT THE LOCAL LEVEL, WE HAVE LOCAL PLANNING COMMISSIONS OF COUNTIES AND MUNICIPALITIES.

LOCAL PLANNING COMMISSIONS PREPARE AND REVIEW COMPREHENSIVE PLANS FOR THE PHYSICAL DEVELOPMENT OF TERRITORY WITHIN THEIR JURISDICTIONS.

VDOT WORKS WITH THESE COMMISSIONS TO COORDINATE TRANSPORTATION IMPROVEMENTS AND ASSURE THAT TRANSPORTATION PLANS ARE CONSISTENT WITH LOCAL PLANNING.

THE LOCAL PLANNING COMMISSIONS' RESPONSIBILITIES ALSO INCLUDE: THE ANNUAL PREPARATION AND SUBMISSION OF A CAPITAL IMPROVEMENT PROGRAM; PREPARATION AND SUBMISSION OF A SUBDIVISION ORDINANCE; AND REVIEW OF SITE AND SUBDIVISION PLANS.

ROLE OF LOCAL PLANNING COMMISSIONS

- PREPARE AND RECOMMEND COMPREHENSIVE PLANS
- PREPARE AND SUBMIT ANNUAL CAPITAL IMPROVEMENT PROGRAMS
- PREPARE AND RECOMMEND SUBDIVISION ORDINANCES
- REVIEW SUBDIVISION AND SITE PLANS

LOCAL GOVERNING BODIES ALSO PLAY A ROLE. THEY ADOPT COMPREHENSIVE PLANS, AS WELL AS ORDINANCES TO ASSURE THE ORDERLY SUBDIVISION AND DEVELOPMENT OF LAND. GOVERNING BODIES MAY ALSO ENACT ZONING ORDINANCES RELATED TO LAND USE AND DEVELOPMENT.

ROLE OF LOCAL GOVERNMENTS

- ADOPT COMPREHENSIVE PLANS
- ADOPT SUBDIVISION ORDINANCES
- ENACT ZONING ORDINANCES

AT THE REGIONAL LEVEL, WE HAVE THE TRANSPORTATION DISTRICT COMMISSIONS AND THE PLANNING DISTRICT COMMISSIONS.

THE TRANSPORTATION DISTRICT ACT OF 1964 PROVIDES FOR THE CREATION OF TRANSPORTATION DISTRICTS AND COMMISSIONS TO GOVERN THEM. FIVE TRANSPORTATION DISTRICT COMMISSIONS CURRENTLY EXIST: ACCOMACK-NORTHAMPTON, NORTHERN VIRGINIA, PENINSULA, POTOMAC-RAPPAHANNOCK, AND TIDEWATER.

AS YOU CAN SEE, THEY HAVE BEEN CREATED TO ADMINISTER SPECIALIZED TRANSIT ACTIVITIES, EITHER PUBLIC TRANSIT OR FREIGHT RAIL.

TRANSPORTATION DISTRICT COMMISSIONS

TITLE 15.1 – CODE OF VIRGINIA

- PREPARE, REVISE TRANSPORTATION PLANS
- CONSTRUCT / ACQUIRE TRANSPORTATION FACILITIES
- OPERATE / LEASE TO OPERATE TRANSIT FACILITIES
- CONTRACT FOR PROVISION AND FINANCING OF FACILITIES AND SERVICES

THE STATE'S 22 PLANNING DISTRICT COMMISSIONS PROMOTE REGIONAL COOPERATION, COORDINATE THE ACTIVITIES AND POLICIES OF LOCAL GOVERNMENTS, DEVELOP REGIONAL PLANS, AND PROVIDE PLANNING ASSISTANCE TO LOCAL GOVERNMENTS. THEY DEVELOP THEIR PLANNING PROGRAMS AROUND THE SOCIAL, ECONOMIC, ENVIRONMENTAL AND PHYSICAL DEVELOPMENT NEEDS OF MEMBER GOVERNMENTS.

PLANNING DISTRICT COMMISSIONS

- PROMOTE REGIONAL COOPERATION
- COORDINATE LOCAL ACTIVITIES/POLICES
- DEVELOP REGIONAL PLANS
- PROVIDE PLANNING ASSISTANCE TO LOCALITIES

AT THE STATE LEVEL, TWO AGENCIES OTHER THAN VDOT HAVE DIRECT INVOLVEMENT IN TRANSPORTATION PLANNING. THEY ARE THE PORT AUTHORITY AND THE DEPARTMENT OF AVIATION.

THE PORT AUTHORITY PLANS FOR THE DEVELOPMENT OF PORTS INCLUDING THOSE IN HAMPTON ROADS, ALEXANDRIA, RICHMOND, AND WARREN COUNTY.

SPECIFIC PLANNING EFFORTS HAVE FOCUSED ON STIMULATING THE COMMERCE OF THE PORTS AND IMPROVING NAVIGABLE TIDAL WATERS. THE VPA HAS ALSO WORKED WITH LOCAL GOVERNMENTS AND VDOT IN DETERMINING THE NEED FOR ADDITIONAL COAL-EXPORTING FACILITIES IN HAMPTON ROADS AND THE RAIL AND HIGHWAY ACCESS TO SUCH FACILITIES.

CURRENT PLANNING ISSUES INCLUDE THE APPROPRIATE AMOUNT OF FUNDING FOR NON-STATE OWNED FACILITIES AND THE ADDITIONAL DEMAND FOR ROAD PROJECTS TO ACCOMMODATE INCREASED TRUCK TRAFFIC TO EXPANDED PORT FACILITIES.

THE VIRGINIA DEPARTMENT OF AVIATION MAINTAINS A CONTINUOUS AIRPORT PLANNING PROCESS THAT FORECASTS STATEWIDE AIR TRAFFIC DEMAND. THE THREE TO FIVE YEAR REVIEW CYCLE PROVIDES INPUT INTO THE VIRGINIA AIR TRANSPORTATION SYSTEM PLAN. DOA ALSO PROVIDES ADMINISTRATIVE, FINANCIAL, AND TECHNICAL ASSISTANCE FOR INDIVIDUAL AIRPORT MASTER PLANNING AND REGIONAL AIRPORT SYSTEM PLANNING.

WITH NEW FUNDING, AN EMERGING ISSUE IS THE NEED TO PLAN FOR GROUND ACCESS TO NEW AND EXPANDED AIRPORTS.

- VIRGINIA PORT AUTHORITY
 - PLANNING FOR DEVELOPMENT OF PORTS
 - NEEDS ASSESSMENTS
- DEPARTMENT OF AVIATION
 - AIR TRAFFIC DEMAND
 - AIR TRANSPORTATION SYSTEM PLAN

THAT BRINGS US TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION. SINCE VDOT IS ACCOUNTABLE FOR STATEWIDE COORDINATION OF TRANSPORTATION PLANNING, I WANT TO FOCUS THE REST OF MY REMARKS ON THE ROLE AND RESPONSIBILITIES OF OUR DEPARTMENT.



VDOT'S COMPREHENSIVE TRANSPORTATION PLANNING IS GEARED TO THE SIZE AND COMPLEXITY OF SPECIFIC GEOGRAPHIC AREAS.

THEY ARE:

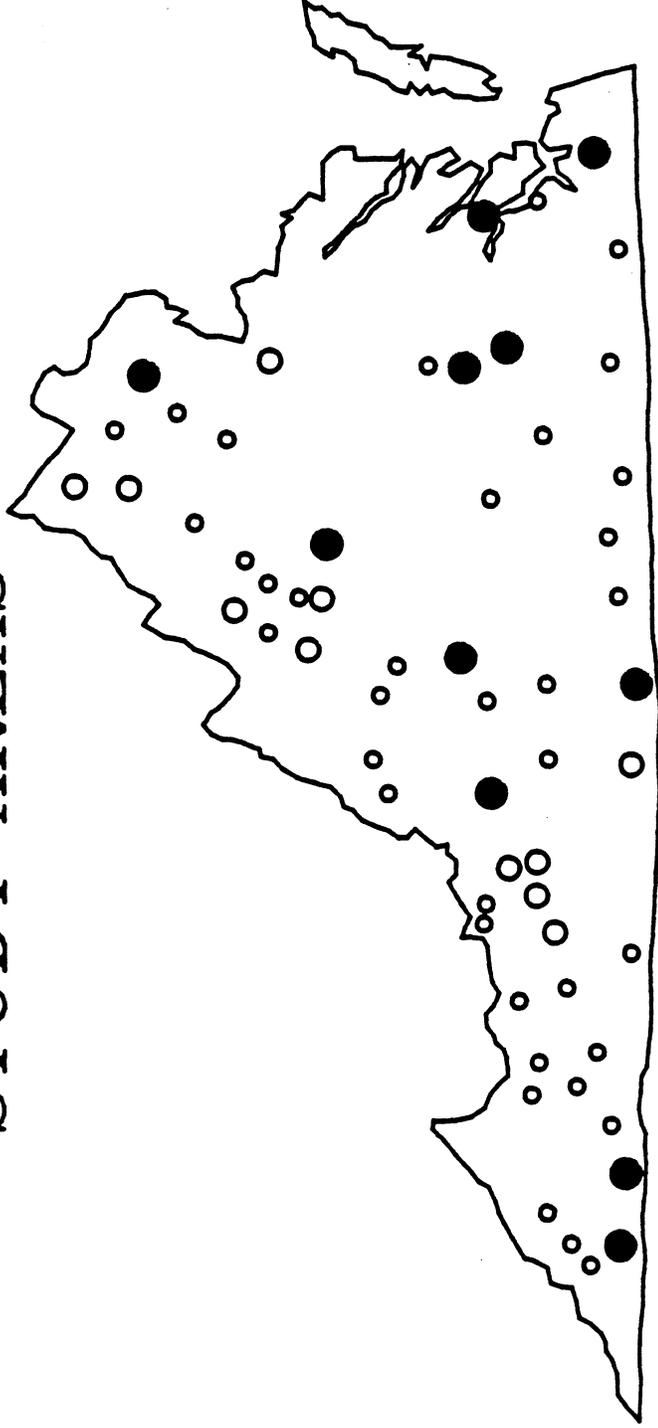
THE 11 URBANIZED AREAS, WITH POPULATIONS GREATER THAN 50,000;

THE 48 URBAN AREAS, WITH POPULATIONS LESS THAN 50,000; AND

THE RURAL AREAS, WHICH INCLUDE ALL OTHER AREAS OF THE STATE.

FIRST, LET'S CONSIDER THE URBANIZED AREAS:

URBANIZED AND URBAN STUDY AREAS



- 11 Urbanized Areas – Includes 27 Cities ○
- 11 Urban Areas – Population 10 – 50,000 ○
- 37 Urban Areas – Population Less than 10,000 ○

THE 1962 FEDERAL-AID HIGHWAY ACT REQUIRED THE ESTABLISHMENT OF COMPREHENSIVE, COOPERATIVE, AND CONTINUING TRANSPORTATION PLANNING FOR AREAS WITH A CENTRAL CITY POPULATION GREATER THAN 50,000. THIS PLANNING, CALLED THE "3C" PROCESS, IS ONGOING TODAY IN THE STATE'S 11 URBANIZED AREAS. THESE AREAS, REPRESENTED BY THE WHITE DOTS, INCLUDE NORTHERN VIRGINIA, CHARLOTTEVILLE, RICHMOND, TRI-CITIES (PETERSBURG, HOPEWELL, COLONIAL HEIGHTS), PENINSULA, SOUTHEASTERN, DANVILLE, LYNCHBURG, ROANOKE, BRISTOL, AND KINGSFORT.

IN EACH AREA, A POLICY BOARD CALLED THE METROPOLITAN PLANNING ORGANIZATION HAS BEEN ESTABLISHED TO GUIDE THE PROCESS. MEMBERS ARE ELECTED OR APPOINTED OFFICIALS OF LOCAL GOVERNMENTS. VDOT, THE FEDERAL HIGHWAY ADMINISTRATION, THE URBAN MASS TRANSPORTATION ADMINISTRATION, AND LOCAL TRANSIT OPERATORS ARE ALSO REPRESENTED.

VDOT IS RESPONSIBLE FOR ADMINISTERING FEDERAL HIGHWAY ADMINISTRATION FUNDS DESIGNATED FOR CARRYING OUT THE "3C" PROCESS.

THE COMPREHENSIVE, AREA-WIDE TRANSPORTATION PLANS THAT ARE DEVELOPED ARE BASED ON PROJECTED TRAVEL DEMANDS GENERATED BY SOCIOECONOMIC AND LAND USE DATA. FORECASTS ARE COORDINATED WITH THE LOCAL JURISDICTIONS AND APPROVED BY THE MPO. TYPICALLY, HIGHWAY RECOMMENDATIONS ARE ADOPTED AS PART OF THE COMPREHENSIVE PLANS OF THE LOCAL JURISDICTIONS.

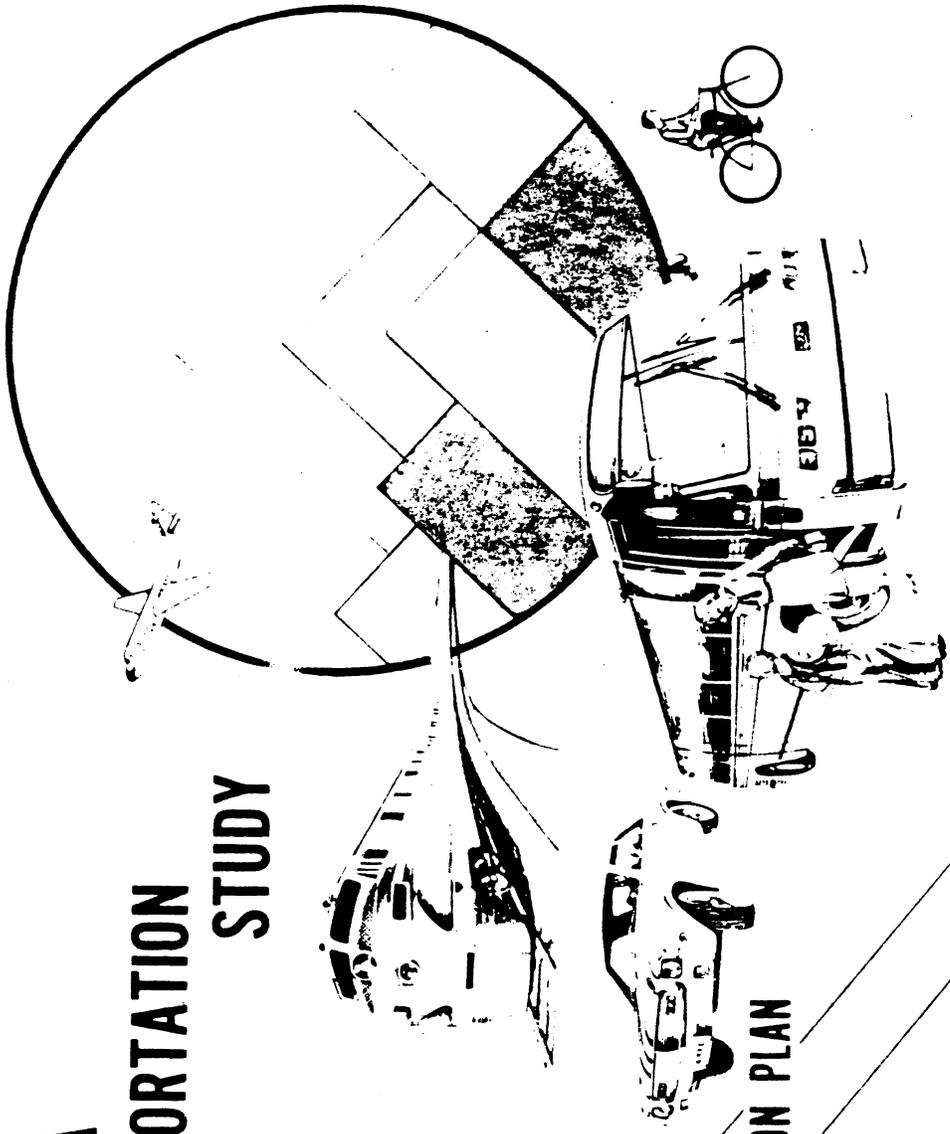
URBANIZED AREA PLANNING PROCESS

- CENTRAL CITY POPULATION GREATER THAN 50,000
- METROPOLITAN PLANNING ORGANIZATION
- AREA-WIDE TRANSPORTATION PLAN
 - HIGHWAY ELEMENTS
 - MULTIMODAL ELEMENTS
 - TRANSIT
 - AIR
 - RAIL
 - PORTS
 - BICYCLE
 - PEDESTRIAN

AREA-WIDE TRANSPORTATION PLANS PROVIDE FOR ALL FORMS OF TRANSPORTATION. REFLECTED HERE IS AN EXAMPLE FROM LYNCHBURG.

CURRENT PLANNING ALSO INCLUDES THE INTERFACE OF VARIOUS FORMS OF TRANSPORTATION. LIMITED EXAMPLES INCLUDE: CORRIDOR STUDIES INVOLVING HOV LANE RECOMMENDATIONS, SPECIAL STUDIES OF AIRPORT ACCESS, AND COORDINATION WITH RAILROADS THROUGH SHARED RIGHTS-OF-WAY.

**LYNCHBURG AREA
TRANSPORTATION
STUDY**



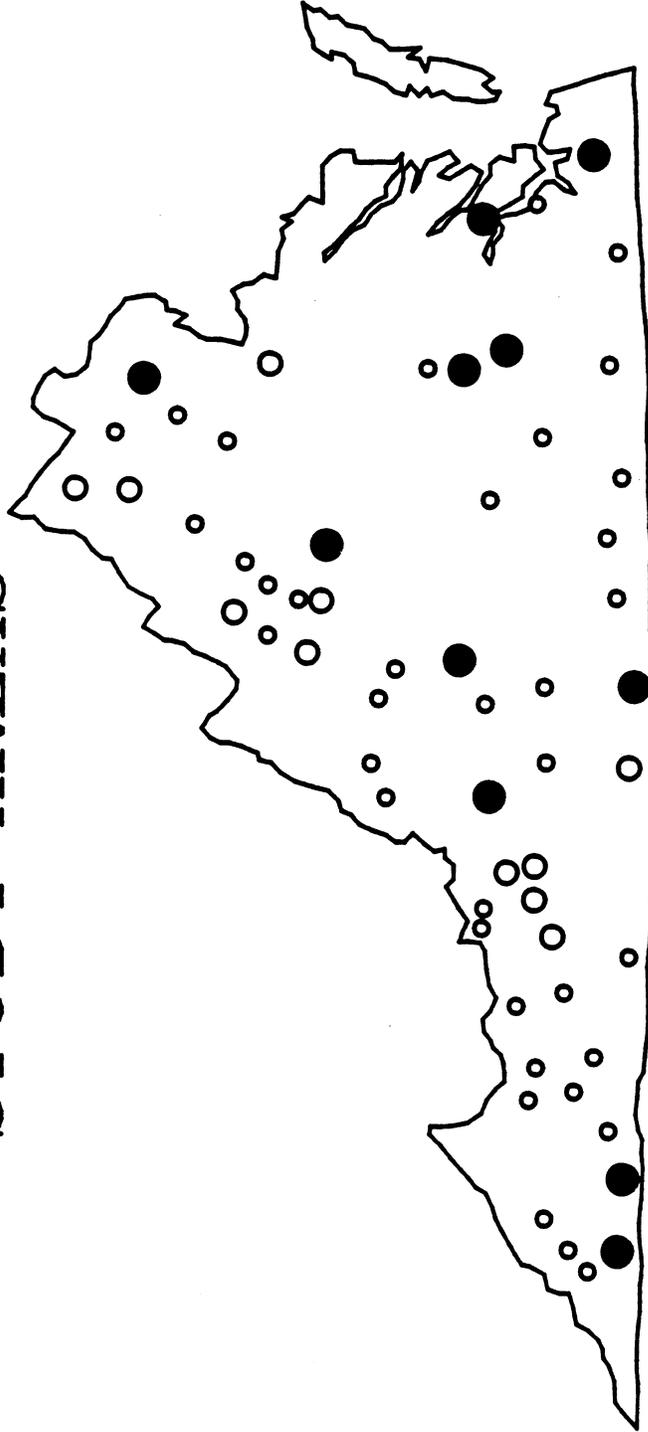
YEAR 2000 TRANSPORTATION PLAN

THE 1966 HIGHWAY COMMISSION PASSED A RESOLUTION REQUIRING URBAN TRANSPORTATION STUDIES IN ALL URBAN AREAS WITH POPULATIONS BETWEEN 3,500 AND 50,000. THEY ARE IDENTIFIED BY THE RED AND YELLOW DOTS ON THIS MAP. IN THE LATE 1960'S, HIGHWAY THOROUGHFARE PLANS WERE DEVELOPED FOR THESE AREAS IN COOPERATION WITH LOCAL GOVERNMENTS. SINCE THEN, MANY THOROUGHFARE PLANS HAVE BEEN UPDATED AND EXPANDED INTO TRANSPORTATION PLANS THAT INCORPORATE ELEMENTS OTHER THAN HIGHWAYS.

AS WITH THE "3C" PROCESS, A STUDY COMMITTEE IS ESTABLISHED TO GUIDE THE UPDATE PROCESS. THE COMMITTEE IS GENERALLY COMPOSED OF MEMBERS FROM LOCAL JURISDICTIONS, THE PLANNING DISTRICT COMMISSION, FHWA, AND VDOT.

LOCAL GOVERNMENTS PROVIDE DATA FOR THE TRAVEL FORECASTS; OVERSEE THE DEVELOPMENT OF RECOMMENDED TRANSPORTATION IMPROVEMENTS, AND ADOPT THE RECOMMENDATIONS AS THEIR OFFICIAL TRANSPORTATION PLAN.

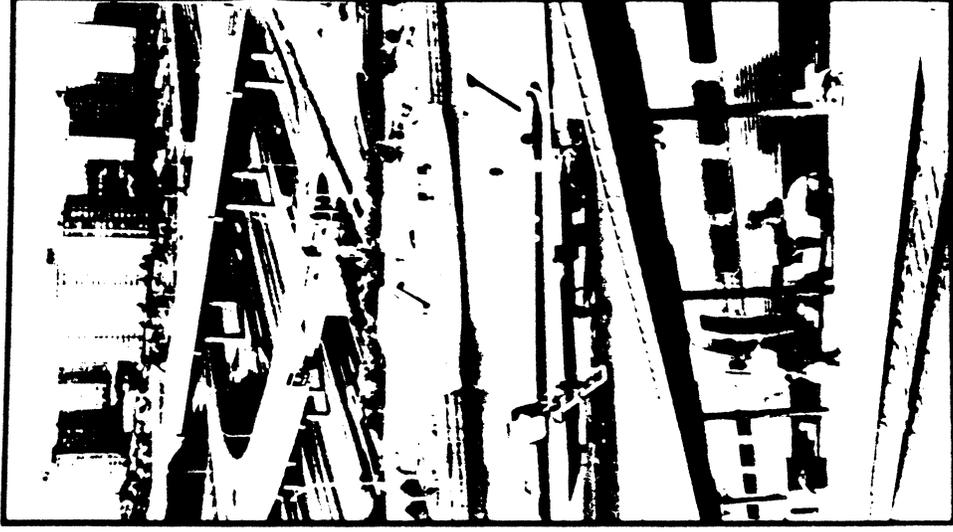
URBANIZED AND URBAN STUDY AREAS



- 11 Urbanized Areas – Includes 27 Cities
- 11 Urban Areas – Population 10 – 50,000
- 37 Urban Areas – Population Less than 10,000

BASED ON A 1978 GENERAL ASSEMBLY MANDATE, THE SECRETARY OF TRANSPORTATION PERIODICALLY PREPARES A POLICY AND ISSUES REPORT.

Virginia's Statewide Transportation Plan



IN ADDITION TO COMPREHENSIVE PLANNING, VDOT ALSO CONDUCTS PLANNING FOR SPECIFIC TRANSPORTATION MODES.

FOR HIGHWAYS, WE ARE DIRECTLY INVOLVED IN THE DEVELOPMENT OF TRAFFIC FORECASTS, ANALYSIS OF HIGHWAY DEFICIENCIES, AND RECOMMENDATIONS FOR IMPROVEMENT. LOCALITIES GENERALLY RELY ON THE DEPARTMENT TO CONDUCT TECHNICAL ANALYSES.

ALONG WITH THE GENERAL RESPONSIBILITIES FOR HIGHWAY DEVELOPMENT DELINEATED IN TITLE 33 OF THE CODE OF VIRGINIA, THE 1985 GENERAL ASSEMBLY MANDATED A REGULAR FIVE-YEAR UPDATE OF STATEWIDE HIGHWAY CONSTRUCTION NEEDS. AN UPDATE IS DUE IN OCTOBER 1989.

HIGHWAYS

- DEVELOPMENT OF TRAFFIC FORECASTS
- ANALYSIS OF HIGHWAY DEFICIENCIES
- RECOMMENDATIONS FOR IMPROVEMENTS

A PUBLIC TRANSPORTATION DIRECTORATE IN VDOT'S CENTRAL OFFICE WAS CREATED BY THE 1978 GENERAL ASSEMBLY TO ASSIST AND PROMOTE MASS TRANSIT. SPECIFIC RESPONSIBILITIES ARE TO DETERMINE PRESENT AND FUTURE NEEDS AND TO FORMULATE AND IMPLEMENT PLANS AND PROGRAMS FOR THE DEVELOPMENT, IMPROVEMENT, AND COORDINATION OF TRANSIT FACILITIES.

TRANSIT

PUBLIC TRANSPORTATION DIRECTORATE

- ASSISTS AND PROMOTES PUBLIC TRANSPORTATION
- IDENTIFIES PRESENT AND FUTURE NEEDS
- FORMULATES/IMPLEMENTS PLANS & PROGRAMS

IN 1975 THE DEPARTMENT WAS DESIGNATED BY EXECUTIVE ORDER AS THE OFFICIAL AGENCY TO PERFORM RAIL PLANNING AND TO RECEIVE FEDERAL AID FOR LOCALITIES.

PLANNING IN THE RAIL AREA INCLUDES MONITORING RAILROAD ACTIVITIES, SUCH AS RAIL ABANDONMENTS; ADMINISTERING GRANT PROGRAMS; AND IDENTIFYING RAIL/HIGHWAY CROSSING DEFICIENCIES. CURRENTLY, COMMUTER RAIL SERVICES ARE BEING EVALUATED.

**VIRGINIA
STATE RAIL PLAN
1986 UPDATE**

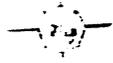


COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
100 SOUTH MAIN STREET
RICHMOND, VIRGINIA 23219

BIKEWAY PLANNING HAS BEEN PRIMARILY A LOCAL RESPONSIBILITY. RECENTLY, HOWEVER, THE DEPARTMENT HAS BEEN PURSUING HIGHWAY IMPROVEMENTS THAT WILL BENEFIT THE BICYCLIST ALONG THE NATIONAL BICYCLE ROUTES. WE ALSO ANTICIPATE FUNDING AND PARTICIPATING IN FUTURE STUDIES SUCH AS THE NEED FOR IMPROVED BICYCLE AND PEDESTRIAN FACILITIES SERVING THE NORTHERN VIRGINIA METRO RAIL STATION.

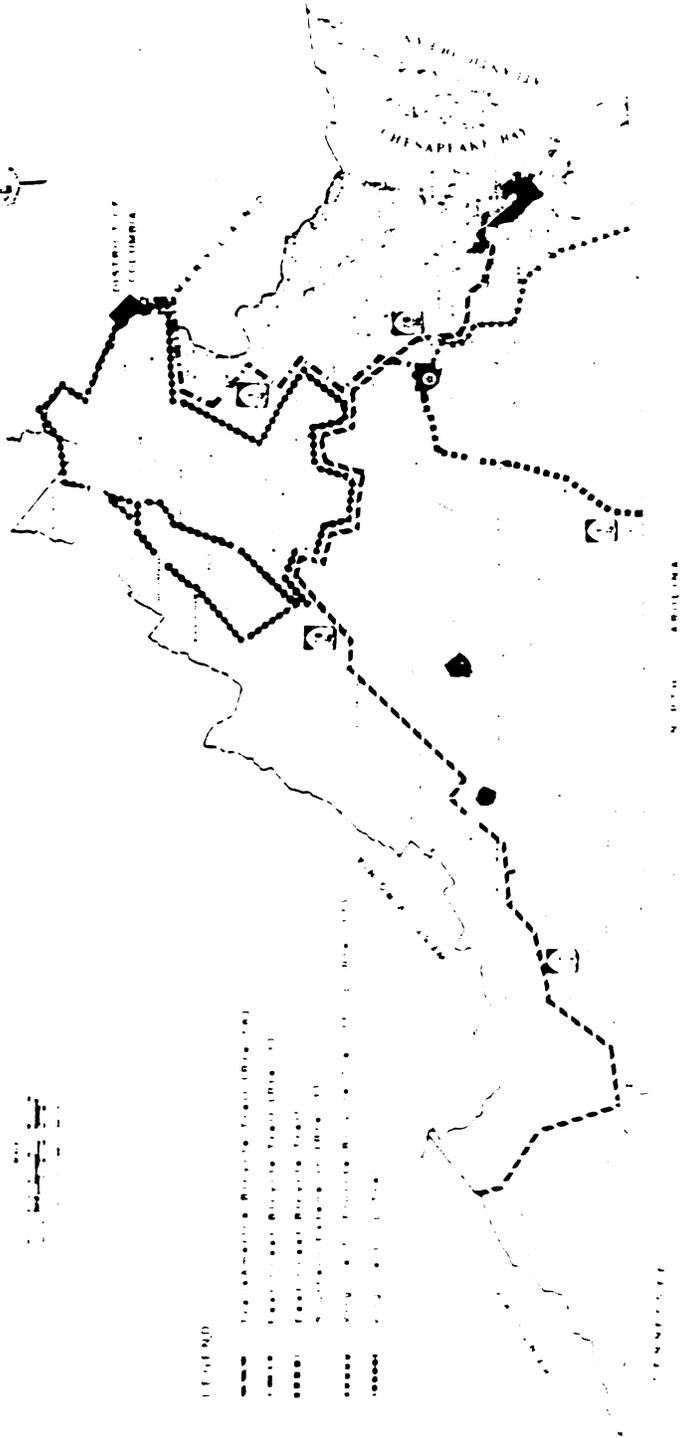
BICYCLE ROUTES

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HIGHWAYS
AND TRANSPORTATION



Legend

- The National Bicycle Trail (1981)
- The National Bicycle Trail (1982)
- The National Bicycle Trail (1983)
- The National Bicycle Trail (1984)
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- The National Bicycle Trail (2022)
- The National Bicycle Trail (2023)
- The National Bicycle Trail (2024)
- The National Bicycle Trail (2025)



Note: See Specific County Maps for More Detailed Information on Interstate Bicycle Routes 1 & 76.

PROVISION FOR PEDESTRIAN FACILITIES IS GUIDED BY DEPARTMENT POLICIES AUTHORIZED BY THE
CODE.

THE NEED FOR PEDESTRIAN FACILITIES IN URBAN AREAS WILL CONTINUE TO BE EVALUATED BY THE
DEPARTMENT IN CONJUNCTION WITH THE DEVELOPMENT OF HIGHWAY PROJECTS.

PEDESTRIAN FACILITIES

- TITLE 33.1-205 CODE OF VIRGINIA
CONSTRUCTION OF SIDEWALKS/WALKWAYS
ON BRIDGES AND HIGHWAYS
- DEPARTMENT POLICY
ALLOCATION OF COSTS

THE 1986 SPECIAL SESSION PROVIDED THE COMMONWEALTH TRANSPORTATION BOARD WITH EXPANDED RESOURCES, ALONG WITH MORE OVERSIGHT RESPONSIBILITY IN THE USE OF THESE RESOURCES. THE TRANSPORTATION BOARD IS RESPONSIBLE FOR COORDINATING THE FINANCIAL PLANNING OF THE TRANSPORTATION TRUST FUND.

IN THIS REGARD THE BOARD HAS APPOINTED A MULTIMODAL TRANSPORTATION COMMITTEE AND VDOT HAS DEVELOPED THE INTERNAL MECHANISMS NECESSARY TO COMMUNICATE AND COORDINATE ACTIVITIES WITH THE DEPARTMENT OF AVIATION AND THE VIRGINIA PORT AUTHORITY.

COMMONWEALTH TRANSPORTATION BOARD

- ADDITIONAL RESOURCES AND OVERSIGHT
- COORDINATION OF FINANCIAL PLANNING
FOR ALL MODES OF TRANSPORTATION

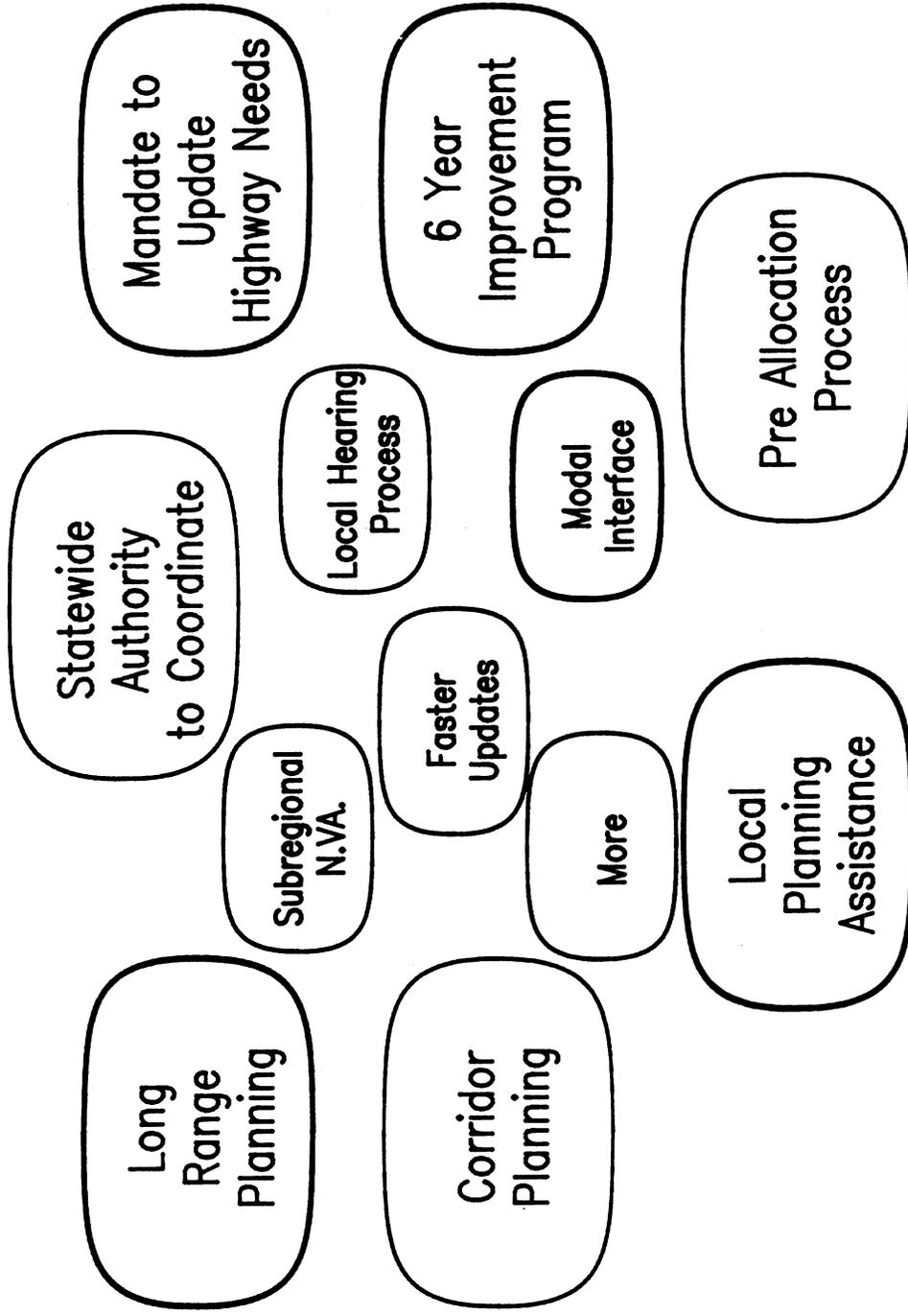
VDOT HAS A LEAD ROLE IN CONDUCTING AND FACILITATING BETTER AND MORE RESPONSIVE PLANNING.

WE RECENTLY SPONSORED A TRANSPORTATION PLANNING CONFERENCE TO CLARIFY OUR ROLE IN STATEWIDE TRANSPORTATION PLANNING AND TO REVIEW PLANNING ISSUES.

THE LARGE BLOCKS IN THE OUTER CIRCLE ON THIS CHART PROVIDE YOU WITH AN OVERVIEW OF THE DEPARTMENT'S ROLE IN THE STATEWIDE TRANSPORTATION PLANNING PROCESS. FIRST, VDOT HAS THE AUTHORITY AND RESPONSIBILITY TO COORDINATE STATEWIDE TRANSPORTATION PLANNING AND TO UPDATE HIGHWAY NEEDS AT LEAST EVERY FIVE YEARS. WE ARE RESPONSIBLE FOR THE SIX YEAR IMPROVEMENT PROGRAM. WE HAVE A PREALLOCATION PROCESS TO ASSIST IN SETTING PRIORITIES. WE ALSO PROVIDE PLANNING AND TECHNICAL ASSISTANCE TO LOCALITIES, ASSIST WITH CORRIDOR PLANNING AND HAVE GENERAL RESPONSIBILITY FOR LONG-RANGE PLANNING.

BASED ON THE PLANNING CONFERENCE, WE HAVE IDENTIFIED OR VERIFIED FIVE AREAS WHERE IMPROVEMENTS ARE NEEDED:

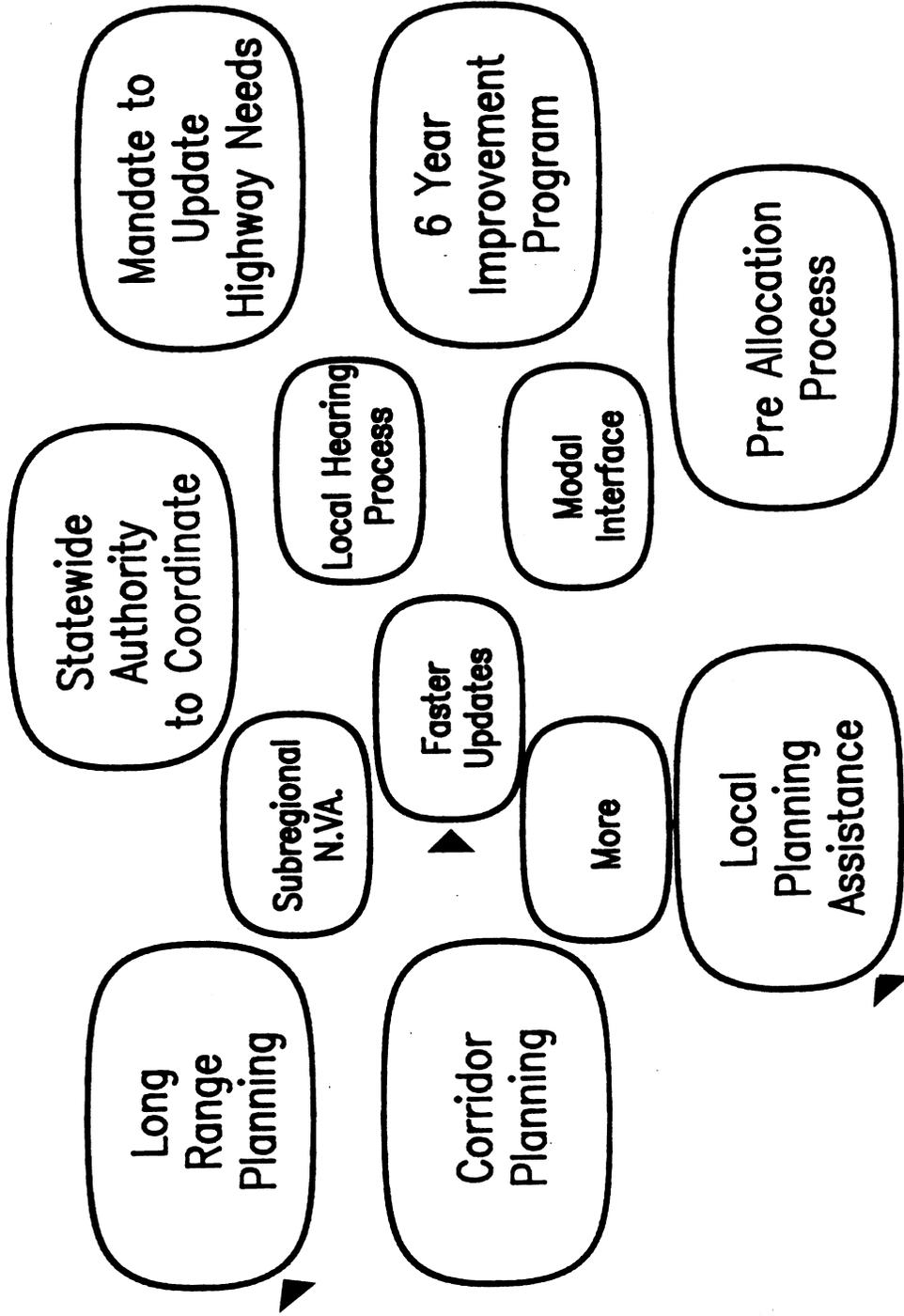
Refined Process



FIRST, VDOT NEEDS FASTER UPDATES OF PLANS FOR THE URBANIZED AREAS. IN THIS REGARD, WE WILL BE ALLOCATING MORE RESOURCES TO LOOK AT THE EXISTING LONG-RANGE PLANS.

HERE OUR GOAL IS REGULAR FIVE-YEAR UPDATES OF PLANS. FASTER UPDATING OF LOCAL PLANS WILL ASSIST VDOT IN PULLING TIMELY INFORMATION INTO THE STATEWIDE LONG-RANGE PLAN.

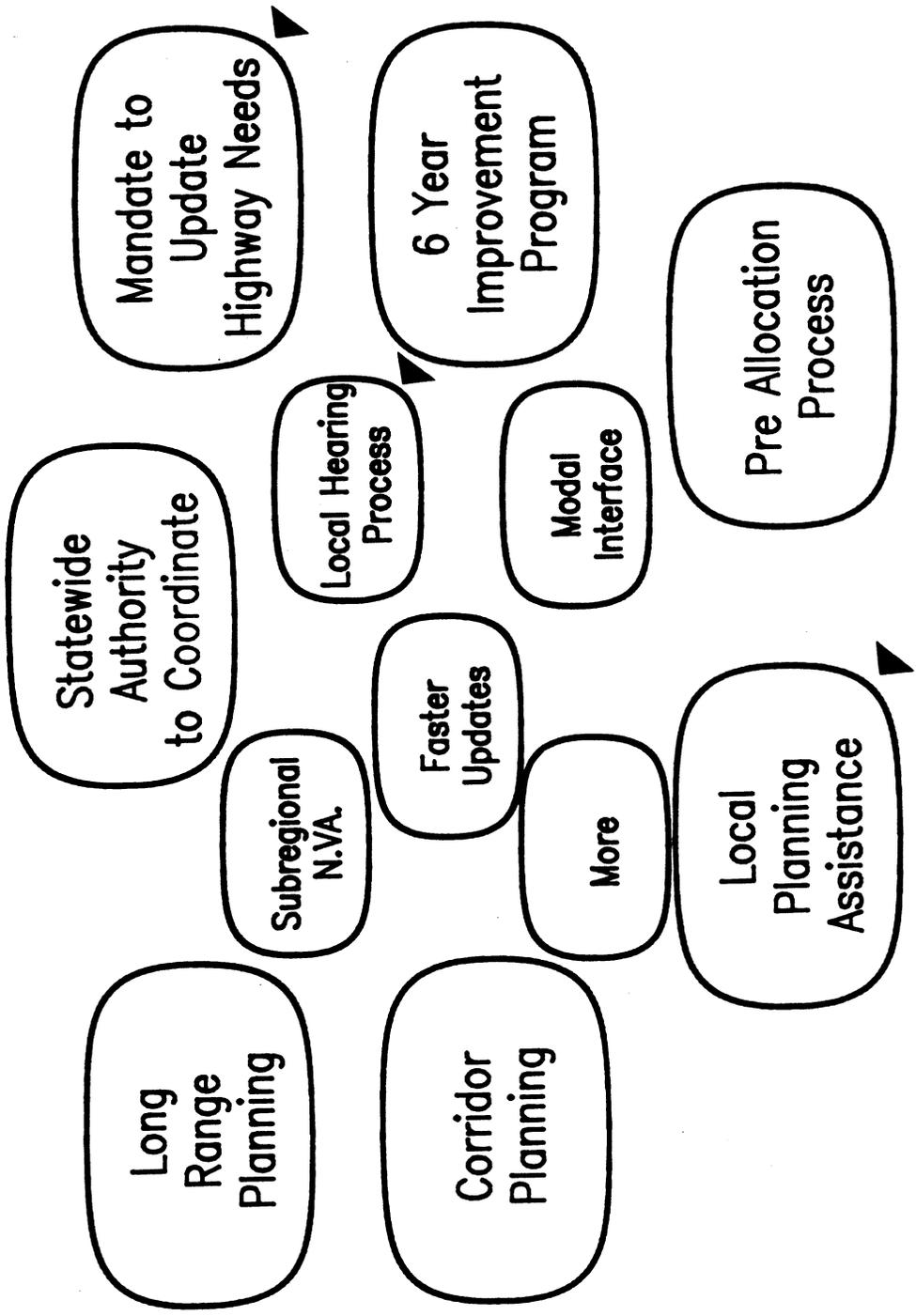
Refined Process



MORE LOCAL PLANNING INPUT TO THE STATEWIDE HIGHWAY NEEDS UPDATE WOULD BE BENEFICIAL. DURING 1988 VDOT WILL BEGIN A SERIES OF PUBLIC HEARINGS TO RECEIVE COMMENTS ON THE EXISTING TRANSPORTATION DOCUMENTS. I SEE THIS PROCESS EVOLVING INTO THE HOLDING OF HEARINGS AT LEAST EVERY FIVE YEARS, ABOUT 9 TO 12 MONTHS BEFORE OUR REPORT OF STATEWIDE HIGHWAY NEEDS TO THE GENERAL ASSEMBLY.

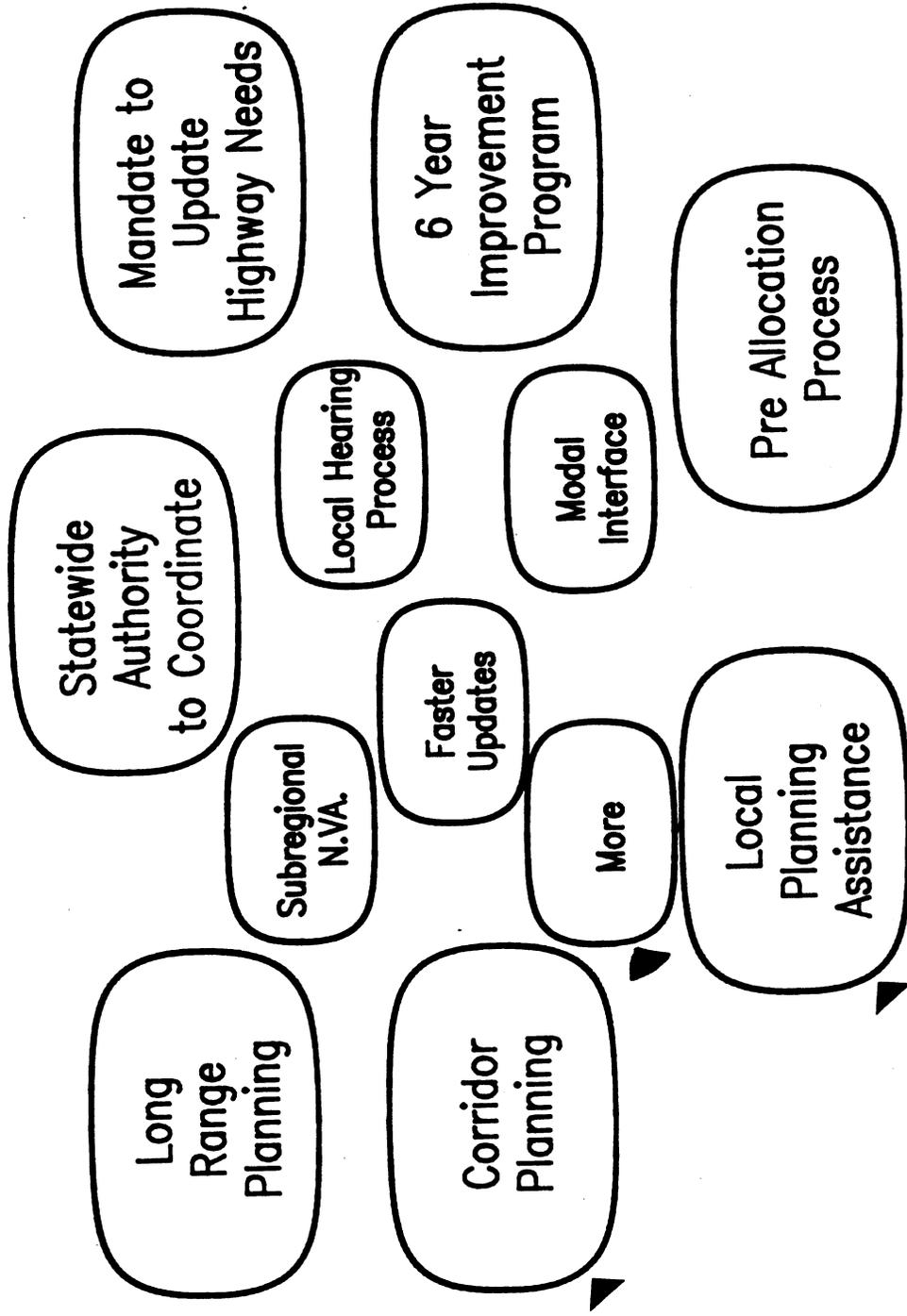
AS PART OF OUR STATEWIDE NEEDS UPDATE, I PLAN TO INCORPORATE A SUMMARY OF ALL MODAL NEEDS. WHILE THIS INFORMATION WILL COME PRIMARILY FROM THE URBAN TRANSPORTATION PLANS AND THE RESPONSIBLE TRANSPORTATION AGENCIES, I EXPECT THE NEW HEARING PROCESS TO BE ANOTHER VEHICLE TO HELP LOCAL GOVERNMENTS IDENTIFY THEIR PRIORITIES.

Refined Process



VDOT NEEDS TO EXPAND TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND WILL BE ALLOCATING ADDITIONAL RESOURCES TO THIS ENDEAVOR. EMPHASIS WILL BE PLACED ON CORRIDOR STUDIES THAT IDENTIFY SHORT-TERM IMPROVEMENTS AND PROVIDE SPECIFIC FOCUS ON TRANSPORTATION SYSTEM MANAGEMENT RECOMMENDATIONS.

Refined Process

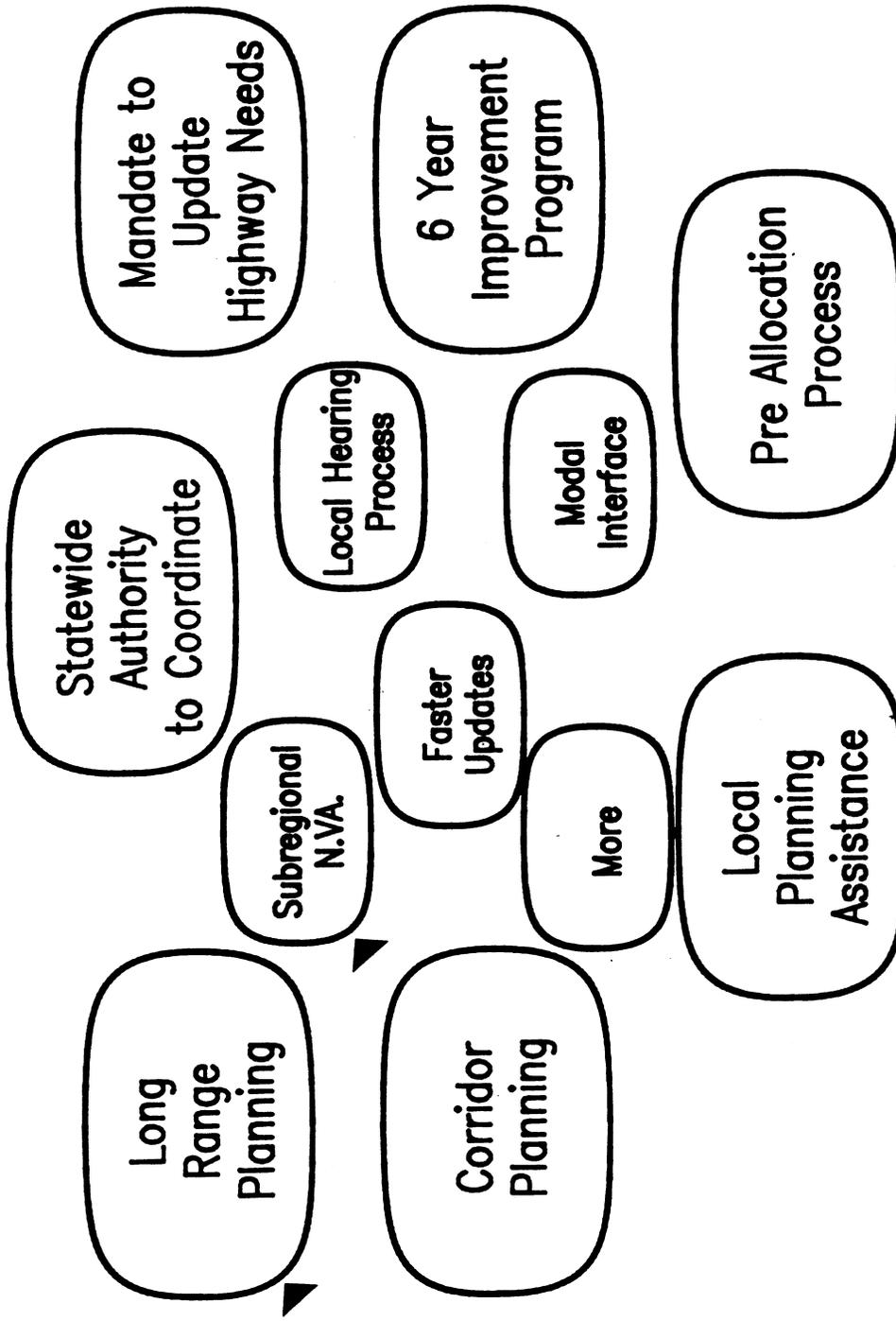


WE ALSO NEED TO STRENGTHEN THE INTERMODAL LINKAGES IN VIRGINIA'S TRANSPORTATION PLANNING ACTIVITIES. WITH THE NEW MANDATE PLACED ON THE COMMONWEALTH TRANSPORTATION BOARD TO ADMINISTER THE TRANSPORTATION TRUST FUND AND WITH THE FORMATION OF THE BOARD'S MULTIMODAL TRANSPORTATION COMMITTEE, EMPHASIS HAS BEEN PLACED ON INSURING THAT PROPER INTERFACE OCCURS AMONG ALL MODES, AND THAT LONG-RANGE PLANS INCLUDE CONSIDERATION OF ALL MODES.

FINALLY, THE REGIONAL PLANNING PROCESS IN NORTHERN VIRGINIA HAS NOT PROVIDED A FRAMEWORK BY WHICH GROWTH IN THAT AREA CAN BE ADEQUATELY PLANNED. TO OVERCOME THIS PROBLEM, SOME TYPE OF SUBREGIONAL PROCESS IS NEEDED TO SUPPLEMENT REGIONAL PLANNING, WHICH IS MULTI-STATE IN NATURE.

AN INITIATIVE ANNOUNCED BY THE GOVERNOR JUST LAST WEEK AT A PLANNING LUNCHEON WITH LOCAL OFFICIALS IS INTENDED TO ADDRESS THIS GAP. THE GOVERNOR DIRECTED THAT MAYORS, CHAIRS OF BOARDS OF SUPERVISORS, AND LOCAL LEADERS DEVELOP A PLAN AND MAP TO IDENTIFY REGIONAL HIGHWAY AND PUBLIC TRANSIT NEEDS BY OCTOBER 1988.

Refined Process



IN SUMMARY, WITH THE GOVERNOR'S INITIATIVES, THE RECOMMENDATIONS OF THE COMMISSION ON TRANSPORTATION, AND THE ACTIONS OF THE GENERAL ASSEMBLY, VDOT IS MOVING INTO MORE AGGRESSIVE TRANSPORTATION PLANNING. PLANNING IS TAKING INTO CONSIDERATION BOTH SHORT-TERM AND LONG-TERM NEEDS AND EMPHASIZING THE RELATIONSHIP AMONG ALL MODES OF TRANSPORTATION.

Virginia Department of Transportation



VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON

PUBLIC HEARING
PROCEDURES

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

RAY D. PETHTEL
COMMISSIONER
SEPTEMBER 23, 1987

THE PUBLIC HEARING PROCESS IS AN IMPORTANT PART OF VDOT'S CONSTRUCTION PROGRAM. THROUGH PUBLIC HEARINGS, VIRGINIA'S CITIZENS ARE APPRISED OF ROAD PROPOSALS, INFORMED OF PLANS THAT AFFECT THEM, AND GIVEN THE OPPORTUNITY TO PARTICIPATE IN DECISION MAKING.

PUBLIC HEARINGS

✓ INFORMATION

✓ IMPACTS

✓ PARTICIPATION

MANY TYPES OF HEARINGS ARE CONDUCTED IN THE ANNUAL DEVELOPMENT OF ROAD PROJECTS. THESE INCLUDE:

- * HEARINGS HELD BY LOCAL BOARDS OF SUPERVISORS ABOUT THE SIX-YEAR PLAN FOR SECONDARY ROADS AND THE ROAD BUDGET;
- * HEARINGS CONDUCTED BY LOCAL GOVERNMENTS ABOUT COMPREHENSIVE PLANS AND LOCAL BUDGETS;
- * VDOT'S NINE PREALLOCATION HEARINGS AND FINAL HEARINGS FOR PRIMARY, URBAN, AND INTERSTATE ROADS; AND
- * VDOT'S PUBLIC INFORMATION MEETINGS AND HEARINGS RELATING TO THE LOCATION AND DESIGN OF SPECIFIC ROAD PROJECTS.

IT IS THIS LAST AREA ON WHICH I'LL FOCUS THE PRESENTATION. I WANT TO DISCUSS THE BASIS FOR OUR HEARING PROCEDURES, TYPES OF HEARINGS, THE ACTUAL HEARING PROCESS, AND RECENT CHANGES.

PUBLIC HEARINGS

- SIX YEAR SECONDARY PLAN
SECONDARY ROADS BUDGET

- COMPREHENSIVE PLANS
LOCAL BUDGETS

- PREALLOCATION

- PROJECT-SPECIFIC HEARINGS
& PUBLIC INFORMATION MEETINGS

HEARINGS RELATED TO SPECIFIC PROJECTS FOLLOW STUDIES CONDUCTED BY VDOT THAT HAVE ANALYZED THE SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS OF A PARTICULAR ROAD LOCATION AND DESIGN. THESE HEARINGS ARE ALWAYS GUIDED BY STATE LAW AND DEPARTMENT POLICY.

IN ADDITION, FOR MOST PROJECTS WE INCORPORATE ALL FEDERAL REQUIREMENTS. THIS IS BECAUSE THE SOURCE OF FUNDING IS NOT ALWAYS CLEAR AT THE OUTSET OF A PROJECT.

PUBLIC HEARING REQUIREMENTS

VIRGINIA STATUTORY / POLICY REQUIREMENTS

FEDERAL GUIDELINES

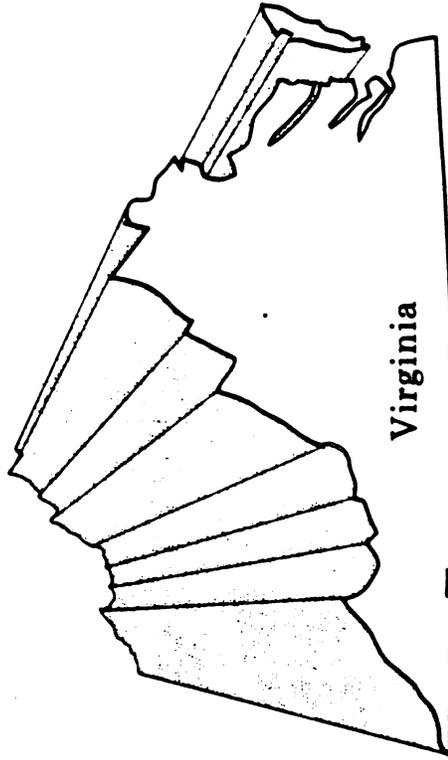
IN MOST RESPECTS, FEDERAL AND STATE REQUIREMENTS RELATING TO HEARINGS ARE THE SAME.

THE FEDERAL HIGHWAY ADMINISTRATION HAS APPROVED OUR CURRENT PUBLIC HEARING PROCEDURE FOR USE IN CONJUNCTION WITH FEDERALLY-AIDED PROJECTS.

HOWEVER, FOR FEDERALLY-AIDED PROJECTS, THE FHWA NEEDS TO BE CONSULTED UP FRONT ABOUT THE NEED FOR HEARINGS AND THE NUMBER TO BE HELD.

IN ADDITION, SOME FEDERALLY-AIDED PROJECTS REQUIRE A COMPREHENSIVE ENVIRONMENTAL STUDY, WHICH MAY ADD TO THE NUMBER OF HEARINGS NEEDED FOR A PROJECT.

**PUBLIC
INVOLVEMENT POLICY
MANUAL**



**Department of
Transportation**

1987

NOW I WANT TO BRIEFLY DISCUSS THE SPECIFIC CONDITIONS THAT NECESSITATE HEARINGS AND THE TYPES OF HEARING PROCESSES THAT WE USE.

MY GENERAL FRAME OF REFERENCE WILL BE CONDITIONS AND PROCESSES FLOWING FROM STATE LAW OR POLICY. AS I'VE NOTED, HOWEVER, THESE CONDITIONS ARE USUALLY COMPATIBLE WITH FEDERAL REQUIREMENTS.

○ CONDITIONS THAT NECESSITATE HEARINGS

○ TYPES OF HEARINGS

THE HEARING PROCESS MUST BE INVOKED WHENEVER A PROJECT INVOLVES SIGNIFICANT LOCATION OR DESIGN FEATURES; NAMELY

- * SUBSTANTIAL AMOUNTS OF ADDITIONAL RIGHT-OF-WAY, OR
- * A SUBSTANTIAL CHANGE IN THE LAYOUT OR FUNCTIONS OF CONNECTING ROADS OR THE ROAD BEING IMPROVED, OR
- * A SUBSTANTIAL ADVERSE EFFECT ON BORDERING PROPERTY.

HEARINGS FOR

- SUBSTANTIAL RIGHT-OF-WAY
- SUBSTANTIAL CHANGE
- SUBSTANTIAL ADVERSE IMPACT

OPTIONS FOR HEARINGS INCLUDE:

- (1) A NOTICE OF WILLINGNESS TO HOLD A HEARING;
- (2) A SINGLE COMBINED LOCATION AND DESIGN HEARING (ONE-HEARING PROCESS), OR
- (3) SEPARATE LOCATION AND DESIGN HEARINGS (TWO-HEARING PROCESS).

I'LL DESCRIBE EACH ONE:

OPTIONS FOR HEARINGS

- NOTICE OF WILLINGNESS
- SINGLE COMBINED HEARING
- SEPARATE LOCATION AND DESIGN HEARINGS

AT A MINIMUM, A NOTICE OF WILLINGNESS TO HOLD A HEARING IS REQUIRED BEFORE A FINAL DETERMINATION CAN BE MADE ABOUT THE LOCATION OF A ROAD. THIS IS MANDATED BY SECTION

33.1-18 OF THE CODE OF VIRGINIA.

THE NOTICE OF WILLINGNESS IS GIVEN TO THE CLERK OF THE CIRCUIT COURT IN THE COUNTY OR COUNTIES IN WHICH THE ROAD IS TO BE LOCATED. IT IS POSTED FOR A MINIMUM OF 14 DAYS.

IN A NOTICE OF WILLINGNESS PROCESS, WE REQUEST THAT CITIZENS INTERESTED IN A PARTICULAR PROJECT CONTACT THE DEPARTMENT FOR ADDITIONAL INFORMATION THEY MAY DESIRE. ALSO, ANY PERSON WHO FEELS A HEARING IS NEEDED MAY LODGE A WRITTEN REQUEST THAT A HEARING BE HELD.

HOWEVER, THE NOTICE OF WILLINGNESS PROCESS OFTEN SATISFIES THE NEED FOR A HEARING. IF NO ONE REQUESTS A HEARING OR IF THOSE THAT DO REQUEST A HEARING CAN HAVE THEIR CONCERNS ADDRESSED INDIVIDUALLY, WE FEEL THAT THE INTENT OF OUR PUBLIC HEARING POLICIES HAS BEEN SERVED.

1. NOTICE OF WILLINGNESS

- **INFORMAL PROVISION OF INFORMATION**
- **MAY LEAD TO PUBLIC HEARING OR**
- **MAY SUBSTITUTE FOR A HEARING**

IF WE GO TO A HEARING, A SINGLE COMBINED LOCATION AND DESIGN HEARING IS HELD ON PROJECTS THAT HAVE JUST ONE POSSIBLE LOCATION. THIS TYPE OF HEARING PRESENTS BOTH THE "WHERE" AND THE "HOW" OF A PROJECT. FOLLOWING THIS TYPE OF HEARING, A DECISION IS MADE REGARDING HOW OR WHETHER TO PROCEED WITH THE PROJECT.

2. ONE-HEARING PROCESS

- COVERS BOTH LOCATION & DESIGN
- ONLY ONE POSSIBLE LOCATION
- LEADS TO DECISIONS ABOUT
 - HOW TO BUILD
 - WHETHER TO BUILD

THE TWO-HEARING PROCESS, ONE FOR LOCATION AND ONE FOR DESIGN, IS USED WHEN A PROJECT:

- * IS A MAJOR PROJECT OF FOUR OR MORE LANES ON NEW LOCATION, OR
- * INVOLVES SIGNIFICANT SOCIAL, ECONOMIC OR ENVIRONMENTAL EFFECTS, OR
- * HAS TWO OR MORE FEASIBLE PLANS UNDER SERIOUS CONSIDERATION.

TWO HEARINGS

- FOUR OR MORE LANES ON
NEW LOCATION
- SOCIAL, ECONOMIC, OR
ENVIRONMENTAL IMPACT
- TWO OR MORE SOLUTIONS

THE FIRST OF THE TWO HEARINGS IS CALLED A "LOCATION HEARING." DURING LOCATION HEARINGS, THE ALTERNATIVE SITES, OR "WHERE" A PROJECT CAN BE BUILT, ARE PRESENTED. BASED ON HEARING COMMENTS AND STUDIES, A DECISION MAY BE MADE TO PROCEED WITH A DETAILED STUDY AND DESIGN AT ONLY ONE LOCATION.

AFTER DETAILED STUDY AND DESIGN, A SECOND HEARING, CALLED A DESIGN HEARING, PRESENTS THE DESIGN FEATURES, OR THE "HOW" OF THE PROJECT. AFTER THE SECOND HEARING, A DECISION IS MADE WHETHER TO PROCEED WITH THE PROJECT AS DESIGNED OR TO MAKE CHANGES BASED ON THE HEARING COMMENTS.

3. TWO-HEARING PROCESS

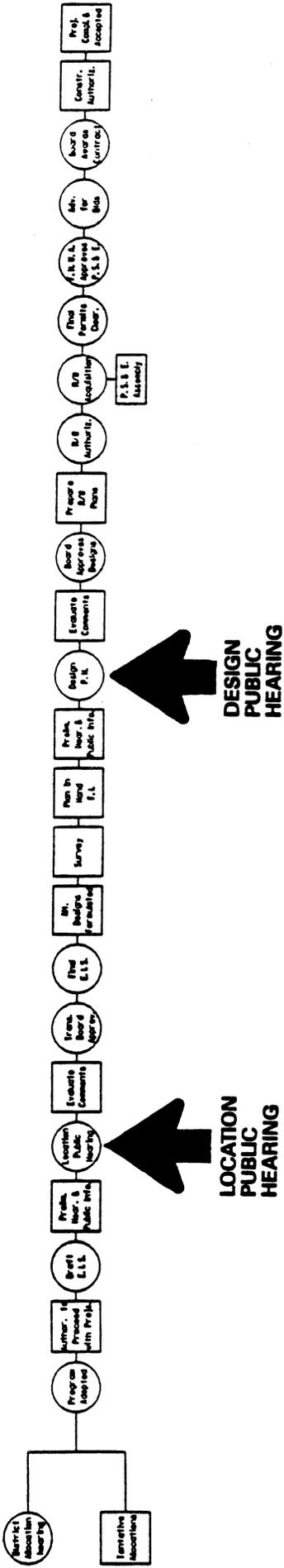
- LOCATION HEARING**
 - PRESENTS ALTERNATIVE SITES**
 - PRECEDES DETAILED STUDY & DESIGN**
- DESIGN HEARING**
 - PRESENTS TECHNICAL FEATURES OF CONSTRUCTION**

HEARINGS OCCUR RELATIVELY EARLY IN THE PROJECT CYCLE, USUALLY AFTER PROJECT PROGRAMMING AND JUST BEFORE SURVEY AND DESIGN ACTIVITY.

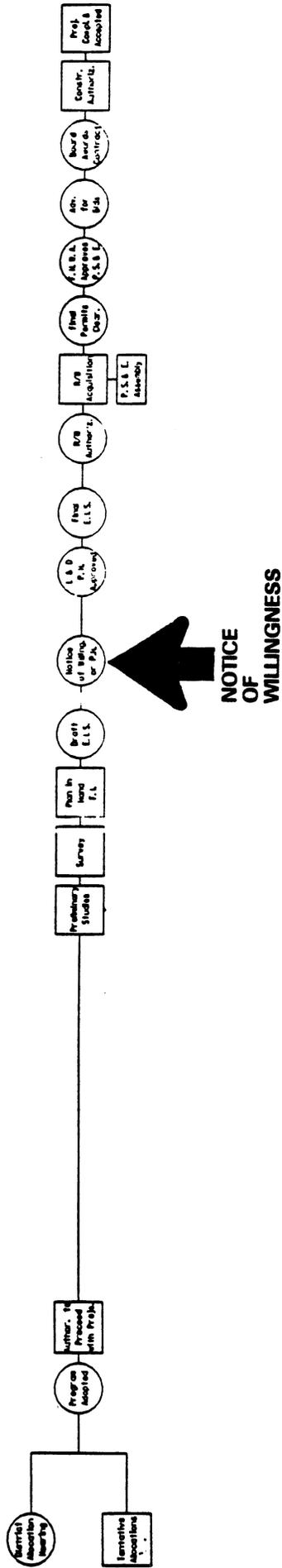
BOTH DESIGN HEARINGS AND COMBINED LOCATION AND DESIGN HEARINGS ARE HELD PRIOR TO BEGINNING RIGHT-OF-WAY ACQUISITION.

TWO HEARING PROCESS FOR PROJECT IMPLEMENTATION

○ denotes requirements of Federal or State Laws



ONE HEARING PROCESS FOR PROJECT IMPLEMENTATION



IN MAKING DETERMINATIONS ABOUT WHETHER OR NOT TO LODGE A NOTICE OF WILLINGNESS OR TO MOVE DIRECTLY TO A NOTICE OF A PUBLIC HEARING, WE CONSIDER TIME FRAMES, THE TYPE OF PROJECT INVOLVED, AND ANY PARTICULAR KNOWLEDGE WE HAVE ABOUT THE PROPOSED PROJECT.

IN TERMS OF TIME FRAMES, A NOTICE OF WILLINGNESS THAT DOES NOT CULMINATE IN A PUBLIC HEARING TAKES A MONTH TO PROCESS.

A PUBLIC HEARING REQUIRES A MINIMUM OF TWO MONTHS TO PROCESS TO FINAL ACTION BY THE COMMONWEALTH TRANSPORTATION BOARD.

A NOTICE OF WILLINGNESS THAT LEADS TO A PUBLIC HEARING TAKES AT LEAST THREE MONTHS. ONE MONTH IS REQUIRED TO PROCESS EACH NOTICE, AND THE NORMAL TIME FOR INFORMATIONAL MEETINGS, FOR THE HEARING PROCESS AND FOR FOLLOW-UP MUST ALSO BE ALLOWED.

**1. NOTICE OF WILLINGNESS--
ONE MONTH PROCESS**

**2. PUBLIC HEARING--
TWO MONTH PROCESS (MINIMUM)**

**3. NOTICE OF WILLINGNESS PLUS PUBLIC HEARING--
THREE MONTH PROCESS (MINIMUM)**

WHETHER THE PROCEDURE OF CHOICE IS A NOTICE OF WILLINGNESS OR ONE OR MORE ACTUAL HEARINGS, IT IS IMPORTANT THAT THE PUBLIC BE MADE AWARE OF THIS UPCOMING EVENT. VDOT DOES SEVERAL THINGS TO PUBLICIZE THE NOTICE OF WILLINGNESS OR THE HEARING.

AT LEAST TWO NOTICES ARE PUBLISHED IN AREA NEWSPAPERS. IN ADDITION, COPIES OF THE NOTICE ARE PLACED IN PUBLIC BUILDINGS NEAR THE PROJECT.

SEVERAL PARTIES ARE DIRECTLY NOTIFIED. THEY INCLUDE:

- * CONCERNED MEMBERS OF THE LEGISLATURE, LOCAL GOVERNMENT ADMINISTRATORS AND ELECTED OFFICIALS;
- * LOCAL PLANNING BODIES, CHAMBERS OF COMMERCE, CIVIC AND CITIZENS' ASSOCIATIONS, SCHOOL OFFICIALS AND PARENT-TEACHER ORGANIZATIONS, AND
- * ANY GROUP OR PERSON WHO HAD PREVIOUSLY INDICATED AN INTEREST IN A PROJECT.

IN ADDITION, NOTICES ARE SOMETIMES SENT TO INDIVIDUAL PROPERTY OWNERS, OR SIGNS MAY BE POSTED ON THE PROJECT SITE.

NOTICE OF WILLINGNESS OR HEARING

- AREA NEWSPAPERS
- PUBLIC BUILDINGS
- LEGISLATORS, LOCAL GOVERNMENT ADMINISTRATORS,
ELECTED OFFICIALS
- PLANNERS
- CIVIC & CITIZENS' ASSOCIATIONS
- CHAMBERS OF COMMERCE
- SCHOOL OFFICIALS & PTAs
- OTHERS

THERE ARE UNIFORM PROCEDURES FOR THE CONDUCT OF PUBLIC HEARINGS. THESE PROCEDURES ARE OUTLINED IN VDOT'S PUBLIC PARTICIPATION MANUAL.

- * FIRST, HEARINGS ARE GENERALLY PRECEDED BY INFORMAL MEETINGS. THESE MEETINGS ALLOW PEOPLE AN OPPORTUNITY TO REVIEW THE PROPOSAL PRIOR TO THE FORMAL HEARING. NO FORMAL TESTIMONY IS TAKEN DURING THESE MEETINGS.
- * EVERY EFFORT IS MADE TO HOLD PROJECT HEARINGS IN A CONVENIENT PLACE FOR CITIZENS AND AT A CONVENIENT TIME, USUALLY BEGINNING BETWEEN 7 P.M. AND 8 P.M.
- * HEARINGS ARE OPENED WITH STAFF PRESENTATIONS ON THE PROPOSAL AND RIGHT-OF-WAY POLICY, AFTER WHICH CITIZENS ARE INVITED TO GIVE THEIR TESTIMONY. ALL PRESENTATIONS, DISCUSSIONS, AND TESTIMONY ARE TAPED, WITH TRANSCRIPTS MADE PART OF THE HEARING RECORD.
- * THE HEARING RECORD IS HELD OPEN FOR A MINIMUM OF TEN DAYS AFTER THE HEARINGS TO ALLOW ADDITIONAL WRITTEN COMMENTS.
- * ALL COMMENTS IN THE HEARING RECORD ARE REVIEWED BY DISTRICT AND CENTRAL OFFICE STAFF PRIOR TO ANY RECOMMENDATIONS TO THE TRANSPORTATION BOARD. IN MANY CASES, RECOMMENDATIONS INCORPORATE CHANGES AS A RESULT OF INPUT RECEIVED DURING THE HEARING PROCESS.

HEARING PROCEDURES

- PRECEDED BY INFORMAL MEETINGS
- CONVENIENT TIME AND PLACE
- STAFF PRESENTATIONS
- CITIZEN TESTIMONY
- WRITTEN COMMENTS
- REVIEW OF HEARING RECORD

SINCE 1985, SIGNIFICANT CHANGES HAVE BEEN MADE IN VDOT'S PUBLIC HEARING PROCESS. THE PURPOSE OF THESE CHANGES HAS BEEN TO INCREASE COMMUNICATION WITH THE PUBLIC. THESE CHANGES HAVE INCLUDED:

- * THE ESTABLISHMENT OF A PUBLIC PARTICIPATION UNIT IN THE CENTRAL OFFICE. THIS UNIT PLANS, ORGANIZES, CONDUCTS AND EVALUATES OUR HEARINGS.
- * CONTACT WITH CITIZENS EARLIER IN THE DESIGN PHASE OF A PROJECT; FOR EXAMPLE, IT IS NOT UNUSUAL FOR US TO GO TO HEARING WITH NOTHING MORE THAN A LINE ON AERIAL PHOTOS AND 25 TO 50 PERCENT OF THE DESIGN COMPLETED.
- * GREATER EMPHASIS IN THE USE OF PUBLIC INFORMATION MEETINGS PRIOR TO THE PUBLIC HEARING;
- * A MORE PROACTIVE ROLE FOR VDOT AT PUBLIC HEARINGS, INCLUDING CLARIFICATION OF FACTS AND RESPONSE TO QUESTIONS WITH SIGNIFICANT POTENTIAL IMPACT ON AUDIENCE MEMBERS; AND
- * FOLLOW-UP MEETINGS AFTER ACTION BY THE BOARD TO EXPLAIN THE REASONS FOR A PARTICULAR DECISION. THESE MEETINGS ARE GENERALLY LIMITED TO SITUATIONS ENTAILING A SIGNIFICANT CHANGE IN DIRECTION OR NEW INFORMATION, OR IN INSTANCES WHERE THE LEVEL OF CITIZEN INTEREST HAS BEEN HIGH.

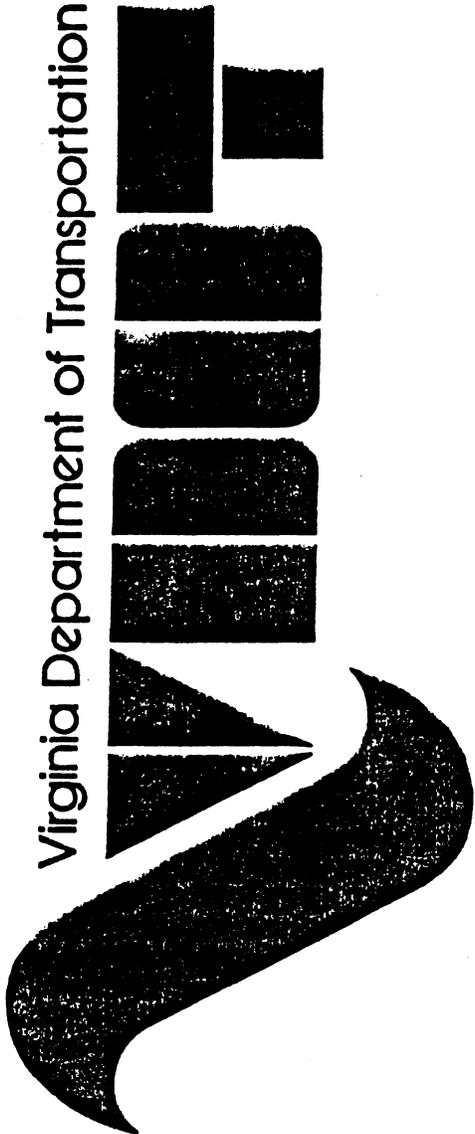
SIGNIFICANT CHANGES IN THE PUBLIC HEARING PROCESS

- NEW PUBLIC PARTICIPATION UNIT – CENTRAL OFFICE
- EARLIER CONTACT WITH CITIZENS
- PUBLIC INFORMATION MEETINGS
- PROACTIVE ROLE DURING HEARING
- FOLLOW UP MEETINGS

LET ME CLOSE THIS DISCUSSION BY SAYING THAT THE PUBLIC HEARING PROCESS IS THE KEY TO OUR ROAD-BUILDING PROGRAM. AFTER ALL, ROADS ARE BUILT TO SATISFY THE NEEDS OF CITIZENS. ONE OF THE BEST WAYS TO UNDERSTAND THOSE NEEDS IS THROUGH PUBLIC HEARINGS.

I BELIEVE OUR PRESENT PUBLIC HEARING POLICY IS AN EFFECTIVE VEHICLE FOR THE DEPARTMENT AND CITIZENS ALIKE. HOWEVER, BECAUSE OF THE IMPORTANCE VDOT PLACES ON COMMUNICATION WITH THE PUBLIC, WE WILL CONTINUE TO CAST A CRITICAL EYE TO OUR PROCESS AND LOOK FOR FURTHER IMPROVEMENTS THAT MAY BE BENEFICIAL.

Virginia Department of Transportation



VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON

PROCEDURES FOR
RIGHT OF WAY ACQUISITION

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

JACK S. HODGE
DIRECTOR OF ENGINEERING
OCTOBER 28, 1987

INTRODUCTION

CHAIRMAN PHILPOTT AND MEMBERS OF THE COMMISSION ON TRANSPORTATION, I AM
JACK HODGE, DIRECTOR OF ENGINEERING FOR THE DEPARTMENT OF TRANSPORTATION.

I WILL BE DISCUSSING WITH YOU TODAY - "PROCEDURES FOR RIGHT OF WAY
ACQUISITION" CURRENTLY UTILIZED BY THE DEPARTMENT OF TRANSPORTATION.



THERE ARE FIVE MAJOR POINTS THAT MUST BE CONSIDERED AS WE DISCUSS VDOT'S
RIGHT OF WAY ACQUISITION PROCEDURES.

THESE ARE 1-5

1. NO STATE OR LOCAL AGENCY CAN RESERVE RIGHT OF WAY
2. RIGHT OF WAY CAN ONLY BE OBTAINED THROUGH ACQUISITION, BY PURCHASE OR CONDEMNATION, PROFFER OR DONATION
3. ACQUISITION OR CONDEMNATION REQUIRES "CENTER-LINE"
4. TYPICALLY DONATION REQUIRES "CENTER-LINE"
5. PROFFER MAY OR MAY NOT REQUIRE "CENTER-LINE"

VDOT'S CURRENT PROCEDURES FOR ACQUISITION OF RIGHT OF WAY MUST MEET ALL STATE AND FEDERAL CODE REQUIREMENTS.

VDOT'S PROCEDURES DIFFER TO SOME EXTENT FROM THOSE OF LOCAL GOVERNMENT.

THE BASIC DIFFERENCES ARE - - -

VDOT'S PUBLIC HEARING PROCESS TO DETERMINE THE LOCATION AND DESIGN OF A FACILITY IS DONE ON A PROJECT-BY-PROJECT BASIS.

THE LOCALITY'S PROCEDURES PROVIDE FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN OF ALL FACILITIES WITHIN THE JURISDICTION AND FOR THE ADOPTION OF AN "OFFICIAL MAP" WITH CENTERLINES.

VDOT'S PROCEDURE IS AS FOLLOWS:

STATE AND LOCAL PROCEDURES

VDOT'S PROCEDURE FOR RIGHT OF WAY ACQUISITION

1. PREALLOCATION HEARINGS
2. ALLOCATIONS-SIX YEAR PROGRAM
3. PRELIMINARY ENGINEERING AUTHORIZATION
4. ENGINEERING AND ENVIRONMENTAL STUDIES
5. LOCATION PUBLIC HEARING
6. BOARD ADOPTION OR REJECTION
7. SURVEY DEVELOPED
8. DESIGN (RIGHT OF WAY PLANS)
9. DESIGN PUBLIC HEARING OR COMBINED L & D HEARING
10. BOARD APPROVAL ("CENTER-LINE" ESTABLISHED)
11. RIGHT OF WAY AUTHORIZATION AND ACQUISITION

LOCALITY PROCEDURES FOR RIGHT OF WAY ACQUISITION

1. COMPREHENSIVE PLANNING PROCESS
2. PUBLIC HEARING
3. PLANNING COMMISSION ADOPTS COMPREHENSIVE PLAN AND RECOMMENDS TO GOVERNING BODY
4. APPROVED OR REJECTED BY GOVERNING BODY
5. ESTABLISH "CENTER-LINE" THRU APPROPRIATE ENGINEERING AND ENVIRONMENTAL STUDIES
6. RETURN TO #4 FOR VDOT PROJECT. FEDERAL FUNDING OR PERMIT
7. MAY ADOPT "OFFICIAL MAP" WITH "CENTER-LINE" AND METES & BOUNDS SURVEY ON ALL FACILITIES
8. CONSULT WITH VDOT ON MAP
9. ACQUISITION OF RIGHT OF WAY IS NOT AFFECTED

1.

VDOT'S PRE-ALLOCATION HEARINGS ARE HELD YEARLY AT NINE LOCATIONS AROUND THE STATE TO DISCUSS NEEDS WITH LOCALITIES.

CITIZENS HAVE THIS OPPORTUNITY TO APPEAR BEFORE THE TRANSPORTATION BOARD TO EXPRESS THEIR CONCERNS WITH REGARD TO TRANSPORTATION NEEDS IN THIS AREA.

2.

THE SIX YEAR IMPROVEMENT PROGRAM FOR ALLOCATION DISTRIBUTION IS DEVELOPED AS A RESULT OF THE PRE-ALLOCATION HEARING AND IS IN ACCORDANCE WITH THE REVENUES ANTICIPATED TO BE AVAILABLE TO FUNDING TRANSPORTATION PROJECTS AROUND THE COMMONWEALTH.

3.

AT THIS POINT, FUNDS ARE MADE AVAILABLE TO BEGIN PRELIMINARY ENGINEERING WORK ON SPECIFIC PROJECTS WITHIN THE SIX YEAR PROGRAM.

4.

ENGINEERING AND ENVIRONMENTAL STUDIES ARE PREPARED ON EVERY PROJECT IN ACCORDANCE WITH STATE AND FEDERAL REQUIREMENTS.

ENGINEERING STUDIES MUST INCLUDE SUCH DATA AS ESTABLISHING ALTERNATIVE LOCATIONS, ESTABLISHING GRADES, STREAM CROSSINGS, CHANNEL CHANGES, RIGHT OF WAY REQUIRED, DISPLACEMENT OF PROPERTY AND PROPERTY OWNERS, SUB-SOIL REQUIREMENTS, SLOPE REQUIREMENTS, TRAFFIC USAGE, INTERSECTION AND INTERCHANGE DESIGN. THESE ARE SOME OF THE MORE IMPORTANT.

ENVIRONMENTAL STUDIES MUST INCLUDE IMPACTS OF PROPOSED ALTERNATIVES ON STREAM CROSSINGS, WETLANDS, HISTORIC PROPERTIES, DISPLACEMENT OF PEOPLE AND PROPERTY, DISPLACEMENT OF WILDLIFE, ARCHAEOLOGY AND COMMUNITIES. THESE ARE SOME OF THE MORE IMPORTANT.

WE MEET ALL STATE AND FEDERAL REQUIREMENTS TO ENSURE APPROVAL OF THE PROJECTS AND PRESERVE ELIGIBILITY TO RECEIVE FEDERAL FUNDING FOR THE PROJECTS.

5.

UPON STUDY COMPLETION, A LOCATION PUBLIC HEARING IS HELD TO PRESENT PROJECT LOCATION ALTERNATIVES AND PRELIMINARY DESIGN FEATURES.

A LOCATION PUBLIC HEARING SERVES TO PROVIDE AN OPPORTUNITY FOR THE CITIZENS TO BECOME FAMILIAR WITH A PROJECT'S PROPOSED LOCATION AND PRELIMINARY DESIGN FEATURES. CITIZENS MAY EXPRESS THEIR CONCERNS AND ASK QUESTIONS ABOUT THE LOCATION RECOMMENDATIONS AND PRELIMINARY DESIGN.

A PUBLIC RECORD FOR THE TRANSPORTATION BOARD'S REVIEW AND CONSIDERATION IS MADE.

6.

THE COMMONWEALTH TRANSPORTATION BOARD ADOPTS OR REJECTS THE PROJECT.

IF IT IS REJECTED, FURTHER EVALUATION IS MADE OF THE PROJECT AND IT IS RETURNED TO THE BOARD FOR RECONSIDERATION. AT THIS POINT, RIGHT OF WAY CAN BE PURCHASED PROVIDED IT IS A TOTAL TAKE AND A HARDSHIP CASE.

7.

IF THE TRANSPORTATION BOARD APPROVES A LOCATION HEARING, A SURVEY (GROUND OR AERIAL) IS DEVELOPED TO FIX AND PERMANENTLY MONUMENT "CENTERLINE" OF PROJECT.

8.

PLANS FOR THE PROJECT ARE DESIGNED FOR RIGHT OF WAY AROUND FIXED AND MONUMENTED "CENTERLINE".

9.

A DESIGN PUBLIC HEARING IS HELD TO DISCUSS RIGHT OF WAY REQUIREMENTS AND OTHER DESIGN FEATURES FOR CITIZENS TO HAVE INPUT AND HAVE QUESTIONS ANSWERED.

IF NO MAJOR CHANGES IN LOCATION ARE PROPOSED, A COMBINED LOCATION AND DESIGN HEARING MAY BE HELD IN LIEU OF A SEPARATE HEARING FOR LOCATION AND FOR DESIGN.

FOR EITHER HEARING, DETAILED PLANS ARE AVAILABLE FOR DISCUSSION AND REVIEW BY THE CITIZENS. THEIR COMMENTS ARE RECORDED FOR THE TRANSPORTATION BOARD'S REVIEW.

10.

THE COMMONWEALTH TRANSPORTATION BOARD APPROVES PLAN DESIGN FOR RIGHT OF WAY ACQUISITION.

11.

RIGHT OF WAY ACQUISITION IS APPROVED AND AUTHORIZED ON APPROVED PERMANENTLY FIXED "CENTERLINE", WHICH IS TIED TO THE ESTABLISHED COORDINATE SYSTEM..

VDOT'S PROCEDURE FOR RIGHT OF WAY ACQUISITION

1. PREALLOCATION HEARINGS
2. ALLOCATIONS-SIX YEAR PROGRAM
3. PRELIMINARY ENGINEERING AUTHORIZATION
4. ENGINEERING AND ENVIRONMENTAL STUDIES
5. LOCATION PUBLIC HEARING
6. BOARD ADOPTION OR REJECTION
7. SURVEY DEVELOPED
8. DESIGN (RIGHT OF WAY PLANS)
9. DESIGN PUBLIC HEARING OR COMBINED L & D HEARING
10. BOARD APPROVAL ("CENTER-LINE" ESTABLISHED)
11. RIGHT OF WAY AUTHORIZATION AND ACQUISITION

WHEN THE LOCALITY ADOPTS A COMPREHENSIVE TRANSPORTATION PLAN THAT INCLUDES
A MAP OF ALL TRANSPORTATION FACILITIES IN THAT JURISDICTION, THAT MAP HAS NO
OFFICIAL STATUS UNTIL A "CENTER-LINE" IS ESTABLISHED AS FOLLOWS - -

'MAP STATUS'

THESE STEPS MUST BE TAKEN TO BE IN COMPLIANCE WITH CODE 15.1-458.

THERE ARE NO ADVANTAGES IN PREPARING A "MAP" UNTIL THESE STEPS ARE TAKEN.

AFTER STEP THREE, RIGHT OF WAY CAN BE PURCHASED PROVIDED IT IS A TOTAL TAKE
AND A HARDSHIP CASE.

- 1. ENGINEERING AND ENVIRONMENTAL STUDIES DEVELOPED**
- 2. LOCATION PUBLIC HEARING HELD**
- 3. BOARD ADOPTION OR REJECTION**
- 4. SURVEY DEVELOPED**
- 5. DESIGN (RIGHT OF WAY PLANS)**
- 6. DESIGN PUBLIC HEARING OR COMBINED L&D HEARING**
- 7. BOARD APPROVAL ("CENTER-LINE" ESTABLISHED)**

AS WE UNDERSTAND, TO DATE NO JURISDICTION IN VIRGINIA IS KNOWN TO HAVE AN
"OFFICIAL MAP".

NO JURISDICTION IN VIRGINIA

HAS "OFFICIAL MAP"

THE PROBABLE REASON THAT NO JURISDICTION HAS PREPARED AN "OFFICIAL MAP" MAY BE THE EXTENSIVE COST AND TIME REQUIRED TO MEET CODE 15.1-458.

IN OTHER WORDS, SURVEYS (GROUND OR AERIAL) WOULD HAVE TO BE DEVELOPED TO FIX AND PERMANENTLY MONUMENT THE "CENTERLINE" OF EACH TRANSPORTATION FACILITY AND "RIGHT OF WAY" REQUIREMENT DETERMINED IN A MANNER TO MEET CODE 15.1-458.

EXTENSIVE COST AND TIME FOR

PREPARATION OF "OFFICIAL MAP"

UNDER THE "CENTERLINE" CONCEPT, EACH LOCALITY COULD DEVELOP AN "OFFICIAL MAP" FIXING OR DETERMINING THE CENTERLINE IN RELATION TO PERMANENT MONUMENTS IN COMPLIANCE WITH THE STATE AND FEDERAL REQUIREMENTS. THERE ARE POTENTIAL PROBLEMS AND/OR FACTORS THAT MUST BE RECOGNIZED AND ADDRESSED PROPERLY IF PROPOSED FACILITIES ARE EVER TO BE BUILT IN THE FUTURE.

POTENTIAL PROBLEMS AND/OR FACTORS
TO BE CONSIDERED IN ESTABLISHING A
CENTER-LINE WITH METES AND BOUNDS

UNDER THE CENTERLINE" CONCEPT, IT WOULD BE NECESSARY TO IDENTIFY AND AVOID THOSE ENVIRONMENTAL FEATURES PROTECTED BY STATE AND FEDERAL LAWS; OTHERWISE, A RESERVED OR PURCHASED CORRIDOR MIGHT NOT BE USEABLE FOR HIGHWAY PURPOSES AND NOT BE QUALIFIED FOR PERMITS.

IDENTIFY ENVIRONMENTAL FEATURES PROTECTED

BY FEDERAL AND STATE LAW

ENVIRONMENTAL FEATURES PROTECTED BY LAW AND MUST BE ADDRESSED ARE - (1 THRU 6).

THESE ARE TO NAME ONLY SEVERAL OF THE MORE IMPORTANT.

1. HISTORIC PROPERTIES
2. PARK LANDS
3. STREAMS
4. WETLANDS
5. WILDLIFE
6. ENDANGERED SPECIES

THESE STATE AGENCIES MUST BE GRANTED THE OPPORTUNITY TO REVIEW ALL PROJECTS AT
VARIOUS STAGES OF DEVELOPMENT.

STATE AGENCIES

STATE WATER CONTROL BOARD

VIRGINIA DIVISION OF HISTORIC LANDMARKS

VIRGINIA RESEARCH CENTER FOR ARCHAEOLOGY

VIRGINIA MARINE RESOURCES COMMISSION

VIRGINIA INSTITUTE OF MARINE SCIENCE

DEPARTMENT OF PARKS AND RECREATION

COMMISSION ON GAME AND INLAND FISHERIES

GOVERNORS COUNCIL ON THE ENVIRONMENT

AIR POLLUTION CONTROL BOARD

VIRGINIA DIVISION OF FORESTRY

SOIL AND WATER CONSERVATION COMMISSION

COMMISSION FOR THE ARTS

THESE FEDERAL AGENCIES MUST BE GRANTED THE OPPORTUNITY TO REVIEW ALL
PROJECTS AT VARIOUS STAGES OF DEVELOPMENT.

FEDERAL AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CORPS OF ENGINEERS

FISH AND WILDLIFE SERVICE

NATIONAL MARINE FISHERY SERVICE

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL PARK SERVICE

TENNESSEE VALLEY AUTHORITY

FOREST SERVICE

COAST GUARD

URBAN MASS TRANSPORTATION AGENCY

HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF AGRICULTURE

PRESIDENTS ADVISORY COUNCIL ON HISTORIC PRESERVATION

ENGINEERING STUDIES REVIEWED BY THE FEDERAL AND STATE AGENCIES INCLUDE:

- 1. FITTING FACILITY TO EXISTING TOPOGRAPHY**
- 2. SOILS INVESTIGATION**
- 3. STREAMS CROSSINGS ANALYSIS**
- 4. SLOPE STABILITY ANALYSIS**
- 5. BRIDGE LOCATIONS**
- 6. GRADES AND ALIGNMENT TO MEET AASHTO STANDARDS**

**ENGINEERING STUDIES REVIEWED BY
FEDERAL AND STATE AGENCIES INCLUDE:**

- 1. FITTING FACILITY TO EXISTING TOPOGRAPHY**
- 2. SOILS INVESTIGATION**
- 3. STREAM-CROSSING ANALYSIS**
- 4. SLOPE STABILITY ANALYSIS**
- 5. BRIDGE LOCATIONS**
- 6. GRADES AND ALIGNMENT TO MEET AASHTO
STANDARDS**

IF FEDERAL FUNDS ARE EVER TO BE USED IN ANY ASPECT OF THE PROJECT, THERE
MAY BE LEGAL OBSTACLES TO THE "CENTERLINE" APPROACH IF ALL ADMINISTRATIVE
ENVIRONMENTAL REQUIREMENTS ARE NOT MET AT THE PROPER TIME.

USE OF FEDERAL FUNDS

IF ALL ADMINSTRATIVE ENVIRONMENT REQUIREMENTS ARE NOT MET, IT IS CONSIDERED
A MEANS OF PRE-DETERMINATION AND WOULD PREJUDICE THE DECISION PROCESS OR ---
PERMITS COULD NOT BE OBTAINED TO BUILD THE PROJECT --- FEDERAL FUNDS COULD NOT
BE USED ON ANY PART OF THE PROJECT.

'PREDETERMINATION'

THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, AS AMENDED, CONTAINS SPECIFIC LIMITATIONS ON PROJECT ACTIVITIES SUCH AS THE RESERVATION OR PURCHASE OF RIGHT OF WAY PRIOR TO THE COMPLETION OF THE ENVIRONMENTAL EVALUATION PROCESS. THAT ACT STATES IN NO UNCERTAIN TERMS THAT NO ACTION WHICH WOULD EITHER HAVE AN ADVERSE ENVIRONMENTAL IMPACT OR LIMIT CHOICE OF REASONABLE ALTERNATIVES CAN BE TAKEN BEFORE AN ENVIRONMENTAL DOCUMENT IS APPROVED.

UNDER THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987, RIGHT OF WAY MAY BE DONATED IN ADVANCE OF EIS/PLANNING PROCESS, BUT CANNOT AFFECT THE DECISION ON ALIGNMENT. (SEE SECTION 146 OF PUBLIC LAW 100-17.)

'NATIONAL ENVIRONMENTAL POLICY ACT'

IN THE PREVIOUS COMMENTS, IT CAN READILY BE SEEN THAT UNDER PRESENT STATE AND FEDERAL LAWS THE COMPREHENSIVE PLAN "CENTERLINE" CONCEPT FOR ADVANCE RIGHT OF WAY RESERVATION OR ACQUISITION, THE NATIONAL ENVIRONMENTAL POLICY ACT AND OTHER REQUIREMENTS FOR THE USE OF FEDERAL FUNDS AND SECURING THE NECESSARY PERMITS ARE NOT COMPATIBLE WITHOUT . . .

COMPATIBILITY OF "CENTERLINE" CONCEPT

AND STATE AND FEDERAL LAWS

ESTABLISHING THE "CENTERLINE" OF EACH FACILITY ON THE MAP IN COMPLIANCE WITH THE ENGINEERING AND ENVIRONMENTAL STEPS CURRENTLY USED BY VDOT AND AS MENTIONED BEFORE FOR LOCALITIES.

AND - - -

- 1. ENGINEERING AND ENVIRONMENTAL STUDIES DEVELOPED**
- 2. LOCATION PUBLIC HEARING HELD**
- 3. BOARD ADOPTION OR REJECTION**
- 4. SURVEY DEVELOPED**
- 5. DESIGN (RIGHT OF WAY PLANS)**
- 6. DESIGN PUBLIC HEARING OR COMBINED L&D HEARING**
- 7. BOARD APPROVAL ("CENTER-LINE" ESTABLISHED)**

THE COMMITMENT OF EXTENSIVE ADDITIONAL FUNDING AND PERSONNEL - - -
TO SURVEY AND DESIGN EACH FACILITY FOR RIGHT OF WAY ACQUISITION IN ACCORDANCE
WITH PREVIOUS DISCUSSIONS.

COMMITMENTS BY STATE AND

LOCAL GOVERNMENT

THE CONSTITUTION DOES NOT PERMIT RESERVING RIGHT OF WAY WITHOUT JUST
COMPENSATION TO THE PROPERTY OWNER.

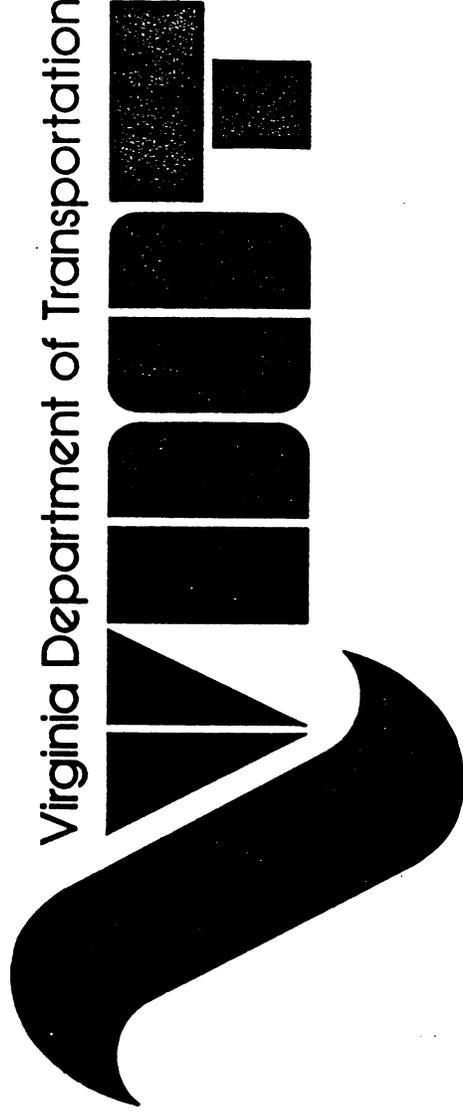
"CONSTITUTIONAL ISSUE"

IN CONCLUSION, THE FOLLOWING MAJOR POINTS SUMMARIZE PRESENT
CONDITIONS AND REQUIREMENTS.

- CONCLUSIONS -

1. NO STATE OR LOCAL AGENCY CAN RESERVE RIGHT OF WAY
2. RIGHT OF WAY CAN ONLY BE OBTAINED THROUGH ACQUISITION, BY PURCHASE OR CONDEMNATION, PROFFER OR DONATION
3. ACQUISITION OR CONDEMNATION REQUIRES "CENTER-LINE"
4. TYPICALLY DONATION REQUIRES "CENTER-LINE"
5. PROFFER MAY OR MAY NOT REQUIRE "CENTER-LINE"

Virginia Department of Transportation



VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON

STANDARDS AND APPROVAL PROCEDURES
FOR NEW ROADS BUILT BY DEVELOPERS

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

RAY D. PETHTEL
COMMISSIONER
SEPTEMBER 23, 1987

EACH YEAR, ABOUT 140 MILES OF NEW STREETS ARE ADDED TO THE SECONDARY SYSTEM OF STATE HIGHWAYS AS A RESULT OF SUBDIVISION DEVELOPMENT.

WE WANT TO MAKE SURE THESE STREETS ENABLE SAFE TRAVEL FOR THE PUBLIC, AS WELL AS EFFICIENT AND ECONOMICAL MAINTENANCE. FOR THESE REASONS, VDOT REQUIRES THAT SUBDIVISION STREETS ACCEPTED INTO THE SECONDARY SYSTEM MEET CERTAIN STANDARDS AND ADMINISTRATIVE CONDITIONS.

DURING THE NEXT TEN MINUTES I WILL GIVE YOU A BRIEF OVERVIEW OF THOSE REQUIREMENTS, THEIR STATUTORY BASIS, THE ROLE OF THE TRANSPORTATION BOARD IN THE DEVELOPMENT OF POLICIES, AND THE GENERAL PROCESS BY WHICH SUBDIVISION STREETS ARE ACCEPTED INTO THE STATE'S ROAD SYSTEM.

SUBDIVISION STREET REQUIREMENTS

- STANDARDS AND OTHER REQUIREMENTS
- STATUTORY BASIS
- ROLE OF BOARD
- PROCESS FOR ACCEPTANCE

STANDARDS AND ADMINISTRATIVE REQUIREMENTS

SUBDIVISION STREET STANDARDS ARE CONSISTENT WITH THOSE USED FOR THE CONSTRUCTION OF OTHER ROADS IN THE STATE SYSTEM AND ENTAIL MINIMUM DESIGN AND CONSTRUCTION REQUIREMENTS. THESE REQUIREMENTS COVER GRADE; DESIGN SPEED; STOPPING SIGHT DISTANCE; COMPOSITION OF THE ROAD BASE, SUBBASE, AND SURFACE; AND WIDTHS FOR PAVEMENTS, SHOULDERS, AND RIGHT-OF-WAY.

MANY OF THESE STANDARDS VARY ACCORDING TO THE AMOUNT OF TRAFFIC THE STREETS ARE PROJECTED TO CARRY AND THE TYPE OF TERRAIN ON WHICH THEY ARE CONSTRUCTED. FOR EXAMPLE, A STREET PROJECTED TO CARRY MORE THAN 8,000 VEHICLES PER DAY OVER FLAT TERRAIN WILL GENERALLY HAVE A MINIMUM DESIGN SPEED OF 45; HOWEVER THE MINIMUM DESIGN SPEED FOR A STREET PROJECTED TO CARRY 300 VEHICLES PER DAY OVER MOUNTAINOUS TERRAIN IS USUALLY 25.

CURB AND GUTTER DESIGN STANDARDS ALSO ARE SPECIFIED ACCORDING TO WHETHER STREETS ARE MAJOR THOROUGHFARES OR COLLECTORS; OR LOCAL, LOOP, AND CUL-DE-SAC STREETS.

1. SUBDIVISION STREET STANDARDS

TRAFFIC



TERRAIN



- GRADE
- DESIGN SPEED
- STOPPING SIGHT DISTANCE
- COMPOSITION OF ROAD
- PAVEMENT, SHOULDER,
RIGHT--OF--WAY WIDTH

NOT ONLY MUST STREETS BE BUILT TO THESE STANDARDS, THEY MUST RENDER SUFFICIENT PUBLIC SERVICE TO JUSTIFY THE EXPENDITURE OF PUBLIC FUNDS FOR THEIR MAINTENANCE. THIS MEANS THEY MUST DO AT LEAST ONE OF FOUR THINGS:

- * SERVE THREE OR MORE OCCUPIED HOUSING UNITS THAT HAVE DIFFERENT OWNERS OR TENANTS;
- * CONNECT OTHER STREETS THAT PROVIDE A PUBLIC SERVICE;
- * BE STUB STREETS LEADING TO THE SUBDIVISION BOUNDARY TO FACILITATE THE CONTINUITY OF ADJACENT DEVELOPMENT; OR
- * LEAD TO PUBLIC SCHOOLS, CHURCHES, RECREATIONAL AREAS, LANDFILLS OR SIMILAR PUBLIC FACILITIES.

CERTAIN ADMINISTRATIVE REQUIREMENTS ALSO MUST BE MET. I WILL DISCUSS THESE REQUIREMENTS IN A FEW MINUTES.

2. SERVICE REQUIREMENTS (ONE OR MORE)

- SERVE THREE OR MORE HOUSING UNITS
- CONNECT OTHER PUBLIC STREETS
- SERVE AS STUB STREETS
- LEAD TO SCHOOLS, CHURCHES, OTHER PUBLIC FACILITIES

STATUTORY BASIS

THE ADDITION OF SUBDIVISION STREETS TO THE STATE SYSTEM IS NOT A RECENT IDEA. THE STATE HAS BEEN RESPONSIBLE FOR THE MAINTENANCE AND CONSTRUCTION OF SECONDARY ROADS SINCE THE BYRD ROAD ACT OF 1932.

THE STATUTORY BASE FOR INCLUSION OF SUBDIVISION STREETS INTO THE STATE SYSTEM INCLUDES THREE SECTIONS OF THE CODE OF VIRGINIA:

SECTION 33.1-12, WHICH ADDRESSES THE GENERAL POWERS AND DUTIES OF THE TRANSPORTATION BOARD;

SECTION 33.1-69, WHICH VESTS THE CONTROL, SUPERVISION, AND MANAGEMENT OF SECONDARY ROADS, INCLUDING MAINTENANCE AND CONSTRUCTION, IN THE DEPARTMENT; AND

SECTION 33.1-229, WHICH GIVES THE COMMISSIONER APPROVAL AUTHORITY OVER STATE EXPENDITURES FOR NEW ROADS.

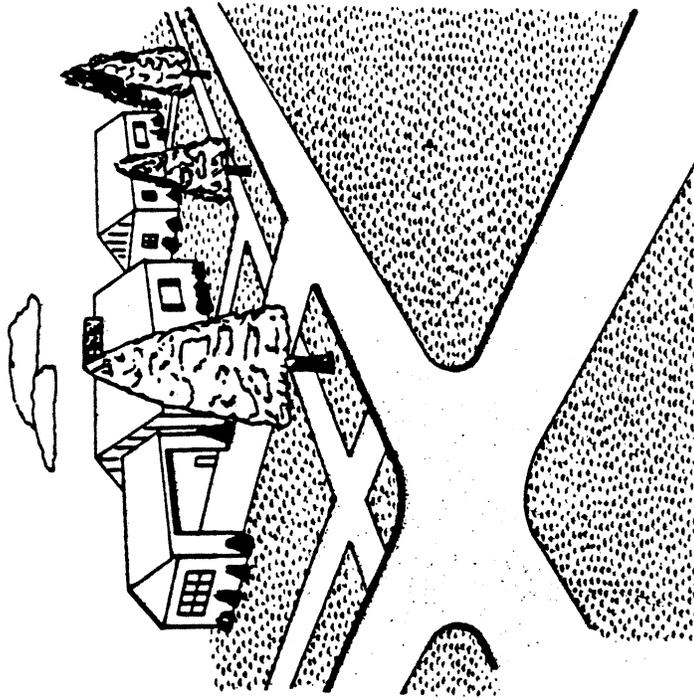
STATUTORY BASIS
CODE OF VIRGINIA

- SECTION 33.1-12
GENERAL POWERS AND DUTIES
- SECTION 33.1-69
JURISDICTION OF SECONDARY ROAD SYSTEM
- SECTION 33.1-229
APPROVAL OF STATE EXPENDITURES FOR
SECONDARY ROADS

TO RESPOND TO ITS LEGAL MANDATES, VDOT HAS ISSUED STANDARDS AND REQUIREMENTS IN THE FORM OF VARIOUS GUIDELINES AND DIRECTIVES SINCE AT LEAST 1949.

FOLLOWING PUBLIC HEARINGS, THE COMMONWEALTH TRANSPORTATION BOARD ADOPTED THE CURRENT SUBDIVISION STREET REQUIREMENTS IN 1980. THESE REQUIREMENTS, PUBLISHED IN ONE DOCUMENT FOR THE FIRST TIME, INCLUDED A POLICY STATEMENT ENDORSING THE FOLLOWING CHANGES:

SUBDIVISION STREET REQUIREMENTS



**VIRGINIA
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION**

* A FORMAL REVIEW PROCEDURE TO RESOLVE DIFFERENCES IN INTERPRETATION AND APPLICATION OF STANDARDS;

* PERIODIC SEMINARS FOR VDOT EMPLOYEES, LOCAL GOVERNMENT REPRESENTATIVES AND DEVELOPERS TO ENCOURAGE UNDERSTANDING AND UNIFORM APPLICATION OF REQUIREMENTS;

* A TERTIARY STREET CLASSIFICATION TO PERMIT LOWER ROAD DESIGN SPEEDS AND SHORTER SIGHT DISTANCES FOR STREETS WITH LIMITED TRAFFIC AND UNIQUE GEOGRAPHIC FEATURES;

* REDUCED RIGHT-OF-WAY WIDTHS FOR CERTAIN SITUATIONS; AND

* AN INCREASE IN MAINTFNANCE FEE AND BOND REQUIREMENTS FOR DEVELOPERS.

THE SUBDIVISION STREET REQUIREMENTS AND ITS REVISIONS ARE SUBJECT TO THE REQUIREMENTS OF THE ADMINISTRATIVE PROCESS ACT AND THEREFORE HAVE THE FORCE OF LAW. THEY ARE APPROVED IN FINAL FORM BY THE TRANSPORTATION BOARD.

POLICY CHANGES

1980 SUBDIVISION STREET REQUIREMENTS

- FORMAL REVIEW PROCEDURE
- TRAINING SEMINARS
- TERTIARY STREET CLASSIFICATION
- REDUCED RIGHT-OF-WAY WIDTHS
- INCREASED MAINTENANCE FEE AND BOND REQUIREMENTS

APPROVAL PROCESS

THIS CHART SHOWS THE CURRENT APPROVAL PROCESS FOR NEW SUBDIVISION STREETS PROPOSED FOR INCLUSION INTO THE STATE SYSTEM. THE PROCEDURE IS STRAIGHT-FORWARD AND CENTERS ON THE RESIDENT ENGINEER.

- (1) FIRST, PLANS OF THE PROPOSED SUBDIVISION ARE SUBMITTED TO THE RESIDENT ENGINEER OF THE RESIDENCY IN WHICH SUBDIVISION BOUNDARIES LIE. IF THE COUNTY IN WHICH THE SUBDIVISION IS LOCATED HAS STAFF THAT ADMINISTER THE COUNTY ORDINANCE, THE DEVELOPER SUBMITS THE PLANS TO THE RESIDENT ENGINEER THROUGH THAT STAFF.
- (2) THE PLANS INCLUDE:
 - * A COMPLETE DRAINAGE LAYOUT;
 - * A TYPICAL CROSS-SECTION OF PROPOSED STREET CONSTRUCTION, INCLUDING ITS WIDTH, DEPTH AND TYPE OF BASE;
 - * A PROFILE AND CONTOUR MAP SHOWING PROPOSED GRADES FOR STREETS AND DRAINAGE FACILITIES; AND
 - * A LOCATION MAP SHOWING THE TIE-IN WITH THE EXISTING STATE ROAD SYSTEM.
- (3) ONCE THE PLANS ARE RECEIVED, THE RESIDENT ENGINEER CONDUCTS OR ARRANGES FOR A REVIEW TO DETERMINE COMPLIANCE WITH VDOT DESIGN REQUIREMENTS. DRAINAGE OR OTHER COMPLEX FEATURES ARE TYPICALLY REFERRED TO THE DISTRICT ENGINEER, AND SOMETIMES TO THE CENTRAL OFFICE FOR FURTHER EVALUATION.
- (4) FOLLOWING COMPLETION OF THE REVIEW, THE RESIDENT ENGINEER ADVISES THE DEVELOPER OR THE APPROPRIATE COUNTY OFFICIAL IN WRITING THAT:
 - * THE DEVELOPER IS IN COMPLIANCE WITH DESIGN REQUIREMENTS; OR
 - * SPECIFIC LISTED REVISIONS ARE NEEDED. IN THIS EVENT, THE PLANS ARE RETURNED WITH THE LETTER.
- (5) ANY REVISIONS TO PLANS AFTER THE INITIAL APPROVAL MUST BE RETURNED TO THE RESIDENT ENGINEER FOR REEVALUATION AND WRITTEN APPROVAL.

I WOULD NOTE AT THIS POINT THAT, REGARDING ALIGNMENT AND GRADE, THE SUBDIVISION STANDARDS ARE GUIDELINES ONLY. THEY MAY BE ADAPTED TO ANY OF A NUMBER OF LOCAL CONDITIONS AS APPROPRIATE. HOWEVER, IN NO INSTANCE DOES THE DEPARTMENT HAVE THE LATITUDE TO SACRIFICE SAFETY FEATURES, STRUCTURAL INTEGRITY, OR TRAFFIC CAPACITIES PRESCRIBED BY THE STANDARDS.

FLEXIBILITY

ALIGNMENT

YES

GRADE

YES

SAFETY FEATURES

NO

STRUCTURAL INTEGRITY

NO

TRAFFIC CAPACITIES

NO

ASSUMING NEW SUBDIVISION STREETS MEET DESIGN STANDARDS AND PUBLIC SERVICE REQUIREMENTS, ADDITIONAL CONDITIONS MUST BE SATISFIED BEFORE THESE STREETS CAN BE ACCEPTED INTO THE STATE SYSTEM:

- * STREETS MUST BE BUILT ACCORDING TO APPROVED PLANS;
- * THE DEVELOPER MUST DEDICATE THE RIGHT-OF-WAY FOR THE STREETS;
- * THE BOARD OF SUPERVISORS MUST PASS A RESOLUTION REQUESTING THE INCLUSION OF THE STREETS INTO THE STATE SECONDARY SYSTEM;
- * STREETS MUST HAVE BEEN PROPERLY MAINTAINED SINCE THEIR COMPLETION;
- * THE DEVELOPER MUST PROVIDE A PERFORMANCE BOND AND, IF APPLICABLE, A MAINTENANCE FEE FOR THE PORTION OF THE YEAR THAT REMAINS; AND
- * VDOT'S STANDARDS FOR CONNECTION OF THE STREETS TO OTHER PUBLIC ROADS MUST BE MET.

WHEN THESE CONDITIONS HAVE BEEN MET, THE RESIDENT ENGINEER FORWARDS ALL DOCUMENTATION THROUGH THE DISTRICT ENGINEER TO THE SECONDARY ROADS DIVISION IN THE CENTRAL OFFICE FOR REVIEW AND PROCESSING.

UPON THE STREETS' ACCEPTANCE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS, VDOT'S DEPUTY COMMISSIONER ADVISES THE COUNTY BOARD OF SUPERVISORS BY LETTER OF THIS ACTION AND THE EFFECTIVE DATE OF THE ACCEPTANCE. A STATE ROUTE NUMBER IS THEN ASSIGNED TO EACH ROAD.

THE RESIDENT ENGINEER IS AUTHORIZED TO BEGIN MAINTENANCE OF THE STREETS AS SOON AS A COPY OF THE DEPUTY COMMISSIONER'S LETTER IS RECEIVED.

CONDITIONS FOR ACCEPTANCE

1. MEET STANDARDS
2. MEET SERVICE REQUIREMENTS
3. MEET ADMINISTRATIVE REQUIREMENTS
 - CONSTRUCTION ACCORDING TO APPROVED PLANS
 - DEDICATION OF RIGHT-OF-WAY
 - PASSAGE OF RESOLUTION
 - PROPER INTERIM MAINTENANCE
 - PROVISION OF PERFORMANCE BOND AND MAINTENANCE FEE
 - ADEQUATE CONNECTION WITH OTHER PUBLIC ROADS

APPEAL PROCESS

IN MOST CASES, DIFFERENCES IN OPINION BETWEEN THE DEVELOPER AND VDOT ABOUT THE INTERPRETATION AND APPLICATION OF THE REQUIREMENTS ARE RESOLVED THROUGH INFORMAL DISCUSSIONS. HOWEVER, A FORMAL APPEAL PROCESS HAS BEEN ESTABLISHED IN THE EVENT THAT DIFFERENCES CANNOT BE RESOLVED INFORMALLY.

- (1) TO INITIATE AN APPEAL, THE DEVELOPER PROVIDES THE DISTRICT ENGINEER WITH A WRITTEN REQUEST CONTAINING A BRIEF DESCRIPTION OF THE UNRESOLVED ISSUED.
- (2) THE ISSUE IS CONSIDERED BY THE DISTRICT APPEALS COMMITTEE. THIS COMMITTEE IS COMPOSED OF AN ASSISTANT DISTRICT ENGINEER WHO SERVES AS CHAIRMAN, AND TWO OTHER DISTRICT STAFF.
- (3) IF THE DEVELOPER IS NOT SATISFIED WITH THE DECISION RENDERED BY THE COMMITTEE, HE OR SHE MAY ADVANCE THE APPEAL TO THE COMMISSIONER FOR A FINAL DECISION.

FORMAL APPEAL PROCESS

1. WRITTEN REQUEST
FROM DEVELOPER

↳ 2. DISTRICT
APPEALS
COMMITTEE

↳ 3. DECISION TO
DEVELOPER

↳ 4. COMMISSIONER
(FINAL DECISION)



IN CONCLUDING THIS PRESENTATION, I WOULD MENTION THAT THE SUBDIVISION STREET REQUIREMENTS ARE CURRENTLY UNDERGOING MAJOR REVISIONS. REVISIONS THAT ARE BEING CONSIDERED ADDRESS SUCH AREAS AS THE ACCEPTANCE OF STREETS BASED ON PHASED DEVELOPMENT, THE FUNCTIONAL CLASSIFICATION OF STREETS FOR MORE EQUITABLE ANALYSIS OF DESIGN STANDARDS, A PRIORITY SYSTEM FOR REVIEW OF APPROVED PLANS, AND A REVIEW OF THE STANDARDS THEMSELVES.

MANY OF THESE AREAS WERE DISCUSSED DURING MEETINGS HELD IN THE SPRING OF 1987 WITH DEVELOPERS AND LOCAL GOVERNMENT OFFICIALS.

PRESENTLY A DRAFT OF THE REQUIREMENTS IS BEING CIRCULATED. PUBLIC HEARINGS WILL BE HELD AROUND THE END OF THIS YEAR, AND THE STANDARDS WILL BE CONSIDERED BY THE COMMONWEALTH TRANSPORTATION BOARD SHORTLY THEREAFTER.

REVISIONS UNDER CONSIDERATION

- ACCEPTANCE BASED ON PHASED DEVELOPMENT
- FUNCTIONAL CLASSIFICATION OF STREETS
- PRIORITY REVIEW SYSTEM
- SELECTED STANDARDS

**VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON**

**OPPORTUNITIES FOR IMPROVED TRAFFIC
MANAGEMENT**

**TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY**

**DAVID R. GEHR
DIRECTOR OF OPERATIONS
OCTOBER 28, 1987**

OPPORTUNITIES FOR IMPROVED TRAFFIC MANAGEMENT

THE TOPIC I WILL BE ADDRESSING HERE TODAY RELATES TO WHAT I FEEL IS THE OPERATIVE WORD FOR THE DEPARTMENT OF TRANSPORTATION TODAY AND INTO THE 21ST CENTURY. THAT WORD IS "OPPORTUNITY." WE HAVE A GREAT OPPORTUNITY TO EFFECTIVELY MANAGE OUR RESOURCES AND ADMINISTER A COMPREHENSIVE CONSTRUCTION AND MAINTENANCE PROGRAM, BUT PERHAPS OF EQUAL IMPORTANCE IS THE COMPLEMENTARY TASK OF IMPROVING TRAFFIC MANAGEMENT.

**OPPORTUNITIES FOR IMPROVED TRAFFIC
MANAGEMENT**

THE TERM TRAFFIC MANAGEMENT HAS HISTORICALLY CORRELATED WITH TRAFFIC ENGINEERING TASKS, BUT TODAY IT REPRESENTS A MUCH BROADER APPLICATION IN THE COMMONWEALTH. TRAFFIC MANAGEMENT CONSISTS OF MULTIDISCIPLINARY PROBLEM SOLVING. THEREFORE, IT SHOULD INCLUDE THE APPLICATION OF STATE-OF-THE-ART TECHNOLOGY AND THE INPUT OF CITIZENS AND ELECTED REPRESENTATIVES. IT SHOULD ALSO HAVE A BETTER DEFINED AND CLOSER RELATIONSHIP WITH LOCAL GOVERNMENT ENTITIES.

TRAFFIC MANAGEMENT

**DIRECT APPROPRIATE RESOURCES AND
TECHNOLOGY TOWARD INNOVATIVE AND
RESPONSIVE ENHANCEMENTS OF THE
HIGHWAY SYSTEM AND ROADSIDE
ENVIRONMENTS.**

THE PURPOSE OF TRAFFIC MANAGEMENT IS TO DIRECT APPROPRIATE RESOURCES AND TECHNOLOGY TOWARD INNOVATIVE AND RESPONSIVE ENHANCEMENTS OF THE HIGHWAY SYSTEM AND ROADSIDE ENVIRONMENT. THE TRADITIONAL APPROACH FOR TRAFFIC MANAGEMENT WAS OFTEN SECONDARY TO THE BENEFITS PERCEIVED FROM IMPROVED SAFETY. TODAY, MANAGEMENT OF THE DEPARTMENT HAS REDIRECTED THE ENERGY OF THE TRAFFIC ENGINEERING COMMUNITY TO ACHIEVE A BROADER AND MORE ISSUE-ORIENTED APPROACH TO BOTH SHORT-TERM AND LONG-RANGE SOLUTIONS. THIS NEW APPROACH STILL EMPHASIZES SAFETY, BUT IT ALSO ADDRESSES FUEL ECONOMY, REDUCTION IN DELAY, QUALITY OF LIFE, ECONOMIC VITALITY AND OPERATIONAL CONVENIENCE AND EFFICIENCY AS MAJOR ORGANIZATIONAL GOALS.

I WOULD LIKE TO SPEND THE NEXT SEVERAL MINUTES BRIEFLY IDENTIFYING A NUMBER OF TRAFFIC MANAGEMENT TECHNIQUES AND INITIATIVES IN THE DEPARTMENT TODAY. I WOULD ALSO LIKE TO TALK ABOUT THE NATURAL PROGRESSION OF THESE ACTIVITIES AS WE PREPARE TO TRANSLATE THE OPPORTUNITIES PROVIDED TO THIS AGENCY INTO MORE EFFECTIVE TRAFFIC OPERATIONS.

TRAFFIC MANAGEMENT IS :

- MULTIDISCIPLINARY**
- TECHNOLOGICAL**
- PUBLIC ORIENTED - WITH MORE LOCAL INPUT**
- ISSUE ORIENTED**

THE FIRST AREA I WILL ADDRESS IS ONE WHICH IS PERHAPS THE MOST VISIBLE AND CONSISTENTLY BENEFICIAL TRAFFIC MANAGEMENT TOOL. THIS IS THE USE OF SIGNS, SIGNALS AND PAVEMENT MARKING. THE PROPER APPLICATION OF THESE TRAFFIC CONTROLS AND GUIDANCE HARDWARE WILL DO MORE TO INCREASE EFFICIENT OPERATIONS AND ENHANCE SAFETY THAN ANY OTHER RESOURCE.

IN ALL CANDOR, THE DEPARTMENT HAS BEEN FORCED TO REASSESS THIS IMPORTANT AREA OF TRAFFIC MANAGEMENT TO BETTER SERVE OUR CITIZENS AND VISITORS TO THE COMMONWEALTH. WE HAVE WORKED HARD TO INCREASE THE RESPONSIVENESS OF OUR STAFF, AND TO BETTER COORDINATE THE APPLICATION OF THESE DEVICES.

THE DEPARTMENT HAS ALSO INITIATED CONTRACTS WITH PRIVATE INDUSTRY FOR TRAFFIC SIGNAL REPAIR AND INSTALLATION. THESE CONTRACTS HAVE ALLOWED THE DEPARTMENT'S LIMITED NUMBER OF ELECTRICAL STAFF POSITIONS TO PROVIDE EMERGENCY SUPPORT AND TO INITIATE A PREVENTIVE MAINTENANCE PROGRAM THROUGHOUT THE STATE. THE IMPACT WILL BE REDUCED INSTALLATION AND REPAIR, LESS DELAYS AND MORE EFFICIENT AND COST-EFFECTIVE MAINTENANCE PROGRAMS. THIS INNOVATIVE PROGRAM IS A RESULT OF INITIATIVES SUGGESTED BY THE GENERAL ASSEMBLY, AND IMPLEMENTED BY OUR AGENCY.

GOVERNOR BALILES ANNOUNCED A PROGRAM IN SEPTEMBER DESIGNED TO IMPROVE TRAFFIC SIGNALS THROUGHOUT THE STATE. A \$3.8 MILLION GRANT WILL BE MADE AVAILABLE TO IMPROVE TRAFFIC SIGNALS, AND \$1.5 MILLION WILL BE SPENT TO SYNCHRONIZE TRAFFIC SIGNALS IN FAIRFAX COUNTY. IT IS ESTIMATED THAT COORDINATED SIGNALS WILL SAVE FAIRFAX COUNTY MOTORISTS NEARLY 350,000 GALLONS OF GASOLINE PER YEAR BY OPTIMIZING TRAFFIC FLOW ALONG MAJOR STREETS. STATEWIDE, IT IS ESTIMATED THIS PROGRAM WILL SAVE 63 MILLION GALLONS OF FUEL, WHICH WOULD EQUATE TO A MONETARY SAVINGS OF \$63 MILLION. THESE GRANTS WERE FUNDED FROM OIL COMPANY OVERCHARGES AND ALLOCATED TO VIRGINIA AS A RESULT OF RECENT COURT DECISIONS.

TRAFFIC CONTROL AND POSITIVE GUIDANCE

- **SIGNS**
- **SIGNALS**
- **PAVEMENT MARKING**

THE DEPARTMENT'S FUNCTIONS IN THIS AREA ARE DIRECTED BY GUIDELINES ESTABLISHED IN THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND THE VIRGINIA SUPPLEMENT TO THIS MANUAL. THESE GUIDELINES REPRESENT THE STANDARD FOR ALL TRAFFIC CONTROL DEVICES AND HAVE BEEN ADOPTED BY THE COMMONWEALTH TRANSPORTATION BOARD AS DIRECTED BY THE GENERAL ASSEMBLY IN BOTH TITLE 46 AND TITLE 33 OF THE CODE OF VIRGINIA. THE FHWA REQUIRES COMPLIANCE WITH THE MUTCD ON ALL FEDERAL AID ROADWAYS WITH THE POSSIBILITY OF SANCTIONS TO CONSTRUCTION FUNDING FOR NON-COMPLIANCE. THE DEPARTMENT DOES, HOWEVER, RETAIN THE FLEXIBILITY TO USE COMMON SENSE AND GOOD JUDGMENT IN THE APPLICATION OF THESE GUIDELINES.

THE PURPOSE OF THESE MANUALS IS TO PROVIDE GUIDELINES AND WARRANTS FOR THE USE OF SIGNALS, SIGNING, PAVEMENT MARKINGS AND WORK ZONES TO ENSURE HIGHWAY SAFETY AND CONSISTENCY. THIS IS ACCOMPLISHED BY PROVIDING FOR THE ORDERLY AND PREDICTABLE MOVEMENT OF ALL TRAFFIC AND THE GUIDANCE AND WARNING AS NEEDED TO ENSURE SAFE AND INFORMED OPERATION.

**MANUAL ON UNIFORM TRAFFIC
CONTROL DEVICES**

M U T C D

TRAFFIC MANAGEMENT ALSO INCLUDES THE USE OF ENGINEERING TECHNIQUES TO ACHIEVE BETTER TRAFFIC OPERATIONS. THE DEPARTMENT IS UTILIZING SUCH CONCEPTS AS REVERSIBLE LANES, PREFERENTIAL TREATMENT OF HIGH OCCUPANCY VEHICLES, PARK AND RIDE FACILITIES, AND PROMOTION OF RIDE SHARING IN URBAN AREAS. THE HIGH OCCUPANCY VEHICLE LANES ARE A PRINCIPAL EXAMPLE OF EFFICIENT PEOPLE MOVING TECHNIQUES EMPLOYED BY THE DEPARTMENT TO OPTIMIZE CAPACITY ON EXISTING ROADS. HOV LANES ON 95/395 CURRENTLY ACCOMMODATE OVER 4,600 VEHICLES WHICH DURING PEAK HOURS TRANSPORT IN EXCESS OF 31,000 PASSENGERS WITH FEW DISRUPTIONS. THE NON-HOV LANES BY CONTRAST OPERATE WITH NUMEROUS DISRUPTIONS AND CARRY 22,400 VEHICLES WITH ONLY 28,000 PASSENGERS OR AN AVERAGE OF 1.24 PASSENGERS PER VEHICLE. I SHOULD POINT OUT, HOWEVER, THAT THE STANDARDS FOR THE NUMBER OF PASSENGERS QUALIFYING FOR THESE LANES ARE PRIMARILY ESTABLISHED BY FEDERAL LEGISLATION WHICH DICTATE VIRGINIA'S OPERATION OF THESE FACILITIES. THESE TECHNIQUES COMPLEMENT LOCAL INITIATIVES AND ARE COORDINATED WITH OTHER FORMS OF MASS TRANSIT.

AN INTERESTING PROGRESSION OF THESE ENGINEERING TECHNIQUES ALSO RELATES TO THE USE OF SPECIAL ADVISORY AND INFORMATIONAL SIGNING IN COOPERATION WITH PRIVATE INDUSTRY, SPECIAL ATTRACTIONS AND TOURISM. THESE SIGNS ASSIST MOTORISTS IN MAKING CORRECT DECISIONS, AS WELL AS INFORMING THE PUBLIC OF A DIVERSE RANGE OF AVAILABLE SERVICES SUCH AS LODGING, FOOD AND GAS, THE LOCATION OF HOSPITALS, AND OTHER POINTS OF INTEREST.

ENGINEERING TECHNIQUES

- **REVERSIBLE LANES - PREFERENTIAL TREATMENT OF HIGH OCCUPANCY VEHICLES**
- **PARK AND RIDE FACILITIES**
- **RIDE SHARING**
- **MASS TRANSIT COORDINATION**
- **MOTORIST SERVICES**

ANOTHER AREA OF TRAFFIC MANAGEMENT DEALS WITH TRUCK REGULATIONS. THE DEPARTMENT HAS INCREASED ITS LEVEL OF RESPONSIVENESS AND COOPERATION IN RESOLVING THE CONCERNS OF CITIZENS AND INDUSTRY TO ACHIEVE AN APPROPRIATE BALANCE BETWEEN SAFETY AND ECONOMIC VITALITY.

THIS IS ACHIEVED THROUGH THE PERMITTING PROCESS, AS WELL AS THROUGH TRUCK RESTRICTIONS AND THE DESIGNATION OF ACCESS ROUTES FOR THE LONGER AND WIDER VEHICLES ALLOWED BY FEDERAL LEGISLATION.

THE DEPARTMENT ALSO JUST COMPLETED THE DEVELOPMENT OF RULES AND REGULATIONS TO GOVERN THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGH OUR TUNNEL FACILITIES. INDUSTRY REPRESENTATIVES, -- AS WELL AS OTHER STATE AND LOCAL ORGANIZATIONS -- PROVIDED INPUT, AND I UNDERSTAND THEY ARE PLEASED WITH THE SOON TO BE FINAL PUBLICATION.

UNDER THE LEADERSHIP OF THE COMMONWEALTH TRANSPORTATION BOARD, COMMISSIONER PETHTEL AND THE ADMINISTRATIVE STAFF, THESE PROGRAMS HAVE MOVED FORWARD IN THIS AREA OF MUTUAL CONCERN.

NO LONGER IS THE ABSOLUTE "YES" AND "NO" RESPONSE THE RULE. INSTEAD, WE USE A COORDINATED EFFORT TO IDENTIFY ALTERNATIVE SOLUTIONS TO THE PROBLEMS. EXAMPLES:

- PROVIDING ADDITIONAL ACCESS FOR FURNITURE MANUFACTURE BY ISSUING A SPECIAL USE PERMIT TO OPERATE ON ROUTE 613 IN GRAYSON COUNTY TO ENSURE SAFETY TO ALL USERS OF THIS ROUTE.
- PROVIDING ACCESS TO ROUTES 240 AND 250 FOR CON AGRA, INC., A FROZEN FOOD INDUSTRY, BY IMPROVING THE INTERSECTION WITH JOINT EFFORTS BETWEEN PRIVATE INDUSTRY AND THE DEPARTMENT.

TRUCK REGULATION

- **PERMITS**
- **THROUGH TRUCK RESTRICTION**
- **DESIGNATED AND ACCESS HIGHWAYS FOR LONGER AND WIDER LOADS**
- **RULES AND REGULATIONS FOR THE TRANSPORT OF HAZARDOUS MATERIALS THROUGH TUNNELS**

INCIDENT MANAGEMENT ALSO REPRESENTS AN IMPORTANT ASPECT OF TRAFFIC MANAGEMENT. THE INCREASED COOPERATION AMONG STATE, LOCAL AND PRIVATE CITIZEN GROUPS HAS LED TO THE IMPLEMENTATION OF SERVICE PATROLS AND INTEGRATION OF STATE-OF-THE-ART TECHNOLOGY -- WHICH IS APPARENT IN THE UTILIZATION OF SURVEILLANCE CAMERAS, PILOT TESTS INVOLVING EMERGENCY CALL BOXES, RAMP METERING AND VARIABLE MESSAGE SIGNS ADVISING MOTORISTS OF CONDITIONS AHEAD AND ROUTE DIVERSION INFORMATION.

THE USE OF DEPARTMENT OWNED OR PRIVATE WRECKER SERVICES TO PROMPTLY CLEAR DISABLED VEHICLES FROM THE HIGHWAY IS ALSO AN IMPORTANT INCIDENT MANAGEMENT TOOL.

ADVISORY RADIO AND OTHER NOTIFICATION RESOURCES SUCH AS THE NEWS MEDIA NOW APPROACH THE LEVEL OF UTILIZATION REQUIRED.

I SHOULD NOTE THAT URBAN FREEWAYS CARRY APPROXIMATELY 30 PERCENT OF ALL TRAFFIC IN METROPOLITAN AREAS.

THESE FREEWAYS ARE BECOMING MORE CONGESTED DUE TO CAPACITY LIMITATIONS, AND MOTORISTS ARE EXPERIENCING SIGNIFICANT DELAYS AND INCONVENIENCE. NON-RECURRING INCIDENTS ACCOUNT FOR ONE-HALF OF ALL FREEWAY CONGESTION, THUS EMPHASIZING THE NEED TO CONTINUE TO EXPAND OUR EFFORTS IN THE AREA OF INCIDENT MANAGEMENT. WE ARE SEEKING VIGOROUS AND POSITIVE SOLUTIONS TO ADDRESS THESE RANDOM EVENTS. EXAMPLES:

- STATE POLICE VEHICLES WITH SPECIAL PUSH BUMPERS THAT REPRESENTS A JOINT EFFORT BETWEEN THIS AGENCY AND THE DEPARTMENT OF STATE POLICE TO REMOVE DISABLED VEHICLES FROM THE MAINLINE TO THE SHOULDER AS QUICKLY AS POSSIBLE
- TRAFFIC MANAGEMENT FACILITY IN NORTHERN VIRGINIA (\$17 MILLION) AND FUTURE TIDEWATER FACILITIES

OUR EFFORTS IN INCIDENT MANAGEMENT ARE NOT LIMITED TO URBAN AREAS. THERE ARE NON-RECURRING INCIDENTS BEING EXPERIENCED IN MANY RURAL AREAS OF THE STATE THAT REQUIRE OUR ATTENTION. WE ARE ALSO ADDRESSING THESE PROBLEMS THROUGH EFFORTS SUCH AS CONSTRUCTION OF TRUCK ESCAPE RAMPS ON MOUNTAINOUS SECTIONS OF OUR HIGHWAYS.

INCIDENT MANAGEMENT

**A COORDINATED RESPONSE TO
RECURRING OR NON-RECURRING
TRAFFIC EVENTS WHICH CREATE
OPERATIONAL PROBLEMS OR
TRAFFIC CONGESTION.**

NEW INITIATIVES SUCH AS THE STATE TRAFFIC OPERATIONS AND SAFETY IMPROVEMENT PROGRAM (STOSIP) PROVIDE FUNDING FOR USE BY THE DISTRICTS TO IMPLEMENT LOW COST IMPROVEMENTS TO ADDRESS DEFICIENCIES.

WE ALSO EMPLOY CONSULTANTS TO STUDY CRITICAL PROBLEMS AND RECOMMEND IMPROVEMENTS. FOR EXAMPLE, A STUDY IS CURRENTLY UNDERWAY ON THE CAPITAL BELTWAY IN NORTHERN VIRGINIA TO ASSESS THE OPERATIONS OF THIS IMPORTANT CORRIDOR AND SUGGEST A NUMBER OF POSSIBLE ALTERNATIVES TO ACHIEVE MORE EFFICIENT TRAFFIC OPERATIONS. IN ADDITION, WE ARE LOOKING INTO AUTOMATIC VEHICLE IDENTIFICATION/ELECTRONIC TOLL COLLECTION SYSTEMS THAT WOULD REDUCE TRAFFIC DELAYS AND IMPROVE OUR OPERATIONAL EFFICIENCY.

PERHAPS ONE OF THE MOST IMPORTANT INITIATIVES IS AN EFFORT TO CONSOLIDATE ENGINEERING DATA SUCH AS TRAFFIC, ACCIDENT AND THE HIGHWAY REFERENCE SYSTEM. THESE DATA ARE BEING COMBINED AND PROGRAMS INITIATED THAT WILL ENHANCE THE DEPARTMENT'S ABILITY TO BECOME MORE PROACTIVE IN TRAFFIC MANAGEMENT AREAS.

NEW PROGRAMS

- **STATE TRAFFIC OPERATIONS AND SAFETY IMPROVEMENT PROJECT (STOSIP)**
LOW COST
QUICK RESPONSE
PROBLEM - FOCUSED
- **CONSULTANT STUDIES**
- **COMPREHENSIVE CORRIDOR STUDIES**
- **HIGHWAY TRAFFIC RECORDS INFORMATION SYSTEM (HTRIS)**

AN IMPORTANT DEVELOPMENT IS THE INPUT INTO THE DESIGN PROCESS BY TRAFFIC ENGINEERS AND TRANSPORTATION PLANNERS TO ENSURE OPERATIONAL EFFICIENCY AND SAFETY, WITH SPECIAL EMPHASIS ON IMPROVING HIGHWAY WORK ZONES.

TRAFFIC MAINTENANCE PLANS ARE BEING DEVELOPED TO MINIMIZE THE POTENTIAL ADVERSE IMPACT OF HIGHWAY CONSTRUCTION AND MAINTENANCE ACTIVITIES. THESE PLANS INCLUDE A NEW WORK AREA PROTECTION MANUAL ISSUED THIS YEAR, AS WELL AS INDIVIDUAL PROJECT PLANS DEVELOPED IN ACCORDANCE WITH THE NEW GUIDELINES. THE DEPARTMENT IS ALSO EXPANDING THE QUALITY ASSURANCE PROGRAM TO INCLUDE ON-SITE REVIEWS OF A MAJORITY OF NEW WORK ZONES TO ENSURE THE DESIRED PRODUCT IS ACHIEVED.

THE TRAINING OF AGENCY STAFF, CONTRACTORS AND UTILITY COMPANIES IS AN ONGOING AND CRITICAL ASPECT OF THESE EFFORTS. IT REFLECTS THE COOPERATIVE NATURE OF SUCCESSFUL PROGRAMS WITH INDUSTRY, UTILITIES, STATE POLICE AND DEPARTMENT STAFF WHO JOINTLY PRESENT THIS TRAINING.

THE COMMISSIONER HAS ALSO PROVIDED STRONG LEADERSHIP IN A PUBLIC INFORMATION CAMPAIGN TO INFORM CITIZENS OF THE IMPORTANCE OF WORK ZONE AWARENESS AND TO UPDATE CONSTRUCTION ACTIVITY SCHEDULES.

OPERATIONAL DESIGN

- **TRAFFIC AND TRANSPORTATION ENGINEERING**
- **WORK ZONE SAFETY AND EFFICIENCY**

ADD TO THIS A BROAD RANGE OF TRAINING ACTIVITIES THE DEPARTMENT HAS IDENTIFIED, ALONG WITH IMPROVED COMMUNICATION (INTERNALLY AND EXTERNALLY), AND YOU WILL SEE THAT WE ARE PREPARING OUR STAFF TO MOVE FORWARD AND BECOME A CATALYST FOR MUCH-NEEDED CHANGE.

TRAINING

- ADMINISTRATIVE**
- TECHNICAL**
- PROFESSIONAL**
- WORK ZONES**
- COMMUNICATION**
- MANAGEMENT / SUPERVISION**

TRAFFIC MANAGEMENT IS THUS A TERM THAT REPRESENTS THE USE AND COORDINATION OF PROGRAMS AND TECHNOLOGY TO PROVIDE MOTORISTS IN THE COMMONWEALTH WITH EFFICIENT AND SAFE TRAVEL.

TRAFFIC MANAGEMENT AT THE DEPARTMENT REPRESENTS A DIVERSE MULTIDISCIPLINARY EFFORT UTILIZING TECHNOLOGY AND INNOVATION TO ADDRESS THE PEOPLE MOVING CAPACITY ON OUR STREETS AND HIGHWAYS. THE PRINCIPAL TOOLS BEING UTILIZED ARE SIGNS, SIGNALS AND PAVEMENT MARKINGS, AS WELL AS TRAFFIC ENGINEERING TECHNIQUES SUCH AS RIDE SHARING AND TRUCK REGULATION. INCIDENT MANAGEMENT, OF COURSE REPRESENTS A PROMINENT CONCERN, AS WELL AS NEW PROGRAMS DESIGNED TO ADDRESS SPECIFIC PROBLEM AREAS. THESE PROGRAMS, ALONG WITH MANAGEMENT'S COMMITMENT AND TRAINING HAVE RESULTED IN THE DEPARTMENT TAKING ADVANTAGE OF THE OPPORTUNITIES AVAILABLE IN THE AREA OF TRAFFIC MANAGEMENT. THUS, THE DEPARTMENT HAS A FLEXIBLE AND AGGRESSIVE TRAFFIC MANAGEMENT PROGRAM TO ADDRESS TODAY'S ISSUES AND MECHANISMS IN PLACE TO ASSESS A BROAD RANGE OF IDEAS AND TECHNOLOGY FOR FUTURE IMPROVEMENTS. THESE DIVERSE PROGRAMS REFLECT THE PRINCIPAL MEANS AVAILABLE TO THIS AGENCY TO COMPLEMENT NEW CONSTRUCTION. THE RESULT WILL BE A COORDINATED EFFORT TO IMPROVE EXISTING AND NEW FACILITIES TODAY AND INTO THE 21ST CENTURY.

WE, THEREFORE, REQUEST THE COMMITTEE'S ENDORSEMENT AND SUPPORT FOR THE CONTINUATION OF THIS IMPORTANT EFFORT. THIS SUPPORT WILL PROVIDE OUR AGENCY WITH THE MANDATE TO PROCEED.

CONCLUSION
COORDINATED PROGRAMS
THAT COMPLEMENT CONSTRUCTION

- **PROGRESSIVE**
- **RESPONSIVE**
- **INNOVATIVE**

VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON

VALUE ENGINEERING

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

CONSTANCE S. SORRELL
DIVISION ADMINISTRATOR
OCTOBER 28, 1987

Good morning, my name is Constance S. Sorrell, and I am Division Administrator for the VDOT Management Services Division.

I would like to talk to you this morning on an evaluation method VDOT uses that involves its employees. This method is called value engineering.

First, I want to tell you what value engineering is, how it is used at VDOT, and give you an example of a successful value engineering review. Next, I will tell you how our employees are involved in the process.

WHAT IS VALUE ENGINEERING?

Value engineering is the systematic evaluation techniques used by multidisciplinary team(s) which:

- o Identifies the function of a product or service.
- o Establishes a worth for that function.
- o Generates alternatives through the use of creative thinking and identifies their costs.
- o Provides the needed functions at the lowest cost.

VALUE ANALYSIS

* A FUNCTIONAL APPROACH
ASKS SIX QUESTIONS

- * WHAT IS IT?
- * WHAT DOES IT DO?
- * WHAT IS IT WORTH?
- * WHAT DOES IT COST?
- * WHAT ELSE WILL WORK?
- * WHAT DOES THAT COST?

HOW IS VALUE ENGINEERING USED AT VDOT?

During the last 18 months, we have recommended \$21 million of savings on 17 projects or 29% of the total costs of the projects. To date, \$18 million of the proposed savings has been approved for implementation.

VDOT has used value engineering since 1974. Value engineering serves as a check on the design phase in the preliminary engineering function.

With the increase in VDOT funding during this past year, we recognized that value engineering has a vital role in all VDOT operations, especially in improving productivity. The program has been expanded and revitalized by placing it in the newly formed Productivity Center. In addition to analyzing highway projects, we have included the review of engineering specifications, standards, processes, and procedures. By expanding the program, we recognized we can improve procedures, reduce problems, and increase productivity.

VALUE ENGINEERING SAVINGS

MARCH 1, 1987 - PRESENT

17 CONSTRUCTION PROJECTS REVIEWED

TOTAL VALUE: \$73,858,121

RECOMMENDED SAVINGS: \$21,672,008 (29% OF PROJECTS' VALUE)

IMPLEMENTED SAVINGS: \$18,607,706 (26% OF TOTAL VALUE)
(TO DATE)

7 PROJECTS RECOMMENDATIONS STILL UNDER EVALUATION

AN EXAMPLE OF VALUE ENGINEERING STUDY ON A BRIDGE REPLACEMENT PROJECT

PROJECT DESCRIPTION:

A value engineering study was requested by the Structure and Bridge Division. The project involves replacing the bridge over the Pagan River in Smithfield and improving approaches to the bridge. The length of the proposed project is 1,957 feet and includes the bridge and approaches. Estimated cost is \$2,914,920.

The project, as proposed, contains a 42' 11" width bridge that is 662' in length. The structure will have two-12' lanes, a 10' shoulder, and a 5' sidewalk. The bridge is proposed to be constructed in two stages to allow one-way traffic to remain during construction.

The roadway contains two-12' lanes with curb and gutter and a 5' sidewalk on the east side, and a 12' shoulder on the west side. A concrete retaining wall is provided on the southwest side to contain the embankment fill and to prevent encroachment into adjacent wetlands.

VALUE ENGINEERING TEAM RECOMMENDATIONS:

The value engineering team recommended that, due to the nature of the area, the proposed roadway section be changed from a design having shoulders, to a design with curb and gutter on each side. This will allow for construction of a roadway 30' from curb-to-curb.

The change in the design eliminates the need for the concrete retaining wall and the plant mix next to the retaining wall.

The recommendations are consistent with Department and AASHTO guidelines and retain the basic functions required by the project.

Implementation of these recommendations will result in a savings of \$366,956.

Another VE team recommendation was to use a detour around the project during construction, to eliminate the two-stage construction. Travel time to use this detour is estimated to increase by only 2.8 minutes. The detour route would be safe and sufficient to carry the traffic. If the detour concept is adopted, construction time could be reduced from 20 months to 10 months. Also, it is estimated to reduce the construction cost approximately \$600,000 by eliminating stage construction. If a detour is adopted, pedestrian traffic would have to be handled either by a temporary shuttle system or a temporary pedestrian bridge. A shuttle system has been used on other projects in the District.

The team recommended that Department representatives discuss the advantages of a detour and the disadvantages of staged construction with representatives of the town and county who must approve the detour. At this time, this recommendation is not favored by town officials and public safety groups. The Director of Engineering has proposed another alternative to shorten construction time through the use of stiff time limits and penalty clauses in the contract.

EXAMPLE OF A PROJECT REVIEW

PROJECT: REPLACE BRIDGE AND APPROACHES

COST ESTIMATE FOR PROJECT: \$2,914,920

RECOMMENDATION 1: CHANGE DESIGN ON APPROACH
REDUCE COST WITHOUT REDUCING FUNCTION

PROPOSED SAVINGS: \$366,956

STATUS: ADOPTED

RECOMMENDATION 2: SPEED UP CONSTRUCTION BY 10 MONTHS THROUGH
THE USE OF A DETOUR

PROPOSED SAVINGS: \$600,000

STATUS: LOCAL OFFICIALS HAVE PUBLIC SAFETY CONCERN REGARDING
DETOUR. OTHER ALTERNATIVES TO TIGHTEN UP CONSTRUCTION
TIMEFRAME ARE BEING EXPLORED.

COMPONENTS OF VALUE ENGINEERING

A fundamental component of VE is employee involvement. Value Engineering teams are similar to Quality Circle teams. Employees are involved in two ways.

The first use is in helping to plan the annual program activities. Two advisory committees have been formed, one for central office divisions and another for the districts. We use the committees to solicit ideas from all employees for subjects to evaluate. Value Engineering selection criteria for design projects include:

- o Projects which substantially exceed initial cost estimates
- o Items using critical or high cost materials
- o Projects which have grown too complex

Standard design components, such as curb and gutter, and guardrail and departmental procedures and processes, are also considered for evaluation.

This past spring, 60 topics were submitted for consideration as studies. Using the nominal group techniques for problem solving, the committees prioritized the topics and selected ten subjects to be studied this year. Projects are selected by the Location and Design Engineer and Structure and Bridge Engineer for those projects to be VE'd at the Training Programs. In addition, the design staff is constantly looking for highway projects that are good candidates for a value engineering study.

Once the subject or project is selected, the second use of employees is in having multidisciplinary teams conduct the study. A team is composed of five to seven individuals with diverse backgrounds. Members of the team are familiar with the basic functions of the project; however, they may not be familiar with the project itself. Persons other than engineers are included on the team to provide a wider perspective. Throughout the year, as many as 200 employees will participate on one of these studies or training sessions.

Team members are encouraged to participate in areas other than their area of expertise. Through the process of brainstorming, individual ideas are generated that lead to value engineering recommendations. Creative thinking is encouraged, and no idea is discarded. In many cases, a wild idea leads to a good idea.

COMPONENTS OF VDOT VALUE ENGINEERING

EMPLOYEE PARTICIPATION

SELECTION OF PROJECTS USING VE CRITERIA

USE OF RANKING PROCESS TO ESTABLISH PROGRAM

CONDUCT STUDIES

DEVELOP RECOMMENDATIONS

TRACK IMPLEMENTATION

Ten procedures and standards are scheduled for analysis in FY 87-88. Two one-week training workshops are also planned. The workshops will give approximately 80 people a hands-on, training experience. Approximately 15 roadway plans will be analyzed during these courses.

**VALUE ENGINEERING PROGRAM
FOR FY 87-88**

10 PROCEDURES AND STANDARDS TO BE REVIEWED

2 ONE WEEK TRAINING PROGRAMS ON VE TECHNIQUES

80 PEOPLE TO BE TRAINED

15-18 PROJECTS WILL BE REVIEWED (IN TRAINING PROGRAM)

CONCLUSION

VDOT considers the Value Engineering Program a vital part of self-evaluation strategy to ensure cost effectiveness on a wide range of projects. We will utilize value engineering, not only on a project-by-project team review basis, but also will continue to ensure that individuals practice value engineering every day on their jobs. It is an integral part of our ongoing Productivity Improvement Program and enjoys widespread support throughout the department.

VALUE ENGINEERING:

A COMMITMENT TO
COST-EFFECTIVENESS
AND SELF EVALUATION

VIRGINIA DEPARTMENT OF TRANSPORTATION
PRESENTATION ON
RURAL PUBLIC TRANSPORTATION
AND HUMAN SERVICE TRANSPORTATION

TO THE
COMMISSION ON TRANSPORTATION
IN THE
TWENTY-FIRST CENTURY

RAY D. PETHTEL
COMMISSIONER
SEPTEMBER 23, 1987

FOR OUR FINAL PRESENTATION TODAY, I WOULD LIKE TO REVIEW FOR YOU TWO TYPES OF PASSENGER TRANSPORTATION IN VIRGINIA; RURAL TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION.

I WILL DESCRIBE:

- * THE SERVICES CURRENTLY OPERATED IN VIRGINIA;
- * THE ROLE OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION IN SUPPORTING THESE SERVICES; AND
- * THE FUTURE OUTLOOK.

RURAL PUBLIC TRANSPORTATION
AND HUMAN SERVICE TRANSPORTATION
IN VIRGINIA

FIRST OF ALL, LET ME DEFINE THE TERMS "RURAL PUBLIC TRANSPORTATION" AND "HUMAN SERVICE TRANSPORTATION."

RURAL PUBLIC TRANSPORTATION IS "SHARED RIDE" TRANSPORTATION DESIGNED TO SERVE THE NEEDS OF THE GENERAL PUBLIC IN RURAL AREAS OF VIRGINIA.

BY SERVING "THE GENERAL PUBLIC" WE MEAN TRANSPORTATION THAT IS OPEN TO ANYONE, WITHOUT RESTRICTIONS OR PRIORITIES FOR ANY INDIVIDUALS OR GROUPS. THE TERM "RURAL" REFERS TO COUNTIES, TOWNS, AND CITIES WITH A POPULATION OF LESS THAN 50,000.

RURAL PUBLIC TRANSPORTATION IS PARTICULARLY IMPORTANT TO THE "TRANSPORTATION-DISADVANTAGED" COMMUNITY. THESE ARE PEOPLE WHO DO NOT DRIVE, DO NOT HAVE ACCESS TO AN AUTOMOBILE OR MAY BE UNABLE TO USE UNADAPTED PUBLIC TRANSPORTATION BECAUSE OF AGE, INCOME, OR PHYSICAL OR MENTAL DISABILITY.

RURAL SYSTEMS, LIKE THEIR COUNTERPARTS IN LARGE CITIES, ARE REQUIRED TO PROVIDE TRANSPORTATION FOR PEOPLE WHO ARE UNABLE TO BOARD A BUS OR VAN DUE TO PHYSICAL DISABILITY. THIS IS ACCOMPLISHED EITHER BY ADAPTING VEHICLES AND FACILITIES, OR BY PROVIDING SPECIALIZED DOOR-TO-DOOR SERVICE.

RURAL PUBLIC TRANSPORTATION

- SERVES RURAL AREAS
- SERVES THE GENERAL PUBLIC
- PROVIDES PASSENGER TRANSPORTATION
- OPERATES SHARED RIDE SERVICE

HUMAN SERVICE TRANSPORTATION INVOLVES THE TRANSPORT OF CLIENTS OF HUMAN SERVICE AGENCIES FOR AGENCY ACTIVITIES. HUMAN SERVICE TRANSPORTATION IS OPERATED BY AGENCIES THROUGHOUT BOTH RURAL AND URBAN AREAS OF VIRGINIA. THE CLIENTS OF THESE AGENCIES ARE USUALLY TRANSPORTATION-DISADVANTAGED, AND FREQUENTLY THEY ARE PHYSICALLY DISABLED. IN THIS REGARD, RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION ARE SIMILAR. THEIR DIFFERENCES, HOWEVER, ARE QUITE SIGNIFICANT.

HUMAN SERVICE TRANSPORTATION

- SERVES RURAL AND URBAN AREAS
- SERVES CLIENTS OF HUMAN SERVICE AGENCIES
- PROVIDES PASSENGER TRANSPORTATION
TO AGENCY PROGRAMS
- OFTEN OPERATES SHARED RIDE SERVICE

AS SHOWN IN THIS NEXT SLIDE, RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION INVOLVE TWO SEPARATE FUNCTIONAL AREAS OF GOVERNMENT.

THE GOVERNMENT'S ROLE IN PUBLIC TRANSPORTATION IS TO PROVIDE FOR THE MOBILITY OF THE GENERAL PUBLIC AND TO ACHIEVE COORDINATED GROUND TRANSPORTATION. THE GOVERNMENT'S ROLE IN THE TRANSPORTATION OF AGENCY CLIENTS IS TO SUPPORT THE SPECIAL NEEDS OF PEOPLE WHO ARE UNABLE TO MEET THESE NEEDS WITHOUT ASSISTANCE.

FEDERAL, STATE, AND LOCAL GOVERNMENTS ARE ORGANIZED TO ADDRESS THESE TWO FUNCTIONS SEPARATELY, AND FINANCIAL ASSISTANCE IS PROVIDED THROUGH SEPARATE FUNDING PROGRAMS.

GENERALLY, FEDERAL AND STATE PUBLIC TRANSPORTATION DOLLARS ARE NOT INTENDED TO SUPPORT SERVICE THAT IS RESTRICTED TO PARTICULAR SEGMENTS OF THE POPULATION. IT IS IMPORTANT FOR PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION TO MAINTAIN THEIR SEPARATE IDENTITIES, MAINTAIN FUNDING TO MEET THE NEEDS OF EACH BUT, WHEN APPROPRIATE, POOL THEIR RESOURCES TO CREATE COMBINED TRANSPORTATION SERVICES FOR AGENCY CLIENTS AND FOR OTHER TRANSPORTATION-DISADVANTAGED CITIZENS.

ORGANIZATION OF
HUMAN SERVICE TRANSPORTATION
AND
PUBLIC TRANSPORTATION SERVICES

SECRETARY OF
HUMAN
RESOURCES

|
HUMAN SERVICE
TRANSPORTATION

- PROVIDED THROUGH SEVERAL VIRGINIA AGENCIES
- STATE FUNDING
- U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FUNDING

SECRETARY OF
TRANSPORTATION
AND PUBLIC
SAFETY

|
PUBLIC TRANSPORTATION

- PROVIDED THROUGH VDOT
- STATE FUNDING
- U.S. DEPARTMENT OF TRANSPORTATION FUNDING

NOW, I'D LIKE TO REVIEW RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION
CURRENTLY AVAILABLE IN VIRGINIA.

RURAL PUBLIC TRANSPORTATION
AND
HUMAN SERVICE TRANSPORTATION
CURRENTLY OPERATED IN VIRGINIA

THIS MAP SHOWS THE LOCATION OF VIRGINIA'S 18 RURAL PUBLIC TRANSPORTATION SYSTEMS.

PUBLIC TRANSPORTATION IS OPERATED IN THREE SMALL CITIES, [WINCHESTER, HARRISONBURG, AND STAUNTON] FIVE TOWNS, [COLONIAL BEACH, BLACKSBURG, WISE, BLUEFIELD, AND POCAHONTAS] AND FIVE RURAL COUNTIES, [BUCHANAN, RUSSELL, TAZEWELL, GREENE, AND JAMES CITY], ALL SHOWN WITH THE YELLOW DOTS. BUSES OR VANS OPERATE DAILY ON FIXED ROUTES AND SCHEDULES. WITH THE EXCEPTION OF BLUEFIELD AND POCAHONTAS, THE TRANSPORTATION SERVICES ARE OPERATED BY LOCAL GOVERNMENT.

FIVE ADDITIONAL RURAL PUBLIC TRANSPORTATION PROGRAMS ARE OPERATED BY NON-PROFIT AGENCIES THAT PROVIDE BOTH PUBLIC TRANSPORTATION AND COORDINATED HUMAN SERVICE TRANSPORTATION IN MULTIJURISDICTIONAL AREAS. THESE PROGRAMS ARE THE ONES WITH RED AND YELLOW DOTS. FEDERAL AND STATE TRANSPORTATION AGENCIES FUND THE PUBLIC TRANSPORTATION PORTION OF THESE PROGRAMS. THEY SERVE BRISTOL, NORTON, CHARLOTTEVILLE, FARMVILLE AND CULPEPER, AS WELL AS THEIR SURROUNDING COUNTIES.

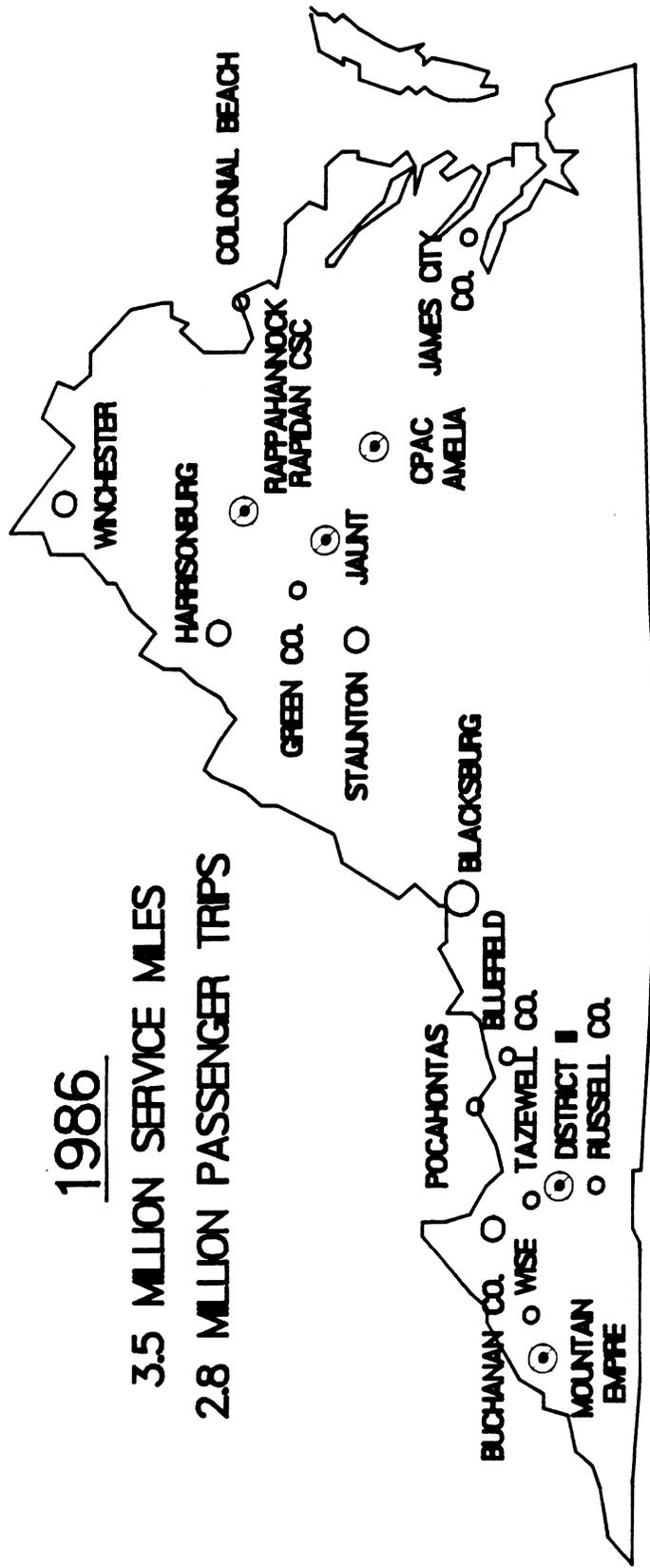
TOGETHER, THESE 18 RURAL PUBLIC TRANSPORTATION SYSTEMS OPERATED OVER 3.5 MILLION MILES OF TRANSIT SERVICE IN 1986, AT A COST OF \$4.6 MILLION, AND THEY PROVIDED OVER 2.8 MILLION PASSENGER TRIPS TO CITIZENS OF RURAL VIRGINIA.

LOCATION OF VIRGINIA RURAL PUBLIC TRANSPORTATION SYSTEMS

1986

3.5 MILLION SERVICE MILES

2.8 MILLION PASSENGER TRIPS



○ = 1 TO 5 VEHICLES

○ = 6 TO 15 VEHICLES

○ = OVER 15 VEHICLES

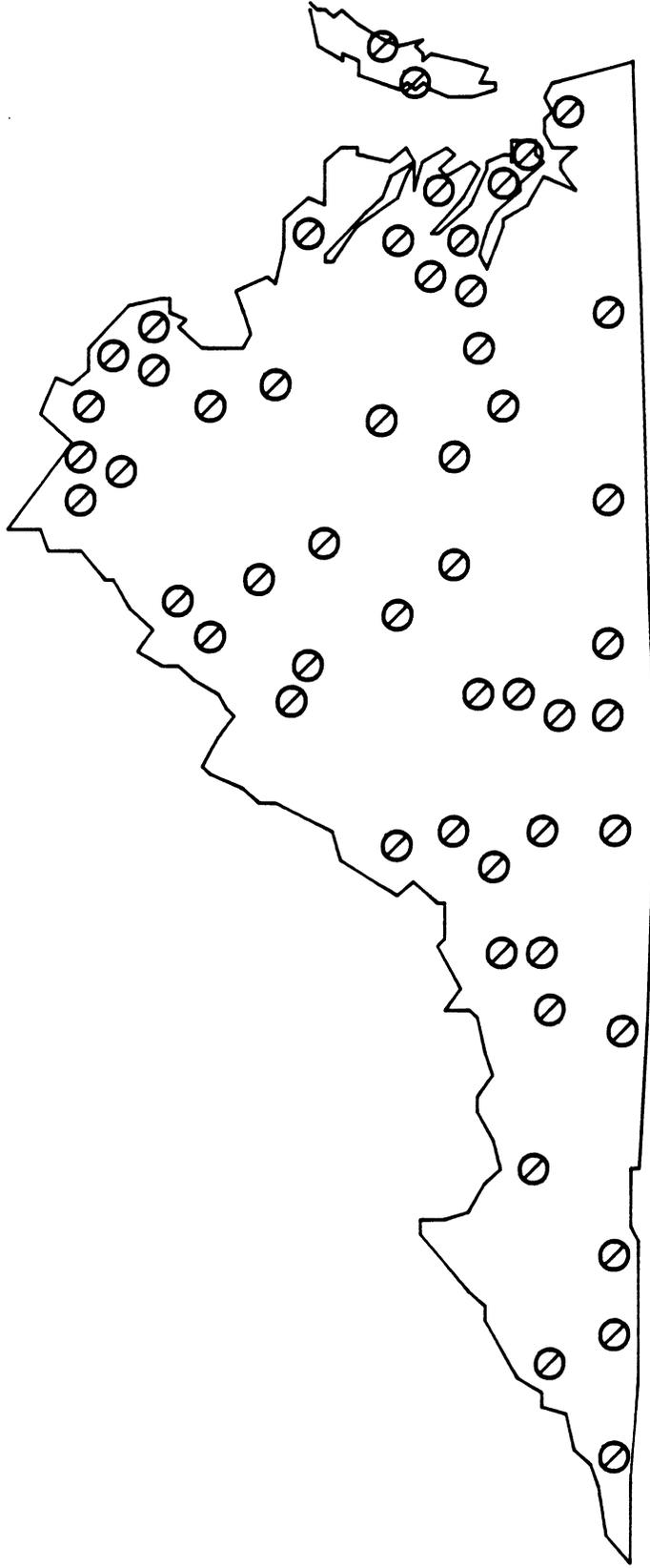
FROM RURAL PUBLIC TRANSPORTATION, LET'S TURN TO TRANSPORTATION PROVIDED BY HUMAN SERVICE AGENCIES. HUMAN SERVICE TRANSPORTATION IS PROVIDED IN VIRTUALLY EVERY CITY, COUNTY AND TOWN IN VIRGINIA.

THERE ARE OVER 100 HUMAN SERVICE AGENCIES PROVIDING CLIENT TRANSPORTATION IN VIRGINIA. MANY OF THESE AGENCIES WORK TOGETHER TO COORDINATE TRAVEL SCHEDULES AND SHARE TRANSPORTATION RESOURCES. THEY RECEIVE MOST OF THEIR FEDERAL FUNDS FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. HOWEVER, THEY RECEIVE SOME FEDERAL FUNDING FOR CAPITAL NEEDS THROUGH SECTION 16(B)(2) OF THE URBAN MASS TRANSPORTATION ACT. ALTHOUGH THIS MAP ONLY IDENTIFIES 16(B)(2) RECIPIENTS OFFERING COORDINATED SERVICE, IT SHOULD GIVE YOU SOME IDEA OF THE GEOGRAPHIC DISPERSION OF HUMAN SERVICE TRANSPORTATION.

EACH HUMAN SERVICE AGENCY IN VIRGINIA REPORTS TO 1 OF 14 DIFFERENT "PARENT" STATE AGENCIES. FOR THIS REASON, ACCURATE INFORMATION ON THE TOTAL MILES OF SERVICE, TOTAL EXPENDITURES, AND RIDERSHIP IS NOT READILY AVAILABLE. HOWEVER, A REPORT SUBMITTED TO THE GENERAL ASSEMBLY IN 1983 ESTIMATED THAT APPROXIMATELY \$10 MILLION IN STATE FUNDS WAS SPENT FOR TRANSPORTATION BY HUMAN SERVICE AGENCIES IN THE PRIOR YEAR.

COORDINATED HUMAN SERVICE TRANSPORTATION

○ LOCATION OF MAJOR HUMAN SERVICE AGENCIES
THAT PROVIDE COORDINATED TRANSPORTATION*



*PARTICIPANTS IN FEDERAL SECTION 16(B)(2) PROGRAM

NOW I WANT TO SHIFT TO VDOT'S ROLE IN SUPPORTING RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION.

AS TO RURAL PUBLIC TRANSPORTATION, VDOT HAS VERY SPECIFIC RESPONSIBILITIES. IN THE AREA OF HUMAN SERVICE TRANSPORTATION A NEW ROLE IS DEVELOPING.

VDOT ROLE IN
RURAL PUBLIC TRANSPORTATION
AND
HUMAN SERVICE TRANSPORTATION

IN RURAL PUBLIC TRANSPORTATION, WE HAVE RESPONSIBILITIES IN FOUR AREAS.

* FIRST, WE PROMOTE THE ESTABLISHMENT AND EXPANSION OF RURAL PUBLIC TRANSPORTATION.
THIS IS DONE THROUGH STATEWIDE MARKETING AND INFORMATION PROGRAMS AND THROUGH PUBLIC
TRANSPORTATION FEASIBILITY STUDIES PRODUCED AT THE REQUEST OF LOCALITIES.

VDOT'S ROLE IN RURAL PUBLIC TRANSPORTATION

- PROMOTE RURAL PUBLIC TRANSPORTATION
- ADMINISTER FEDERAL AND STATE FINANCIAL ASSISTANCE PROGRAMS
- PROVIDE TECHNICAL ASSISTANCE
- MONITOR AND EVALUATE SYSTEM PERFORMANCE

* SECOND, WE ADMINISTER FEDERAL RURAL FINANCIAL ASSISTANCE, THE SECTION 18 PROGRAM, AND WE ALSO PROVIDE STATE AID.

TWO OF THE EIGHTEEN RURAL PROGRAMS DO NOT RECEIVE STATE AID. THEY ARE OPERATED BY PRIVATE NONPROFIT AGENCIES THAT HAVE NOT BEEN ABLE TO OBTAIN LOCAL GOVERNMENT FINANCIAL SUPPORT. IN VIRGINIA, LOCAL GOVERNMENT SUPPORT IS REQUIRED FOR A PROGRAM TO BE ELIGIBLE FOR STATE AID.

FIVE PROGRAMS DO NOT RECEIVE FEDERAL AID. THIS IS DUE TO A FEDERAL REGULATION THAT INHIBITS COUNTIES FROM RECEIVING FEDERAL TRANSIT ASSISTANCE AND TO THE LIMITED AMOUNT OF FEDERAL ASSISTANCE THAT HAS BEEN MADE AVAILABLE TO VIRGINIA FOR RURAL PUBLIC TRANSPORTATION.

VDOT'S ROLE IN RURAL PUBLIC TRANSPORTATION

- PROMOTE RURAL PUBLIC TRANSPORTATION
- ADMINISTER FEDERAL AND STATE FINANCIAL ASSISTANCE PROGRAMS
- PROVIDE TECHNICAL ASSISTANCE
- MONITOR AND EVALUATE SYSTEM PERFORMANCE

IN FISCAL YEAR 1988, \$1.7 MILLION IN FEDERAL AID AND \$1.2 MILLION IN STATE AID WILL BE PROVIDED TO VIRGINIA'S RURAL PUBLIC TRANSPORTATION OPERATORS. SOME FEEL THAT THESE AMOUNTS ARE LOW, ESPECIALLY WHEN COMPARED TO FUNDING FOR URBAN AREAS.

HOWEVER, IT IS IMPORTANT TO CONSIDER THE SIZE AND TYPE OF EACH SYSTEM, WHAT A LOCALITY NEEDS AND, THEN, THE ASSOCIATED COSTS.

RURAL PUBLIC TRANSPORTATION SYSTEMS

FUNDING - FY 1988

(IN MILLIONS)

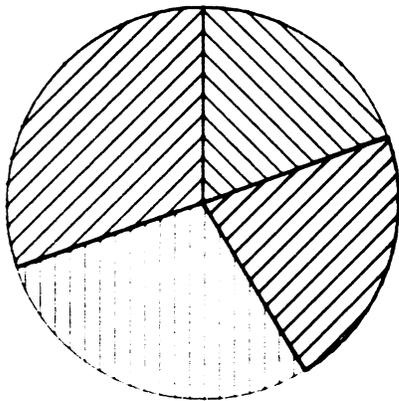
OPERATING REVENUE	\$1.4
FEDERAL AID	1.7
STATE AID	1.2
LOCAL AID	1.0
TOTAL	<u>\$5.3</u>

WE CAN COMPARE THE FEDERAL, STATE AND LOCAL ROLES IN PROVIDING FUNDS FOR OPERATING EXPENSES OF TRANSIT PROGRAMS IN RURAL AND URBAN AREAS. WE FIND THAT LOCAL GOVERNMENTS IN RURAL AREAS DO NOT BEAR A LARGER SHARE OF PUBLIC TRANSPORTATION EXPENSES THAN DO THEIR URBAN COUNTERPARTS.

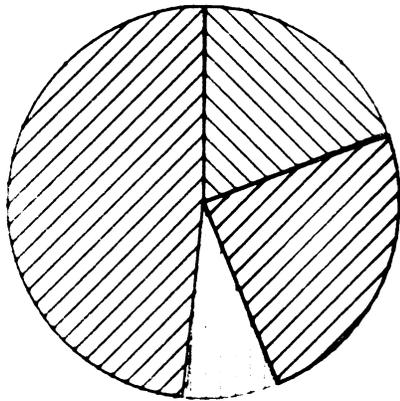
THESE TWO PIE CHARTS SHOW HOW OPERATING COSTS OF PUBLIC TRANSPORTATION WILL BE ALLOCATED THIS YEAR IN VIRGINIA'S RURAL AND URBAN AREAS. YOU WILL NOTE DIFFERENCES IN THE RELATIVE SHARE OF OPERATING REVENUE AND FEDERAL AID. RURAL TRANSPORTATION SYSTEMS RECOVER LESS OF THEIR OPERATING COSTS FROM THE FAREBOX THAN URBAN SYSTEMS. FEDERAL DOLLARS SUPPORT A GREATER PORTION OF THE OPERATING EXPENSES OF RURAL SYSTEMS. HOWEVER, THE STATE'S CONTRIBUTION FOR THE OPERATION OF RURAL AND URBAN SYSTEMS IS QUITE SIMILAR. THE FACT THAT TWO OF THE RURAL SYSTEMS ARE NOT ELIGIBLE FOR STATE AID HELPS TO EXPLAIN THE SLIGHTLY LOWER PERCENTAGE FOR RURAL PUBLIC TRANSPORTATION. THE PERCENTAGES FOR LOCAL GOVERNMENT SUPPORT ARE ALSO VERY CLOSE. THESE PIE CHARTS SUGGEST THAT A BALANCE IS MAINTAINED IN GOVERNMENT FUNDING FOR RURAL AND URBAN AREAS.

REVENUES, FEDERAL, STATE AND LOCAL AID

RURAL PUBLIC TRANSPORTATION - FY88



URBAN PUBLIC TRANSPORTATION - FY88



* RETURNING TO VDOT'S ROLE IN RURAL PUBLIC TRANSPORTATION, THE THIRD AREA OF RESPONSIBILITY CONCERNS TECHNICAL ASSISTANCE AND TRAINING:

- ROUTES AND SCHEDULES ARE EXAMINED;
- MAINTENANCE, MARKETING AND FINANCIAL MANAGEMENT PROGRAMS ARE REVIEWED;
- TRAINING IS OFFERED FOR ACCOUNTANTS, MECHANICS AND MANAGERS; AND
- ON-SITE TECHNICAL ASSISTANCE IS PROVIDED TO OPERATORS ON REQUEST AND IS TAILORED TO THE INDIVIDUAL SYSTEM.

THE TRAINING PROGRAMS SPONSORED BY VDOT ARE DESIGNED TO MEET COMMON NEEDS OF RURAL OPERATORS AND ARE OFFERED REGIONALLY TO ENSURE EASY ACCESS.

VDOT'S ROLE IN RURAL PUBLIC TRANSPORTATION

- PROMOTE RURAL PUBLIC TRANSPORTATION
- ADMINISTER FEDERAL AND STATE FINANCIAL ASSISTANCE PROGRAMS
- PROVIDE TECHNICAL ASSISTANCE
- MONITOR AND EVALUATE SYSTEM PERFORMANCE

* VDOT'S FOURTH AREA OF RESPONSIBILITY IN RURAL PUBLIC TRANSPORTATION INVOLVES THE EVALUATION OF THE PERFORMANCE OF EACH RURAL PUBLIC TRANSPORTATION SYSTEM.

- RURAL OPERATORS, LIKE THEIR URBAN COUNTERPARTS, SUBMIT AN ANNUAL REPORT OF FINANCIAL AND OPERATING DATA.
- VDOT COLLECTS, VALIDATES, AND ANALYZES THE DATA.
- EACH SYSTEM'S PERFORMANCE IS COMPARED TO ITS OWN PERFORMANCE IN PRIOR YEARS AND TO THE PERFORMANCE OF A NATIONAL PEER GROUP.
- THE RESULTS OF THE PERFORMANCE EVALUATION ARE REVIEWED WITH THE MANAGER OF EACH RURAL TRANSIT SYSTEM. WHERE PROBLEMS ARE FOUND, REMEDIES OR TECHNICAL ASSISTANCE EFFORTS ARE MUTUALLY AGREED UPON.
- A SUMMARY OF THE RESULTS OF THE TRANSIT PERFORMANCE EVALUATIONS IS PUBLISHED ANNUALLY BY VDOT.

VDOT'S ROLE IN RURAL PUBLIC TRANSPORTATION

- PROMOTE RURAL PUBLIC TRANSPORTATION
- ADMINISTER FEDERAL AND STATE FINANCIAL ASSISTANCE PROGRAMS
- PROVIDE TECHNICAL ASSISTANCE
- MONITOR AND EVALUATE SYSTEM PERFORMANCE

NEXT, WE TURN TO VDOT'S ROLE IN HUMAN SERVICE TRANSPORTATION.

THE DEPARTMENT HAS BEEN INVOLVED IN HUMAN SERVICE TRANSPORTATION SINCE THE CREATION OF THE SECTION 16(B)(2) PROGRAM 13 YEARS AGO. THE DEPARTMENT ADMINISTERS THIS PROGRAM, WHICH PROVIDES CAPITAL FUNDING TO PRIVATE NONPROFIT HUMAN SERVICE AGENCIES, SUCH AS AREA AGENCIES ON AGING. THESE AGENCIES PROVIDE TRANSPORTATION AS ONE PART OF THEIR PROGRAM. THE FEDERAL GOVERNMENT AND VDOT HAVE STRESSED THE IMPORTANCE OF HAVING THESE AGENCIES COORDINATE THEIR SERVICES AND WORK TOGETHER TO ACHIEVE THE MOST TRANSPORTATION FOR THEIR CLIENTS AT THE LOWEST COST. TOWARD THAT END, VDOT HAS CONDUCTED A NUMBER OF TECHNICAL STUDIES TO ASSIST THESE AGENCIES IN COORDINATING THEIR SERVICES, AND WE HAVE PLACED A VERY HIGH PRIORITY ON SERVICE COORDINATION IN AWARDING 16(B)(2) GRANTS.

UNFORTUNATELY, THE AMOUNT OF 16(B)(2) FUNDS THAT WE RECEIVE EACH YEAR (\$681,000 IN FY 87) IS NOT ENOUGH TO MEET THE CAPITAL NEEDS OF THESE AGENCIES. THE DEMAND FOR THESE FUNDS IS USUALLY TWO TO THREE TIMES GREATER THAN VIRGINIA'S APPROPRIATION.

A NEW FEDERAL FUNDING PROGRAM FOR TECHNICAL ASSISTANCE AND TRAINING IN RURAL AREAS WILL EXPAND VIRGINIA'S EFFORTS. THIS PROGRAM, CALLED THE RTAP PROGRAM, BECAME AVAILABLE THIS YEAR TO ASSIST BOTH PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION OPERATORS IN RURAL AREAS. WE HAVE JUST SUBMITTED OUR FIRST APPLICATION UNDER RTAP AND LOOK FORWARD TO RECEIVING FEDERAL APPROVAL IN DECEMBER.

THIS YEAR, AT THE RECOMMENDATION OF THE VIRGINIA BOARD FOR THE RIGHTS OF THE DISABLED, AN INTERAGENCY COORDINATING COUNCIL FOR THE TRANSPORTATION-DISADVANTAGED HAS BEEN FORMED TO IMPROVE THE PROVISION AND COORDINATION OF HUMAN SERVICE AGENCY TRANSPORTATION.

VDOT'S ROLE IN HUMAN SERVICE TRANSPORTATION

- PROMOTE COORDINATION
- ADMINISTER FEDERAL CAPITAL FINANCIAL ASSISTANCE PROGRAM—
SECTION 16(B)(2)
- PROVIDE TECHNICAL ASSISTANCE TO TRANSPORTATION
OPERATORS — ADMINISTER RTAP PROGRAM
- PARTICIPATE IN AND SUPPORT INTERAGENCY COORDINATING
COUNCIL FOR THE TRANSPORTATION—DISADVANTAGED

THIS COUNCIL IS COMPRISED OF REPRESENTATIVES OF VDOT AND EIGHT OTHER STATE AGENCIES. A STAFF POSITION HAS BEEN CREATED WITHIN VDOT TO ASSIST THE COUNCIL WITH ITS WORK AND TO EXPAND VDOT'S PROMOTIONAL EFFORTS FOR COORDINATION.

THE COUNCIL WILL PRODUCE INFORMATION ON THE NEEDS OF THE TRANSPORTATION-DISADVANTAGED IN VIRGINIA, OFFER TECHNICAL ASSISTANCE, AND FOSTER COORDINATION THROUGH INTER-AGENCY AGREEMENTS AND JOINT USE PROGRAMS.

INTERAGENCY COORDINATING COUNCIL
FOR THE TRANSPORTATION-DISADVANTAGED

MEMBER AGENCIES

- DEPARTMENT FOR THE AGING
- DEPARTMENT OF HEALTH
- DEPARTMENT OF SOCIAL SERVICES
- DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION
- DEPARTMENT FOR THE VISUALLY HANDICAPPED
- DEPARTMENT OF REHABILITATIVE SERVICES
- DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
- BOARD FOR THE RIGHTS OF THE DISABLED
- DEPARTMENT OF TRANSPORTATION

FINALLY, I WANT TO BRIEFLY DISCUSS THE OUTLOOK FOR RURAL PUBLIC TRANSPORTATION AND FOR HUMAN SERVICE TRANSPORTATION IN VIRGINIA. THE OUTLOOK FOR RURAL PUBLIC TRANSPORTATION IS PROMISING. WHILE THERE HAVE BEEN REDUCTIONS IN FEDERAL FUNDING, VIRGINIA HAS NEW STATE FUNDING FOR PUBLIC TRANSPORTATION, INITIATED THROUGH THE RECOMMENDATIONS OF THE COMMISSION ON TRANSPORTATION.

THIS ADDITIONAL STATE AID PROGRAM WILL HELP TO EASE THE BURDENS OF REDUCED FEDERAL FUNDING FOR PUBLIC TRANSPORTATION AND ALLOW FOR SOME GROWTH IN BOTH EXISTING AND NEW RURAL PROGRAMS.

THE KEY TO GROWTH IN RURAL PUBLIC TRANSPORTATION WILL BE THE DEVELOPMENT OF LOCAL GOVERNMENT SUPPORT. VDOT IS READY TO WORK WITH LOCAL GOVERNMENTS THAT ARE WILLING TO GIVE THAT SUPPORT.

THERE ALSO IS A NEW DEVELOPMENT IN INTERCITY PASSENGER TRANSPORTATION FOR OUR RURAL CITIZENS. IN COOPERATION WITH RURAL OPERATORS, GREYHOUND BUS LINES IS SEEKING TO DEVELOP NEW, INNOVATIVE FEEDER SERVICES TO AND FROM THE COMMUNITIES IT SERVES. IF THIS EXPERIMENT IS SUCCESSFUL, PASSENGER TRANSPORTATION FOR VIRGINIA'S RURAL AREAS WILL BE REVITALIZED.

OUTLOOK FOR
RURAL PUBLIC TRANSPORTATION

- GROWTH IN EXISTING PROGRAMS
- ESTABLISHMENT OF NEW PROGRAMS
- INTERCITY PASSENGER TRANSPORTATION

THE OUTLOOK FOR HUMAN SERVICE TRANSPORTATION IS ALSO PROMISING. THE WORK OF THE INTERAGENCY COORDINATING COUNCIL FOR THE TRANSPORTATION-DISADVANTAGED AND, AT THE FEDERAL LEVEL, THE U.S. DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SHOULD REDUCE OR ELIMINATE BARRIERS TO SERVICE COORDINATION, EXPAND THE POOLING OF RESOURCES AND MAKE THE BEST USE OF LIMITED RESOURCES.

OUTLOOK FOR
HUMAN SERVICE TRANSPORTATION

- INCREASED SERVICE COORDINATION
- EXPANDED RESOURCE POOLING

IN SUMMARY, I BELIEVE THAT VIRGINIA HAS A SOUND BASE OF RURAL PUBLIC TRANSPORTATION AND A SOUND PROGRAM OF STATE SUPPORT FOR RURAL SYSTEMS. THERE REMAIN A NUMBER OF RURAL AREAS THAT DO NOT HAVE PUBLIC TRANSPORTATION SERVICE, BUT WITH THE NEW STATE FUNDING, WE NOW HAVE THE MEANS TO HELP INTERESTED LOCALITIES OFFER THAT SERVICE.

ADDITIONAL TECHNICAL ASSISTANCE AND COOPERATION AMONG STATE AGENCIES SHOULD ENABLE HUMAN SERVICE TRANSPORTATION OPERATORS TO IMPROVE THEIR SERVICES AND TO ACHIEVE THE MOST WITH THEIR LIMITED RESOURCES.

TOGETHER, THE EFFORTS IN RURAL PUBLIC TRANSPORTATION AND HUMAN SERVICE TRANSPORTATION SHOULD GO FAR TO INCREASE MOBILITY IN VIRGINIA, PARTICULARLY THE MOBILITY OF OUR TRANSPORTATION-DISADVANTAGED CITIZENS.



