COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 20, 2008

MOTION

Made By: Mrs. Carter Seconded By: Mr. Dickens Action: Motion Carried, Unanimously

Title: Recreational Access Fund Policy
(Revision)

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access roads and bikeways to public recreational areas and historical sites was amended and reenacted by the 2005 session of the General Assembly; and

WHEREAS, the Commonwealth Transportation Board, with the concurrence of the Director of the Department of Conservation and Recreation, is authorized by this section of the Code to make certain regulations to carry out the provisions of the law; and

WHEREAS, it is deemed necessary by the Department of Transportation and the Department of Conservation and Recreation to amend the previously adopted policy on the use of such funds.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds its previous policy adopted on October 25, 1989, and adopts the following policy governing the use of recreational access funds, which new policy has been concurred in by the Director of Conservation and Recreation pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The Commonwealth Transportation Board adopts this policy to govern the use of recreational access funds pursuant to Section 33.1-223 of the *Code of Virginia*, as amended. The statute provides that the concept of access be applicable to facilities for motor vehicles and bicycles, whether in separate physical facilities or combined in a single facility. In the event independent bikeway access is deemed appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designated to

provide for bicycle access to the recreational area or historical site as a connecting link to an existing bikeway or otherwise recognized bicycle route.

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to or within publicly owned or operated recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way or adjustment of utilities. These funds are to be used only for the actual engineering and construction of a road or bikeway access facility adequate to serve traffic generated by the public recreational area or historical site.

3. The identified need or demand for the road or bikeway access facilities will be analyzed and mutually agreed upon between the Commonwealth Transportation Board and the Director of the Department of Conservation and Recreation for access to a public recreational area or the Director of the Department of Historic Resources for access to a public historical site. The decision to construct or improve an access facility to a public recreational area or historical site will be based upon verification by the Department of Transportation of sufficient public demand and justification for connection with similar public motor vehicle or bikeway access facilities to support the construction of the planned access facilities.

4. Recreational access funds will not be considered for providing adequate recreational road or bikeway access until such time as adequate assurance has been given that the recreational area or historical site is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and bikeway access may be considered as either combined facilities or separate entities. Funding limitations have been established by statute, for qualified projects, as follows:

   A. Not more than $400,000 of recreational access funds may be allocated for an access road to any recreational area or historical site operated by a state agency and not more than $250,000 for an access road to any recreational area or historical site operated by a locality or an authority with an additional $100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources.

   B. Not more than $75,000 of recreational access funds may be allocated for a bikeway to any recreational area or historical site operated by a state agency and not more than $60,000 for a bikeway to any recreational area or historical site operated by a locality or an authority with an additional $15,000 if supplemented

on a dollar-for-dollar basis by a locality or authority from other than highway sources.

6. Prior to the formal request for the use of recreational access funds to provide access to a public recreational area or historical site, the location of the access road or bikeway shall be submitted for approval by the Department of Transportation and to either the Director of the Department of Conservation and Recreation or to the Director of the Department of Historic Resources, as relevant to the type of area or site to be accessed. In making recommendations, personnel of the Department of Transportation and the Department of Conservation and Recreation or the Department of Historic Resources shall take into consideration the cost of the access road or bikeway as it relates to the location, the possibility of any future extension to serve other public recreational areas or historical sites, and the anticipated future development of the area traversed. The Recreational Access Program is not intended to facilitate the development of any land use other than public recreational or historical facilities.

7. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly-owned or operated recreational areas or historical sites, as designated by the appropriate agency.

   The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the recreational area or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which "adequate access" is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be interpreted as the first point at or within the recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

8. It is the intent of the Commonwealth Transportation Board that recreational access funds not be anticipated from year to year.

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