COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

DRAFT MINUTES
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD
WORKSHOP MEETING
The George Washington Hotel
103 E Piccadilly Street
Winchester, VA 22601
July 15, 2025
8:30 a.m.

The Workshop meeting of the Commonwealth Transportation Board was held in the Ballroom of the George Washington Hotel, Winchester, Virginia, on July 15, 2025. The Chairman, W. Sheppard Miller, presided and called the meeting to order at 8:37 a.m. beginning with the Pledge of Allegiance.

Present: Messrs. Byers, Coleman, Davis, Fowlkes, Good, Gribbins, Lawson, Laird, Minchew, Smoot, Stant, Ms. Dunlop, Ms. Green, Ms. Sellers Mr. Brich, ex officio, Commissioner of Highways and Ms. Tiffany Robinson, ex officio, Director of the Department of Rail and Public Transportation.

Absent: None

Agenda 1. FY Major Projects Update & FY 26-31 Capital Plan Amendment
D. J. Stadtler, Virginia Passenger Rail Authority
Referenced by attachment of presentation.

Agenda 2. Virginia Byways Program
Overview and Proposed Designation of Two Segments of Route 675
Shenandoah County
Terry R. Short, Jr., Virginia Department of Transportation
Referenced by attachment of presentation.

Agenda 3. Economic Development Access Program
Rivanna Futures
Albemarle County
Terry R. Short, Jr., Virginia Department of Transportation
Referenced by attachment of presentation.

Agenda 4. MERIT Program Review
Zach Trogdon, Virginia Department of Rail and Public Transportation
Referenced by attachment of presentation.

The Chair suspended the meeting at 10:50 a.m. on July 15, 2025, to provide the Board with a ten-minute break.

The Chair called the suspended meeting to order at 11:03 a.m. on July 15, 2025.

Agenda 5. Adoption of the Virginia Manual on Uniform Traffic Control Devices Version 11.0
Mark Cole, Virginia Department of Transportation
Jo Anne Maxwell, Virginia Department of Transportation
Referenced by attachment of presentation.

Agenda 6. Final Regulatory Amendments and Response to Public Comments
Land Use Permit Regulations (24VAC30-151)
Robert Hofrichter, Virginia Department of Transportation
Referenced by attachment of presentation.

Without objection the Chair moved Agenda Item 8 ahead of Agenda Item 7.

The Chair suspended the meeting at 12:28 p.m. on July 15, 2025, without reviewing Agenda Item 7.

Agenda 7. Overview: Development and Monitoring of the Long-term Risk & Opportunity Register, and VTrans Strategic Actions
Jitender Ramchandani, *Office Intermodal Planning, and Investment*
Note – This item was not reviewed during the July 2025 Workshop session.

Agenda 8. SMART SCALE Round 6
Brooke Jackson, *Office Intermodal Planning, and Investment*
Referenced by attachment of presentation.

The Chair called the suspended meeting to order at 8:30 a.m.

Agenda 9. Director's Items
Tiffany Robinson, Virginia Department of Rail and Public Transportation

Agenda 10. Commissioner's Items
Stephen Brich, Virginia Department of Transportation

Agenda 11. Secretary's Items
Shep Miller, Secretary of Transportation

ADJOURNMENT:

The meeting adjourned at 8:30 a.m. on July 16, 2025, without reviewing Agenda Item 7. That item will be reviewed at a future meeting.

Respectfully Submitted:
Carol Mathis,
Assistant Secretary to the Board

# # #

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COMMONWEALTH TRANSPORTATION BOARD
WORKSHOP AGENDA

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103 E Piccadilly Street
Winchester, VA 22601
July 15, 2025
8:30 a.m.

1. FY Major Projects Update & FY 26-31 Capital Plan Amendment
   D. J. Stadtler, Virginia Passenger Rail Authority

2. Virginia Byways Program
   Overview and Proposed Designation of Two Segments of Route 675
   Shenandoah County
   Terry R. Short, Jr., Virginia Department of Transportation

3. Economic Development Access Program
   Rivanna Futures
   Albemarle County
   Terry R. Short, Jr., Virginia Department of Transportation

4. MERIT Program Review
   Zach Trogdon, Virginia Department of Rail and Public Transportation

5. Adoption of the Virginia Manual on Uniform Traffic Control Devices Version 11.0
   Mark Cole, Virginia Department of Transportation
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6. Final Regulatory Amendments and Response to Public Comments
   Land Use Permit Regulations (24VAC30-151)
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7. Overview: Development and Monitoring of the Long-term Risk & Opportunity Register, and VTrans Strategic Actions
   Jitender Ramchandani, Office Intermodal Planning, and Investment

8. SMART SCALE Round 6
   Brooke Jackson, Office Intermodal Planning, and Investment

9. Director's Items
   Tiffany Robinson, Virginia Department of Rail and Public Transportation

10. Commissioner's Items
    Stephen Brich, Virginia Department of Transportation

11. Secretary's Items
    Shep Miller, Secretary of Transportation

# # #

VIRGINIA PASSENGER RAIL AUTHORITY

Major Projects Update & FY26-31 Capital Plan Amendment

July 15, 2025

Purpose of Today's Update

1) Provide an update of key VPRA capital projects

2) Review impacts on capital projects budget after May CTB meeting

Capital Projects: Long Bridge North Package

- Contractor: Skanska-Flatiron Joint Venture (SFJV)
- Amended FY26-31 Capital Plan: $1.65 B – increase of $567 M
- Demonstration drill shafts were completed in early June. Demonstration micropiles will be completed by the end of July. These deep foundation elements are undergoing performance testing, and the results will be used to inform the final design.
- Crashwall strengthening is underway on the piers supporting the Maryland Avenue Overbuild.
- North package will construct a work zone on Maiden Lane SW in July that will remain in place for a majority of the project.





Capital Projects: Long Bridge South Package

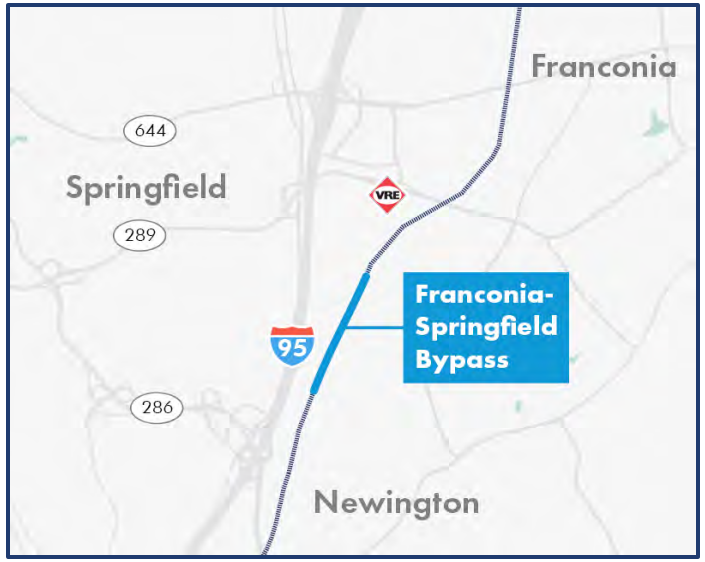
- Contractor: Long Bridge Rail Partners (LBRP) (Trumbull-Fay-Wagman)
- Amended FY26-31 Capital Plan: $1.013 B – decrease of $185.9 M
- Geotechnical borings are underway in the Potomac River, East Potomac Park, and George Washington Memorial Park. These borings will examine subsurface conditions and inform final design.
- Notice to Proceed (NTP) 2 for mobilization & staging areas to be issued in September.





Capital Projects: Franconia-Springfield Bypass

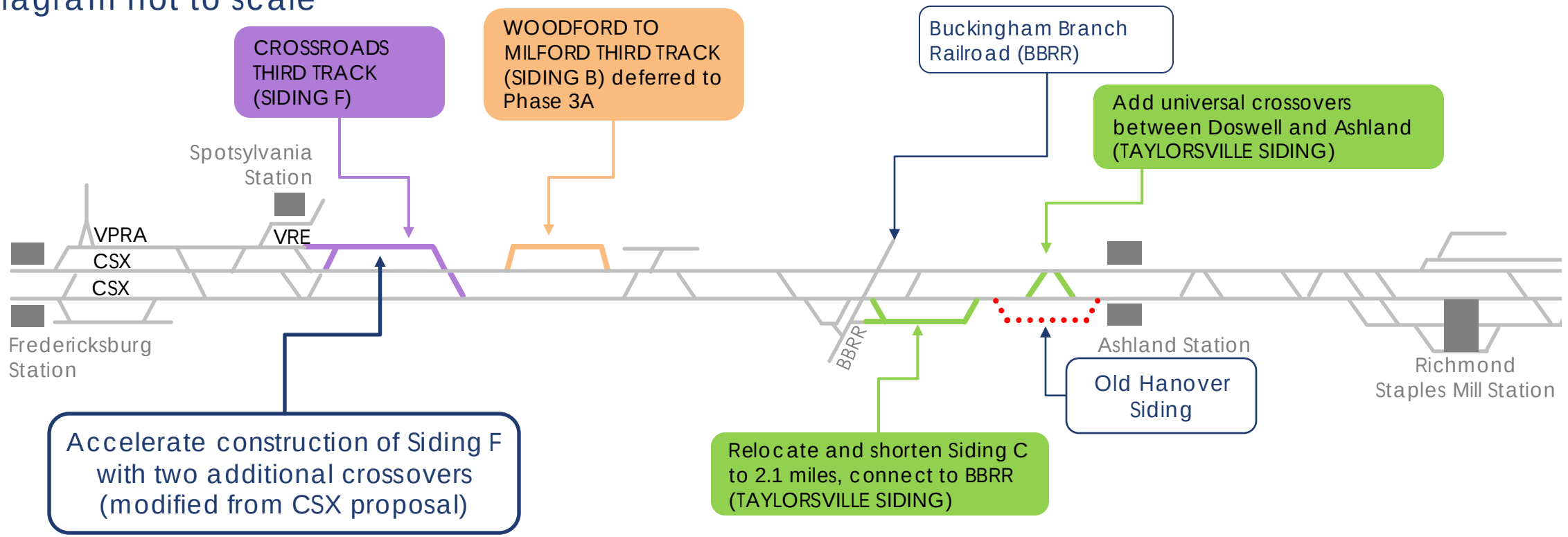
- Contractor: Flatiron-Herzog Joint Venture (FHJV)
- Amended FY26-31 Capital Plan: $532 M – increase of $127.1 M
- Contract for Construction Management was awarded to HNTB on June 3.
- NEPA re-evaluation approved by FHWA and FRA in mid-June.
- The Phase 2 Construction Amendment with FHJV was executed on June 13.
- VPRA issued limited Notice to Proceed to FHJV on June 16 for construction of the shoofly to re-route tracks during the construction phase.





I-95 Corridor Sidings Changes: Summary

Diagram not to scale



Siding F

Crossroads FY26 Capital Plan	Crossroads FY26 Amended
$112.4M	$142.9M

Old Siding C

Hanover FY26 Capital Plan	Taylorsville Third Track Design FY26
$140.8M	$1.2M

New Siding C

Taylorsville FY26 Amended
$86.1M

Sidings B, C, F FY26 Capital Plan	Sidings B, C, F FY26 Amended*	Net Decrease
$324.7M	$238.3M	$86.4M

*includes $9M spent to-date on Woodford to Milford and Hanover project development

I-95 Corridor Capital Plan Changes

Capital Component (in Millions)	Estimate Level	Amended FY26-31 Capital Plan	CTB Approved FY26-31 Capital Plan	Change
I-95 Corridor				
Long Bridge - North	4	1,647	1,080	567
Long Bridge – South	3	1,013	1,199	(186)
Franconia-Springfield Bypass	4	532	405	127
Woodford to Milford Third Track (Siding B)	2	4	70	(66)
Hanover Third Track	2	5	140	(135)
Taylorsville Third Track (Siding C)	1	86	1	85
Crossroads Third Track (Siding F)	2	143	113	30
			Total I-95 Corridor Change	$422

Construction contract negotiation completed

Sidings reconfiguration; net savings of $86M

1: Rough Order of Magnitude 2: Conceptual Design 3: 30% Design 4: 60% Design 5: Final Design 6: Construction 7: Explicit Cost

Approved I-95 Corridor Capital Projects ($ in millions)

Project Description	Estimate Level	Expenses Incurred to Date	FY25	FY26	FY27	FY28	FY29	FY30	FY31	Total Project Budget
Required Projects										
Long Bridge - North	4	$49.7	$114.0	$207.9	$165.3	$238.6	$150.7	$126.3	$27.3	$1,079.8
Long Bridge - South	3	24.4	59.1	124.1	254.8	431.8	187.9	116.4	0.7	1,199.2
Alexandria Fourth Track	5	15.8	41.9	55.5	97.3	-	-	-	-	210.5
Franconia to Lorton Third Track	4	12.2	14.8	15.9	56.8	139.0	36.3	-	-	275.0
Franconia-Springfield Bypass	4	15.8	29.8	116.5	142.2	87.9	12.8	-	-	405.0
Railroad Bridges over Newington Road	4	1.8	1.9	2.2	22.3	27.0	5.8	-	-	61.0
Potomac Creek Third Track (Siding A) Trackwork	4	5.9	8.3	8.3	24.8	44.3	45.3	20.4	0.1	157.4
Potomac Creek Third Track (Siding A) Roadwork	3	-	1.0	1.7	6.0	10.8	4.5	-	-	24.0
Woodford to Milford Third Track (Siding B)	4	2.2	5.9	3.5	13.1	20.1	16.1	9.4	-	70.3
Hanover Third Track (Siding C) Trackwork	4	1.7	5.9	7.9	17.3	29.2	8.0	-	-	70.0
Hanover Third Track (Siding C) Roadwork	3	0.5	3.3	9.5	25.0	25.3	8.4	-	-	72.0
Neabsco Creek to Woodbridge Third Track (Siding D)	2	0.2	0.4	3.7	5.1	36.1	36.4	33.9	-	115.8
Aquia Creek Third Track (Siding E)	2	0.1	0.4	3.5	4.9	29.7	29.4	28.6	-	96.6
Crossroads Third Track (Siding F)	2	0.2	0.4	3.6	5.2	35.1	35.0	32.9	-	112.4
L'Enfant Fourth Track and Station Improvements	2	0.3	0.1	0.1	0.1	18.1	18.1	16.4	-	53.2
Projects not required for service										
King and Commonwealth Bridges	4	2.3	8.6	34.3	33.5	5.4	-	-	-	84.1
Richmond Layover Facility	3	2.0	3.0	-	-	-	-	-	-	5.0
Other										
TRV Right of Way Transaction Costs	7	26.6	8.2	-	-	-	-	-	-	34.8
Total I-95 Corridor Rail Projects		$161.7	$307.0	$598.2	$873.7	$1,178.4	$594.7	$384.3	$28.1	$4,126.1

Estimate Level 1: Rough Order of Magnitude 2: Conceptual Design 3: 30% Design 4: 60% Design 5: Final Design 6: Construction 7: Explicit Cost

Amended I-95 Corridor Capital Projects ($ in millions)

Project Description	Estimate Level	Expenses Incurred to Date	FY25	FY26	FY27	FY28	FY29	FY30	FY31	Total Project Budget
Required projects										
Long Bridge - North	4	$49.7	$44.3	$387.3	$304.3	$413.9	$231.0	$185.3	$31.1	$1,646.9
Long Bridge - South	3	24.4	86.2	162.8	228.8	273.9	117.1	120.1	-	1,013.3
Alexandria Fourth Track	5	15.8	41.9	55.5	97.3	-	-	-	-	210.5
Franconia to Lorton Third Track	4	12.2	14.8	15.9	56.8	139.0	36.3	-	-	275.0
Franconia-Springfield Bypass	4	15.8	23.5	110.7	132.4	194.5	54.5	0.7	-	532.1
Railroad Bridges over Newington Road	4	1.8	1.9	2.2	22.3	27.0	5.8	-	-	61.0
Potomac Creek Third Track (Siding A) Trackwork	4	5.9	8.3	8.3	24.8	44.3	45.3	20.4	0.1	157.4
Potomac Creek Third Track (Siding A) Roadwork	3	-	1.0	1.7	6.0	10.8	4.5	-	-	24.0
Woodford to Milford Third Track (Siding B)	4	2.2	2.0	-	-	-	-	-	-	4.2
Hanover Third Track (Siding C) Trackwork	4	1.7	2.3	-	-	-	-	-	-	4.0
Hanover Third Track (Siding C) Roadwork	3	0.5	0.6	-	-	-	-	-	-	1.1
Taylorsville Third Track (Siding C)	1	-	0.4	8.0	4.6	24.8	25.2	23.1	-	86.1
Neabsco Creek to Woodbridge Third Track (Siding D)	2	0.2	0.4	3.7	5.1	36.1	36.4	33.9	-	115.8
Aquia Creek Third Track (Siding E)	2	0.1	0.4	3.5	4.9	29.7	29.4	28.6	-	96.6
Crossroads Third Track (Siding F)	2	0.2	0.7	8.4	11.1	40.2	41.7	40.6	-	142.9
L'Enfant Fourth Track and Station Improvements	2	0.3	0.1	0.1	0.1	18.1	18.1	16.4	-	53.2
Projects not required for service										
King and Commonwealth Bridges	4	2.3	8.6	34.3	33.5	5.4	-	-	-	84.1
Richmond Layover Facility	∗	2.0	3.0	5.4	-	-	-	-	-	10.4
Other										
TRV Right of Way Transaction Costs	7	26.6	8.2	-	-	-	-	-	-	34.8
Total I-95 Corridor Rail Projects		$161.7	$248.6	$807.8	$932.0	$1,257.7	$645.3	$469.1	$31.2	$4,553.4

Estimate Level 1: Rough Order of Magnitude 2: Conceptual Design 3: 30% Design 4: 60% Design 5: Final Design 6: Construction 7: Explicit Cost ∗:Partial Project Funding

Changes to Sources
through FY31

Funding Source	Amount (in Millions)
VRE Contribution	$155
State Revenue Sources	72
Operational Changes	46
Investment Income Forecast	26
Grants & Earmark Awards	10
Local Contributions	10
Increase in Sources	$319

Summary Budget Changes
through FY31

Funding Source	Amount (in Millions)
Change in I-95 Corridor Projects	$(422)
Increase in Sources	319
Other minor changes	(21)
Change in Management Reserve	$(124)

Thank You

Questions?


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Virginia Department of Transportation

VIRGINIA BYWAYS PROGRAM

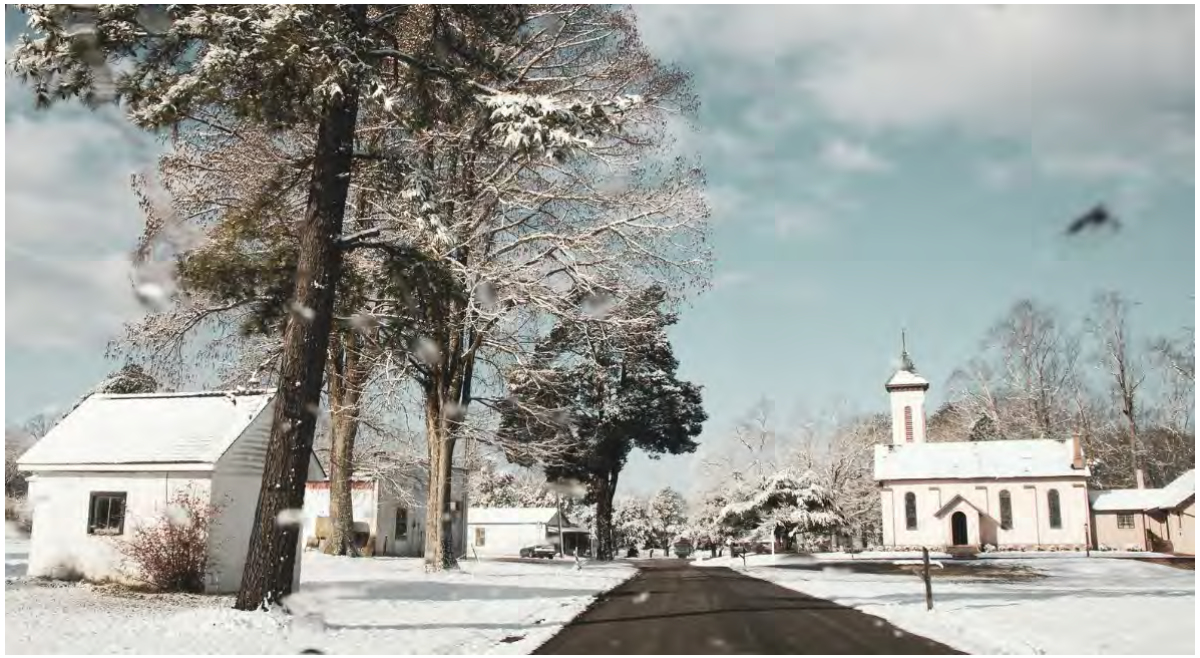
Overview and Proposed Designation of Two Segments of Route 675 – Shenandoah County

Terry R. Short, Jr., AICP, Director Local Assistance Division

July 15, 2025

Virginia Byway Program Overview

- Authorized in the Code of Virginia in 1966 (§ 33.2-405)
- CTB in cooperation with the Virginia Department of Conservation and Recreation (DCR) is authorized to designate any road as a scenic highway or Virginia byway
  - Memorandum of Agreement between VDOT and DCR outlines designation process and responsibilities



Merits of Designation

- Showcases unique attributes of area
- Becomes part of tourism strategy
- Requirement for National Scenic Byway designation
- Locally initiated
- Limits outdoor advertising signage
- Does not affect land use
- Does not limit road improvements

Byway Designation Process

- Local government(s) adopt resolution of support for designation
- VDOT and DCR evaluate road corridor
  - VDOT and DCR Director recommend designation to CTB
- A local public hearing is held, if requested
- CTB designates byway
- Signage is installed; route is identified on official state transportation maps and VDOT website
- Periodic reviews



CTB Review Process – Requested Designation

- Shenandoah County, with Board of Supervisors endorsement, has requested the CTB consider designating two segments of Route 675 as a Virginia Byway
- The request is to complete the designation of Route 675, spanning 22.09 miles from the border of West Virginia through Shenandoah County to its border with Page County
  - The two requested segments total 3.67 miles

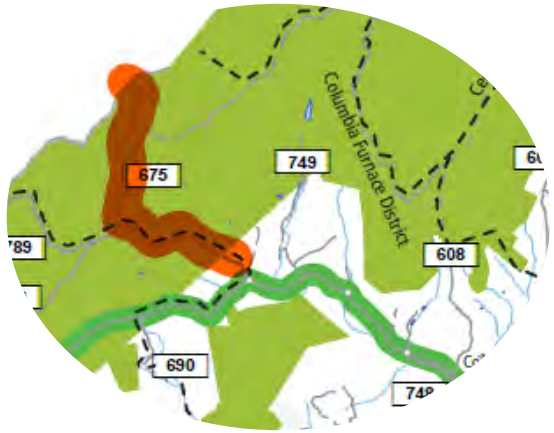
Finding a Virginia Byway

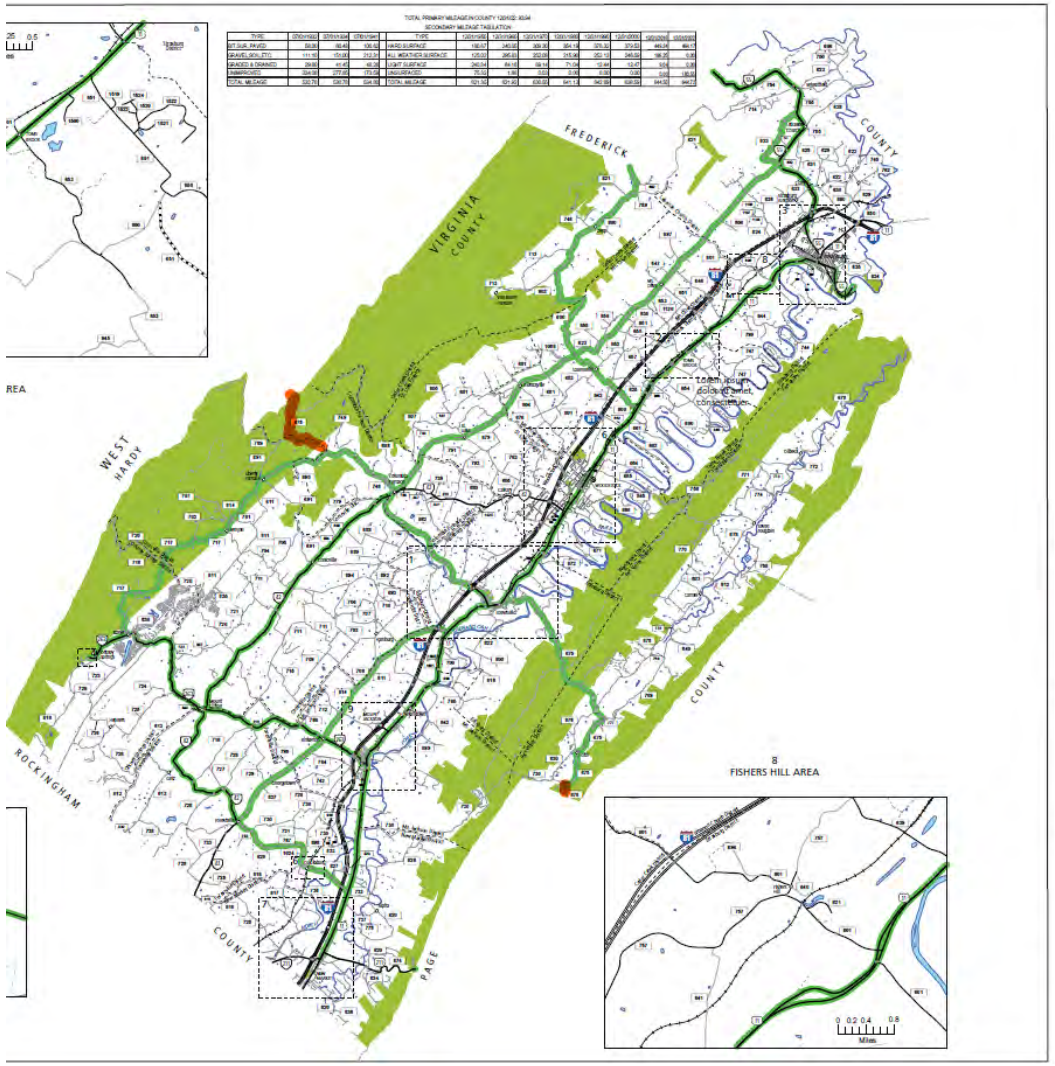




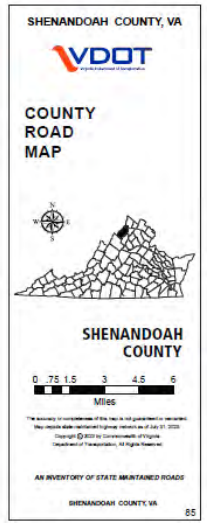
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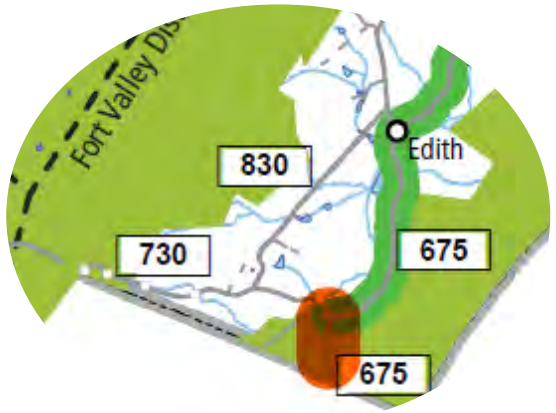
Route 675, Two Segments – Shenandoah County



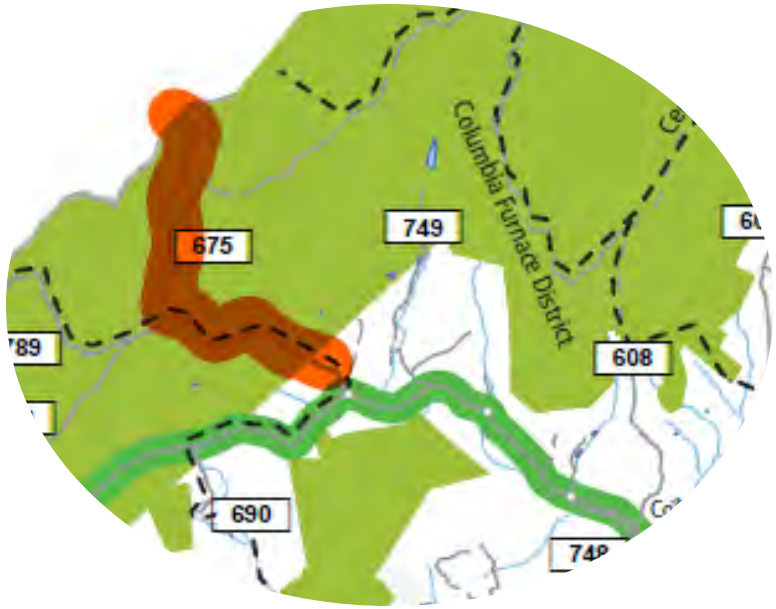




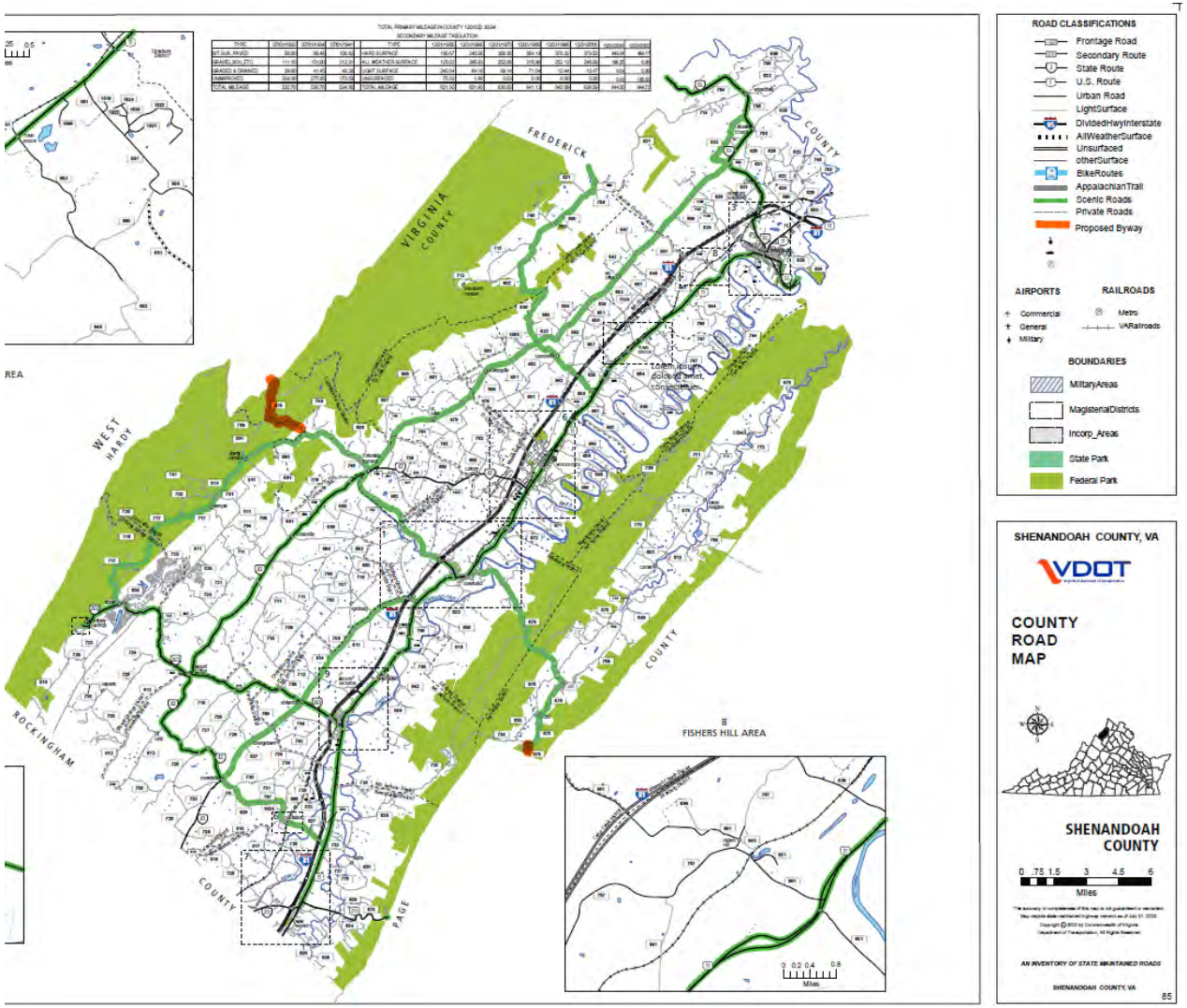




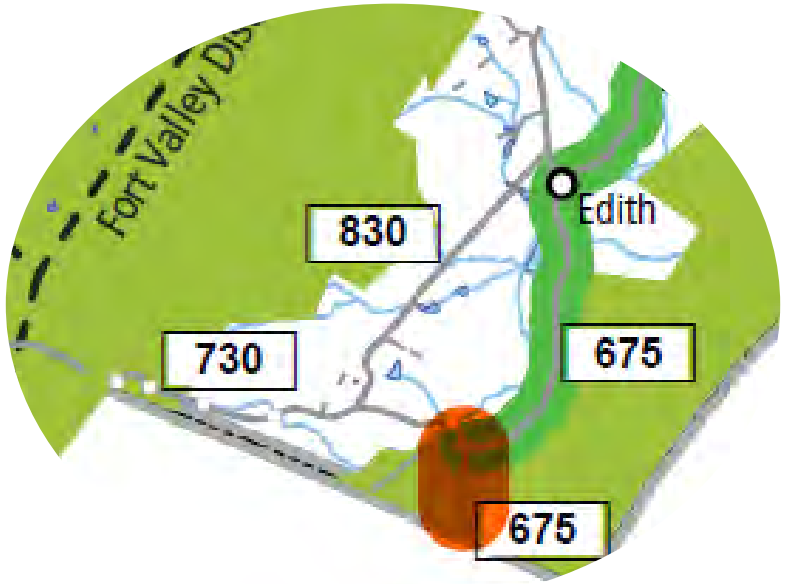
Route 675 – Western Segment – Shenandoah County



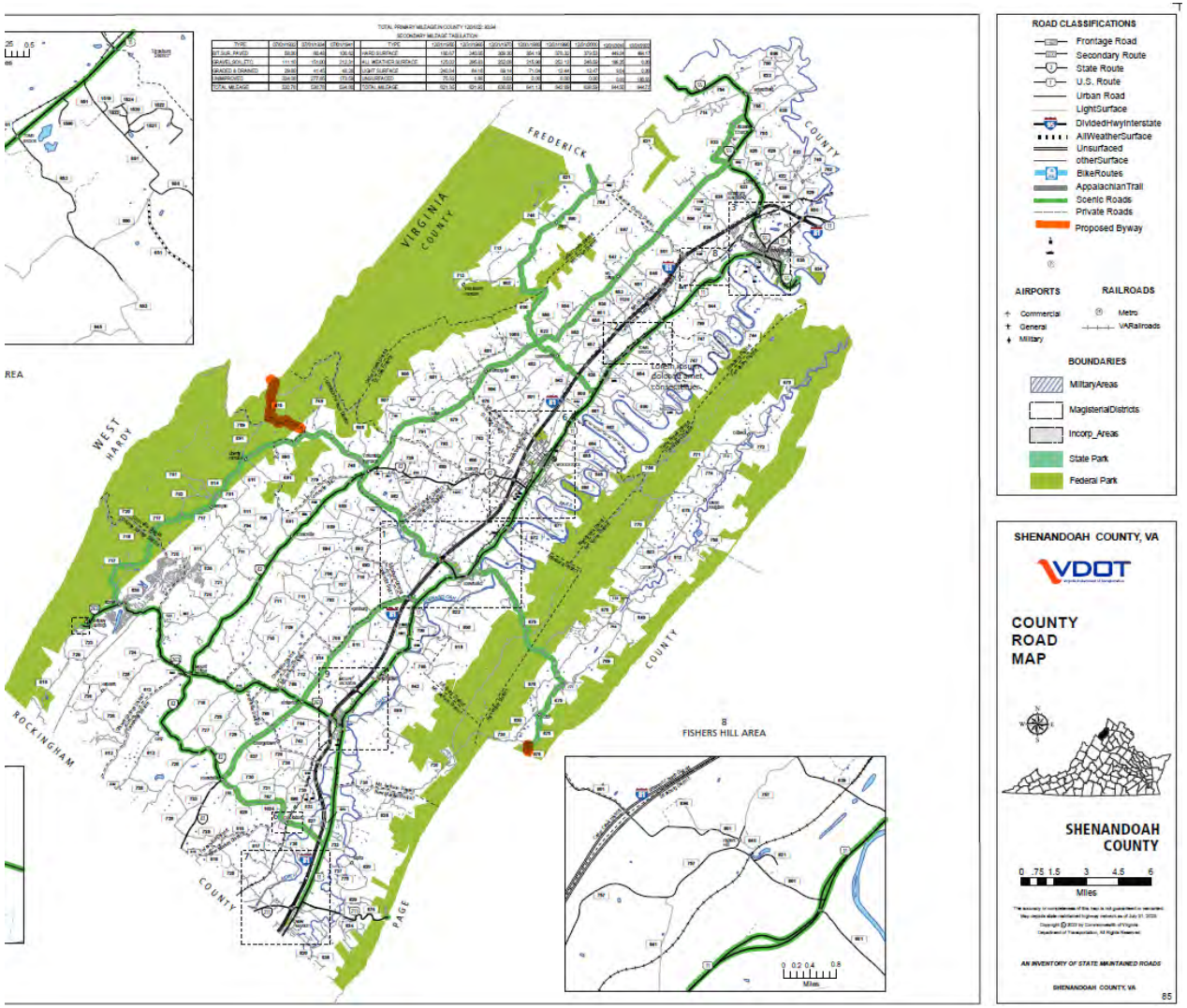
Route 675 from the West Virginia state line to Route 717 (Liberty Furnace Road), 3.31 miles



Route 675 – Eastern Segment – Shenandoah County



Route 675 from the Page County line to Route 730 (Moreland Gap Road), 0.36 miles



Route 675, Two Segments – Shenandoah County

Points of interests along route:

- Camp Roosevelt – the first Civilian Conservation Corps (CCC) camp in the United States
- Camp Wolf Gap – an all-African American CCC camp
- Scenic views of Stoney Creek, Edinburg Gap, and Fort Valley





Next Steps

- CTB Action Meeting – September 17, 2025
  - Consider resolution to designate the two segments of Route 675 as Virginia Byways
- If designated:
  - Install blue Virginia Byway signs
  - Update map




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ECONOMIC DEVELOPMENT ACCESS (EDA) PROGRAM

Albemarle County – Rivanna Futures

Terry R. Short Jr., AICP
Local Assistance Division

July 15, 2025

Economic Development Access (EDA) Program

- Provides funding to design and construct roads that serve new or expanding economic development sites
- Localities submit applications for EDA funding to VDOT and the Commonwealth Transportation Board (CTB) considers and approves project allocations
- Projects can be either design-only projects or construction projects
  - Design-only projects: Funds are used solely for the design of a new road or improvements to an existing road
  - Construction projects: Funds are used for both the design and construction of a new road or improvements to an existing road

Major Employment and Investment (MEI) Summary

- **Economic development sites which have received an MEI designation by the Virginia Economic Development Partnership (VEDP) are eligible for a higher amount of EDA funding**
  - The Rivanna Futures Application is eligible for the higher amount of funding
- **An MEI project is defined in the Code of Virginia as being a high-impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding $250 million and create more than 400 new full-time jobs**
- **The EDA Program provides allocations for design-only projects**
  - **Non-MEI projects: Maximum allocation of $200,000**
    - ($150,000 unmatched, $50,000 matched)
  - **MEI projects: Maximum allocation of $650,000**
    - ($500,000 unmatched, $150,000 matched)

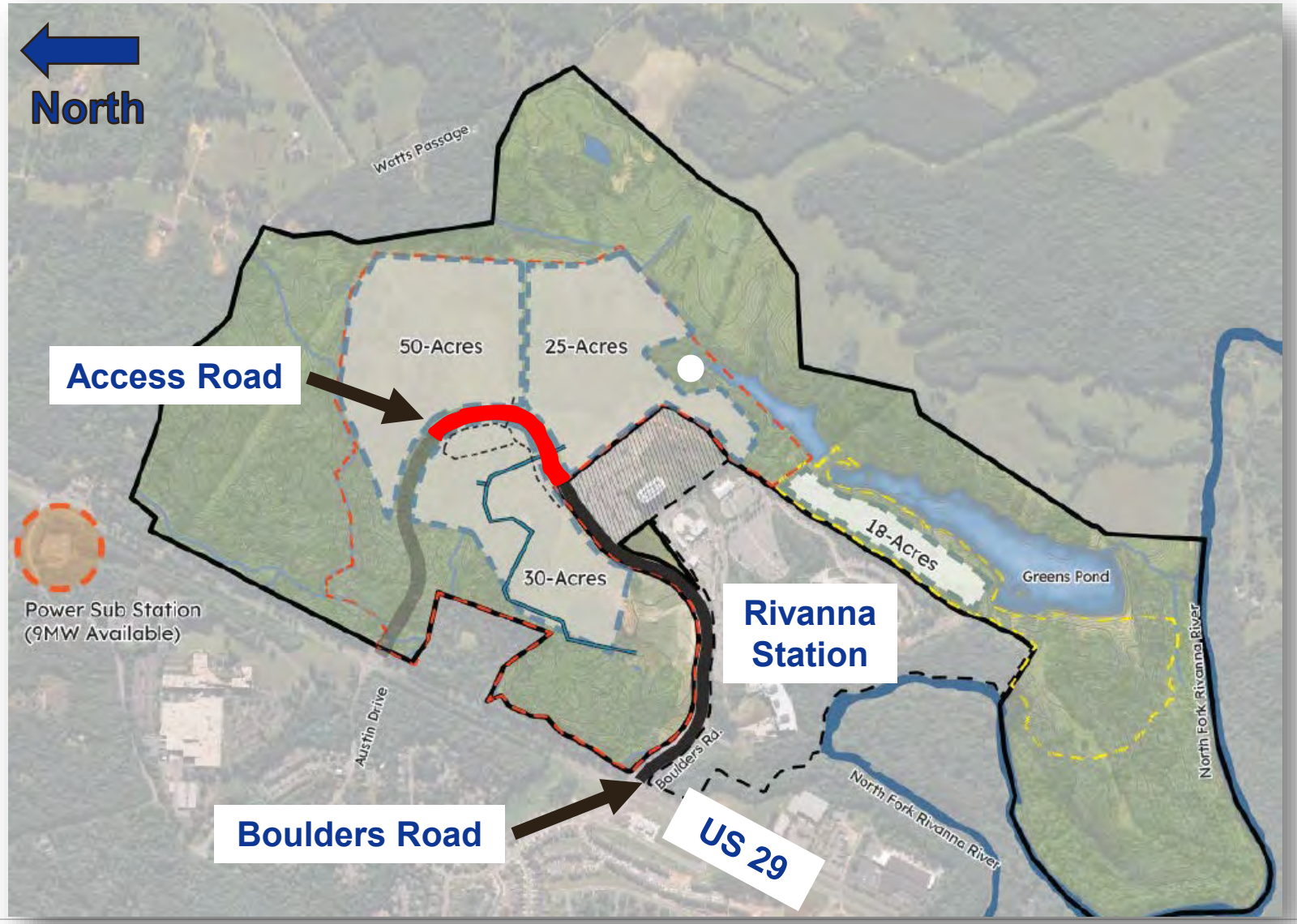
MEI Design Only Project – Albemarle County



MEI Design Only Project – Albemarle County

- **The proposed project will design an extension of Boulders Road, to provide access to 172 acres of undeveloped property**
- **On April 8th, 2025, the Virginia Economic Development Partnership (VEDP) designated the Rivanna Futures property in Albemarle County as an MEI site**
- **Project design details:**
  - **Design a 0.3 mile long, 48-foot-wide extension of Boulders Road**
  - **Proposed Project Allocation: $621,000 ($742,000 total design cost)**
    - State Funds: $500,000 unmatched and $121,000 matched

MEI Design Only Project – Albemarle County



Next Steps

- September 2025 meeting, the CTB will be presented with a Resolution proposing to establish a new EDA project
- If approved by the CTB, VDOT and Albemarle County will enter into Standard State-Aid Agreement
- Albemarle County will administer this project


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MERIT Program Review

Operating & Capital Assistance

July 15, 2025

DRPT
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Purpose and Key Topics for Today's Discussion

1. Review DRPT's MERIT Operating and Capital Assistance programs and existing scoring/prioritization processes

2. Discuss initial findings from MERIT Program evaluation and potential improvements

3. Discuss next steps for evaluation and implementation of potential changes to the MERIT Program

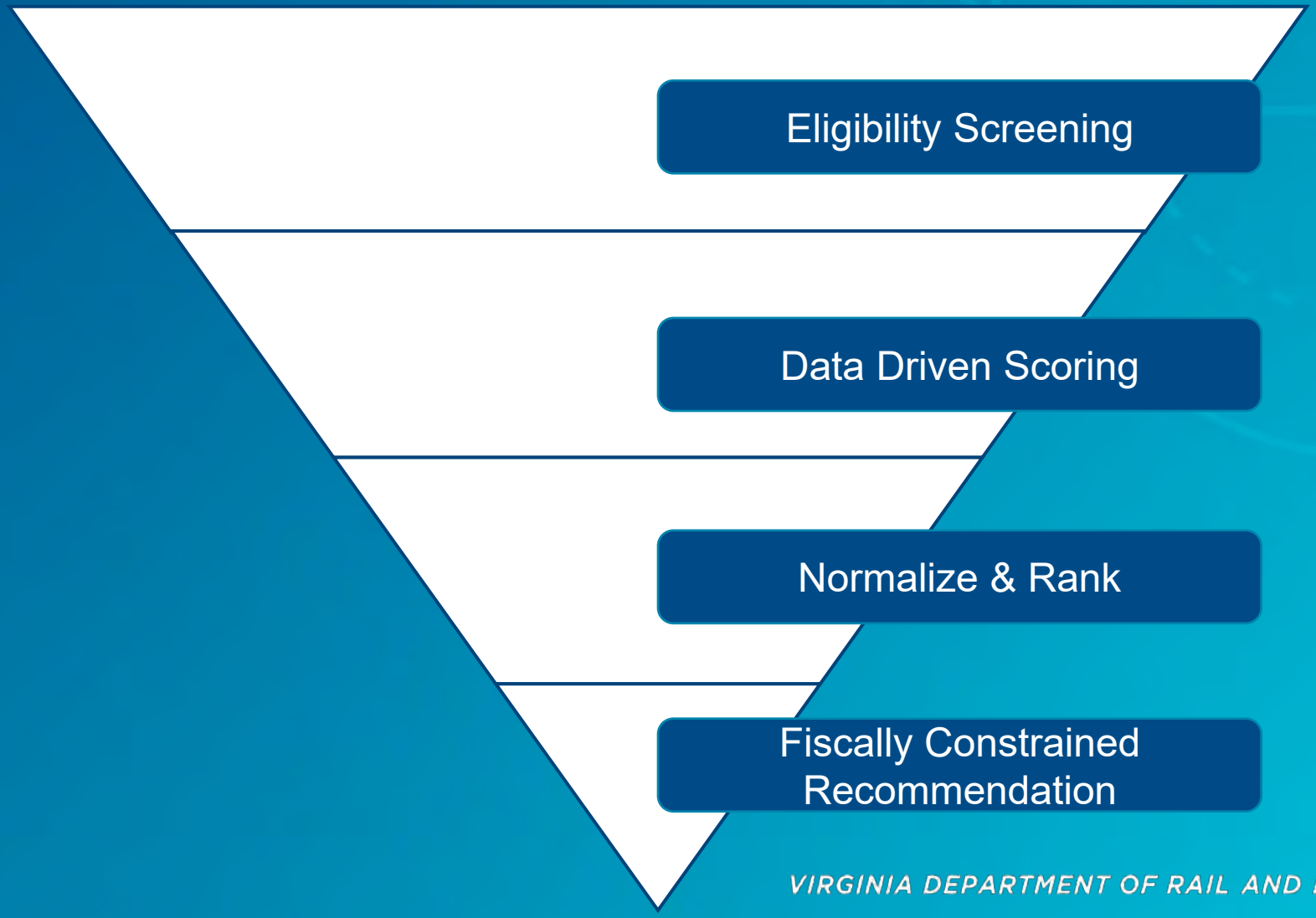
MERIT:

Making Efficient and Responsible Investments in Transit

DRPT's statewide grant program that provides financial assistance – both capital and operating - to support public transportation services throughout Virginia.

DRPT
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Application Evaluation Process



MERIT Capital Assistance

DRPT
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

MERIT Capital Assistance Program History

- **Development of the MERIT – Capital Assistance program CTB policy**
  - In 2018 – DRPT worked with TSDAC and consultants to develop a project prioritization method
  - The prioritization policy was designed to favor projects that:
    1. Achieve the statewide policy objective of maintaining a state of good repair (SGR) of existing assets
    2. Have the greatest impact on the delivery of public transit services
  - Introduced program sub-categories and new maximum state match rates:
    - **State of Good Repair (SGR)** – 68% of total cost
    - **Minor Enhancements (MIN)** – 68% of total cost
    - **Major Expansions (MAJ)** – 50% of total cost
  - Eligible recipients: all public transit service providers
    - No WMATA as of FY17, and no VRE as of FY25
  - 2022: Program review and update
    - Changed project categorization and scoring parameters slightly

MERIT Capital Assistance Prioritization Process

1. **DRPT solicits project applications from December 1 – February 1**
2. **Projects are screened for eligibility and readiness**
3. **Eligible projects are filtered into 3 categories, by project type:**
   - State of Good Repair (SGR), Minor Enhancements (MIN), and Major Expansions (MAJ)
4. **Consistent with CTB policy, projects are scored according to the methodology outlined in the FY26 Transit Capital Assistance Technical Documentation posted on the DRPT website**
5. **Projects are ranked according to scoring**
6. **Funding is allocated to those that meet or exceed the scoring threshold for each category**
   - NOTE: Recommendations are proposed to the CTB in April with action in June

MERIT Capital Assistance: Eligibility/Readiness Reviews

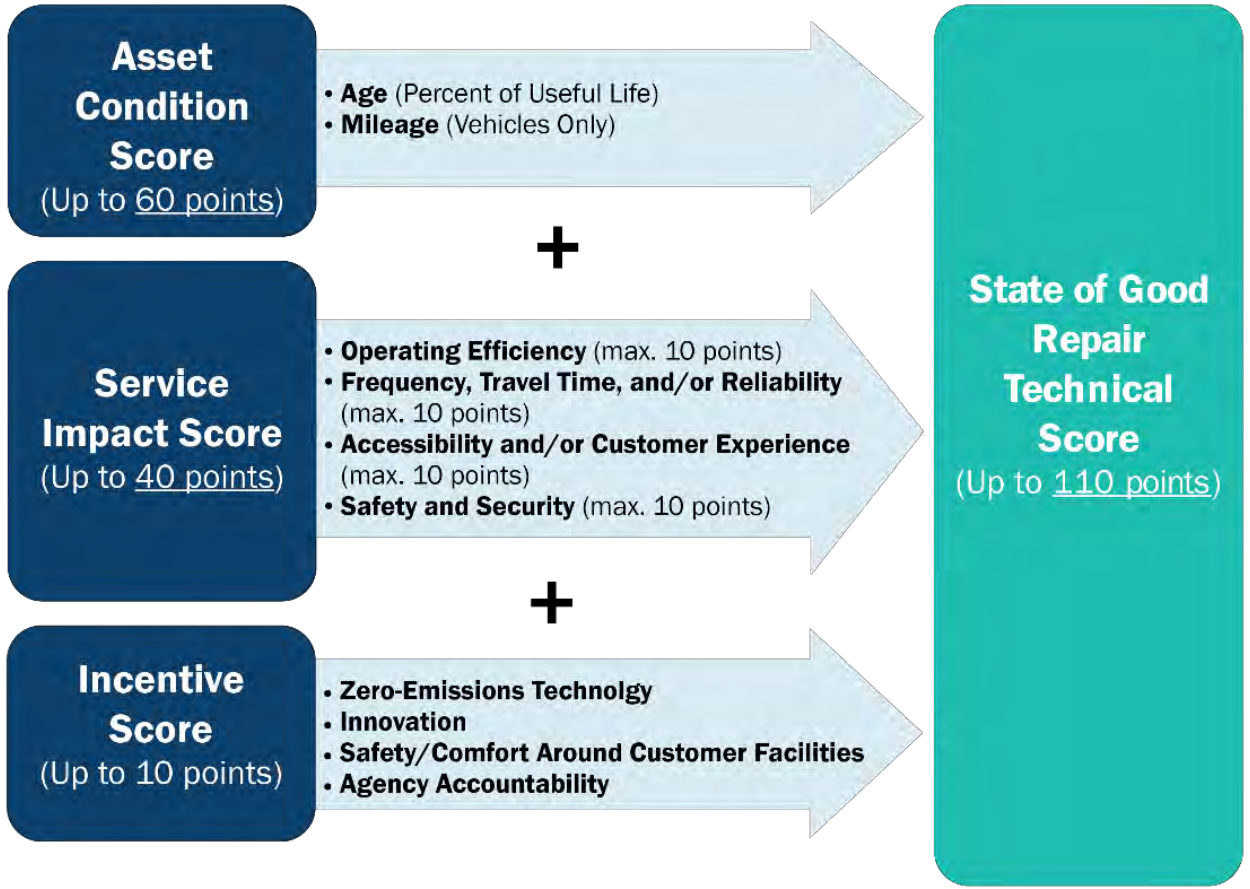
- DRPT Staff review capital applications for eligibility, readiness, and need prior to applying scoring criteria.
  - Eligibility, Readiness, and Needs reviews include the following for all projects:
    1. Project includes eligible capital expense(s)
    2. Total cost and individual replacement costs are reasonable
    3. Cost estimates are provided and match the backup provided
    4. Federal and other funding sources that will be used to support the project are clear
    5. All other needed supporting documents are provided (studies, engineering & design documents, etc.)
    6. Executed/open grants reviewed
    7. Milestones are realistic and reasonable
    8. SGR Vehicles: Valid VINs are included
    9. MIN/MAJ Construction: 30% design plans, NEPA, property acquisition plans, engineering cost estimates, etc.

MERIT - Capital Assistance Project Types

Transit Capital Projects are classified into three categories:

State of Good Repair	• Replace or rehab existing asset and project cost ≤ $3M	68% maximum state match
Minor Enhancement	• Add capacity or new assets and project cost ≤ $3M • Expansion vehicle purchase of ≤ 5 vehicles or 5% fleet (greater of) • All projects for engineering and design	68% maximum state match
Major Expansion	• Add, expand, or improve services or facilities and project cost > $3M • Expansion vehicle purchase of > 5 vehicles or 5% fleet (greater of)	50% maximum state match

State of Good Repair (SGR) Scoring



Minor Enhancement (MIN) Scoring



Major Expansion (MAJ) Scoring

- Six factor areas are used to prioritize projects, as designated by state legislation and in line with SMART SCALE
- DRPT has designated quantifiable and objectives and measures to analyze each project's projected performance benefits relative to its cost to the state

Factor Area	Objective	Measure
Congestion Mitigation	Reduce delay, improve transportation system reliability, and encourage transit use	Change in peak-period transit ridership attributed to the project
Economic Development	Support existing economies and enhance opportunity for economic development	Project consistency with regional and local economic development plans and policies, and support for local development activity
Accessibility	Enhance worker and overall household access to jobs and other opportunities, and provide multiple and connected modal choices	Project improvement in accessibility to jobs
		Disadvantaged population (low-income, minority, or limited English proficiency) within walking distance of project
Safety	Address multimodal safety concerns and improve transit safety and security	Project contribution to improving safety and security, reducing risk of fatalities or injuries
Environmental Quality	Reduce emissions and energy consumption by providing modal choices, and minimize natural resources impacts	Reduction in emissions resulting from project
Land Use	Improve consistency of the connection between local comprehensive plans and land use policies with transit investments	Transit supportive land use served by the project

MERIT Capital Assistance - Key Findings

- In general, the scoring methodologies prioritize and fund capital projects in alignment with DRPT goals
- Some projects don't fit neatly into existing categories/scoring methodologies
  - SGR projects without clear estimated service life are scored with MIN
  - Projects >$3M that replace or rehab an existing asset are scored under MAJ
- Vehicle expansion project scoring and match ratio is different for projects adding more than 5 vehicles or 5% fleet
- Some incentive scoring categories may not be achieving intended results

MERIT Capital Assistance – Potential Improvements

Evaluation Key Findings	Potential Improvement Options
Some projects don't fit neatly into existing categories/scoring methodologies	• Add subcategories for SGR projects (SGR Vehicles and SGR Other) • Add subcategories for MAJ projects (MAJ Expansion and MAJ-SGR) • Develop new scoring methodology for MAJ-SGR projects
Vehicle expansion project scoring and match ratio is different for projects adding more than 5 vehicles or 5% fleet	• Eliminate 5 vehicle or 5% of fleet threshold and score all vehicle expansion projects under MIN
Some incentive scoring categories may not be achieving intended results	• Elimintate underutilized incentive categories and categories where incentive points aren't achieving desired result • Add categories to incentivize agencies on good grants management

MERIT Operating Assistance

DRPT
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

MERIT Operating Assistance Program History

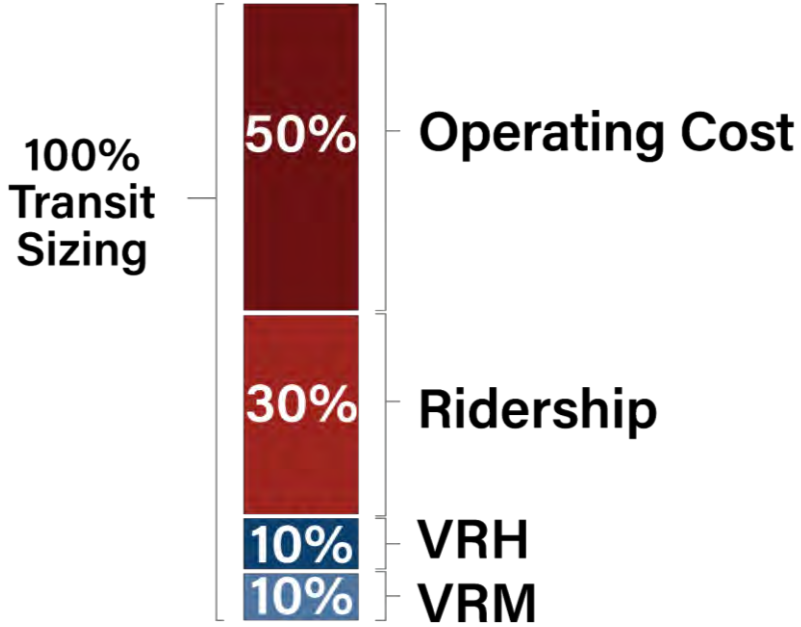
- **Development of the MERIT – Operating Assistance program CTB policy**
  - Prior to 2015, state operating assistance was allocated solely based on operating expenses. Changes were made in FY15 to incorporate performance metrics.
  - In 2018 – DRPT worked with TSDAC, consultants, and stakeholders to develop a methodology for implementing a performance-based state transit operating allocation formula.
  - The methodology attempted to balance the need for reliable annual funding as well as the availability and reliability of performance data to support the six policy goals TSDAC identified:
    1. Promote Fiscal Responsibility
    2. Support Robust Transit Service
    3. Improve Transit Patronage
    4. Incentivize Efficient Operations
    5. Promote Mobility
    6. Support Social Safety Net

MERIT Operating Assistance Formula Process

1. **DRPT solicits operating applications from December 1 – February 1**
2. **Staff review audited financials/GL, as well as agency budgets, and make necessary adjustments**
3. **Transit staff validate performance metrics submitted by transit agencies.**
4. **Consistent with CTB policy, agency expenses and performance metrics are incorporated into the performance-based formula outlined in the FY26 Transit Operating Assistance Technical Documentation posted on the DRPT website**
5. **MERIT Operating Assistance funding is allocated to each transit agency in the SYIP**

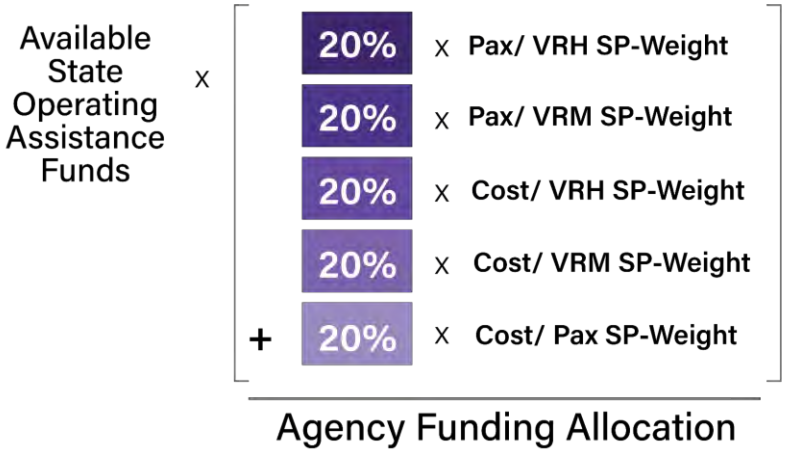
MERIT Operating Assistance Formula: Sizing Metric

- **Step 1: Sizing Metric**
  - A size-weight factor is calculated with a combination of metrics set at specific weights
  - This metric was introduced to account for the relative size of a transit agency
  - An agency's allocation for each metric is proportional to its share of the statewide total
  - If the statewide sum of agency size-weights does not equal 100%, then the ratios are normalized such that the statewide sum of size-weights for all agencies totals 100%



MERIT Operating Assistance Formula: Performance Adjustments

- **Step 2: Performance Adjustments**
  - The size-weight is adjusted by five performance metrics – Creates "Size-Performance Weights"
    - Using 3 years of historic data + most recent year (4 years total)
    - Compares performance trends of each agency to the statewide trend
  - Performance Metrics in CTB policy:
    1. **Passengers per Vehicle Revenue Hour (Pax/ VRH)**
    2. **Passengers per Vehicle Revenue Mile (Pax/ VRM)**
    3. **Operating Cost per Vehicle Revenue Hour (Cost/ VRH)**
    4. **Operating Cost per Vehicle Revenue Mile (Cost/ VRM)**
    5. **Operating Cost per Passenger (Cost/Pax)**



MERIT Operating Assistance Formula: Funding Cap

- **Step 3: Funding Cap**
  - **A 30% cap is set on the operating assistance allocations to each agency**
    - The cap was based on FY18 audited expense information and was reviewed as part of the 2022 program review with TSDAC
    - This 30% threshold was informed by the highest operating assistance grant received under the FY19 allocation methodology
  - **Funds remaining after the cap are redistributed to agencies below their cap**
    - After applying this cap to the operating assistance allocation, an unallocated funding pool remains
    - These funds are redistributed to agencies below this cap proportional to their Agency Funding Allocation ensuring that all available funds are distributed annually

Illustration of 3-Step Operating Formula Process

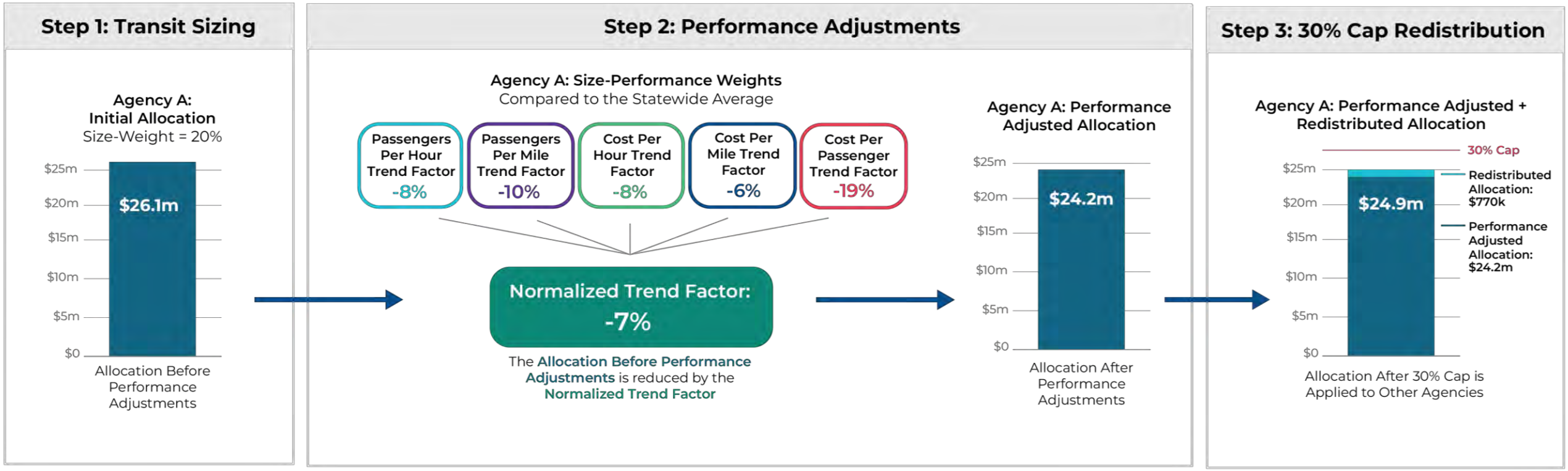
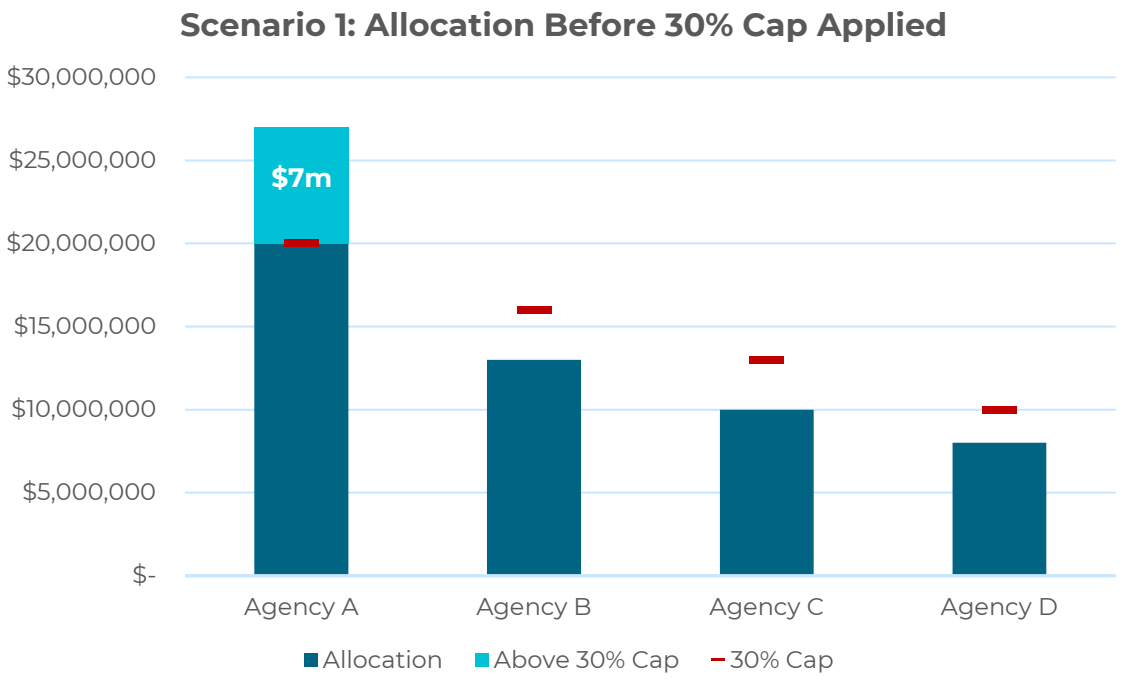
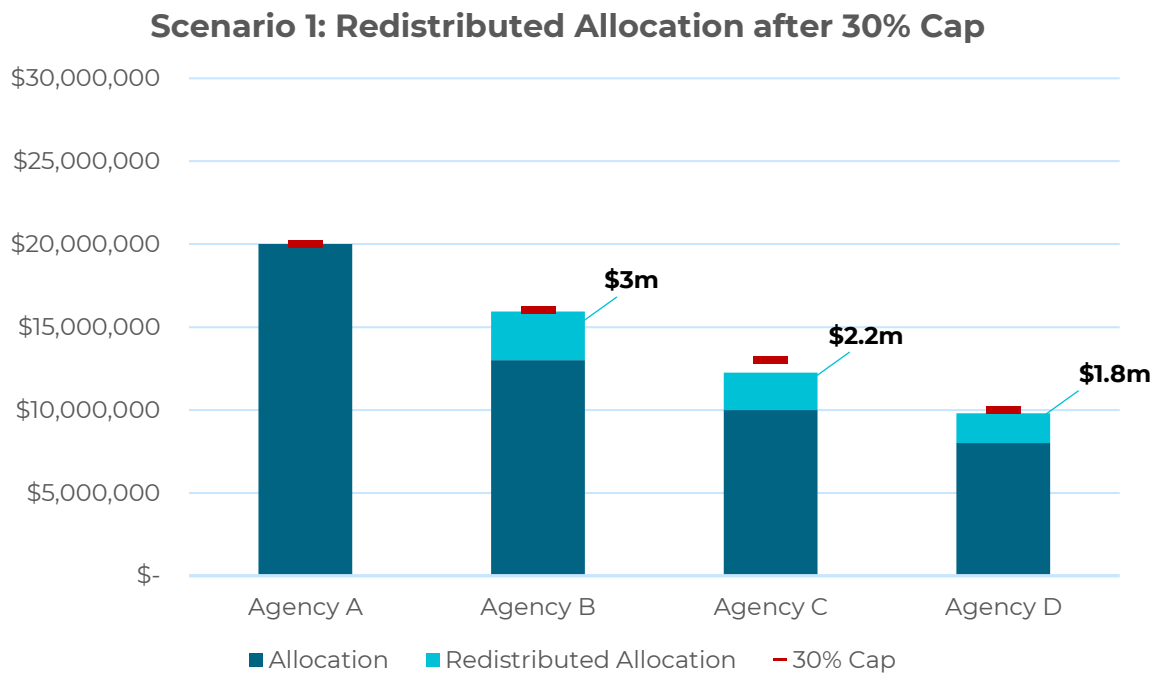


Illustration of Impacts of the 30% Cap on Allocations

- Funds exceeding the 30% in the initial run are distributed to other agencies that have not hit their cap





MERIT Operating Assistance - Program Challenges

- Elements of current program allocate funds based on inputs (costs) rather than outputs (service levels; ridership)
- Formula complexities make the program difficult for grantees and decision makers to understand
- Required data inputs change annually, making it difficult for staff and transit agencies to run predictive models
- The use of performance measures must accommodate all agencies
  - Very large and very small agencies with different operational goals must compete in the same space

Goals of MERIT Operating Formula Evaluation

1. Emphasis on **outcome focused metrics** (ridership/service) vs. input (operating cost) focused metrics
2. Emphasizing **performance-based** allocation
3. Formula **simplification**
4. Year-over-year **predictability** in allocation

Approaches to Address Goals in Formulas

#	Goal	Approach
1	**Outcome-focused**	Reduce or eliminate Operating Cost from the sizing calculation while increasing the weight of Ridership and Service metrics
2	**Alternative Performance-Based Allocation**	Allocate a portion of funding based on an agency's most recent year performance on these metrics compared to statewide average: - Service effectiveness (a): Passengers per Vehicle Revenue Hour - Service effectiveness (b): Passengers per Vehicle Revenue Mile - Cost effectiveness (c): Passengers divided by cost Assume equal emphasis on service and cost measures
3	**Simplification**	Eliminate performance trend adjustment
4	**Predictability**	Cap allocation so it does not grow beyond a ceiling or drop below a proportional floor relative to prior year allocation

Timeline and Next Steps

March

Scope of Work development and consultant engagement in consultation w/TSDAC and CTB Subcommittee

April - September

Technical work, preparation of scenarios, and development of recommendations to review with staff, consultants, TSDAC, and CTB

October 15, 2025

Begin 45-day public comment period

December 9, 2025

CTB Policy Adoption for Implementation in FY28





Questions, Comments, Feedback?

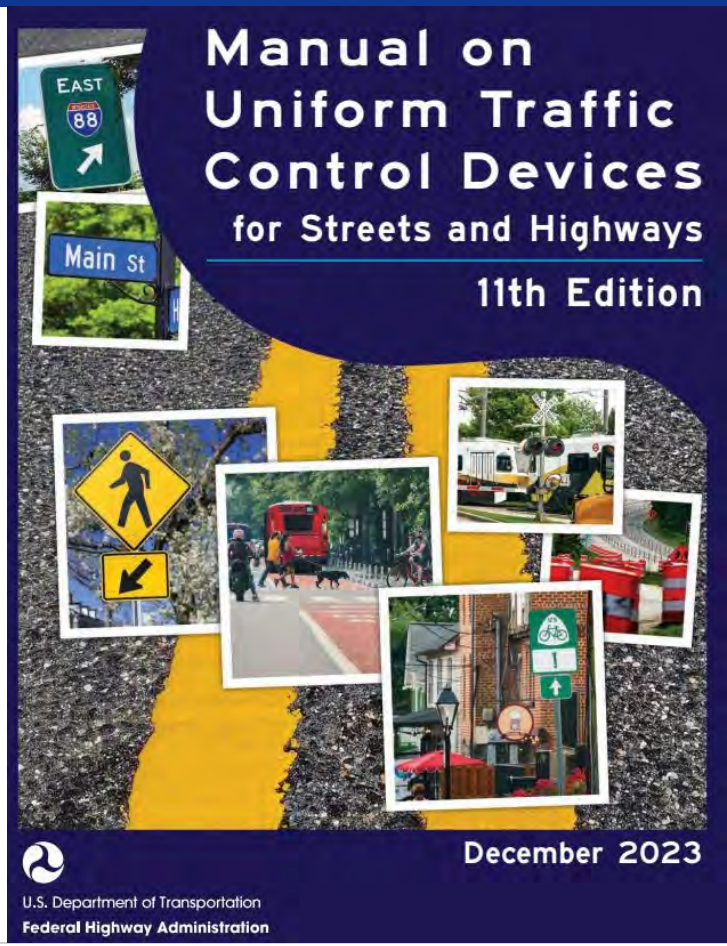
ADOPTION OF THE VIRGINIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) VERSION 11.0

Mark A. Cole, P.E.
State Traffic Operations Engineer
Jo Anne Maxwell
Director, Governance And Legislative Affairs

July 15, 2025

The New National MUTCD – 11th Edition

- National standards for uniform application and placement of traffic control devices (e.g. signs, pavement markings, signals, etc...).
- Developed and administered by the Federal Highway Administration (FHWA).
- Applicable to all roadways in the United States open to public travel.
- States are REQUIRED to take one of three actions by January 18th, 2026 per 23CFR655 Subpart F.



States Action Options from FHWA

Three Options:

1. **Adopt Federal MUTCD as is**
2. **Adopt Federal MUTCD with separate State Supplement**

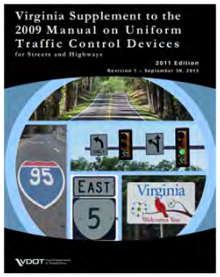
   (CTB adopted 2009 Federal MUTCD, VA Supplement, & VA WAPM on Dec. 7, 2011)

3. **Adopt State-specific MUTCD**

   (***State content folded in with Federal content into one document***)

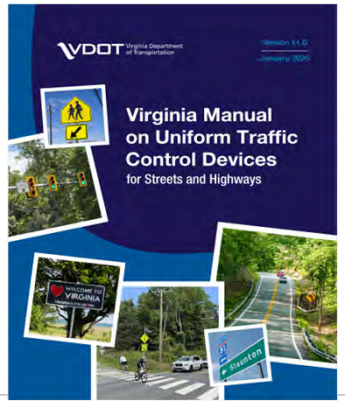
Current Manuals - Option 2





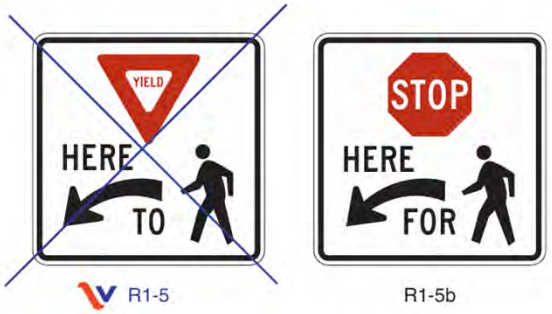


Proposed Manual - Option 3



Why a Virginia MUTCD?

- **Incorporate Virginia-specific content that balances safety, operational efficiency, and sustainable application**



VA Code: Stop for Pedestrian

- **Incorporate Virginia-specific deviations from the National MUTCD**
  - Account for the Code of Virginia
  - Identify MUTCD options to be applied uniformly
  - Include Virginia-specific signs



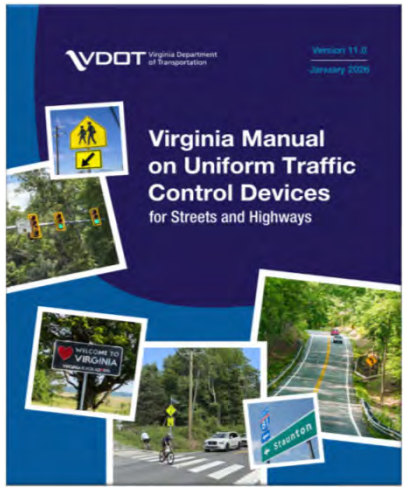
VA-specific signs

Stakeholder Engagement

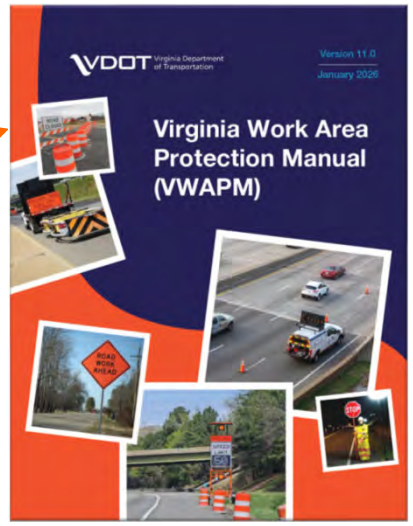
- **Extensive engagement with:**
  - VDOT, FHWA, Localities, Contractors, Consultants, Emergency Responders, and Advocacy Groups

	Virginia MUTCD	VWAPM
Webinar Participants	210+	250+
Comments Received	680+	1500+

Virginia MUTCD Content



- Part 1 – General
- Part 2 – Signs
- Part 3 – Markings
- Part 4 – Signals
- Part 5 – Automated Vehicles
- **Part 6 – Temporary Traffic Control**
- Part 7 – Schools
- Part 8 – Railroad Crossings
- Part 9 – Bicycles



Virginia Work Area Protection Manual (VWAPM)

The Virginia Work Area Protection Manual (VWAPM) serves as Part 6 of the Virginia MUTCD, but is physically published separately for ease of use

Changes/Additions to Signs, Markings, & Signals

- **Limited Changes to current practice:**
  - Pavement marking symbol adjustments bikes and spacing of turn arrows
  - Various sign design modifications





- **New options for current practice:**
  - Colored pavement markings
  - Expanded bike lane guidance



Key Changes/Additions to the New VWAPM

- **Address newer technologies, such as:**
  - Digital speed limit signs
  - Vehicle speed feedback (“Your Speed XX”) signs



- **Work zone speed safety camera requirements to ensure compliance with § 46.2-882.1**



- **New FHWA requirements for pedestrians with disabilities at sidewalk closures**

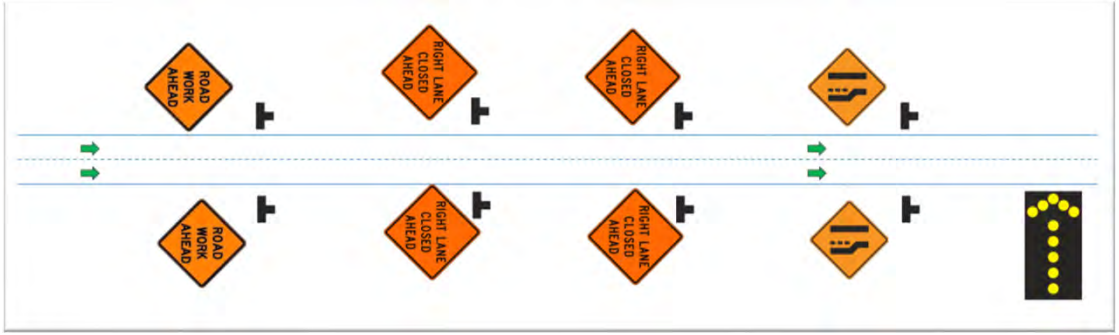


Key Changes/Additions to the New VWAPM (contd.)

- **Option for use of "Automated Flagger Assistance Devices" instead of stop/slow paddles**



- **Updated sequence of signs for lane closures**



Implementation of the Virginia MUTCD

- **After adoption of the Virginia MUTCD, all newly installed devices must be compliant.**

- **Most existing devices can remain until the end of their useful service life.**

- **Future Outreach**
  - Website, publication, training, & certification updates
  - Virginia Town Hall public comment period

24VAC30-315

- **Formal adoption of the federal MUTCD standards is accomplished through state regulation**
  - **24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways**
- **§ 46.2-830 of the *Code of Virginia* authorizes the Commissioner to classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth.**
- **The CTB is authorized generally to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*.**

Periodic Review and Exempt Regulatory Action

- The Administrative Process Act (APA) governs the regulatory rulemaking process and requires agencies that adopt regulations periodically review those regulations.
- Periodic reviews are initiated by posting Notice on Town Hall.
  - Notice of periodic review for 24VAC30-315 was posted in May 2025, and public comment was received for 21 days.
  - Periodic review recommendation is to amend the regulation.

Periodic Review and Exempt Regulatory Action

- **Regulatory actions to amend 24VAC30-315 are exempt from the APA due to the regulation's subject area.**
- **An exempt action may be published in its final form and does not require the standard three-step regulatory process (NOIRA, Proposed, Final).**
- **An exempt action must still undergo Executive Branch review by the OAG and the Governor’s Office.**
- **After approval by the Governor, the action will be filed with the Registrar, published in the Virginia Register of Regulations, and undergo a 30-day public comment period.**

Request for CTB Action – September CTB Meeting

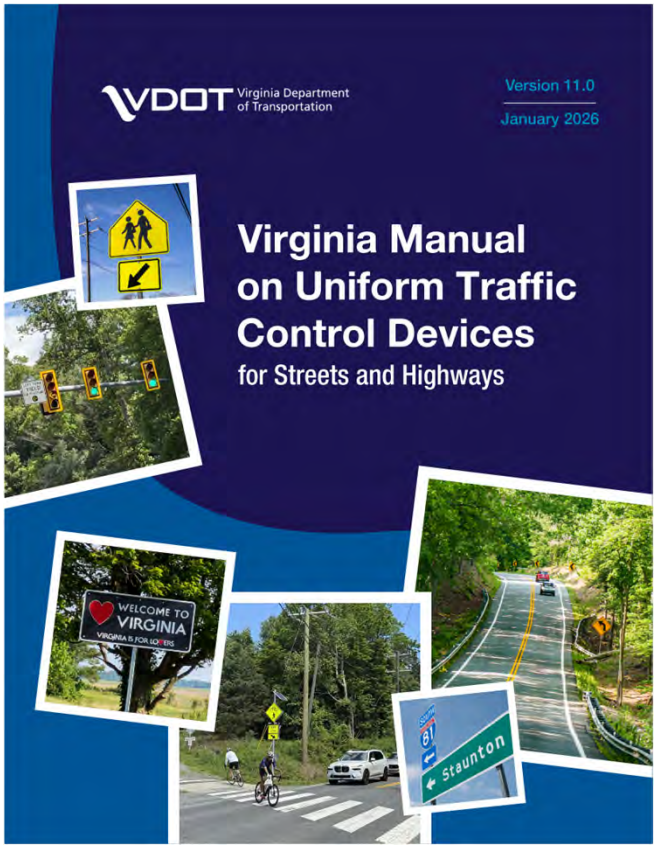
- **Adopt the Virginia MUTCD & VWAPM version 11.0.**
- **Approve periodic review result.**
- **Adopt regulatory amendments to 24 VAC 30-315.**
  - If amendments are approved by the CTB, VDOT staff will file the exempt regulatory action and periodic review results on Town Hall.*
  - The amendments will then go through Executive Branch review, after which they will be published in the Virginia Register for the public to review.
  - The amendments become effective after the close of the public comment period.

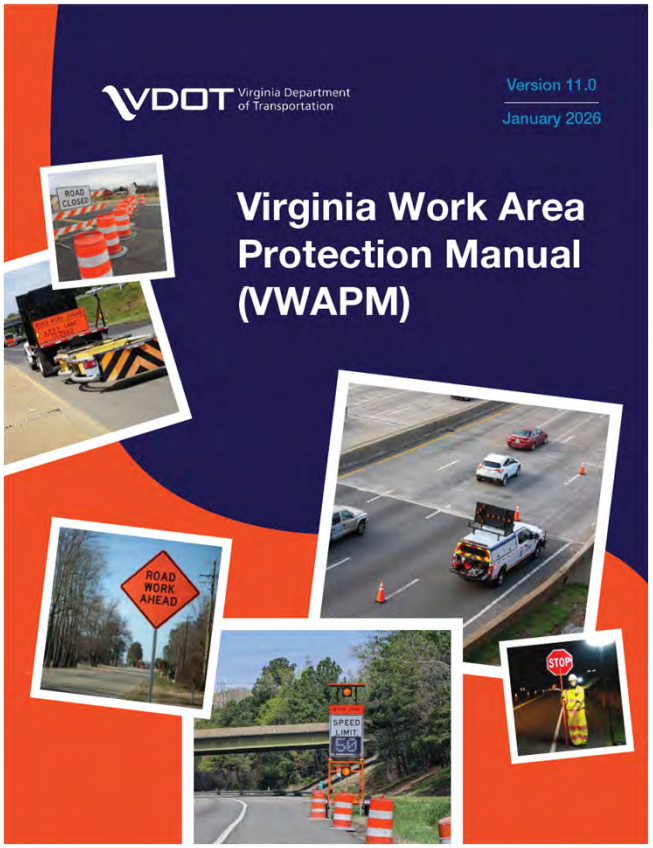
*** Text of proposed amendments and proposed Town Hall documentation is included in CTB package.**

Timeline


CTB approval of Virgina MUTCD and VWAPM ver sion 11.0
VDOT Staff posts documents on Townhall
OAG certification and Office of Regulatory Management approval
Submission to Virginia Registrar
30-day public comment period
Documents become effective
July 15
September 17
Within one week of CTB approval
At least 2 weeks prior to beginning of comment period (November 10 for December 1 comment period)
Must begin no later than December 1
No later than January 18, 2026

Questions?


VDOT Virginia Department of Transportation
Version 11.0
January 2026
Virginia Manual on Uniform Traffic Control Devices
for Streets and Highways
WELCOME TO VIRGINIA
Staunton


VDOT Virginia Department of Transportation
Version 11.0
January 2026
Virginia Work Area Protection Manual (VWAPM)
ROAD CLOSED
ROAD WORK AHEAD
SPEED LIMIT
50
STOP

Attachment A

Form: TH-09
May 2025

townhall.virginia.gov

Exempt Action: Final Regulation
Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-155, 24VAC30-315, 24VAC30-325, and 24VAC30-630
VAC Chapter title(s)	Traffic Impact Analysis Regulations; Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways; Urban Maintenance and Construction Policy; and Rules Governing Person with Disability Traffic Signs
Action title	Amendment to adopt updated Manual on Uniform Traffic Control Devices
Final agency action date	_____, 2025
Date this document prepared	_____, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.*

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Federal Highway Administration (FHWA) issued an updated Manual on Uniform Traffic Control Devices (MUTCD), dated December 2023, which contains the national standards for traffic control devices. State adoption of the federal MUTCD is required and must be completed by January 2026 through one of the following methods: adopt the MUTCD as-is, adopt the MUTCD with a state-specific supplement, or develop a state MUTCD incorporating national and state-specific content. All Virginia-specific adaptations to the MUTCD must remain in "substantial conformance" with federal guidelines.

The Virginia Department of Transportation (VDOT) developed the Virginia MUTCD, version 11.0, which incorporates the national standards and sets state-specific requirements in substantial conformance with the federal MUTCD. The Commonwealth Transportation Board (CTB) approved this document as the standard for all traffic control devices on highways under the jurisdiction of VDOT. The Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways, 24VAC30-315, must be amended to incorporate the Virginia MUTCD, version 11.0, into the Virginia Administrative Code and complete formal adoption in accordance with the federal requirements. The CTB and VDOT also approved amendments to remove the MUTCD as a Document Incorporated by Reference from 24VAC30-155 and 24VAC30-325 and to update the text of 24VAC30-155, 24VAC30-325, and 24VAC30-630 to reference 24VAC30-315 instead of the MUTCD document.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Federal regulation, particularly 23 CFR 655.603, requires that "The MUTCD approved by the Federal Highway Administrator is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a)." The same federal regulation further states that "[w]here State or other Federal agency MUTCDs or supplements are required, they shall be in substantial conformance with the National MUTCD." The FHWA updated the MUTCD in December 2023, and state adoption of the federal MUTCD must be completed by January 2026.

Section 46.2-830 of the Code of Virginia authorizes the Commissioner of Highways to classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth. It further states that such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states. The CTB is authorized generally to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the Code of Virginia. The CTB voted to adopt the Virginia MUTCD, version 11.0, which incorporates the federal standards and state-specific requirements, on ____, 2025.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On ____, 2025, the CTB adopted final amendments to 24VAC30-315 to incorporate the Virginia MUTCD, version 11.0, as the standard for all traffic control devices on highways under the jurisdiction of VDOT. On ____, 2025, the CTB and VDOT adopted final amendments to remove the MUTCD as a Document Incorporated by Reference from 24VAC30-155 and 24VAC30-325 and to update the text of 24VAC30-155, 24VAC30-325, and 24VAC30-630 to reference 24VAC30-315 instead of the MUTCD document.

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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-315
VAC Chapter title(s)	Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways
Date this document prepared	____, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.*

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CFR means the Code of Federal Regulations.
CTB means the Commonwealth Transportation Board.
MUTCD means the Manual on Uniform Traffic Control Devices.
U.S.C. mean the United States Code.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 46.2-830 of the Code of Virginia authorizes the Commissioner of Highways to classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth. It further states that such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states. Federal regulation, particularly 23 CFR 655.603, requires that "The MUTCD approved by the Federal Highway Administrator is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a)." The same federal regulation further states that "[w]here State or other Federal agency MUTCDs or supplements are required, they shall be in substantial conformance with the National MUTCD." The Commonwealth Transportation Board (CTB) is authorized generally to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the Code of Virginia.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No viable alternatives for achieving the purpose of this regulation were identified or considered as part of the periodic review.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24VAC30-315) are necessary for the protection of public health, safety, and welfare and are clearly written and easily understandable. However, amendments are now needed to reflect adoption of the 11th Edition of the MUTCD by the Federal Highway Administration (FHWA) and adoption of the of the Virginia MUTCD, version 11.0, by the Commonwealth Transportation Board (CTB).

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The CTB has determined that the Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways, 24VAC30-315, must be amended to incorporate the Virginia MUTCD, version 11.0, into the *Virginia Administrative Code* and complete formal adoption of the standards in accordance with the federal requirements.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

A periodic review of this regulation was last performed in 2020. The regulation was adopted in 2012 pursuant to a CTB Resolution dated December 7, 2011, and has not been amended since. The CTB has received no complaints concerning the regulation, and although long and detailed, the regulation is not complex. The regulation is necessary to adopt federal standards as required by federal law. Since those federal standards were updated in December 2023, the regulation now conflicts with federal law. This regulation does not impose an economic impact on small businesses.

Project 8339 - Exempt Final

Department of Transportation

Review of Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways

24VAC30-155-60. VDOT traffic impact statement.

A. A VDOT traffic impact statement (VTIS) assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. It shall (i) identify any traffic issues associated with access from the site to the existing transportation network, (ii) outline solutions to potential problems, (iii) address the sufficiency of the future transportation network, and (iv) present improvements to be incorporated into the proposed development.

If a VTIS is required, data collection shall be by the locality, developer, or owner, as determined by the locality and the locality shall prepare or have the developer or owner prepare the VTIS. If the locality prepares the VTIS it shall provide a copy of the complete VTIS to the applicant when one is provided to VDOT. The completed VTIS shall be submitted to VDOT.

The data and analysis contained in the VTIS shall be organized and presented in a manner acceptable to VDOT and consistent with this regulation.

B. Scope of work meeting.

1. For proposals that generate less than 1,000 vehicle trips per peak hour of the generator representatives of the locality, the applicant, or the locality and the applicant may request a scope of work meeting with VDOT to discuss the required elements of a VTIS for any project and VDOT shall reply to such request within 30 days of its receipt of such a request and provide a date that is no more than 60 days from such receipt, time and location for such a scope of work meeting to both the locality and the applicant, if applicable.

2. For proposals that generate 1,000 or more vehicle trips per peak hour of the generator representatives of the locality and applicant, if applicable, shall hold a scope of work meeting with VDOT to discuss the required elements of a VTIS. Once a locality or applicant has contacted VDOT regarding the scheduling of a scope of work meeting, VDOT shall reply to both the locality and the applicant, if applicable, within 30 days of such contact and provide a date that is no more than 60

days from such contact, time and location for such a meeting.

At a scope of work meeting pursuant to this section, the locality, the applicant and VDOT shall review the elements, methodology and assumptions to be used in the preparation of the VTIS, and identify any other related local requirements adopted pursuant to law. The results of the initial scoping meeting may be adjusted in accordance with sound professional judgment and the requirements of this regulation if agreed upon by VDOT, the locality, and applicant, if applicable.

C. Required elements. The required elements and scope of a VTIS are dependent upon the scale and potential impact of the specific development proposal being addressed by the VTIS as determined by VDOT in its sole discretion.

1. At a minimum, the VTIS shall include the elements shown in the table below. The site generated peak hour trips in the table below shall be based upon the gross vehicle trip generation of the site less internal capture and mode split reductions, if applicable. When the type of development proposed would indicate significant potential for walking, bike or transit trips either on-site or off-site, the VTIS shall estimate multimodal trips. All distances in the table below shall be measured along roads or streets.

Item	Less than 500	500 to 999	1,000 or more
Background information			
List of all nonexistent transportation improvements assumed in the analysis	Required	Required	Required
Map of site location, description of the parcel, general terrain features, and location within the jurisdiction and region.	Required	Required	Required
Description of geographic scope/ limits of study area.	Within 2,000 feet of site and any roadway on which 50 or more of the new peak hour vehicle trips generated by the proposal are distributed – not to exceed one mile	Within 2,000 feet of site and any roadway on which 10% or more of the new vehicle trips generated by the proposal are distributed – not to exceed two miles	To be determined by VDOT in consultation with the locality
Plan at an engineering scale of the existing and	Required	Required	Required

proposed site uses.				
Description and map or diagram of nearby uses, including parcel zoning.	Required	Required	Required	
Description and map or diagram of existing roadways.	Required	Required	Required	
Description and map or diagram of programmed improvements to roadways, intersections, and other transportation facilities within the study area.	Required	Required	Required	
Analysis of Existing Conditions				
Collected daily and peak hour of the generator traffic volumes, tabulated and presented on diagrams with counts provided in an appendix.	Required	Required	Required	
Analyses for intersections and roadways identified by VDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required	Required	Required	
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments, tabulated and presented on diagrams, if facilities or routes exist	Within 2,000 feet of site	Within 2,000 feet of site	To be determined by VDOT in consultation with the locality	
Speed Study	If requested by VDOT	If requested by VDOT	If requested by VDOT	
Crash history near site	If requested by VDOT	If requested by VDOT	If requested by VDOT	

Sight distance	If requested by VDOT	If requested by VDOT	If requested by VDOT	
Analysis of Future Conditions without Development				
Description of and justification for the method and assumptions used to forecast future traffic volumes.	Required	Required	Required	
Analyses for intersections and roadways as identified by VDOT. Delay and Level of Service (LOS) are tabulated and LOS is presented on diagrams for each lane group.	Required	Required	Required	
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.	Within 2,000 feet of site	Within 2,000 feet of site	To be determined by VDOT in consultation with the locality at the scope of work meeting	
Trip Generation				
Site trip generation, with tabulated data, broken out by analysis year for multi-phase developments, and including justification for deviations from ITE rates, if appropriate.	Required	Required	Required	
Description and justification of internal capture reductions for mixed use	Required	Required	Required	

developments and pass-by trip reductions, if appropriate, including table of calculations used.			
Site Traffic Distribution and Assignment			
Description of methodology used to distribute trips, with supporting data.	Required	Required	Required
Description of the direction of approach for site generated traffic and diagrams showing the traffic assignment to the road network serving the site for the appropriate time periods.	Required	Required	Required
Analysis of Future Conditions With Development			
Forecast daily and peak hour of the generator traffic volumes on the highway network in the study area, site entrances and internal roadways, tabulated and presented on diagrams.	Future background + site generated traffic, at each expected phase and at build - out or six years after start, whichever is later	Future background + site generated traffic, at each expected phase, at build - out, and six years after build - out, which may be extended or reduced by VDOT in consultation with the locality	At a minimum the future background + site generated traffic, at each expected phase, at build - out, and six years after build - out; may be extended by VDOT in consultation with the locality
Analyses for intersections and roadways identified by VDOT. Delay and Level of Service (LOS) are tabulated and LOS presented on diagrams for each lane group.	Required	Required	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off - site, analyses of	Within 2,000 feet of site	Within 2,000 feet of site	To be determined by VDOT in consultation with the locality

pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.			
Recommended Improvements			
Description and diagram of the location, nature, and extent of proposed improvements, with preliminary cost estimates as available from VDOT.	Required	Required	Required
Description of methodology used to calculate the effects of travel demand management (TDM) measures, if proposed, with supporting data.	Required if TDM proposed	Required if TDM proposed	Required if TDM proposed
Analyses for all proposed and modified intersections in the study area under the forecast and site traffic. Delay, and Level of Service (LOS) are tabulated and LOS presented on diagrams for each lane group. For intersections expected to be signalized, MUTCD Signal Warrant analysis or ITE Manual for Traffic Signal Design, as determined by VDOT, presented in tabular form.	Required	Required	Required
When the type of development proposed would indicate significant potential for walking, bike or transit trips either on - or off -	Within 2,000 feet of site	Within 2,000 feet of site	To be determined by VDOT in consultation with the locality

site, analyses of pedestrian and bicycle facilities, and bus route or routes and segment or segments tabulated and presented on diagrams, if facilities or routes exist or are planned.				
Conclusions				
Clear, concise description of the study findings.	Required	Required	Required	

Notwithstanding the geographic scope noted above, the geographic scope of the study noted above may be reduced or enlarged based upon layout of the local transportation network, the geographical size of the development, and the traffic volume on the existing network, as determined by VDOT in consultation with the locality and the applicant, if applicable. Typically, analysis will be conducted for any roadway on which the additional trips generated by the proposal have a materially detrimental impact on traffic conditions. The analysis presented in the VTIS need not include all roadway and roadway segments located within the geographic scope of the study as determined by VDOT.

2. A VTIS for a development proposal that only meets the low volume road submission criterion (24VAC30-155-40 A 3) shall, at a minimum, consist of the following elements, unless otherwise directed by VDOT.

a. All elements contained in the Background Information portion of the above table, except the geographic scope/limits of study area is limited to the highway fronting the proposed development and the closest intersection, in each direction if applicable, of that highway with a highway that has an average daily traffic volume higher than the fronting highway.

b. A roadway safety inventory study of the roadway segment or segments between the site entrance to the nearest intersections with the higher traffic volume highways, to include such elements as, but not limited to, speed limit, existing warning signs, pavement and shoulder type, pavement and shoulder width, intersection sight distances, and safe horizontal curve speeds.

c. Daily and peak hour traffic volumes presented on diagrams, with counts provided in an appendix, for the fronting highway at the site, at the highway's intersections with the higher volume highway, and for the higher volume highways at their intersection with the fronting

highway.

d. All relevant elements contained in the Trip Generation portion of the above table.

e. Projected daily and peak hour of the generator traffic volumes assuming build-out of the proposal, presented on diagrams for the receiving highway at the site, at the highway's intersection with the higher volume highways, and for the higher volume highways at their intersections with the receiving highway.

f. Delay and level of service analysis for the intersections of the receiving highway with the higher volume highways.

g. A comparison of the existing geometrics of the fronting highway under proposed build-out traffic conditions with the geometric standards, based upon functional classification and volume, contained in the Road Design Manual, 2011 (VDOT).

3. A VTIS for a rezoning proposal may be prepared in accordance with the "Less than 500 Site Generated Peak Hour Trips" category in the table in this section, regardless of actual projected trip generation, provided that:

a. The rezoning proposal is in conformance with a locality's adopted comprehensive plan that was reviewed in accordance with 24VAC30-155-30; and

b. The review of the comprehensive plan included the submission to VDOT of a technical evaluation of the traffic impacts for anticipated development based on the future land use policies and map.

D. Methodology and standard assumptions. A VTIS shall be prepared based upon methodology and assumptions noted below or as may be agreed upon by VDOT based upon the results of a scope of work meeting held by VDOT pursuant to this section.

1. Data collection. Preparers shall collect traffic data in accordance with the identified study area. The count data shall include at a minimum, weekday 24-hour counts, and directional turning movement counts during AM and PM peak times of the day. The 24-hour counts shall include vehicle classification counts. With approval of VDOT, data collected by the transportation professional preparer within the last 24 months may be used, likewise for data from the VDOT count program.

The preparer shall monitor traffic operations during data collection to ensure extraneous events such as vehicle crashes or special event traffic do not affect integrity of count data. Preparers collecting data for utilization in traffic impact studies shall normally avoid data collection during the following instances:

a. Holidays or times of the year when the traffic patterns are deemed to be unrepresentative of typical conditions, unless required by VDOT or the locality, or both.

b. Summer months if school or schools in proximity.

c. Fridays and weekends unless required by VDOT or the locality, or both.

d. Other times of the year contingent upon existing adjacent land use activities.

e. During times of inclement weather.

2. Trip generation. Estimates of trip generation by a proposed development shall be prepared using the Institute of Transportation Engineers Trip Generation, 8th Edition, 2008, unless VDOT agrees to allow the use of alternate trip generation rates based upon alternate published guides or local trip generation studies. VDOT shall at all times after July 1, 2011, have at least one non-ITE trip generation methodology or alternative rate approved for the use in preparation of small area plan traffic impact statements pursuant to 24VAC30-155-30 C that recognizes the benefits of reduced vehicle trip generation and vehicle miles traveled from developments that meet the criteria for a small area plan pursuant to this regulation. Such alternate methodology or rate can be modified based upon local factors if agreed to at a scoping meeting. Rezoning proposals shall assume the highest vehicle trip generating use allowable under the proposed zoning classification. In determining which trip generation process (equation or rate) may be used, the preparer shall follow the guidance presented in the Trip Generation Handbook, Second Edition – an ITE Recommended Practice, 2004, which is summarized here, except rates may be utilized if the criteria for the use of regression equations are not met. Regression equations to calculate trips as a result of development shall be utilized, provided the following is true:

a. Independent variable falls within range of data; and

b. Either the data plot has at least 20 points; or

c. R^2 is greater than 0.75, equation falls within data cluster in plot and standard deviation greater than 110% of weighted average rate.

If the above criteria are not met, then the preparer can use average trip rates, though if the following do not apply a rate based upon the study of similar local sites should be considered:

d. At least three data points exist;

e. Standard deviation less than 110% of weighted average rate; and

f. Weighted average rate falls within data cluster in plot.

3. Internal capture and pass-by trips.

a. Internal capture rates consider site trips "captured" within a mixed use development, recognizing that trips from one land use can access another land use within a development without having to access the adjacent street system. Mixed use developments include a combination of residential and nonresidential uses or a combination of nonresidential uses only. Internal capture allows reduction of site trips from adjacent intersections and roadways. For traffic impact statements prepared for small area plans pursuant to 24VAC30-155-30 C the internal capture rate or rates may be based on the non-ITE trip generation methodology approved by VDOT. For ITE-based methodologies, unless otherwise approved by VDOT, the following internal capture rates should be used if appropriate:

(1) Residential with a mix of nonresidential components - use the smaller of 15% of residential or 15% nonresidential trips generated.

(2) Residential with office use - use the smaller of 5.0% of residential or 5.0% of office trips generated.

(3) Residential with retail use - for AM peak hour, use the smaller of 5.0% residential or 5.0% retail trips generated; for PM peak hour, use the smaller of 10% residential or 10% retail trips generated; for 24-hour traffic, use the smaller of 15% residential or 15% retail trips generated.

(4) Hotel/motel with office use - use 15% of hotel/motel trips, unless the overall volume of the office traffic is more than the overall volume of hotel/motel traffic use in which case use the smaller of 10% of the hotel/motel traffic or the office traffic.

(5) Multiuse development with more than five million square feet of office and retail - internal capture rate should be determined in consultation with and approval of VDOT.

(6) Office with retail use – use the smaller of 5.0% office or retail trips generated.

(7) Some combination of the above, if approved by VDOT.

b. Pass-by trip reductions consider site trips drawn from the existing traffic stream on an adjacent street, recognizing that trips drawn to a site would otherwise already traverse the adjacent street regardless of existence of the site. Pass-by trip reductions allow a percentage reduction in the forecast of trips otherwise added to the adjacent street from the proposed development. The reduction applies only to volumes on adjacent streets, not to ingress or egress volumes at entrances serving the proposed site. Unless otherwise approved by VDOT, the pass-by rates utilized shall be those reported in Trip Generation Handbook, Second Edition – an ITE Recommended Practice, 2004. For traffic impact statements prepared for small area plans pursuant to 24VAC30-155-30 C, the pass-by trip reductions may be based on the non-ITE trip generation methodology approved by VDOT.

4. Trip distribution. In the absence of more detailed information, trip distribution shall be in accordance with logical regional travel patterns as suggested by existing highway directional split and intersection movements or population and destination site distribution and shall recognize the effects of increased street connectivity if such streets meet the requirements of the Secondary Street Acceptance Requirements (24VAC30-92). If more detailed information is available from trip origin/destination studies, marketing studies, or regional planning models, this may be used to distribute trips upon approval of VDOT.

5. Planning horizon. In general, the analysis years shall be related to (i) the opening date of the proposed development, (ii) build-out of major phases of a multiyear development, (iii) long-range transportation plans, and (iv) other significant transportation network changes. The preparer should establish the planning horizon in consultation with and subject to the acceptance of VDOT.

6. Background traffic growth. Unless directed by VDOT, geometric growth (or compound growth), based upon historical growth rates, shall generally be used for determining future background traffic levels where extensive traffic-count history is available and capacity constraint is not appropriate. This growth rate replicates "natural growth" and is typical for projecting urban growth. Natural growth of traffic can be adjusted consistent with traffic forecasts associated with previously submitted local land development projects within the study area.

7. Future conditions. For the purpose of the VTIS, future conditions shall include background traffic and additional vehicle trips anticipated to be generated by approved but not yet constructed or

improved projects.

8. Level of service calculation. Level of service (LOS) analysis for highways shall utilize the techniques described in the Highway Capacity Manual, 2010 (TRB). Neither the intersection capacity utilization method nor the percentile delay method may be used in the traffic impact calculations of delay and level of service. Preparers shall consult with VDOT on which traffic analysis software package is to be used to conduct the LOS calculations. The results shall be tabulated and displayed graphically, with levels of service provided for each lane group for each peak period. All data used in the calculations must be provided along with the results of the capacity analysis. Any assumptions made that deviate from the programmed defaults must be documented and an explanation provided as to why there was a deviation. Electronic files used for the analysis shall be provided to VDOT as a digital submission (e.g..hcs,.sy6,.inp,.trf files), along with the printed report. If intersections analyzed are in close proximity to each other so that queuing may be a factor, VDOT may require the inclusion of an analysis with a micro simulation model. Unless actual on-ground conditions dictate otherwise, preparers should use the following defaults when utilizing the Highway Capacity Software (HCS) or other approved programs when evaluating roadway components:

a. Terrain – choose the appropriate terrain type. Most of the state will be level or rolling, but some areas may qualify for consideration as mountainous.

b. Twelve-foot wide lanes.

c. No parking or bus activity unless field conditions include such parking or bus activity or unless the locality has provided VDOT with a written statement of intent for the services to be provided.

d. Peak hour factor by approach – calculate from collected traffic counts (requires at least a peak hour count in 15-minute increments). However, the use of peak hour factors lower than 0.85 shall only be allowed if based upon the average of more than three peak hour counts. For future conditions analysis, unless specific site conditions can be expected to create extreme peak hour factors, default peak hour factors between 0.92 and 1.00 should be used.

e. Heavy vehicle factor – calculate from collected traffic (classification) counts or obtain from VDOT count publications. For future conditions analysis with development traffic, the existing heavy vehicle factor should be adjusted based upon the nature of the traffic being generated by

the development.

f. Area type – noncenter of business district.

The VTIS shall identify any existing or proposed bicycle and pedestrian accommodation that would be affected by the proposal. For the purposes of this subsection, a bicycle accommodation is defined as on-street bike lanes, paved shoulders of roadways that are not part of the designated traveled way for vehicles, or exclusive and shared off-street bicycle paths.

For the purposes of this subsection, a pedestrian accommodation is defined as sidewalks, intersection treatments and exclusive or shared off-street trails or paths. If significant potential for bicycle or pedestrian trips exists, the VTIS shall include current and future service level analyses at build-out for existing or proposed bicycle and pedestrian accommodations. When the proposal requires or includes improvements or modifications to the roadway, bicycle or pedestrian accommodations, the VTIS shall analyze the impacts of such improvements and modifications on bicycle and pedestrian accommodations and service levels, and provide recommendations for mitigation of adverse impacts.

The VTIS shall provide analysis for all bus service with routes that have, or will have a station or stop within 2,000 feet of the proposal. The VTIS shall evaluate and discuss potential for increased demand for bus use due to the proposal, addressing whether such increases will result in longer dwell time at stops or increase the need for buses on a route. The quality of service analysis for bus service shall be determined in accordance with the Transit Capacity and Quality of Service Manual, 2nd Edition, 2003 (TRB). The VTIS shall provide both route and segment quality of service. The VTIS may consider the benefits of dedicated bus lanes for more frequent and rapid service. The VTIS shall provide recommendations for mitigation of adverse impacts where adverse impacts are expected to the quality of service to bus service. If an analysis of pedestrian quality or level of service is required for calculation of the bus quality of service, the preparer shall use a methodology approved by VDOT.

9. Trip reduction, and pedestrian and bicycle accommodations. When a proposal meets the criteria listed below, the preparer of the VTIS may reduce the number of vehicle trips generated by the proposal in the VTIS analysis in accordance with this subsection. Notwithstanding the percentages below, the total number of reductions used by a preparer in accordance with this subsection shall not exceed 500 vehicle trips per peak hour of the generator unless otherwise approved by VDOT.

The trip reductions for traffic impact statements prepared for small area plans pursuant to 24VAC30-155-30 C may be based on the non-ITE trip generation methodology approved by VDOT and are not subject to limitations or requirements of this subdivision.

a. Pedestrian accommodations. For the purposes of this subsection, a pedestrian accommodation is defined as a sidewalk, pedestrian path, or multiuse trail. Where a pedestrian service level of A exists, vehicle trips per peak hour of the generator may be reduced by 4.0% for those portions of the development within a 2,000-foot radius of the connections between the proposed development and the adjoining network. Where a pedestrian service level of B exists, vehicle trips per peak hour of the generator may be reduced by 3.0%; where a pedestrian service level of C exists, vehicle trips per peak hour of the generator may be reduced by 1.5% for the portion of the development noted above. These reductions may only be taken if:

(1) Pedestrian facility coverage in a 2,000-foot radius of the connections to the proposed development is on or along at least 80% of the road network;

(2) The pedestrian facilities inside and outside the development provide reasonably direct access to traffic generators; and

(3) There are at least two of the 10 major land use classifications, as defined in ITE Trip Generation, 8th Edition, 2008, within the 2,000-foot radius.

b. Bicycle accommodations. For the purposes of this subsection, a bicycle accommodation is defined as a street with a design speed of 25 MPH or less that carries 400 vehicles per day or less, on-street bike lanes, a pedestrian accommodation, paved shoulders of roadways that are not part of the designated traveled way for vehicles and are at least two feet wide, or exclusive and shared off-street bicycle paths. Where a bicycle service level of A exists, vehicle trips per day may be reduced by 3.0%. Where a bicycle service level of B exists, vehicle trips per day may be reduced by 2.0%. Where a bicycle service level of C exists, vehicle trips per day may be reduced by 1.0%. These reductions may only be taken if:

(1) Bicycle accommodations within a 2,000-foot radius of the connections to the proposed development exist on or along at least 80% of the road network;

(2) The bicycle accommodations inside and outside the development provide reasonably direct access to traffic generators; and

(3) There are at least two of the 10 major land use classifications as defined in ITE Trip Generation, 8th Edition, 2008, within the 2,000-foot radius.

10. Modal split and trip reduction. All vehicle trip reductions used in the VTIS pursuant to this subsection are subject to the approval of VDOT.

a. If a proposal is located within 1/2 mile along roadways, pedestrian or bicycle accommodations of a transit station, excluding bus stops and stations, reasonable vehicle trip reductions of vehicle trips generated by the proposal may be made with approval of VDOT. The preparer shall submit documentation to justify any such vehicle trip reductions used with the VTIS. When a proposal is located more than 1/2 mile but less than two miles from a transit stop, excluding bus stops and stations, with bicycle parking accommodations additional bicycle modal split reductions may be utilized. The analysis of capacity of the parking accommodations shall be included in the VTIS when such trip reductions are used.

b. If a proposal is located within 1/4 mile along roadways, pedestrian or bicycle accommodations of a bus stop or station where the segment and route service levels are C or higher, reasonable vehicle trip reductions of vehicle trips generated by the proposal may be made with the approval of VDOT. The preparer shall submit documentation to justify any such vehicle trip reductions used with the VTIS.

c. Transit and bus modal split data from similar developments within the geographic scope of the VTIS or one mile of the proposal, whichever is greater, shall be collected if the VTIS vehicle trip reductions are used pursuant to this subsection and similar developments exist within the geographic scope of the VTIS or one mile of the proposal, whichever is greater.

11. Signal warrant analysis. Traffic signal warrant analysis shall be performed in accordance with the procedures set out in the ~~Manual on Uniform Traffic Control Devices, 2003, revised 2007~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24VAC30-315) , or ITE Manual of Traffic Signal Design, 1998, as determined by VDOT.

12. Recommended improvements. Recommendations made in the VTIS for improvements to transportation facilities shall be in accordance with the geometric standards contained within the Road Design Manual , 2011 (VDOT).

Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated for the specific document. Requests for documents available from VDOT may be obtained from VDOT's division and representative indicated; however, VDOT documents may be available over the Internet at www.vdot.virginia.gov.

Highway Capacity Manual, 2010, Transportation Research Board, 500 Fifth Street NW, Washington, DC 20001.

ITE Manual of Traffic Signal Design (1998), Institute of Transportation Engineers, 1627 Eye Street, NW, Suite 600, Washington, DC 20006.

~~Manual on Uniform Traffic Control Devices for Streets and Highways, effective 2003, revised 2007, Federal Highway Administration, Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250.~~

Road Design Manual, 2011, VDOT, 1401 E. Broad Street, Richmond, Virginia 23219.

Transit Capacity and Quality of Service Manual, 2nd Edition, 2003; Transportation Research Board of the National Academies, Keck Center of the National Academies, Transportation Research Board, 500 Fifth Street, NW, Washington, DC 20001.

Trip Generation, 8th Ed., 2008, Institute of Transportation Engineers, 1627 Eye Street, NW, Suite 600, Washington, DC 20006.

Trip Generation Handbook, Second Edition – an ITE Recommended Practice, 2004, Institute of Transportation Engineers, 1627 Eye Street, NW, Suite 600, Washington, DC 20006.

24VAC30-315-10. General provisions.

A. ~~The Manual on Uniform Traffic Control Devices for Streets and Highways, 2009 Edition (2009 MUTCD), is incorporated by reference in the Code of Federal Regulations (23 CFR Part 655 Subpart F), and is accessible from http://mutcd.fhwa.dot.gov/.~~ 23 CFR 655.603 (December 19, 2023) adopts the National Manual on Uniform Traffic Control Devices for Streets and Highways (National MUTCD) as the national standard for any street, highway, or bicycle trail open to public travel in accordance with the United States Code (23 USC §§ 109 (d) and 402 (a)) and the National MUTCD shall apply to all such locations in Virginia except those specified in subsection B .

B. ~~The 2009 MUTCD dated December 2009 shall be the standard for all highways under the jurisdiction~~

~~of the Virginia Department of Transportation, with the following exceptions: (i) the Virginia Supplement to the 2009 MUTCD (2011 Edition) contains standards and guidance that exceed minimum federal requirements concerning traffic control devices and presents additional pertinent traffic control parameters not addressed by the 2009 MUTCD and (ii) the Virginia Department of Transportation uses the Virginia Work Area Protection Manual (WAPM) (2011 Edition), which is a part of the Virginia Supplement to the 2009 MUTCD (2011 Edition), instead of the 2009 MUTCD Part 6, Temporary Traffic Control.~~ The Virginia Manual on Uniform Traffic Control Devices for Streets and Highways, which includes the Virginia Work Area Protection Manual, (Virginia MUTCD), version 11.0 (2025), shall be the standard for all traffic control devices on streets, highways and bicycle facilities under the jurisdiction of the Virginia Department of Transportation. All signs, signals, pavement markings, and other traffic control devices under the jurisdiction of the Virginia Department of Transportation or on streets, highways and bicycle facilities under the jurisdiction of the Virginia Department of Transportation shall conform accordingly.

C. ~~Where (i) state standards exceed the minimum federal requirements; (ii) the 2009 MUTCD does not cover some design, installation, and operation details; or (iii) additional guidance on traffic control devices is needed, the Commissioner of Highways or a designee is authorized to establish and distribute appropriate documentation including, but not limited to, standards, specifications, and instructional memoranda. The Virginia Supplement to the 2009 MUTCD (2011 Edition) and the WAPM (2011 Edition) shall be applicable for all highways under the jurisdiction of the Virginia Department of Transportation. If there is a conflict between the 2009 MUTCD and the Virginia Supplement to the 2009 MUTCD (2011 Edition), the Virginia Supplement shall govern.~~

~~D. The Commissioner of Highways or a designee is authorized to make revisions to the Virginia Supplement to the MUTCD (2011 Edition) or the WAPM (2011 Edition), or both, to reflect changes to the Code of Virginia or to the 2009 MUTCD as incorporated into the Code of Federal Regulations and to be consistent with the Code of Virginia where discretion is allowed.~~

~~E. In addition to the authority referenced in subsection C of this section, the~~ The Commissioner of Highways is authorized to act for and on behalf of the Commonwealth Transportation Board in matters relating to classifying, designating, ~~regulating,~~ and marking state highways and the installation of signals, signs, and markings to regulate, control, and manage traffic movement.

Documents Incorporated by Reference (24VAC30-315)

Manual on Uniform Traffic Control Devices for Streets and Highways, ~~2009~~ 2023 edition, December

~~2009~~ 2023, U.S. Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue, S.E., Washington, DC 20590~~, telephone (202) 366-1993~~. The text is also available from the Federal Highway Administration's website at http://mutcd.fhwa.dot.gov ~~and by individual parts and chapters below:~~

~~Cover, Table of Contents, and Introduction~~

~~Part 1 - General~~

~~Part 2 - Signs~~

~~Chapter 2A - General~~

~~Chapter 2B - Regulatory Signs, Barricades, and Gates~~

~~Chapter 2C - Warning Signs and Object Markers~~

~~Chapter 2D - Guide Signs - Conventional Roads~~

~~Chapter 2E - Guide Signs - Freeways and Expressways~~

~~Chapter 2F - Toll Road Signs~~

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~~Chapters 2I-2N - General Service Signs, Specific Service Signs, Tourist-Oriented Directional Signs, Changeable Message Signs, Recreational and Cultural Interest Area Signs, and Emergency Management Signing~~

~~Part 3 - Markings~~

~~Part 4 - Highway Traffic Signals~~

~~Part 5 - Traffic Control Devices for Low-Volume Roads~~

~~Part 7 - Traffic Controls for School Areas~~

~~Part 8 - Traffic Control for Railroad and Light Rail Transit Grade Crossings~~

~~Part 9 - Traffic Control for Bicycle Facilities~~

~~Appendices A1 and A2 - Congressional Legislation and Metric Conversions~~

~~Virginia Supplement to the 2009 MUTCD, 2011 Edition, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219:~~

~~Cover and Introduction~~

~~1. General~~

~~2. Signs~~

~~3. Markings~~

~~4. Signals~~

~~7. Schools~~

~~8. Railroads~~

~~9. Bicycles~~

~~Appendix A~~

~~Virginia Work Area Protection Manual (WAPM), 2011 Edition, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219 (https://www.vdot.virginia.gov/doing-business/technical-guidance-and-support/technical-guidance-documents/work-area-protection-manual-and-pocket-guide/).~~

~~Virginia Standard Highway Signs, 2011 Edition, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Virginia 23219 (https://www.vdot.virginia.gov/doing-business/technical-guidance-and-support/technical-guidance-documents/virginia-standard-highway-signs/).~~

24VAC30-325-10. Eligibility criteria and conditions governing receipt and use of urban maintenance funds.

A. In addition to the eligibility requirements identified in § 33.2-319 of the Code of Virginia, the road and street eligibility criteria for urban maintenance payments shall also include the following:

1. The basic right-of-way width for cul-de-sacs eligible for payment will be 40 feet, with consideration of requests for pavement widths less than 30 feet. For the purpose of making this assessment, a cul-de-sac will be defined as a dead-end street, open only at one end.

2. If a municipality has jurisdiction over and operates a toll facility, such facility is eligible for street payments.

3. Local one-way streets, loop roads, and school bus entrances will be eligible for payment provided that they are constructed to a width of 16 feet with a right-of-way width of not less than 40 feet. This includes service and frontage roads where contiguous to an interstate, primary, or urban system route.

4. VDOT can consider a waiver of standards on a site-specific basis with appropriate supporting information. Each case will be considered on its own merits.

B. In determining lane mileage eligibility, the following conditions will apply:

1. Turning lanes and ramps will not be considered for street payments. This includes center turn lanes unless they serve as moving through lanes during peak hours.

2. Parking must be restricted and enforced by towing during peak traffic periods.

3. Each road or street with more than two moving lanes must have pavement markings in accordance with the ~~Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, including Revision 1 dated November 2004, published by the U.S. Department of Transportation, Federal Highway Administration~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24VAC30-315) .

4. Pavement widths of less than 14 feet qualify for only one moving lane even if it carries traffic in two directions.

5. Nonhard surfaced streets do not qualify for street payments.

C. Mileage adjustments, including the results of annexations, mergers, or incorporations, will be made on an annual basis as part of the board's approval of the annual maintenance payments. All adjustments submitted to the department by February 1 will be eligible for payment effective July 1 of the following fiscal year.

D. For the purpose of calculating maintenance payments, streets will be functionally classified based on the Federal Functional Classification system, except where the federal system is not parallel with the state system.

E. Bridge safety and regular inspection is of utmost importance. The Federal Highway Administration and the department require strict compliance with the National Bridge Inspection Standards (23 CFR Part 650) regarding the frequency of inspection and load posting requirements. The Commissioner of Highways may elect to withhold street payments from a municipality for delinquent or inadequate bridge inspection reports.

F.

The Commissioner of Highways is directed to establish administrative procedures to assure the

provisions of this chapter and legislative directives are adhered to and complied with.

24VAC30-325-20. ~~Document incorporated by reference.~~ (Repealed.)

~~Information pertaining to the availability and cost of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition with Revision No. 1 Incorporated, dated November 2004, should be directed to Federal Highway Administration, Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954. The MUTCD is also available from the following website: http://mutcd.fhwa.dot.gov/index.htm.~~

~~DOCUMENTS INCORPORATED BY REFERENCE (24VAC30-325)~~(Repealed)

~~Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition with Revision 1 Incorporated November 2004, Federal Highway Administration.~~

24VAC30-630-10. Requests for signs.

A. Any person who is deaf, blind, or deaf-blind; any person with autism or an intellectual or developmental disability as defined in § 37.2-100 of the Code of Virginia; or the agent of any such person may submit a request to the Virginia Department of Transportation (VDOT) by filling out a Request for Person with Disability Sign Form and submitting the completed form to the local VDOT office in the area where the sign is requested. The submitted form must include (i) medical certification that such person meets the disability requirement and (ii) the location of the requested sign.

B. Signs shall conform to the ~~edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and the Virginia Supplement to the MUTCD in 24VAC30-315-10~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24VAC30-315) .

C. The requestor shall notify the VDOT office to which the original request was made of any change in circumstances such that the sign is no longer necessary (e.g., when the person with a disability relocates).

24VAC30-630-20. Signs; type, size, color, location, and installation.

A. Signs warning drivers to be aware of persons with disabilities must be posted on a non-limited access highway maintained by the Virginia Department of Transportation (VDOT) and shall be installed in advance of the location where a person with a disability may be on or near the roadway, such that motorists may effectively perceive and respond to the signs.

B. The type, size, color, installation, and specific location of signs shall be determined at VDOT's

discretion using engineering judgment in accordance with related VDOT procedures and regulations (including the ~~MUTCD and the Virginia Supplement to the MUTCD as referenced in 24VAC30-630-10~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (24VAC30-315)).

C. Signs warning drivers to be aware of persons with disabilities may not be posted:

1. Where any pedestrian activity is highly discouraged due to safety concerns.

2. Where they may conflict with, are redundant to, or in combination (e.g., on the same pole) with any other regulatory or warning signs.

3. Closer than 200 feet to any existing regulatory or warning signs.

4. At signalized locations such as crosswalks at intersections or pedestrian hybrid beacons. Requests concerning a person with a visual disability and the absence of accessible pedestrian signals at a particular traffic signal will be addressed separately.

5. At a crossing with an existing rectangular rapid flashing beacon. Requests concerning a person with a visual disability and the absence of audible information devices will be addressed separately.

6. At any location in which the presence of the sign would otherwise create a safety concern, in the discretion of VDOT.

2026 Virginia MUTCD & WAPM

Attachment D - Summary of Changes

If you would like to view the draft Virginia MUTCD and WAPM, please use the link below:

https://www.vdot.virginia.gov/doing-business/technical-guidance-and-support/technical-guidance-documents/virginia-supplement-to-the-manual-on-uniform-traffic-control-devices-mutcd/

The items listed below are notable changes in the new MUTCD and Virginia MUTCD/VWAPM. Some editorial revisions or items deemed insignificant are omitted. Changes to the Federal or Virginia MUTCD/VWAPM that are already current practice are not noted. Bolded text indicates items of interest or significance.

(F) Federal Change, (V) Virginia Change, (B) Both

Virginia MUTCD (Parts 1-5, 7-9)

Part 1 - General

- **1A.04 – Current practice allows TCD applications by all users unless an engineering study is required, whereas the new practice mandates that decisions must be made by a qualified professional engineer or person under their supervision. (F)**
- 1D.04 – Current practice requires all deviations to standard signs to be approved by CO TOD, while the new practice allows minor deviations for spot applications to be approved by the District Traffic Engineer or designee. (V)

Part 2 - Signs

- 2A.04 – Current practice prohibits displaying internet addresses, email addresses, domains, and URLs on signs; the new practice expands this to also prohibit hashtags, scanning graphics, and telephone numbers. (F)
- 2A.07 – Current practice allows certain signs to exceed the maximum size limits, while the new practice strictly prohibits any sign size exceeding the prescribed maximum. (F)
- 2A.08 – Current practice allows using decimals for distances on advisory plaques, whereas the new practice requires using fractions instead. (F)
- **2A.23 – Current practice treats divided highway crossovers 30’ or wider as two separate intersections, while the new practice requires two criteria, opposing left-turn vehicle paths crossing and adequate storage, to treat them as separate intersections. (F)**
- 2B.12 – Current practice considers all-way stop criteria, while the new practice expands these criteria into warrants and adjusts the 8-hour volume factor to reflect peak hour directionality. (B)

- 2B.20 – Current practice *allows* pedestrian crossing signs to be used when In-Street/Overhead Pedestrian Crossing signs are used, while the new practice *requires* their use, specifically at uncontrolled crossings. (F)
- 2B.21 – Current practice requires speed studies to include the current speed distribution of free-flowing vehicles, whereas the new practice devalues this distribution and adds other factors like roadway environment, characteristics, geographic context, crash history, and trends. (F)
- 2B.29 – Current practice mounts optional movement lane control signs overhead only for approaches with three or more lanes, while the new practice requires these signs to be mounted overhead directly above the lane they apply to. (F)
- 2B.46 – Current practice requires Do Not Enter signs where traffic is prohibited from entering restricted roadways; the new practice provides clearer criteria for their use, such as requiring them at crossovers functioning as two intersections. (F)
- **2B.51 – Current practice requires roundabout directional arrows, while the new practice replaces them with one-way signs and discontinues the use of directional arrows. (F)**
- 2B.V9 – Current practice prohibits ATV signs, while the new practice permits ATV signs in accordance with COV 46.2-800.2. (V)
- 2B.59 – Current practice allows PHB signage options based on an FHWA letter for modified signs, while the new practice revises the PHB signage to specify “Stop on steady red – yield on flashing red after stop.” (F)
- **2C.06 – Current practice bases chevrons and horizontal alignment signage on speed differentials, while the new practice adds traffic volumes and introduces new criteria for using delineators and alignment signs at a 15-mph speed difference. (F)**
- 2C.07 – Current practice requires turn signs when the advisory speed is 30 mph or less, while the new practice recommends their use in these cases but allows flexibility to match the roadway geometry. (F)
- 2C.12 – Current practice allows combination horizontal alignment/advisory speed signs to use any alignment from Table 2C-1, whereas the new practice limits these signs to the standard signs specified. (F)
- **2C.13 – Current practice allows speed feedback signs to be installed on the same assembly as horizontal alignment signs, while the new practice requires speed feedback signs to be installed independently when supplementing horizontal alignment signs. (F)**
- 2C.47 – Current practice prohibits W4-2, W9-1, and W9-2 signs in dropped lane situations; the new practice prohibits W4-2 and W9-1 signs in these situations and requires regulatory signs to inform drivers of lane drops on conventional roadways. (F)
- 2C.48 – Current practice has no merge signage for alternating merges into a single lane, while the new practice introduces lanes merge and single lane transition signs. (F)
- **2C.67 – Current practice uses "Share the Road" signs alongside bike, pedestrian, golf cart, horse, and farm machinery warning signs, while the new practice discontinues "Share the Road" and allows only “In Road” or “In Street” signs. (F)**

- 2D.05 – Current practice applies the same conventional guide sign sizes and attributes regardless of speed or mounting, while the new practice varies these sizes and attributes based on roadway speed limits and mounting style. (F)
- 2D.28 – Current practice does not use U-turn plaques, while the new practice provides U-turn plaques, notably for Reduced Conflict Intersections (RCI). (V)
- 2D.37 – Current practice does not allow Arrow Per Lane signs on conventional roads, whereas the new practice permits their use on conventional roads with option lanes. (F)
- **2E.12 –**
    - **Current practice allows Clearview font on all guide signs under interim approval, while the new practice restricts Clearview use to guide signs on freeways and expressways only. (F)**
    - **Current practice limits expressway overhead guide sign attributes to overhead columns, while the new practice requires these attributes to be enlarged if the ground-mounted attribute for interchange classification is larger. (F)**
- **2E.18 – Current practice places arrows on ground-mounted guide signs justified left or right based on exit direction, while the new practice requires arrows to be bottom center justified. (F)**
- **2E.38 – Current practice permits diagrammatic signs at freeway splits; the new practice requires conventional arrow signs when no choice lane exists and Arrow Per Lane signs when there is a choice lane, retiring diagrammatic signs from the MUTCD. (F)**
- **2E.42 – Current practice limits Arrow Per Lane signs to major interchanges, while the new practice allows partial-width Arrow Per Lane signs at intermediate interchanges, required when new sign structures are installed. (F)**
- 2G.23 – Current practice does not formalize part-time shoulder travel, while the new practice establishes formal signage and lane use signal requirements for part-time shoulder travel. (F)
- 2H.09 – Current practice does not formalize project information signs, whereas the new practice establishes formal requirements for project information signs with limited content. (F)

Part 3 - Markings

- 3B.03 – Current practice allows MUTCD minimum passing zones but with varying district practices exceeding the minimum, while the new practice standardizes passing zone lengths to meet or exceed passing sight distance based on SWRO and CRO guidelines. (V)
- 3B.12 –
    - Current practice ends the broken line at a point ¼ of the advance placement distance between the lane ends sign and the start of the transition taper, while the new practice extends the broken line as a dotted line up to the beginning of the transition taper. (F)
    - Current practice uses posted speed to determine lane transition areas, while the new practice uses the higher of the 85th percentile or posted speed, with a Virginia modification adding 5 MPH to the posted speed if the 85th percentile is unavailable. (B)

- **3B.14 – Current practice places PIMS based on complex "shall/should/may" tables, while the new practice uses simplified warrants: required for roads with 25,000+ VPD and ≥45 mph speed and optionally allowed on 5,000–25,000 VPD roads at the District Traffic Engineer's discretion. (V)**
- 3B.20 – Current practice spaces the message evenly between turn arrows, while the new practice groups the message closely with the turn arrow. (F)
- 3B.31 – Current practice provides no marking guidance for Diverging Diamond Interchanges (DDI), whereas the new practice includes a marking standard for DDIs. (F)
- **3H.05 – Current practice restricts green pavement markings to interim approval and prohibits their use on VDOT roads without a permit, while the new practice allows green, purple, red, yellow, and white pavement markings. TOD is developing an IIM specifically for green markings. (F)**
- 3J.07 – Current practice does not use painted sidewalk extensions; the new practice permits their use. (F)

Part 4 - Signals

- 4C.01 – Current practice is that signal warrants must be warranted and justified. New Federal guidelines eliminated the requirement for signal warrants to be met, however VDOT has re-elevated warrants to a shall condition. (B)
- 4C.08 – Current practice applies crash warrants based on 5 correctable crashes within 12 months, while the new practice stratifies crash warrants by individual approaches, over 1- and 3-year periods, and includes considerations for rural routes. (F)
- **4H.01 – Current practice does not use bike signals; the new practice allows them, but they remain unused due to Virginia Code restrictions. (B)**
- 4I.05 – Current practice lacks clear guidelines for push button placement, while the new practice defines and categorizes placement locations into preferred, acceptable, and less desirable areas. (F)
- 4J.02 – Current practice discourages installing PHBs at minor street intersections. New Federal guidelines eliminated this recommendation for PHB distancing from intersections, however VDOT has included this statement again. (B)
- 4L.01 – Current practice uses RRFBs under Interim Approval, while the new practice includes RRFBs. (F)

Part 5 - CAV

- 5 – Current practice did not address CAVs, while the new practice recommends considering CAV-related topics (markings, signs, signals) including scanning graphics invisible to the human eye. (F)

Part 7 - School Zones

- **7B.02 – Current practice does not formalize photo enforcement in the MUTCD, while the new practice establishes formal guidelines for photo enforcement. (V)**

Part 8 - Railroad and LRT Crossing

- 8A.03 – Current practice allows engineering studies for various railroad crossing elements, while the new practice requires a Diagnostic Team, including highway and regulatory agencies plus the railroad company, to modify or add railroad crossings. (F)
- 8D.09 – Current practice does not define requirements for railroad crossings near signalized intersections, while the new practice mandates interconnection between them. (F)
- 8E.09 – Current practice does not address pedestrian gates, while the new practice requires pedestrian gates on sidewalks and shared-use paths where trains travel over 80 mph. (F)

Part 9 - Bicycles

- 9B.17 – Current practice does not require "Bicycles Must Exit" signs at freeways, while the new practice mandates their use where a roadway transitions into a freeway or expressway that prohibits bicycle travel. (F)
- **9B – Current practice does not use bike boxes, two-stage bike turns, or jughandles, while the new practice allows their use with new signage and markings, and an IIM is being developed for green markings. (F)**
- 9D.07 – Current practice uses black and white US Bike Route signs, while the new practice introduces green and white US Bike Route signs. (F)
- **9E.01 – Current practice requires a helmeted biker symbol, while the new practice removes the helmeted biker symbol and mandates use of the standard bike symbol. (F)**
- **9E.06 – Current practice lacks a standardized design for buffer-separated bike lane markings, while the new practice establishes a standardized design. (F)**

Virginia Work Area Protection Manual (VWAPM)

Part 6 – Temporary Traffic Control

Chapter 6A - General

- **6A.01a: The current VWAPM states that deviations from guidance "should" stipulations requires written documentation. The revised VWAPM defines "guidance" ("should") statements using the same definition as in the FHWA and Virginia MUTCDs. (V)**

Chapter 6B - Temporary Traffic Control (TTC) Elements

- 6B.01: The new practice states that modifications to TTC plans shall be documented, whereas the current practice suggests that they should be documented. (V)
- **6B.01: The new practice requires TTC plans to be designed according to the approach (pre-construction) speed limit, unless approved otherwise, while the current practice mandates design based on the reduced work zone speed limit. (V)**
- 6B.01: The new practice deletes the guidance recommending speed limits be stepped down in 10 mph increments and introduces a standard that reductions of 20 mph or greater require Central Office approval. (V)
- **6B.06: The new practice mandates that longitudinal buffer spaces shall be provided, whereas the current practice suggests they should be provided. (V)**
- 6B.06: The new practice eliminates the guidance limiting long-term duration activity areas to 2 miles unless approved by the District Traffic Engineer (DTE), which was included in the current practice. (V)
- Table 6B-V1: The new practice requires advance warning sign spacing on divided, non-limited access, ≥ 50 mph roads to be 1000 ft, whereas the current practice specifies 500 ft. (V)
- Table 6B-V5: The new practice establishes a minimum shifting taper length of 200 feet for shift widths of 4 feet or less, whereas the current practice has no such requirement. (V)

Chapter 6C - Pedestrian and Worker Safety Considerations

- 6C.02: The new practice adds the option to use a ride-sharing app to provide mobility through a work zone, whereas the current practice does not include this option. (V)

- **6C.02: The new practice introduces an option to avoid establishing alternate pedestrian routes in short-duration work zones if project personnel can facilitate pedestrian passage, while the current practice lacks this provision. The new practice also requires Traffic Operations Division (TOD) consultation before specifying this practice in a contract. (B)**
- 6C.02: The new practice specifies that tape, rope, etc. shall not be used to control pedestrian movements, whereas the current practice states they should not be used. (V)
- **6C.03 and 6K.07: The new practice requires that TTC devices shall not reduce the width of a pedestrian facility to less than 48 inches, unless detoured or diverted, whereas the current practice recommends providing a width of 60 inches. (B)**
- 6C.04: The new practice mandates that all workers shall be trained, whereas the current practice recommends that all workers should be trained. (V)
- **6C.04 and 6N.17b: The new practice revises the language to state that workers "shall" not cross open lanes on multi-lane or limited access highways with a 40+ mph speed limit and "should" not cross undivided roads with a 40+ mph speed limit. This language has been relocated to section 6C.04 to more clearly apply to all workers (not just those installing and removing TTC devices). The current practice states that workers "should not" run across open travel lanes to install TTC devices. (V)**
- Table 6C-V1: The new practice updates requirements to specify when gaiters may be used instead of high-visibility trousers. (V)
- Table 6C-V1: The new practice introduces flexibility in PPE requirements for emergency responders involved in patient extrication, whereas the current practice does not address this situation. (V)

Chapter 6D - Flagging and Hand Signaling

- 6D.01: The new practice incorporates the 2024 changes to VDOT flagger certification requirements, whereas the current practice does not reflect these updates. (V)
- 6D.02: The new practice allows STOP/STOP paddles to be used, but prohibits SLOW/SLOW paddles. (B)
- 6D.03: The new practice clarifies the limitations on when flags may be used and adds that if flags are used in an emergency situation, flaggers should transition to AFAD or paddle operation as soon as practical. (V)
- **6D.06 and 6M.08: The new practice removes the specific 50 lux requirement for flagger stations and instead provides guidance on portable light placement and aiming, whereas the current practice requires 50 lux of horizontal luminance at flagger stations. (V)**

Chapter 6E - One-Lane, Two-Way Traffic Control

- **6E.01: The new practice requires cones in the taper but allows them to be omitted in the tangent section, whereas the current practice allows all cones to be omitted in flagging and other one-lane/two-way traffic control situations if the road is 20 feet or less in width. (V)**
- **6E.06: The new practice only requires DTE approval to use stop sign control on roads with ≥ 1000 ADT, prohibits yield signs, and requires visibility between drivers at opposite stop signs; current practice requires DTE approval for all such installations, but does not specify whether stop or yield signs are to be used. (V)**

Chapter 6F - Signs (General)

- 6F.01: The new practice requires school warning signs in TTC zones to have a fluorescent yellow-green background, whereas the current practice does not specify this. (V)
- **6F.02: The new practice introduces options and standards for clamping signs to median barriers, which were not specified in the current practice. (B)**
    - **6F.02: The new practice allows rollup signs to remain in place for longer than 3 days with DTE approval, while the current practice prohibits them if the sign will be up for more than 3 days. (V)**

Chapter 6G - Regulatory Signs

- 6G.04: The new practice changes "Bike Lane Closed" and "Path Closed" signs from a standard to a recommended practice, whereas the current practice lists them as a standard. (V)
- 6G.04: The practice adds the requirement that "Path Closed" signs must be used with an accessible barricade. (B)
- 6G.04: The new practice introduces guidance on when to use whole number distances without fractions or decimals, whereas the current practice does not specify this. (V)
- **6G.07: The new practice deletes the standard requiring "Do Not Pass" signs where there is a pavement differential due to milling between lanes on a multi-lane road and adds requirements to Figure TTC-57 for using motorcyclist warning plaques in such situations. (V)**
- **6G.07: The new practice introduces new figures and guidance for late merge ("zipper merge") scenarios, recommending dynamic "zipper merges" instead of static ones, while the current practice did not address these situations. (B)**
- 6G.07a: The new practice allows “Work Zone | $500 Max Fine for Speeding” to be used; the current practice uses a “Work Zone | $500 Max Fine for Exceeding Speed Limit When Flashing” sign design, and specifies that such signs shall only be used when justified by an engineering study and approved by the DTE. (V)

- **6G.08: The new practice adds variable speed limit signs to the VWAPM, specifying a minimum size of 36x48 inches, white LEDs on a black background, and allowing districts to establish programmatic policies for their use in conjunction with paving schedules or similar projects, while the current practice does not include these specifications. (B)**
- **6G.08a: The new practice introduces a new section on Work Zone Speed Safety Cameras, which was not included in the current practice. (V)**
- 6G.10: The new practice requires "Sidewalk Closed" signs to be attached to pedestrian channelizing devices or placed on portable sign stands immediately adjacent to them, which was not specified in the current practice. (B).
- 6G.11 and 6H.25: The new practice introduces flexibility in the use of "turn off 2-way radio" signs in blasting zones, whereas the current practice requires such signs in all blasting operations. (B)
- Table 6G-1: The new practice revises column headings and establishes a policy on when smaller signs may be used, aligning the column headings more closely with MUTCD headings. (V)
- Table 6G-1: The new practice reduces the size of "Sidewalk Closed" signs to match the MUTCD. (V)

Chapter 6H - Warning Signs

- 6H.02: Added guidance that the word “Ahead” should be used instead of a specific distance on advance warning signs. (V)
- **6H.02b: Vehicle Speed Feedback (“Your Speed XX”) signs added to the VWAPM. The new MUTCD requires such signs to be orange, with yellow LED numerals on black background. (B)**
- 6H.03: The current VWAPM states that in mobile work zones that exceed 2 miles, the work area should be extended as work progresses and a secondary ROAD WORK NEXT 2 MILES sign should be installed. The revised VWAPM instead states that a single “Road Work Next 2 Miles” sign be used, that is periodically relocated downstream as the work progresses. (V)
- 6H.07: The current VWAPM prohibits an interior lane closure (with traffic in the same direction on both the left and right side of the work zone). The revised VWAPM allows interior lane closures, and use of the W9-3 symbolic center lane closed sign, if justified by an engineering study and approved by the DTE or designee. (B)
- **6H.08: Current practice uses white “Keep Left/Right” signs in all lane drops. The revised practice prohibits such signs, and instead uses other signs in the sequence for lane drops. (V)**
- 6H.08: Either a static “Merge Here Take Turns” sign or PCMS board with similar message should be used at the merge point during Late Merge (aka “zipper merge”) applications. (B)
- 6H.10 and 6N.07: The current practice requires the use of the Lane Width plaque where there is less than 14 feet between the edge line and channelizing devices on a ramp. The revised practice measures the 14-foot threshold from edge of barrier to edge of barrier and revises the guidance for traffic engineering studies associated with narrowed ramps. (V)

- **6H.11: Current practice is to use signs on the backs of shadow vehicles/work vehicles that say "Left/Right Lane Closed" or "Left/Right Shoulder Closed". The revised VWAPM will allow such signs to read "Lane Closed" or "Shoulder Closed" (omitting the "Left/Right").** (V)
- 6H.11: Minor revisions to when "Pre-Storm Treatment" or "Keep Back 100 ft" signs are required. (V)
- 6H.15: Revised option for when the "Slow" sign may be used approaching a flagger operation. (V)
- 6H.19: Added language prohibiting the MUTCD's "Fresh Oil" sign and allowing the "Fresh Tar" sign only in association with crack sealing/rumble strip sealing. Added that the "Loose Gravel" sign shall be used in conjunction with slurry seal/surface treatment operations. (V)
- 6H.21: Added guidance that "Trucks Entering Highway When Flashing" assemblies should be considered under certain circumstances. (V)
- 6H.26: "Low shoulder" signs should (not shall) be repeated at 1-mile intervals. (V)
- 6H.26: Added clarity on when the VDOT "Shoulder Drop off" sign may be used instead of the symbolic Shoulder Drop-off sign with supplemental plaque. (V)
- 6H.34: New guidance on when to use "Rough Road" vs. "Uneven Lanes" signs. (V)
- 6H.35: Deleted option to place "Road Work Next X Miles" sign on barricade. (V)
- 6H.38b: Added guidance that Slow Moving Vehicles sign should not be substituted for VDOT's other vehicle-mounted signs. (V)
- Table 6H-1: Reduced size of "End Road Work" signs from 60x24 to 48x24 to match the MUTCD. (V)

Chapter 6I - Guide Signs

- 6I.02: Advance turn signs shall (not should) be provided for roads with a speed limit of 35 or greater. Advance turn signs may (not should) be provided for roads with a speed limit of 30 mph or below. (V)
- 6I.02: Detour plaque should (not may) be mounted above route marker assemblies. (V)
- 6I.03: If an exit is closed, the exit guide sign can be completely covered instead of affixing a diagonal "Exit Closed" panel. (V)
- 6I.03: Added a new option to allow an "Exit Closed' panel to be omitted where the ramp closure is associated with a short- or intermediate-duration TTC zone, and a bucket truck would be required to affix the panel to an overhead sign panel. (V)
- Table 6I-1: The current VWAPM requires most M4-series detour signs to be 60" x 48". The revised VWAPM requires most M4-series detour signs to be 48" x 36". (V)

Chapter 6J - Pavement Markings in TTC Zones

- 6J.01: Deleted requirement for maximum 1/8-inch depth from scarring from pavement marking eradication. State that pavement marking should (not shall) remove the non-applicable marking material and minimize scarring. (V)
- 6J.02: Added reference to IIM-TE-395 and to the PM-series Standard Drawings. (V)

- 6J.03: Flexible Temporary Pavement Markers (FTPMs) shall be installed as per Standard Drawing PM11 and shall not be used for transverse lines or symbols/messages. (V)
- 6J.03: Plastic Inlay Markers (PIMs) may be used instead of Temporary Raised Pavement Markers (TRPMs) on projects 6 months or greater in duration if approved by the Engineer. Non-reflective markers shall not be used. (V)

Chapter 6K - Channelizing Devices

- 6K.01: LED devices may be placed underneath cones to illuminate them from within in a flashing sequential sequence. (V)
- **6K.02: The new MUTCD added language requiring that pedestrian channelizing devices that are detectable by users of long canes and visible to pedestrians with vision disabilities shall be used for sidewalk closures, and the devices shall cover the entire width of the sidewalk. (F)**
- 6K.02: Additional requirements for detection plates and hand-trailing edges on pedestrian channelizing devices (F).
- 6K.03: Cones shall be retroreflectorized (day or night). (V)
- 6K.03: Cones are either 36 inches or 42 inches tall. 36” cones and 42” cones shall not be intermixed with each other in the same run. (V)
- 6K.08: The bottom of signs mounted on barricades shall (not should) be at least 1 foot above the travelway. (V)

Chapter 6L - Other TTC Zone Traffic Control Devices

- 6L.01: Temporary signal heads shall be 12” signal heads with high-visibility backplates and visors. (V)
- **6L.01: In long-term duration work zones where portable signals are used, at least one signal head per direction shall be overhead. (V)**
- 6L.01: Added reference to Virginia MUTCD and IIM policies on yellow and all-red timings. Malfunction Management Units shall (not should) be used. (V)
- 6L.01: Accessible Pedestrian Signals shall be provided for temporary signals with signalized pedestrian crosswalks. (V)
- 6L.01: Eliminated the requirement for the DTE to determine whether to use portable supports vs. temporary fixed supports for temporary traffic signals. (V)
- 6L.01: “Alternate circulation paths” for pedestrians shall have 48-inch (not 36-inch) minimum width. (B)
- 6L.01 and 6L.02: Allows portable signals and Automated Flagger Assistance Devices (AFADs) to be delineated with 4 cones instead of 4 drums in some circumstances. (V)

- **6L.02: The current VWAPM only allows AFADs if they are used at both ends of the work zone, are spaced 800 feet apart maximum, are on roads 1200 feet or less ADT, and only if approved by the DTE. The revised VWAPM will allow ADTs any distance apart and eliminate spacing and ADT thresholds, however two separate AFAD operators are required unless the AFADs are within 2000 feet of each other and the operator can see both AFADs and both approaches. (V)**
- 6L.02: If there is an AFAD at one end of the work zone and a flagger with a paddle at the other end, the flagger shall not simultaneously operate the stop/slow paddle and the AFAD. (V)
- 6L.04: Red/yellow AFADs shall have visors and high-visibility backplates. (V)
- 6L.05: The current VWAPM allows Portable Changeable Message Signs (PCMSs) to use either orange or yellow LEDs. The revised VWAPM only allows yellow LEDs. (V)
- 6L.05: PCMS messages should (not shall) comply with VWAPM Appendix D. (V)
- **6L.05: PCMS enclosures shall be locked and be password-protected. Also specifies standards and guidance for password setting/strength. (V)**
- 6L.06: The current VWAPM requires arrow boards to use the "alternating diamond" pattern when in caution mode on Safety Service Patrol (SSP) vehicles but prohibits "alternating diamond" on all other vehicles. The revised VWAPM allows "alternating diamond" on any work vehicle/shadow vehicle in a manned work zone. (V)
- 6L.07a: Additional clarification on when parked/stationary work vehicles can or should consider turning their vehicle warning lights off. (V)

Chapter 6M - Other TTC Zone Design Features and Safety Devices

- 6M.02: New standard that movable barrier usage shall be reviewed and approved by the DTE. (V)
- 6M.05: Deleted "Crash Area Keep Clear" signs from the VWAPM. (V)
- **6M.05: The current VWAPM allows Truck-Mounted Attenuators (TMAs) to be in place a maximum of 24 hours when protecting a fixed object during an incident management operation. The revised VWAPM states that if a stationary impact attenuator is damaged and cannot be immediately repaired or replaced, a stationary unmanned TMA shall be used in its place, and the stationary impact attenuator shall be repaired or replaced as quickly as possible. (V)**
- 6M.05: The current VWAPM requires TMAs for all snooper truck/bucket truck operations, regardless of speed limit. The new VWAPM only requires them on roads with 45+ speed limit and allows TMAs to be omitted for unplanned emergency maintenance (e.g. replacing a traffic signal head) or where the work will take 15 minutes or less. (V)
- 6M.06: Portable Temporary Rumble Strips (PTRS) may be orange (in addition to black or white/silver). (V)
- **6M.06: Current practice allows PTRS as an option on Limited Access highways. The revised practice states that PTRS shall not be used on Limited Access highways unless approved by the DTE. (V)**

- 6M.06a: Non-Portable Temporary Rumble Strips (NTRS) should be considered for use on multiple-month projects. If used, they should be located away from horizontal curves, and locations may be adjusted to avoid noise-sensitive land uses. (V)

Chapter 6N - Types of TTC Zone Activities

- 6N.01: Added "transient duration" as a category that refers to work of 5 minutes or less. (V)
- 6N.01: Defines "mobile work" as work that moves either intermittently, or continuously at least 1000 feet every 15 minutes. (V)
- 6N.01: Channelizing devices shall be periodically (not "continuously") repositioned in mobile work zones to keep them near the work area. (V)
- 6N.01: Mobile operations shall be scheduled within the Department's Allowable Closure Hours window unless approved otherwise. (V)
- 6N.01: Arrow boards/PCMS boards in mobile operations shall be attached to work operations vehicles, not towed behind them. (V)
- 6N.04: FHWA added new guidance regarding maintaining bikeway continuity and bicycle travel options in TTC zones. (F)
- 6N.12a: Markings and signs for steel plates may be omitted if an alternative to steel plate material is used that has a surface with adequate friction and has tapered edges. (V)
- 6N.12b: Detours should be considered instead of flagging at roundabouts. (V)
- 6N.17a: In "slow roll" operations, the electronic messages should read "All Lanes Slowed | Be Prepared to Stop" not "Road Work Ahead | Be Prepared to Stop". (V)
- **6N.18a: Added guidance that where construction vehicles will ingress or egress on LA highways through breaks in the median barrier, the entrance should be designed with acceleration/deceleration/weaving lane lengths required by the Road Design Manual for permanent facilities, or "Trucks Entering Highway When Flashing" signs should be used. (V)**
- 6N.18a: Added guidance that when designing TTC plans, the designer should provide sufficient ingress/egress points in the plans to allow the Contractor to prosecute the work. (V)
- 6N.18c: Law enforcement officers should (not shall) complete the "Work Zone Training for Law Enforcement Officers" training. (V)
- 6N.19: New section on Late Merges. (B)

Chapter 6O - Control of Traffic Through Traffic Incident Management Areas

- 6O.01: Deleted language that duplicates or conflicts with the best practices of the Traffic Incident Management (TIM) Training. (V)
- 6O.01: Refer to "positioning" rather than "safe positioning" of vehicles. (F)
- 6O.13: Add support that this section does not apply to TTC devices installed by emergency responders. (V)

- 6O.13: All Traffic Incident Management Control (TIMC) figures were deleted from the VWAPM. Added new standards and options for how to adopt the TTC figures to incident management situations. (V)

Chapter 6P – Temporary Traffic Control (TTC) Applications

[Note: only changes not previously described are noted below]

- Figure TTC-4: Eliminated "Right Shoulder Closed Ahead" signs from the sign sequence for all short-term lane closures. (V)
- Figure TTC-9: Made "End Mowing" signs optional. (V)
- Figure TTC-10: Revised placement of shadow vehicle #2 in the "treatment 2" operation. (V)
- Figure TTC-11: Changed signs on the work vehicles to read "Wet Paint Ahead | Stay Off Lines". (V)
- **Figure TTC-35: FHWA added a new MUTCD requirement that Temporary Audible Information Devices (TAIDs) shall be provided with all "Sidewalk Closed Cross Here" signs and midblock sidewalk closings. (F)**
- Figure TTC-35: Pedestrian diversions shall be at least 5 feet wide. (F)
- Figure TTC-38: Added an "On Ramp" plaque beneath the Road Work Ahead sign. (V)
- Figure TTC-39: Changes to when on-ramps should have stop signs, yield signs, or no regulatory signs. (V)
- Figure TTC-40: Stay in Lane signs may (not shall) be used in conjunction with lane shifts on multi-lane highways. (V)
- Figure TTC-44: Deleted certain signs. Rotated barricades so they are angled to prevent intrusion into the closed area. (V)
- Figure TTC-48: Only one (not two) "Road Closed" signs required at the closure point. (V)
- Figure TTC-50: Flagger is depicted standing in the median, not the closed travel lane. (V)
- Figure TTC-51: Deleted the "Do Not Pass" sign. (V)
- Figures TTC-57, -58, and -64: Added motorcyclist symbol plaques beneath the "Uneven Lanes" sign. Eliminated the "Stay in Lane" regulatory signs. Added a PCMS with suggested message "Motorcycles | Rt Lane Grooved Ahead". (V)
- Figure TTC-66: Alternating Diamond pattern required for the arrow boards on rolling roadblock vehicles. (V)
- **Figure TTC-70a: New TTC figure showing signing and camera placement requirements for Speed Safety Cameras. (V)**
- Figure TTC-71: Bicycle facility TTC figures have been added to the VWAPM. (F)


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FINAL REGULATORY AMENDMENTS AND RESPONSE TO PUBLIC COMMENTS

Land Use Permit Regulations (24VAC30-151)

Robert Hofrichter
Director, Office of Land Use

July 15, 2025

24VAC30-151: Background and General Proposed Amendments

The CTB approved proposed amendments for the Land Use Permit Regulations (24VAC30-151) in January 2024.

- **Resolution required Final amendments to be brought back to the Board for approval, prior to finalization, if public comments were received or if substantive changes or additional amendments were suggested to the proposed amendments.**

24VAC30-151: Background and General Proposed Amendments

- The regulation sets rules other entities must follow to conduct activities other than travel on state highways.
  - Address safety issues such as temporarily closing travel lanes, entrances and access points onto highways, affixing signs and other objects to structures in the right-of-way, and location and protection of utility lines.
- General amendments intended to 1) clarify and streamline the regulation and 2) remove the Documents Incorporated by Reference and instead reference relevant documents in the actual permits.

VCTA Set of Comments - Proposed Responses/Revised Amendments

One set of public comments was received from the Virginia Cable Telecommunications Association (VCTA).

VCTA's set of comments included:

- **Broadband is a utility**
  - **Request: Add "broadband" to the definition of "Utility"**
    - ***Response: Accept requested change***

VCTA Set of Comments - Proposed Responses/Revised Amendments

- **Relocation costs**
  - **Request: Add new definition stating that broadband providers have unrestricted prior rights with respect to existing facilities in an electrical or communications easement**
    - ***Response: Proposed definition expands beyond the appropriate application of prior rights. Reject requested change.***
  - **Request: That VDOT bear the relocation costs when fiber is installed with federal/state grants or financial incentives**
    - ***Response: Reject requested change***

VCTA Set of Comments - Proposed Responses/Revised Amendments

- **Shared resource agreements**
  - **Request: Exempt broadband providers from shared resource agreements**
    - ***Response: Reject requested change***
- **Permit conditions**
  - **Request: The area covered by single use permit should cover all work of a continuous nature, regardless of length**
    - ***Response: Proposed amendments already achieve this, but modify amendments to clarify***

VCTA Set of Comments - Proposed Responses/Revised Amendments

- **Permit conditions (cont.)**
  - **Request: Facility construction be permitted to "approximately," as opposed to "exactly," match approved plans**
    - ***Response: Reject requested change***
  - **Request: Allowance for underground telecommunications and cable television service connections to be placed with a minimum of 18 inches of cover instead of 30 inches.**
    - ***Response: This flexibility already exists in a different section of the regulation, but modify amendments to clarify***

VCTA Set of Comments - Proposed Responses/Revised Amendments

- **Liability**
  - **Request: Limit permittee liability to injury/damage caused "…by permittee and for which permittee is responsible."**
    - ***Response: The proposed text already limits liability to activities undertaken under permit/violations of the terms of the permit. Reject requested changes.***
  - **Request: Remove language dealing with injunctive remedies to violations**
    - ***Response: Accept requested change***
  - **Request: Eliminate permittee liability for improper work if not identified by a VDOT inspector**
    - ***Response: Reject requested change***

Next Steps

- If responses, adjustments to the proposed amendments, and Final stage documentation are approved by the CTB, VDOT staff will formally reply to VCTA's set of comments and file the Final stage of the regulatory process to amend 24VAC30-151 on Town Hall.*
- The amendments will then go through executive branch review, after which they will be published in the Virginia Register for the public to review.
- Public comment will be received for 30 days, after which the amendments will become effective.

* Proposed responses to VCTA comments, text of final amendments and Town Hall documentation are included in CTB package.


VDOT
Virginia Department of Transportation

Attachment A

Response to VCTA Comments

Proposed Land Use Permit Regulations

June __, 2025

The Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) appreciate the comments of the Virginia Cable Telecommunications Association (VCTA) on the proposed changes to the Land Use Permit Regulations of the Commonwealth Transportation Board (24VAC30-151). VCTA's requests are organized by subject area below, followed by a response to each request.

Broadband is a utility

Proposal: VCTA requests broadband be explicitly included in the definition of a "Utility" in 24VAC30-151 by inserting "broadband" after "cable television."

Response: The CTB and VDOT agree with this recommendation and will amend the regulation as requested.

Relocation costs

Proposal: VCTA requests the following definition of "Prior Rights" be added to 24VAC30-151-10:

> "'Prior rights': in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have 'prior rights' with respect to existing facilities in an electrical or communications easement."

Response: As explained in subsection 30(D) of the proposed amendments, prior-rights permits allow utilities with existing facilities within the right-of-way to remain in place as long as those facilities are not in conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth. Prior rights do not apply to franchises, nor to utility easements that were placed after the highway right of way was established; prior rights only apply to situations where a utility had an easement and was in place prior to highway right of way being established at that location. The definition of "prior rights" requested by VCTA expands beyond the current or generally accepted meaning or

application of prior rights. This regulatory amendment process is not the appropriate venue for establishing a definition of "prior rights" nor a definition that would alter and expand upon the generally accepted meaning in the manner proposed. As such, the CTB and VDOT respectfully reject the requested change.

Proposal: VCTA requests relocation costs to be borne by VDOT when fiber is installed with federal or state grants or financial incentives for installation of broadband services along a specific route.

Response: This request would shift the cost of broadband relocation from the broadband provider and the parties that benefit from the presence of the broadband facility to the transportation system of the Commonwealth, taking much needed transportation funding away from transportation facilities. It would further remove an incentive for broadband providers to place broadband facilities as far from the built highways as possible and would encourage an approach to the planning of broadband facilities that would disregard future impacts of broadband facilities situated in the right of way on, and at the expense of, transportation. The CTB and VDOT respectfully reject this requested change.

Shared resource agreements

Proposal: VCTA requests the following sentence be added to the definition of "Shared resource agreements" in 24VAC30-151-10:

> "Broadband providers shall be exempt from shared resource agreement requirements."

VCTA asserts that broadband providers should be exempt from shared resource agreements due to uncertainty over the compensation demanded and the inability to recover the unknown cost of a "shared resource agreement" through federal or state grants. VCTA also asserts that shared resource agreements discourage broadband deployment and are inconsistent with both federal and state policies for broadband deployment.

Response: Shared resource agreements are only utilized for longitudinal occupancy of limited access highways, which account for roughly 8% of VDOT's total highway network. Since resource sharing started in the 1990s, VDOT has secured shared resource agreements from 41 broadband providers. If shared resource agreements were discouraging to broadband deployment, these providers would have shifted their planned

networks to other non-limited access highways, where the fees for broadband were minimal (a one-time fee of $100 + $10 per 100 linear feet as set out in 24VAC30-710).

As described in 24VAC30-151-740(E), VDOT ensures that shared resource agreement compensation is equal to the monetary compensation amount established for the use and occupancy of the right-of-way and the method for providing that compensation, whether through goods, facilities, services, or cash, is determined through a negotiation with the broadband company. Limited access highways are established to ensure maximum throughput of traffic and to minimize the interference with traffic by minimizing installations in and connections to the highways. Thus, historically, limited access highways have been used for long-distance communication and broadband lines, not service lines (service connections to individual customers are not permitted off limited access highways). Furthermore, the use of shared resource agreements is consistent with Federal Highway Administration guidance, and some version of shared resource agreements is utilized by at least 14 other states. As the requested exemption would allow for disparate use of limited access roadways by broadband providers without providing compensation, the CTB and VDOT respectfully reject this requested change.

Permit conditions

Proposal: VCTA requests the replacement of the 4th sentence of 24VAC30-151-40(B) in the proposed regulations with:

> "VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."

Response: The removal of the 5th sentence in 24VAC30-151-40(B) is proposed to eliminate the current maximum distance length for a permit, meeting the same goal as the suggested language. The applicant and VDOT must retain flexibility with respect to permit length to provide adequate oversight in complicated environments or to limit surety requirements to meet applicant capability. The CTB and VDOT will maintain the recommendation to delete the 5th sentence of 24VAC30-151-40(B) and will modify the 4th sentence of that subsection to read:

> *"Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length."*

Proposal: VCTA requests the second sentence of 24VAC30-151-40(C) in the proposed regulations be modified to replace the word "exactly" with "approximately." Permittees would be able to construct facilities "approximately" as shown on the approved permit application, including distances, depths, and location of existing infrastructure.

Response: While there are situations in which approximate compliance with approved plans for installing a cable underground may be permissible, there are others in which this could cause significant damage, such as VDOT underdrains being destroyed. Furthermore, in the case of entrance details, "approximate" conformity with plans could reduce sight distance or impact the ability of vehicles to enter or exit due to excess changes in grade. Finally, the definition of "approximately" is fluid, making enforcement difficult. VDOT's process for coordination and approval of changes to previously approved plans is set out in subsection 40(J) of the proposed regulations. The CTB and VDOT respectfully reject this requested change.

Proposal: VCTA requests that the following text be added to the end of the first sentence of subsection 2 of section 340:

> "…and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."

Response: Subsection 30(B)(1) already provides for the requested flexibility but also includes the proviso that telecommunications and cable television providers take full responsibility for cuts of line installed with less than 30" of cover. For clarity, the CTB and VDOT propose to add "broadband" to the list of providers granted flexibility in subsection 30(B)(1) and to add following text to the end of the first sentence in subsection 2 of section 340:

> *"…and except as authorized pursuant to section 30(B)(1)."*

Liability

Proposal: VCTA asserts that the liability language proposed to be added to the regulatory text is too broad. VCTA requests that the following text be added to the end of the first sentence in both subsections 40(F) and 40(G):

> "…by permittee and for which permittee is responsible."

In addition, in subsection 40(I), VCTA requests the text after the semi-colon in the proposed third sentence containing indemnification language be replaced with:

> "...for which permittee is responsible, and from any of the permittee's contractors, subcontractors, agents, or employees, for which the permittee is responsible."

Response: The proposed text of subsections 40(F) and 40(G) already includes limiting this liability to "activities undertaken under permit". Subsection 40(I) of the proposed text also limits liability and reads:

> *"VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT-owned facilities or other facilities placed within the right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."*

As such, the CTB and VDOT respectfully reject these requested changes.

Proposal: VCTA requests the last sentence of the proposed text for subsection 40(I) be struck. The sentence reads:

> "Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."

Response: The sentence requested to be removed lays out potential actions that VDOT may take to rectify public safety issues caused by violations of the permit or the regulations

by the permittee. This should not be interpreted as a method for improperly taking property. However, the CTB and VDOT have determined that the referenced sentence is not necessary and will revise the regulatory amendments as requested.

Proposal: VCTA requests striking the two proposed sentences at the end of subsection 40(V) which read:

> "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation."

Response: The intention of the language is to make it clear that the permittee is responsible for the work they are doing and VDOT's inspection or lack of inspection does not absolve the permittee of doing the work correctly. With open cuts, if the VDOT inspector is not onsite during placement of fill, it is unlikely VDOT can verify proper compaction in the lower levels of the fill or verify depth effectively. The permittee could also hit traffic loop detectors when saw cutting in preparation for an excavation, and VDOT's signals team may not detect this until weeks after the work is complete. For directional boring, if the inspector is not onsite during activities and watching the equipment operation, it is unlikely VDOT can verify exact placement (vertical and horizontal). If the utility installer cuts VDOT underdrains, cross pipes, private entrance pipes, guardrail posts and other department assets, this may not become known until sometime later. When installing facilities on a steep slope or embankment, slope slides or other erosion issues caused by disruption of adjacent soil or improper compaction tend to occur after permit completion. Due to the number of permits issued annually, VDOT would be forced to significantly increase permit fees to fund consultant inspectors to provide full-time inspection of all permittees. The CTB and VDOT respectfully reject this requested change.

CHRISTIAN & BARTON, LLP
ATTORNEYS AT LAW

PETER E. BROADBENT, JR.
Direct Dial: 804.697.4109
Direct Fax: 804.697.6109
E-mail: pbroadbent@cblaw.com

June 5, 2025

Ms. Jo Anne P. Maxwell
Agency Regulatory Coordinator
Governance and Legislative Affairs Division
Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Re: Comments of the Virginia Cable Telecommunications Association on the Proposed Land Use Permit Regulations of the Commonwealth Transportation Board, 24 VAC 30-151 et seq.

Dear Ms. Maxwell,

Thank you for giving the Virginia Cable Telecommunications Association ("VCTA") the opportunity to offer suggested changes to the Commonwealth Transportation Board's proposed Land Use Permit Regulations, 24 VAC 30-151 et seq., as published in 41 VRR 1859 et seq. (April 7, 2025).

Attached please find a copy of the VCTA's Comments.

Best regards,

Peter E. Broadbent, Jr.

PEBjr/cr
Enclosure

cc: Mr. Ray LaMura
Timothy G. McCormick, Esq.
Christian F. Tucker, Esq.

4917-0062-4203, v. 1

BEFORE THE VIRGINIA DEPARTMENT OF TRANSPORTATION

***In re*: 2025 Proposed Land Use Permit Regulations of the Commonwealth Transportation Board**

Comments of the Virginia Cable Telecommunications Association on the Proposed Land Use Permit Regulations

The Virginia Cable Telecommunications Association ("VCTA"), by counsel, hereby submits comments to the Virginia Department of Transportation ("VDOT") regarding the proposed *Land Use Permit Regulations of the Commonwealth Transportation Board*, 24 VAC30-151 *et seq.*, as published in 41 VRR 1859 *et seq.* (April 7, 2025).

I. Introduction

Since 1966, the VCTA has served as the trade association for Virginia cable television operators and their affiliates. Cable television operators have enhanced their networks to include broadband internet access services as well as Voice over Internet Protocol services, and a variety of information services. Today, VCTA members are collectively the largest group of broadband/internet service providers in the Commonwealth.

II. Overview

The VCTA understands that in periodic regulatory updates, like this, the Board may be focused primarily on technical issues of concern to facilitate appropriate highway administration. However, the VCTA believes that the Board must also consider broader issues of changing technology and public policy concerns.

While specific concerns on land use permit issues are noted below, the principal concerns of the VCTA are that other provisions in the regulations must be changed and updated to reflect changes in usage and public policy.

Specifically, the existing VDOT policies on relocation costs and shared resource agreements must be modified to reflect, at least when broadband is included in the "utility" service in question, changes in federal and state public policy requirements to facilitate and encourage broadband development.

With respect to relocation costs, the proposed Regulations, 24 VAC 30-151-30 E, at 41 VRR 1868, first reference relocation in the context of as-built permits. Under proposed 24 VAC 30-151-390 A on page 1878, utility owners with prior rights in a right of way are responsible for relocation costs only to the extent that there are improvements (betterment costs) in the new line; to the extent that a new line merely duplicates a replaced line, then the utility bears no relocation costs. Under proposed 24 VAC 30-151-390 C, utilities "without prior rights" but located in the right of way are responsible for all relocation costs. Under 24 VAC 30-151-400 on page 1876, where a VDOT transportation project is involved, relocation will generally be at the permittee utility's sole expense.

With respect to the "shared resource agreements," under 24 VAC 30-151-30 F, at 41 VRR 1868, "shared resource agreements" requiring unspecified monetary compensation, or goods or services for a utility's use of limited access right of way (highway or bridges), are expressly authorized.

Also under the proposed regulations, 24 VAC 30-151-310, regarding utility installations within limited access highways, "resource sharing agreements" are referenced, 41 VRR 1876.

At least where broadband services are included in the provision of utility services, the VCTA believes that changes in federal and state policy require new approaches by VDOT, to exclude broadband providers from relocation costs and shared resource agreement burdens.

1. Ensuring Access to Broadband is a National Priority.

The nation's policy is to "ensure that all people of the United States have access to broadband capability." 47 U.S.C. § 1305(k)(2). The Federal Communications Commission ("FCC") has updated the nation's historic commitment to universal service by including government subsidies to deploy broadband in rural areas and made closing the digital divide its "top priority."[1] In 2021, Congress enacted the Broadband Equity, Access, and Deployment ("BEAD") program, allocating $42.5 billion in taxpayer funds among the states for broadband deployment. *See* 47 U.S.C. § 1701 *et seq.* In creating the BEAD program, Congress identified that (1) broadband access is "essential to full participation in modern life;" (2) the "persistent digital divide" creates a "barrier to the economic competitiveness of the Unite States;" (3) broadband access is necessary for the "equitable distribution of essential public services, including health care and education;" and (4) the "digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all." 47 U.S.C. § 1701. These findings emphasize a commonsense conclusion, that the deployment of broadband infrastructure and facilities serves an important public purpose.

2. Ensuring Access to Broadband is a Priority of the Commonwealth of Virginia.

Virginia has a goal to achieve universal broadband throughout the Commonwealth.[2] To achieve this goal, the General Assembly has deemed the installation of broadband infrastructure in the public interest. Va. Code § 55.1-306.1. The current lack of universal broadband is an issue of "essential infrastructure" as opposed to a technological problem.[3] In recognition of this

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[1] *Connect America Fund et al.,* Report and Order, 26 FCC Rcd 17663 (2011); Rural Digital Opportunity Fund, 35 FCC Rcd 686, 687, ¶ 1 (2020)

[2] *Commonwealth Connect, Broadband Equity, Access, and Deployment Program, Five-Year Plan,* Department of Housing and Community Development

[3] Virginia Department of Housing and Community Development, Virginia Telecommunication Initiative 2024 Program Guidelines and Criteria, *available at* https://www.dhcd.virginia.gov/sites/default/files/Docx/vati/2024/final-2024-vati-guidelines-and-criteria.pdf

problem, the General Assembly has endorsed the promotion of "rapid deployment of broadband" as the express policy of the Commonwealth. Va. Code § 56-16.3. In other words, in response to the explicit directives from the federal government, and its own appreciation of the importance of broadband deployment, Virginia has responded, enacting laws to promote broadband infrastructure development and creating agency-directed programs to administer grants and other funding.

Despite being one of the leaders in closing the digital divide, estimates indicate that anywhere from 200,000 to 400,000 Virginia households still lack access to reliable, affordable high-speed broadband. The percentage of unserved or underserved households in some rural counties is in the range of 85% to 95%.[4] The Virginia Department of Housing and Community Development ("DHCD") is tasked with administering the BEAD program in the Commonwealth and for administering the Commonwealth's own program, the Virginia Telecommunications Initiative ("VATI"). Through the federal allocation process, Virginia has been allocated $1.48 billion in funds to build broadband facilities. Through VATI, the Commonwealth has already allocated tens of millions of dollars to encourage broadband deployment to unserved rural areas and the General Assembly has allocated $50 million to VATI in the budget period ending June 30, 2026.

Recipients of BEAD funding do not receive grants with no-strings attached. Rather, each recipient must agree to certain deployment obligations, which, among other things, require the specific project to reach a targeted in-service date. If the original grantee of an award does not meet, or it is otherwise shown that it cannot meet, its deployment obligation, the grantee may have its award of funds rescinded. *See* 47 U.S.C 1702(g)(3). The deployment obligations contained in

[4] Unserved and Underserved Broadband Serviceable Locations in Virginia, Virginia State Broadband Office Information, *available at* https://virginia.broadband.money

the grant awards are what ensures the deployment of broadband is "rapid". This means once DHCD grants an award, time is of the essence, and the grantee must meet its deployment obligations or lose the funding. VATI grants are similarly structured, withholding funds if deployment deadlines are not met.

3. Broadband Use of Other Utility Easements.

To help ensure the rapid and universal deployment of broadband, in 2020 the General Assembly enacted Va. Code § 55.1-306.1 to give broadband providers the right to use electric and communications easements throughout the Commonwealth.

This statute should put broadband providers' (without a recorded easement) "prior rights" on the same footing as electric and communications companies which may have obtained recorded easements along public roads in the Commonwealth decades ago.

4. Problems with Current VDOT Relocation Costs Policy.

VDOT has historically distinguished between utilities with recorded easements (which VDOT has treated as utilities with "prior rights") and utilities "without prior rights." *See* proposed 24 VAC 30-151-390 at 41 VRR 1878, with the Commonwealth paying non-betterment relocation costs for utilities "with prior rights," but paying no relocation costs for utilities "without prior rights."

The VCTA believes that Va. Code § 55.1-306.1 gives broadband providers "prior rights," such that when a broadband provider's lines must be relocated, the non-betterment costs should be included. To make this clear, a definition of "prior rights" should be added to the Definitions in 24 VAC 30-151-10 as follows:

> "Prior rights," in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting

such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have "prior rights" with respect to existing facilities in an electrical or communications easement.

In addition, because public policy now demands broadband deployment, broadband should receive special treatment for relocation costs necessary in conjunction with a transportation project under 24 VAC 30-151-400, where currently all relocation costs are borne by the permittee.

The VCTA has seen instances where a broadband provider has received state or federal grants to build out a certain area, and has done so, spending often very substantial amounts of money to reach isolated subscribers, only to be told by VDOT a few months later that the line must be relocated at the broadband provider's sole expense.

If a broadband provider has received federal or state grants or financial incentives for installation of broadband service along a specific route, then VDOT, not the broadband provider, should bear the relocation costs.

5. ***Problems with Current VDOT Shared Resources Agreement Policy.***

The current approach to "shared resource agreements," which allows VDOT to require money or goods or services or some combination thereof, at the site of a proposed use of limited access right of way, or elsewhere, must be changed for broadband. Perhaps these agreements could be justified in a rate-regulated environment where an electric or telephone utility could pass along these variable costs to captive ratepayers, but it should not apply to broadband, where the uncertainty which it creates is a barrier to deployment.

The current system of "shared resource agreements" is arbitrary as to the compensation demanded, cannot be predicted to build into a cost estimate for a federal or state grant, and has no

arbitration or appeal mechanism. If a broadband provider would like to bid on a specific final project (BEAD or otherwise), or seek a Virginia Telecommunications Initiative (VATI) state grant, it has no way of knowing in advance what VDOT may demand (if anything) as payment for a "shared resource agreement," and whether a payment in kind might relate to that proposed project or would relate to a different broadband asset elsewhere in the state.

That type of uncertainty and inability to recover the unknown cost of a "shared resource agreement" discourages broadband deployment, and is inconsistent with both federal and state policies for broadband deployment. Any broadband provider should therefore be exempted from being subject to a "shared resource agreement."

6. ***Technical Issues with Proposed Changes.***

The VCTA believes that a number of technical changes are necessary to the proposed regulations to make them more balanced and encouraging for broadband development.

24 VAC 30-151-10 Definitions

"Prior Rights": in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have "prior rights" with respect to existing facilities in an electrical or communications easement.

"Shared Resource Agreement": Add new sentence at end: "Broadband providers shall be exempt from shared resource agreement requirements."

"Utility": After "cable television" in the current definition, insert "broadband."

VCTA Comment: These changes reflect the comments noted earlier.

24 VAC 30-151-40 General Rules, Regulations, and Requirements

B. Strike the fourth sentence, and insert instead:

"VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."

VCTA Comment: The VCTA is concerned that as written in the proposed regulations, the deletion of a 2-mile limit on a permit could be used to increase, rather than decrease, the number of single permits for a project. The proposed language addresses this problem.

C. In the second sentence addressing permit requirements, strike the word "exactly" and insert "approximately."

VCTA Comment: It is unrealistic to require a permittee to construct a facility "exactly" as shown on the approved permit application, including distances, depths, and location of existing infrastructure, since in many cases permit applicants are based on VDOT information regarding the right of way, and specific distances and depths of existing facilities (especially if underground) are only approximately known until construction actually occurs.

F & G. In both proposed paragraphs F and G, at the end of the first sentence insert "by permittee and for which permittee is responsible."

VCTA Comment: The broadened liability suggested by VDOT goes too far in demanding that any liability for any activity in a permit work zone alongside a public road is the permittee's responsibility. The language in the proposed regulation is so broad that any liability for injury caused by trespassers or acts of God would be assigned to the permittee. The VCTA changes properly place liability upon the permittee when it is responsible for the injury.

I. In the proposed third sentence containing indemnification language, strike the language beginning at the semi-colon and insert "for which permittee is responsible, and from any of the permittees contractors, subcontractors, agents, or employees, for which permittee is responsible."

Strike the proposed last sentence in I.

VCTA Comments: Again, the language in the proposed regulation is far too broad, imposing liability for third parties over whom the permittee may have no control. The proposed last sentence suggesting that VDOT could seize private property access "to rectify concerns in the right of way" should not be a substitute for a condemnation proceeding or used as a method of improperly taking private property, and should be deleted.

V. Strike the two proposed new sentences at the end of Paragraph V.

VCTA Comments: The proposed language would place full responsibility upon the permittee for any errors by VDOT in permit inspection. This is fundamentally unfair, since inspection of a construction project which may extend for miles necessarily involves judgment calls by an inspector. If a permittee has honestly applied for a permit, and completed work to the satisfaction of the VDOT inspector, VDOT should not be able to revisit this permit approval (perhaps years later, when erosion or subsidence may have changed the physical landscape which existed when the permit was issued).

<u>24 VAC 30-151-340 Underground Utility Installations Within Nonlimited Access Highways</u>

In subsection 2, at the end of the first sentence, insert "and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."

VCTA Comments: The standard for cable service connections has always been 18 inches of cover (see 24 VAC 30-157-30 B(1), Utility Cable Connections). That standard should be repeated here to avoid any confusion.

III. Conclusion

The VCTA urges VDOT to amend its proposed land use permit regulations to include the changes recommended by the VCTA in these Comments.

The VCTA appreciates the opportunity to submit these Comments, and hopes that the Commonwealth Transportation Board will accept them as constructive recommendation by one of the Commonwealth's largest permit holder utility groups to improve the process for both the Commonwealth and utilities generally.

Respectfully submitted,

VIRGINIA CABLE TELECOMMUNICATIONS ASSOCIATION

By: _____

Peter E. Broadbent, Jr.
Counsel
June 5, 2025

Peter E. Broadbent, Jr. (VSB No. 15962)
Timothy G. McCormick (VSB No. 95493)
Christian F. Tucker (VSB No. 92571)
CHRISTIAN & BARTON, LLP
901 E. Cary Street, Suite 1800
Richmond, Virginia 23219
(T) (804) 697-4100
(F) (804) 697-4112
pbroadbent@cblaw.com
tmccormick@cblaw.com
ctucker@cblaw.com

Project 7620 - Proposed

Department of Transportation

NOIRA and Periodic Review

24VAC30-151-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context indicates otherwise:

"Backfill" means replacement of suitable material compacted as specified around and over a pipe, conduit, casing, or gallery.

"Boring" means a method of installation that is done underground and by which a carrier or casing is jacked through an oversize bore. The bore is carved progressively ahead of the leading edge of the advancing pipe as soil is forced back through the pipe. Directional drilling, coring, jacking~~, etc.~~, and other similar trenchless digging methods are also considered boring.

"Carrier" means a pipe directly enclosing a transmitted liquid or gas.

"Casing" means a larger pipe enclosing a carrier.

"Central ~~Office Permit Manager~~ office permit manager" means the VDOT employee assigned to provide management, oversight, and technical support for the ~~state-wide~~ VDOT land use permit program.

"Chief Engineer" means the VDOT employee in overall supervision of engineering functions for VDOT or that employee's designee.

"Clear zone" means the total border area of a roadway, including~~, if~~ any~~,~~ parking lanes or planting strips, that is sufficiently wide for an errant vehicle to avoid a serious accident. ~~Details on the clear zone are in VDOT's Road Design Manual (see 24VAC30-151-760).~~

~~"Code of Federal Regulations" or "CFR" means the regulations promulgated by the administrative and regulatory agencies of the federal government.~~

"Commercial entrance" means any entrance ~~serving land uses other than two or fewer individual private residences, agricultural operations to obtain access to fields, or civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins. (See "private entrance.")~~ other than a private entrance.

"Commissioner of Highways" means the individual serving as the chief executive officer of the Virginia Department of Transportation or a designee.

~~"Commonwealth" means the Commonwealth of Virginia.~~

"Conduit" means an enclosed tubular runway for carrying wires, cable, or fiber optics.

"Cover" means the depth of the top of a pipe, conduit, or casing below the grade of the roadway, ditch, or natural ground.

"Crossing" means any utility facility that is installed across the roadway, either perpendicular to the longitudinal axis of the roadways or at a skew of no less than 60 degrees to the roadway centerline.

"District administrator" means the VDOT employee assigned the overall supervision of the departmental operations ~~in~~ for one of ~~the Commonwealth's nine~~ VDOT's construction and maintenance districts.

"District administrator's designee" means the VDOT employee assigned by the district administrator to supervise land use permit activities ~~by the district administrator~~.

"District roadside manager" means the VDOT employee assigned to provide management, oversight, and technical support for ~~district-wide~~ districtwide vegetation program activities.

"Drain" means an appurtenance to discharge liquid contaminants from casings.

"Encasement" means a structural element surrounding a pipe.

"Erosion and sediment control" means the control of soil erosion or the transport of sediments caused by the natural forces of wind or water.

"Grounded" means connected to earth or to some extended conducting body that serves instead of the earth, whether the connection is intentional or accidental.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way.

"Limited access highway" means a highway especially designed for through traffic, over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon such limited access highway.

"Longitudinal installations" means any utility facility that is installed parallel to the centerline of the roadway or at a skew of less than 60 degrees to the roadway centerline.

~~"Manhole" means an opening in an underground system that workers or others may enter for the purpose of making installations, inspections, repairs, connections and tests.~~

"Median" means the portion of a divided highway that separates opposing traffic flows.

"~~Nonbetterment~~ Non-betterment cost" means the cost to relocate an existing facility as is with no improvements.

"Permit" means a document that, in conjunction with the laws of the Commonwealth, sets the requirements, terms, and conditions under which VDOT allows ~~its~~ a right-of-way to be used or changed by a permittee.

"Permit agreement" means an agreement supplementary to a permit that sets out additional conditions for the enjoyment of the permit that have been agreed to by the permittee and VDOT.

"Permittee" means the person ~~or persons~~, firm, corporation, entity, or government entity that has been issued a ~~land use~~ permit.

"Pipe" means a tubular product or hollow cylinder made for conveying materials.

"Pole line" means poles or a series or line of supporting structures, such as towers, cross arms, ~~guys~~ guy wires, racks (conductors), ground wires, insulators, and other materials assembled and in place for the purpose of transmitting or distributing electric power or communication, signaling, and control. It includes appurtenances such as transformers, fuses, switches, grounds, regulators, instrument transformers, meters, equipment platforms, and other devices supported by poles.

~~"Power line" means a line for electric power or communication services.~~

"Pressure" means relative internal pressure in pounds per square inch gauge (psig).

"Private entrance" means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants of those residences or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil ~~and~~ or communication infrastructure facilities that generate 10 or fewer trips per day, such as cell towers, pump stations, and stormwater management basins.

"Professional engineer" means a person who is qualified to practice engineering by reason of ~~his~~ special knowledge and use of mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board for Architects, Professional Engineers, Land

Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Relocate" means to move or reestablish existing facilities.

"Right-of-way" means that property within the system of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition includes those ~~public~~ rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel. The property within a right-of-way includes the travel way and associated boundary lines and the area in between, the subsurface below and air above the property, parking and recreation areas, rest and service areas, and other permanent easements for a specific purpose appurtenant to the right-of-way.

"Roadside" means the area adjoining the outer edge of the roadway. The median of a divided highway may also be considered a "roadside."

"Roadway" means the portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

"Service connections" means any utility facility installed overhead or underground between a distribution main, pipelines, conduits, lines, wires, or other sources of supply and the premises of the individual customer.

"Shared resource agreement" means an agreement or permit allowing one or more utilities to occupy the limited access right-of-way consistent with the requirements of 24VAC30-151-30 and 24VAC30-151-740.

"Site plan" means the engineered or surveyed drawings depicting proposed development of land.

"Storm sewer" means the system containing and conveying roadway drainage.

"Stormwater management" means the engineering practices and principles used to intercept stormwater runoff, remove pollutants, and slowly release the runoff into natural channels to prevent downstream flooding.

"Structure" means that portion of the transportation facility that spans space, supports the roadway, or retains soil. This definition includes~~, but is not limited to,~~ bridges, tunnels, drainage structures, retaining walls, sound walls, signs, and traffic signals~~, etc~~.

"System of state highways" means all highways, streets, and roads under the ownership, control, or

jurisdiction of VDOT, including ~~but not limited to,~~ the primary, secondary, and interstate systems.

"Telecommunication service" means the offering of telecommunications for a fee directly to the public or to privately owned, ~~investor-~~ investor-owned, or cooperatively owned entities.

"Transportation project" means a ~~public~~ project in development or under construction to provide a new public transportation facility or to improve or maintain the existing system of state highways.

"Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

"Trenched" means installed in a narrow, open excavation.

"Underground utility facilities" means any item of public or private property placed below ground or submerged for use by the utility.

"Utility" means a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, [broadband,] electricity, gas, oil, petroleum products, water, steam, ~~storm water~~ stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system.

"VDOT" means the Virginia Department of Transportation ~~or the Commissioner of Highways~~.

"Vent" means an appurtenance to discharge gaseous contaminants from a casing or carrier pipe.

"Wetlands" means those areas that are inundated or saturated by surface or ~~ground water~~ groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wireless support structure agreement" means a permit agreement, a shared resource agreement, or a permit complying with the requirements of Chapter 15.1 (§ 56-484.26 et seq.) of Title 56 of the Code of Virginia concerning the construction of wireless support structures, communication pedestals, nodes, and amplifiers.

24VAC30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (~~see 24VAC30-151-760~~ 24VAC30-21) are adopted pursuant to the authority of § §§ 2.2-1151.1, 33.2-118, 33.2-210, 33.2-240, 33.2-241, 33.2-245, 33.2-266, 33.2-338, 33.2-357, 56-458, 56-460, 56-484.28, 56-484.30, 56-484.31, and

56-484.32 of the Code of Virginia, and in accordance with the Virginia Administrative Process Act (Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). These rules and regulations provide that no work or nontransportation uses of any nature shall be allowed or performed on the system of state highways or any right-of-way or real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes~~, but is not limited to, the~~ right-of-way ~~of any highway in~~ and the system of state highways ~~system~~. Written permission is granted either by permit pursuant to this chapter or a state-authorized contract let by VDOT or the Commonwealth Transportation Board. ~~By issuing a permit, VDOT is giving permission only for~~ A permit grants the permittee only those rights set forth in the permit and only to the extent of whatever rights ~~it~~ VDOT has in the right-of-way~~; the~~. The permittee is responsible for obtaining permission from others who may also have an interest in the property or right-of-way and for satisfying all other applicable legal requirements, whether federal, state, or local. Employees of VDOT are authorized to issue permits only as described in this chapter. This chapter prescribes the specific requirements of such permits.

24VAC30-151-30. ~~Permits~~ Types of permits and permit agreements.

~~A. The following shall apply to all authorized use or occupancy of the right-of-way:~~

~~1. A permit is required for any type of utility activity occurring within the right-of-way.~~

~~2. A permit is required to install any entrance onto a state highway.~~

~~3. A permit is required to perform surveying operations within the right-of-way.~~

~~4. A permit is required for any agricultural and commercial use and occupancy of the right-of-way.~~

~~5. A permit is required for any miscellaneous activity or use of the right-of-way except for mailboxes and newspaper boxes (see 24VAC30-151-560) and public service signs (see 24VAC30-151-570).~~

~~B.~~ A. Single use permits. A single use permit allows the permittee to perform ~~any approved~~ specific activities within limited access or nonlimited access right-of-way or VDOT property at a specific location that are not otherwise covered by a districtwide permit held by the permittee ~~within limited access and nonlimited access rights-of-way at a specific location~~.

The district administrator's designee shall be responsible for the issuance of all single use permits, except that ~~those~~ requests for a permit for tree trimming and tree removal may be issued by the district roadside manager in consultation with the district administrator's designee. The size of the specific location covered by a single use permit shall be at the discretion of the district administrator's designee ~~and may~~

~~cover work up to two miles along the right-of-way (see 24VAC30-151-40)~~. The ~~land use~~ permit issued for the original installation of facilities also allows the permittee to repair or perform routine maintenance operations to ~~existing~~ those facilities after installation. A single use permit shall be ~~required when~~ obtained prior to the undertaking of the following actions ~~are proposed~~, even if the activities being conducted ~~are normally~~ may be allowed under a districtwide permit:

1. Stopping or impeding highway travel in excess of 15 minutes or implementing traffic control that varies from the standard, or any combination of these, as outlined in the ~~Virginia Work Area Protection Manual~~ Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways (~~see 24VAC30-151-760~~ 24VAC30-315).

2. Performing work within limited access right-of-way.

3. Trimming or cutting any trees located within the right-of-way.

4. Applying any pesticide or landscaping within the right-of-way.

5. Construction of a permanent entrance to a ~~state~~ highway.

6. Cutting or disturbing highway pavement, shoulders, or ditches.

7. Installing electrical lines that exceed 34.5 kV.

8. Installing telecommunication services that exceed 100-pair copper cable or the fiber-optic cable diameter equivalent.

9. Making permanent upgrades to an existing entrance. Temporary improvements to an existing entrance that will be removed upon the completion of the permitted activity will not require a separate single use permit.

10. Grading within the right-of-way beyond the immediate area of a temporary entrance.

~~C.~~ B. Districtwide permits. A districtwide permit allows the permittee to perform multiple occurrences of certain activities on nonlimited access right-of-way without obtaining a single use permit for each occurrence. The central office permit manager shall be responsible for the issuance of all districtwide permits. VDOT may authorize districtwide permits covering multiple districts (see 24VAC30-151-710).

~~The following is a list of acceptable activities under the jurisdiction of districtwide permits:~~

~~1. Utilities.~~

a. Districtwide permits may be issued granting cities, towns, counties, public agencies, or utility companies the authority to install and maintain service connections to their existing main line facilities. Work under a districtwide permit will allow the permittee to install a service connection across a nonlimited access primary or secondary highway above or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway, and provided no part of the roadway pavement, shoulders and ditch lines will be disturbed. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

A districtwide permit allows for the overlashing of telecommunication lines onto existing lines or strand.

b. A separate single use permit will be required when the following activities associated with the installation and maintenance of utility service connections are proposed:

(1) Cutting highway pavement or shoulders, or both, to locate underground utilities.

(2) Working within the highway travel lane on a nonemergency basis.

(3) Constructing a permanent entrance.

(4) Installing electrical lines that exceed 34.5 KV.

(5) Installing telecommunication services that exceed 100 pair copper cable or the fiber optic cable diameter equivalent.

(6) Installing new pole, anchors, parallel lines, or casing pipe extensions to existing utilities where such installation necessitates disturbance to the pavement, shoulder, or ditch line.

(7) Installing underground telephone, power, cable television, water, sewer, gas, or other service connections or laterals where the roadway or ditch lines are to be disturbed.

c. The installation of parallel utility service connections, not to exceed 500 feet in length, shall be

placed along the outer edge of the right-of-way with a minimum of 36 inches of cover. Telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover; however the permittee assumes full responsibility for any and all damages caused by VDOT or VDOT contractors resulting from a service connection buried with less than 30 inches of cover within the right-of-way.

d. A districtwide permit allowing the installation and maintenance of utility service connections may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.

(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.

e. The permittee must obtain single use permits from the district administrator's designee to continue the installation and maintenance of utility service connections during this revocation period.

2. Temporary logging entrances.

a. Districtwide permits may be issued for the installation, maintenance, and removal of temporary entrances onto nonlimited access primary and secondary highways for the purpose of harvesting timber.

b. A separate single use permit is required when the following activities associated with timber harvesting operations are proposed:

(1) Installing a permanent entrance.

(2) Making permanent upgrades to an existing entrance. Improvements to existing entrances that are not permanent upgrades will not require a separate single use permit.

~~(3) Cutting pavement.~~

~~(4) Grading within the right-of-way beyond the immediate area of the temporary entrance.~~

~~c. A logging entrance permit may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:~~

~~(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate district traffic engineer should be consulted to select or tailor the proper traffic control measures. Each flag person must be certified by VDOT and carry a certification card and have it available for inspection upon request by authorized VDOT personnel.~~

~~(2) The permittee shall contact the appropriate district administrator's designee prior to installing a new logging entrance or initiating the use of an existing entrance for logging access.~~

~~(3) The permittee shall contact the appropriate district administrator's designee for final inspection upon completion of logging activities and closure of the temporary entrance.~~

~~(4) The permittee shall restore all disturbed right-of-way at the temporary entrance, including but not limited to ditches, shoulders, and pavement, to pre-activity condition subject to acceptance by the appropriate district administrator's designee.~~

~~(5) The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway pursuant to a request from the appropriate district administrator's designee. Noncompliance may also result in the issuance of a separate citation from the Virginia State Police or a local law-enforcement authority.~~

~~(6) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.~~

~~d. The permittee must obtain single use permits from the appropriate district administrator's designee to continue accessing state maintained highways for the purpose of harvesting timber during this revocation period.~~

~~3. Surveying.~~

~~a. Districtwide permits may be issued for surveying operations on nonlimited access primary and~~

~~secondary highways subject to the following:~~

~~(1) No trees are to be trimmed or cut within the right-of-way.~~

~~(2) No pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities are to be placed within the right-of-way.~~

~~(3) No vehicles shall be parked so as to create a traffic hazard. Parking on through lanes is strictly prohibited.~~

~~b. A separate single use permit is required when the following surveying activities are proposed:~~

~~(1) Entering onto limited access right-of-way. Consideration for the issuance of such permits will be granted only when the necessary data cannot be obtained from highway plans, monuments, triangulation, or any combination of these, and the applicant provides justification for entry onto the limited access right-of-way.~~

~~(2) Stopping or impeding highway travel in excess of 15 minutes or varying the implementation of standard traffic control, or any combination of these, as outlined in the Virginia Work Area Protection Manual (see 24VAC30-151-760).~~

~~(3) Trimming or cutting any trees located within the right-of-way.~~

~~(4) Cutting highway pavement or shoulders to locate underground utilities.~~

~~c. A districtwide permit for surveying activities may be revoked for a minimum of 30 calendar days upon written finding that the permittee violated the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:~~

~~(1) The permittee shall implement all necessary traffic control in accordance with the Virginia Work Area Protection Manual (see 24VAC30-151-760). When warranted, the appropriate Regional Traffic Engineer should be consulted to select or tailor the proper traffic control devices. Each flag person must be certified by VDOT and carry a certification card when flagging traffic and have it readily available for inspection when requested by authorized personnel.~~

~~(2) The permittee shall not perform any activity under the jurisdiction of a districtwide permit that requires the issuance of a single use permit.~~

~~d. The permittee must obtain single use permits from the district administrator's designee to continue surveying activities during this revocation period.~~

1. Utility service connections. Districtwide permits may be issued granting cities, towns, counties, public agencies, or utility providers the authority to install and maintain service connections to existing main line facilities. Work under a districtwide permit will allow the permittee to install a service connection across a nonlimited access primary or secondary highway above ground or below ground, provided the installation can be made from the side of the roadway without impeding travel for more than 15 minutes to pull or drop a service line across a highway and provided that no part of the roadway pavement, shoulders, or ditch lines will be disturbed. The installation of longitudinal utility service connections, not to exceed 500 feet in length, may be accomplished under a districtwide permit upon satisfaction of the following conditions: (i) the service connection shall be placed along the outer edge of the right-of-way, (ii) the service connection shall have a minimum of 36 inches of cover, and (iii) an as-built plan of such longitudinal installation shall be provided to the district administrator's designee. Notwithstanding the provisions of this subdivision, [broadband,] telecommunications and cable television service connections may be placed with a minimum of 18 inches of cover, provided the permittee accepts and assumes full responsibility and liability for all damages caused by VDOT, VDOT contractors, or third parties disturbing a service connection buried with less than 30 inches of cover within the right-of-way. A districtwide permit allows for the overlashing of telecommunication lines onto existing lines or strands, unless such overlashing activities trigger the requirements for utilizing a single use permit.

2. Temporary logging entrances. Districtwide permits may be issued for the installation, maintenance, and removal of temporary entrances onto nonlimited access primary and secondary highways for the purpose of harvesting timber. The permittee shall contact the appropriate district administrator's designee (i) prior to installing a new logging entrance or initiating the use of an existing entrance for logging access and (ii) for final inspection upon completion of logging activities and closure of the temporary entrance. The permittee shall remove excessive mud and any debris that constitutes a hazardous condition from the highway at the permittee's sole cost upon a request from the district administrator's designee.

3. Surveying. Districtwide permits may be issued for surveying operations on nonlimited access primary and secondary highways if such activity does not involve (i) tree trimming or cutting within

the right-of-way; (ii) the installation of pins, stakes, or other survey markers that may interfere with mowing operations or other maintenance activities within the right-of-way; or (iii) the parking of vehicles so as to create a traffic hazard. Parking on the traveled way is strictly prohibited.

~~D.~~ C. In-place permits. In-place permits allow utilities to remain within the right-of-way of newly constructed secondary streets. These utilities shall be installed according to ~~VDOT approved~~ VDOT-approved street plans and shall be in place prior to VDOT street acceptance.

~~E.~~ D. Prior-rights permits. Prior-rights permits allow ~~existing~~ utilities with existing facilities within the right-of-way to remain in place ~~that~~ as long as those facilities are not in conflict with a transportation ~~improvements authorized under the auspices of a land use permit~~ project or other use of the right-of-way by the public or the Commonwealth.

~~F.~~ E. As-built permits. ~~Agreements for the relocation of utilities found to be in~~ Utility facilities required to be relocated within a right-of-way due to a conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth may ~~stipulate that~~ be issued an as-built permit ~~will be issued~~ upon completion of the project and the mutual agreement between VDOT and the utility for such relocation.

~~G.~~ F. Agreements. In addition to obtaining a single use permit, a utility may be required to enter an agreement with VDOT allowing the utility to use the limited access right-of-way in exchange for monetary compensation, the mutually agreeable exchange of goods or services, or both.

1. ~~Permit agreement. A permit~~ An agreement is required for:

a. Any new longitudinal occupancy of the limited access right-of-way or median where none have existed before, as allowed for in 24VAC30-151-300 and 24VAC30-151-310.

b. Any ~~new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-350~~ occupancy of a VDOT-owned wireless support structure.

~~c. Any perpendicular crossing of limited access right-of-way, as allowed for in 24VAC30-151-310~~

.

All ~~permit~~ agreements shall specify the terms and conditions required in conjunction with work performed within the right-of-way. ~~If appropriate, all agreements~~ Agreements shall provide for the payment of monetary compensation ~~as may be~~ in the amount deemed ~~proper~~ appropriate by the Commissioner of Highways ~~for the privilege of utilizing the right-of-way~~.

2. ~~Shared resource agreement. A~~ Consistent with the requirements of 24VAC30-151-740, a shared resource agreement allows ~~the utility~~ one or more utilities to occupy the limited access right-of-way in exchange for ~~the~~ each such utility providing ~~the needed VDOT facility or~~ a combination of goods, facilities, services, or monetary compensation to VDOT. ~~VDOT~~ The Commissioner of Highways and ~~the~~ each such utility will agree upon the appropriate goods, facilities, or services to be provided ~~and will establish~~, the length of the term ~~that will be compensated through the infrastructure needs~~, and compensation through the provision of a particular service, facility, or monetary compensation, or ~~both~~ a combination thereof. Any shared resource agreement shall also provide for compensation as may be deemed ~~proper~~ appropriate by the Commissioner of Highways in any renewal term. The shared resource agreement shall specify the initial and renewal terms of the lease.

G. Notwithstanding the provisions of this section, no permit shall be required for placement of mailboxes and newspaper boxes in accordance with 24VAC-30-151-560 and placement of certain signs in accordance with 24VAC-30-151-570.

24VAC30-151-40. General rules, regulations, and requirements.

A. A ~~land use~~ permit is valid only on ~~highways and rights-of-way~~ right-of-way under VDOT's jurisdiction and on VDOT-owned property. ~~This permit neither implies nor grants otherwise.~~ County and city permits must be secured for work on roads and streets under ~~their~~ the county or city jurisdictions. A ~~land use~~ permit covers the actual performance of work within ~~highway rights-of-way~~ right-of-way and the subsequent maintenance, adjustments, or removal of the work as approved by the central office permit manager or the district administrator's designee. ~~Permits for communications facility towers may only be issued by the Commissioner of Highways.~~ The ~~Commissioner of Highways~~ Chief Engineer shall approve all activities within limited access right-of-way prior to permit issuance. ~~All permits shall be issued to~~ A permit must be obtained by the owner of the facility to be used or located within ~~highway rights-of-way~~ right-of-way or VDOT-owned property or the adjacent property owner in the case of entrance permits. ~~Permits~~ A permit may be issued jointly to the owner and ~~his~~ contractor ~~as~~ if the contractor is the owner's authorized agent. The ~~applicant~~ permittee and the permit's contractors and agents shall comply with all applicable federal, state, ~~county and municipal~~ and local laws and requirements. The terms of every permit include and incorporate by reference this chapter as well as all federal, state, and local requirements applicable to a permittee's activities under the permit.

B. Application shall be made for a ~~district-wide~~ districtwide permit through the central office permit

manager and for single use permits ~~from~~ through the district administrator's designee responsible for the county where the work is to be performed. The applicant shall submit site plans or sketches for proposed installations within the right-of-way to VDOT for review, with studies necessary for approval. VDOT may require electronic submission of these documents. [~~Where~~ Applicants are encouraged to submit] work [~~is~~] of a continuous nature along one route, or [~~on several~~ connected] routes within one jurisdiction, [~~it may be consolidated~~] into one permit application [regardless of length] . ~~For single use permits, such consolidation shall not be for a length greater than two miles.~~ The applicant shall also submit any required certifications for staff performing or supervising the work, and certification that applicable stormwater management requirements are being met. The plans shall include the ultimate development and also any applicable engineering design requirements. VDOT retains the authority to deny an application for or revoke a land use permit to ensure the safety, use, or maintenance of the highway right-of-way, or in cases where a law has been violated relative to the permitted activity.

C. The ~~proposed installation granted by this permit~~ permittee shall ~~be constructed exactly as shown on the permit or accompanying sketch. Distances from edge of pavement, existing and proposed right-of-way line, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other features shall be shown. Any existing utilities within close proximity of the permittee's work shall be shown. Location of poles, guys, pedestals, relief valves, vent pipes, etc. shall be shown. Height of wires or cables above the crown of the roadway shall be shown.~~ comply with the terms of the permit. The permittee shall construct and use each facility proposed to be used or installed pursuant to a permit exactly as shown on the approved permit application, including:

1. Showing distances from edge of pavement, existing and proposed right-of-way lines, depths below existing and proposed grades, depths below ditch line or underground drainage structures, or other features.

2. Showing any existing utilities within close proximity of the applicant's proposed work or use.

3. Showing the location of poles, guy wires, pedestals, relief valves, vent pipes, and other equipment or structures.

4. Showing the height of wires or cables above the crown of the roadway.

D. In the event of an emergency situation that requires immediate action to protect persons or property, work may proceed within the right-of-way without authorization from the district administrator's designee;

however, the permittee must contact the VDOT Emergency Operations Center as soon as reasonably possible but no later than 48 hours after the end of the emergency situation.

E. The ~~land use~~ permit is not valid unless signed by the central office permit manager or the district administrator's designee.

F. The permittee shall secure and ~~carry sufficient~~ maintain commercial general liability insurance to protect against liability for personal injury and property damage ~~that may arise from the work performed~~ in connection with all activities undertaken under ~~the authority of~~ a ~~land use~~ permit ~~and from the operation of the permitted activity~~. Comprehensive general liability insurance with limits of at least $1 million per occurrence and $5 million aggregate or in amounts otherwise required by VDOT as stated in the permit shall be maintained at all times. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The central office permit manager or the district administrator's designee may require a valid certificate ~~or letter~~ of insurance or policy documents from the issuing insurance agent or agency prior to issuing ~~the land use~~ a permit.

G. The permittee assumes full responsibility for all damages caused by facilities installed or uses undertaken under a permit. The permittee must make every effort to install facilities in a manner to preclude the possibility of damage.

H. The permittee is responsible for the continued maintenance of facilities placed within a right-of-way.

I. VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to ~~VDOT owned~~ VDOT-owned facilities or other facilities placed within the ~~highway~~ right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter [~~. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-~~

~~of-way caused by violations of the permit or this chapter~~] .

~~H.~~ J. A copy of the ~~land use~~ permit and approved site plans or sketches shall be maintained at every job site and such items made readily available for inspection when requested by VDOT or any authorized personnel. Strict adherence to the permit is required at all times. Any activity other than that described in the permit shall render the permit null and void. Any changes to the permit shall be coordinated and approved by the district administrator's designee prior to construction.

~~I.~~ K. For permit work within the limits of a ~~VDOT construction~~ transportation project, the ~~permittee~~ applicant must obtain the ~~contractor's~~ consent of the project's general contractor in writing before the permit will be issued. The permittee shall coordinate with VDOT and the project's general contractor and schedule all ~~permitted~~ work within the limits of a ~~VDOT construction~~ transportation project to avoid conflicts with ~~contracted~~ work of the transportation project.

~~J.~~ L. All activity associated with the permit shall be in accordance with all federal, state, and local requirements and all applicable VDOT requirements, standards, and specifications and as otherwise required by the terms of the permit.

M. Disturbances within the right-of-way shall be kept to a minimum during permitted activities. Permit applications for proposed disturbances within the right-of-way that include disturbance on property directly adjacent to the right-of-way, in which the combined area of disturbance constitutes a land-disturbing activity as defined in ~~§ 10.1-560~~ § 62.1-44.15:24 of the Code of Virginia and the Virginia Erosion and Stormwater Management Program ~~(VSMP) Permit Regulations~~ (~~see 24VAC30-151-760~~ Part II (9VAC25-875-40 et seq.) of 9VAC25-875), must be accompanied by documented approval of erosion and sediment control plans and stormwater management plans for the activity, ~~if~~ as applicable, from the corresponding jurisdictional local or state government plan approving authority.

~~K.~~ N. Restoration shall be made in accordance with VDOT ~~Road and Bridge Specifications; VDOT Road and Bridge Standards; Virginia Erosion and Sediment Control Handbook, 3rdEdition, a technical guide to the Erosion and Sediment Control Regulations;~~ standards and specifications as set forth in the terms of the permit and ~~the Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, a technical guide to the Virginia Stormwater Management Program (VSMP) Permit Regulations (see 24VAC30-151-760)~~ Part II of 9VAC25-875.

Additionally, the permittee shall:

1. Ensure compliance with the Virginia Erosion and Sediment Control ~~Regulations and the Virginia Stormwater Management Program (VSMP) Permit Regulations~~ Program (~~see 24VAC30-151-760~~ Part III (9VAC25-875-210 et seq.) of 9VAC25-875).

2. Ensure copies of approved erosion and sediment control plans, stormwater management plans, if applicable, and all related non-VDOT issued permits are available for review and posted at every job site at all times.

3. Take all necessary precautions to ensure against siltation of adjacent properties, streams, ~~etc.~~ or other bodies of water in accordance with VDOT's policies and standards as specified in the terms of the permit and ~~the Virginia Erosion and Sediment Control Handbook, 3rd edition, and the Virginia Stormwater Management Manual (see 24VAC30-151-760)~~ any applicable laws or regulations enforced by the State Water Control Board.

4. Keep dusty conditions to a minimum by using VDOT-approved methods.

5. Cut pavement only as approved by the district administrator's designee. Pavement cuts, restoration, and compaction efforts, to include all materials, shall be accomplished in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit.

6. Ensure that an individual certified by VDOT in erosion and sediment control is present whenever any land-disturbing activity ~~governed by~~ under the permit is performed. All land disturbance activities performed under a ~~VDOT land use~~ permit shall be in accordance with all local, state, and federal ~~regulations~~ requirements. The installation of underground facilities by a boring method shall only be deemed as a land-disturbing activity at the entrance and exit of the bore hole and not the entire length of the installation.

7. Stabilize all disturbed areas immediately upon the end of each day's work and reseed in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit. Temporary erosion and sediment control measures shall be installed in areas not ready for permanent stabilization.

8. Ensure that no debris, mud, water, or other material is allowed on the highways. Permission, documented in writing or electronic communication, must be obtained from VDOT prior to placing excavated materials on the pavement. When so permitted, the pavement shall be cleaned only by

approved VDOT methods.

~~L.~~ O. Accurate "as built" plans and profiles of work completed under permit shall be furnished to VDOT upon request, unless waived by the district administrator's designee. For utility permits, the owner shall maintain "as built" plans, profiles, and records for the life of the facility that describe the utility usage, size, configuration, material, location, height or depth, and special features, such as encasement.

~~M.~~ P. All work shall be performed in accordance with the Underground Utility Damage Prevention Act (Chapter 10.3 (§ 56-265.14 et seq.) of Title 56 of the Code of Virginia) and the Rules for Enforcement of the Underground Utility Damage Prevention Act (~~see 24VAC30-151-760~~ 20VAC5-309). For work within 1,000 feet of traffic signals or adjacent to other VDOT utilities, the permittee shall contact the ~~district administrator's designee prior to excavation~~ VDOT Customer Service Center. The permittee shall notify VDOT on the business day preceding 48 hours before excavation.

~~N.~~ Q. Permission, documented in writing or electronic communication, must be obtained from the district administrator's designee prior to blocking or detouring traffic. Additionally, the permittee shall:

~~1. Employ safety measures including, but not limited to, certified flaggers, adequate lights and signs.~~

~~2. Conduct all permitted activities in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and related special provisions (see 24VAC30-151-760) and the typical traffic control figures from the Virginia Work Area Protection Manual (see 24VAC30-151-760).~~

~~3.~~ 1. Plan construction and maintenance operations with regard to safety and minimum traffic interference.

~~4.~~ 2. Coordinate notification with all county or municipal officials.

~~5.~~ 3. Ensure that permitted work does not interfere with traffic during periods of peak flow on heavily traveled highways.

~~6.~~ 4. Plan work so that closure of intersecting streets, road approaches, and other access points is held to a minimum and as noted and approved in the permit documents.

~~7.~~ 5. Maintain safe access to all entrances and normal shoulder slope of the roadway across the entire width of the entrance.

~~O. All construction activities shall conform to Occupational Safety & Health Administration (OSHA)~~

~~requirements.~~

~~P.~~ R. The permittee shall be responsible for any settlement in the backfill or pavement ~~for a period of two years~~ after the completion ~~date~~ of work activities under the permit~~, and for the continuing maintenance of the facilities placed within the highway right-of-way. A one-year restoration warranty period may be considered, provided the permittee adheres to the following criteria: 1. The permittee retains the services of a professional engineer (or certified technician under the direction of the professional engineer) to observe the placement of all fill embankments, pavement, and storm sewer and utility trench backfill. 2. The professional engineer (or certified technician under the direction of the professional engineer) performs any required inspection and testing in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760). 3. The professional engineer submits all testing reports for review and approval, and provides written certification that all restoration procedures have been completed in accordance with all applicable sections of VDOT's Road and Bridge Specifications (see 24VAC30-151-760) prior to completion of the work authorized by the permit~~ or for any settlement caused by the installed facility.

~~Q.~~ S. The permittee shall immediately notify the ~~nearest VDOT official who approved the land use permit~~ district administrator's designee of involvement in any personal or vehicular accident at the work site.

~~R.~~ T. Stormwater management facilities or wetland mitigation sites shall not be located within VDOT rights-of-way unless the Commonwealth Transportation Board has agreed to participate in the use of a regional facility authorized by the local government. Stormwater management facilities or wetlands mitigation sites shall be designed and constructed to minimize impact within VDOT right-of-way. VDOT's share of participation in a regional facility will be the use of the right-of-way where the stormwater management facility or wetland mitigation site is located.

~~S.~~ U. The permittee shall notify, by telephone, ~~voice mail~~ voicemail message, or email~~,~~ the VDOT office where the ~~land use~~ permit was obtained prior to commencement of the permitted activity or any nonemergency excavation within the right-of-way.

~~T.~~ V. Upon completion of the work under permit, the permittee shall provide notification, documented in writing or electronic communication, to the district administrator's designee requesting final inspection. This request shall include the permit number~~, county name, route number,~~ and name of the party ~~or parties~~ to whom the permit was issued. The district administrator's designee shall ~~promptly~~ schedule an inspection of the work covered under the permit and advise the permittee of any necessary corrections. The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The

failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation.

24VAC30-151-50. ~~Violations of rules and regulations~~ Objects in the right-of-way.

~~A.~~ Objects placed on, above, or under the right-of-way in violation of the general rules and regulations shall be removed within 10 calendar days of receipt of notice from VDOT. Objects not removed within 10 calendar days shall be moved at the owner's expense. Objects requiring immediate removal for public safety, use, or maintenance of any highway shall be moved immediately at the owner's expense. The provisions of § 33.2-1224 of the Code of Virginia shall govern the removal of advertisements from within the right-of-way. The provisions of § 33.2-1227 of the Code of Virginia shall govern the removal of other signs from within the right-of-way.

~~B. The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § 33.2-210 of the Code of Virginia.~~

~~C. Failure to implement proper traffic control and construction standards mandated by the permit shall be cause for the district administrator's designee to remove the permittee from the right-of-way or revoke the permit, or both.~~

~~D. See 24VAC30-151-30 for violations related to specific district-wide permit types.~~

24VAC30-151-80. Permit time limits and cancellations.

A. The permittee shall provide an estimate of the number of days needed to accomplish the work or use under permit. The district administrator's designee shall determine the actual time limit of all work or uses being accomplished under permit~~, which shall not normally be less than six months in duration~~. Weather conditions and seasonal operations, such as seeding~~,~~ and paving~~, etc.~~, will be considered when determining a realistic time limit for work to be completed.

B. ~~It shall be the responsibility of the permittee to ensure that the permitted activity will be completed within the time limit established with the original permit issuance.~~ If it is anticipated that the work or use covered by ~~the~~ a single use permit cannot be completed during the original permit term, the permittee shall provide a request, documented in writing or electronic communication, for an extension of time to the district administrator's designee prior to the expiration of the permit. The request shall provide reasonable justification for granting the extension. A one-time extension of time may be granted if the request is

received at least 10 ~~calendar~~ business days prior to the ~~original~~ permit expiration date. Should the original time limit or the one-time permit extension expire, the permittee shall provide a written request for reinstatement to the district administrator's designee. The request shall provide reasonable justification for granting the reinstatement. At the time of reinstatement, the district administrator's designee shall notify the permittee that no additional extensions of the permit will be allowed and that the work must be completed within the time limits indicated in the reinstatement notice. Consideration will not be given to an extension request for a permit that has been reinstated after an extension.

C. The permittee shall make every effort to ensure that work begins within 30 calendar days of permit issuance. If the permitted work cannot commence within 30 calendar days of permit issuance, the permittee shall notify the district administrator's designee of the delay. Upon request by the permittee, the permit may be ~~cancelled~~ canceled if no work has started within 30 days of issuance or such additional time as authorized by the district administrator's designee.

24VAC30-151-90. Hours and days work authorized; holiday schedule.

A. Normal hours for work under the authority of a permit~~, single use or districtwide,~~ are from 9 a.m. to 3:30 p.m. Monday through Friday for all highways classified as arterial or collector. All highways classified as local roads will have unrestricted work hours and days.

~~Permitted nonemergency~~ B. Nonemergency work will not be allowed on arterial and collector highway classifications from noon on the preceding weekday through ~~the following~~ all state observed holidays~~: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day~~.

C. If the observed holiday falls on a Monday, the ~~permit~~ nonemergency work will not be ~~valid~~ allowed from noon on the preceding Friday through noon on Tuesday. The district administrator's designee may establish alternate time restrictions in normal working hours and days for ~~single use~~ permits other than districtwide permits. The central office permit manager may establish alternate time restrictions in normal working hours and days for districtwide permits.

24VAC30-151-110. Denial; revocation; refusal to renew; violations.

A. A ~~land use~~ permit may be revoked or suspended upon written finding that the permittee or the permittee's contractors or agents have violated ~~the terms~~ or are in violation of any term of ~~the~~ a permit~~, which shall incorporate by reference these rules, as well as~~ or of any federal, state ~~and~~, or local ~~laws and ordinances regulating activities within the right-of-way. Repeated violations may result in a permanent~~

~~denial of the right to work within~~ requirement applicable to work or use under a permit, or that the work or use affects the safety, use, or maintenance of the right-of-way. Any permit may be revoked and the facility for which it was issued required to be removed or relocated at the direction of the Commissioner of Highways if the facility or use obstructs or otherwise interferes with a transportation project or the safety, improvement, maintenance, or operation of a right-of-way. Unless otherwise specifically provided for by a law shifting the costs to another person or entity, all costs to remove or relocate the facilities or uses or otherwise resulting from the permit revocation shall be incurred and paid by the permittee. A permit may also be revoked for misrepresentation of information on the application, fraud in obtaining a permit, alteration of a permit, unauthorized use of a permit, or violation of a water quality permit. Upon revocation, the permit shall be surrendered without consideration for refund of fees. ~~Upon restoration of~~ A permit ~~privileges a new land use permit~~ that has been suspended shall be ~~obtained prior to performing any~~ noted as such for the suspension period and no work or use shall be allowed under a suspended permit. Any misrepresentations, fraudulent actions, or repeated violations may result in a permanent denial of the right to work within or use the right-of-way.

B. ~~Land use permits~~ In addition to all other available remedies, a districtwide permit may be revoked for a minimum of 30 calendar days if the permittee violates the terms of the permit or any other law or regulation related to the permit or the permittee's activities in the right-of-way. A permittee will be provided written notice of the violation prior to revocation. During the revocation period, the permittee must satisfy all requirements for and obtain single use permits from the district administrator's designee to undertake any activities within the right-of-way.

C. Permits may be denied to any applicant or ~~company, or both,~~ joint applicant for a period not to exceed six months when the applicant or ~~company, or both, has been notified in writing by the~~ joint applicant or its contractors or agents have violated or are in violation of any term of a permit or of any federal, state, or local requirement applicable to work or use under a permit. Permits may also be denied to ensure the safety, use, or maintenance of the right-of-way. The Commissioner of Highways, the central office permit manager, district administrator, or district administrator's designee ~~that~~ shall provide the applicant and joint applicant with a written explanation of the violations ~~have occurred under the jurisdiction of a districtwide or previously issued single use~~ upon which a permit. ~~Any~~ denial is based and the actions required to cure the denial. A violation of a water quality permit held by a person, firm, or corporation ~~violating a water quality permit~~ shall ~~permanently be denied a land use permit~~ be a basis for denial of any

future permit application by that person, firm, or corporation.

~~Furthermore, these violators~~ D. Violations of the terms of a permit or this chapter may also be subject to criminal prosecution as provided for by § 33.2-210 of the Code of Virginia.

24VAC30-151-120. ~~Provisions governing entrances.~~ (Repealed.)

~~VDOT's authority to regulate highway entrances is provided in §§ 33.2-240, 33.2-241, and 33.2-245 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § 33.2-210 of the Code of Virginia.~~

~~Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § 33.2-245 of the Code of Virginia (see 24VAC30-151-760).~~

24VAC30-151-220. ~~Commercial use agreements.~~ (Repealed.)

~~A. Where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the highway, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commissioner of Highways does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.~~

~~When the land adjoining the highway is used for commercial purposes and where the existing road is located on the opposite side of the right-of-way, thereby placing the business from 65 feet (in the case of 110 feet right-of-way) to 100 feet or more (in the case of 160 feet right-of-way) away from the main traveled road, the owner of the business may continue to locate his driveways and pumps, in the case of a filling station, within the state right-of-way, provided that the driveways and pumps are at least as far from the edge of the existing pavement as existing driveways and pumps in evidence on the road are from the nearest edge of the pavement to their similar structures. No additional driveways or pumps may be constructed within the right-of-way. In such cases, agreements for "commercial uses" may be entered into for use of portions of the right-of-way for temporary or limited periods under the following policies and conditions:~~

~~1. Until such time as the Commissioner of Highways deems it necessary to use right-of-way acquired for future construction on a project for road purposes, agreements may be made with adjoining property owners for the temporary use of sections thereof. The use of this land shall be limited to provisions as set forth in the agreement, which shall cover commercial pursuits consistent~~

~~with similar operations common to the highway. These operations and special conditions may include gasoline pumps, but not gasoline tanks.~~

~~2. The area of right-of-way designated for use of the landowner must not be used for the storing of vehicles, except while the vehicles are being serviced at the gasoline pumps. The area must be kept in a clean and orderly condition at all times.~~

~~B. Agreements may be revoked for cause or as outlined in subdivision A 1 of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:~~

~~1. The storage of road materials when other nearby suitable areas are not available;~~

~~2. The planting of trees and shrubs for permanent roadside effects;~~

~~3. The correction or improvement of drainage;~~

~~4. Development of wayside, parking or turnout areas; or~~

~~5. For other purposes as may be deemed necessary by the Commissioner of Highways.~~

~~C. Applications for agreements for commercial uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with description and plat of the area to be covered by it. The text of the application should describe the specific use for the site.~~

~~D. Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be responsible in any way for the policing of areas subject to commercial agreements. No structures are to be erected on areas subject to commercial agreements without written approval of the Commissioner of Highways.~~

24VAC30-151-230. ~~Agriculture use agreements.~~ (Repealed.)

~~A. In cases where wider rights-of-way are acquired by VDOT for the ultimate development of a highway at such time as adequate funds are available for the construction of the same, including such preliminary features as tree planting, the correction of existing drainage conditions, etc., the Commissioner of Highways does not consider it advisable to lease, rent, or otherwise grant permission for the use of any of the land so acquired except in extreme or emergency cases, and then only for a limited period.~~

When this land is being used for agricultural purposes, which would necessitate the owner preparing other areas for the same use, agreements for agricultural uses may be entered into for use of portions of the right-of-way for temporary or limited periods.

B. Agreements for agricultural uses may be made with adjoining property owners, until such time as the Commissioner of Highways deems it necessary to use right-of-way acquired for future construction on a project for road purposes. Agricultural use is not permitted on limited access highways. The use of this land will be limited to provisions as set forth in the agreement, which, in general, will cover agricultural pursuits the same as those carried out on adjoining lands and thereby made an integral part of the agreement. Operations and special conditions covering such operations may include one or more of the following:

1. Grazing of cattle and other livestock is permitted provided the area is securely enclosed by appropriate fence to eliminate any possibility of animals getting outside of the enclosure.

2. Forage crops such as hay, cereals, etc. are permitted provided that their growth will not interfere with the safe and orderly movement of traffic on the highway, and that, after crops are harvested, the land is cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

3. Vegetable crops are permitted provided that its growth will not interfere with the safe and orderly movement of traffic on the highway, and that all plants will be removed promptly after crops are harvested and the land cleared, graded and seeded with cover crop in such a manner as to prevent erosion and present a neat and pleasing appearance.

4. Fruit trees are permitted to maintain existing fruit trees, provided that they are sprayed to control insects and diseases; fertilized and the area is kept generally clear of weeds, etc., but no guarantee of longevity may be expected.

5. Small fruits are permitted, but no guarantee of longevity may be expected.

6. Other uses as may be specifically approved.

C. Agricultural use agreements will be subject to revocation for cause or as outlined in subsection B of this section, either in whole or for any portion of the prescribed area that may be required for highway purposes, which may include one or more of the following:

1. Storage of road materials when other nearby suitable areas are not available;

~~2. The planting of trees and shrubs for permanent roadside effects;~~

~~3. The correction or improvement of drainage;~~

~~4. The development of wayside, parking or turnout areas; or~~

~~5. For other purposes as may be deemed necessary by the Commissioner of Highways.~~

~~D. Applications for agreements for agricultural uses shall be made to the district administrator's designee. Agreements must be accompanied by a sketch showing the location of the roadway, shoulders, ditches and conditions existing within the right-of-way, together with a description and plat of the area to be covered by it. The text of the application should describe in detail the specific use for which the area is to be utilized.~~

~~Agreements shall be issued only to owners of property adjoining the area to be used. Agreements may be made for terms not to exceed one year, subject to the cancellation terms in subsection C of this section. VDOT shall not be held responsible in any way for the policing of areas subject to agricultural use agreements. No structures are to be erected on areas subject to agricultural use agreements without written approval of the Commissioner of Highways.~~

24VAC30-151-240. Dams.

A. VDOT may permit dams for farm ponds within the right-of-way. The local ~~Soil and Water Conservation District~~ soil and water conservation district, as defined in § 10.1-500 of the Code of Virginia, will coordinate the approval of all requests to establish farm ponds, including existing or proposed roadway occupation of the dam, with the district administrator's designee. For the purpose of this section, a roadway will be considered to accommodate a farm pond dam if:

1. Any part of the fill for the roadway and the fill for the dam overlap;

2. The area between the two embankments is filled in so that the downstream face of the dam is obscured; or

3. A closed drainage facility from a dam extends under a roadway fill.

B. ~~Permittee responsibility.~~ The permittee acknowledges that VDOT's liability is limited to the maintenance of the roadway and that VDOT has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of the permittee.

C. All other roadway occupation of dams shall be in accordance with the Secondary Street Acceptance

Requirements (~~see 24VAC30-151-760~~ 24VAC30-92).

24VAC30-151-260. Railroad crossing permit requests from railroad companies.

A. ~~Operations by the railroad company shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc~~ VDOT may permit railway crossings.

B. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, ~~etc.,~~ and make other adjustments as may be necessary, at no expense to the Commonwealth.

C. Suitable ~~construction bond~~ surety shall be required when the construction work is to be performed by a contractor for the railroad.

24VAC30-151-270. Railroad crossing permit requests by other companies.

Where a person, firm, or chartered company engaged in mining, manufacturing, or lumber getting, as defined in § 33.2-252 of the Code of Virginia, applies directly for a permit to construct a tramway or railroad track across the right-of-way, a permit may be issued under the following conditions:

~~1. Operations by the permittee shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.~~

~~2.~~ 1. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs and signals, ~~etc.,~~ and make other adjustments as may be necessary, at no expense to the Commonwealth.

~~3.~~ 2. The permittee shall furnish a ~~performance and indemnifying bond~~ suitable surety of such amounts as VDOT deems necessary and agree to continue the same in force so long as the crossing is in place.

~~4.~~ 3. The permittee shall notify VDOT prior to the permittee transferring ownership of a crossing so that proper arrangement can be made for the transfer of permitted responsibilities.

24VAC30-151-280. ~~Springs and wells.~~ (Repealed.)

~~In the acquiring of right-of-way, it is often necessary for VDOT to acquire lands where springs, wells and their facilities are located. It is the policy of VDOT to acquire these springs, wells and their facilities along~~

~~with the land on which they are located. When so acquired, the landowner having previous use of these springs, wells and their facilities may be granted a permit to use these springs, wells and their facilities until the Commissioner of Highways shall, by written notice, advise that the permit is terminated. The issuing of the permit shall in no way obligate VDOT to maintain the springs, wells or facilities.~~

24VAC30-151-290. ~~Public telephones.~~ (Repealed.)

~~Public telephone booths may be allowed at rest areas and other locations as provided in 23 CFR 752.5 and allowed at other locations when a definite need is documented. Telephone booths may be allowed when a definite need exists to serve the traveling public, such as:~~

~~1. At wayside areas, if well removed from access to off right-of-way public telephone stations.~~

~~2. At other isolated areas sufficiently removed from existing off right-of-way public telephone stations as to impair the safety and convenience of traffic, provided that:~~

~~a. No private land is available or suitable for location of booth;~~

~~b. The location meets all safety requirements as to sight distance, access roads and parking; and~~

~~c. All costs incidental to providing turnout and parking area are borne by the telephone company.~~

24VAC30-151-300. General provisions governing utilities.

Utility installations on all ~~highway~~ rights-of-way shall comply with the following provisions:

1. ~~Overhead or underground utilities may be installed across any right-of-way by a utility under a permit.~~ Requests for accommodations of utility facilities within the right-of-way shall be submitted to and reviewed by the district administrator's designee. ~~These regulations govern all rights-of-way and apply to public and private utilities. These regulations also govern the location, design, methods and financial responsibility for installing, adjusting, accommodating and maintaining utilities.~~

2. Utility lines shall be located to minimize the need for later adjustments, to accommodate future highway improvements and transportation projects, and to allow servicing of the lines with minimum interference to ~~highway~~ traffic. VDOT retains the right to reject installations that do not address these factors. Utility ~~lines residing within the highway right-of-way~~ facilities shall conform to the type of highway and specific conditions for the highway section involved. Utility ~~installations~~ facilities

within the ~~highway~~ right-of-way and utility attachments to ~~highway~~ structures shall be of durable materials, designed for long service life, and be relatively free from the need for routine servicing and maintenance. All ~~temporary~~ attachments to ~~highway~~ structures must be approved in advance by VDOT.

~~3. The permittee assumes full responsibility for any and all damages caused by improperly installed facilities within the right-of-way under permit (single use or districtwide); therefore, the permittee must make every effort to install its facilities properly so as to preclude the possibility of damage.~~

~~4. The permittee is responsible for the continuing maintenance of its facilities placed within the right-of-way under permit.~~

~~5.~~ 3. Any conflicts with existing utility or other facilities shall be resolved between the permittee and the ~~existing utility~~ owner of the other utility or facility.

~~6. Utilities~~ 4. No utility shall ~~not~~ be attached to a ~~bridge or other~~ structure unless the ~~utility owner~~ applicant or permittee can demonstrate that the installation and maintenance ~~methods~~ of the utility will not interfere with VDOT's ability to maintain the ~~bridge or other~~ structure, will not impact the durability and operational characteristics of the ~~bridge or other~~ structure, and, except for installation, will not require access to the facility from a limited access highway. The attachment method must be approved by VDOT (see 24VAC30-151-430).

~~7.~~ 5. The encasement of underground utility crossings shall be in accordance with 24VAC30-151-370.

24VAC30-151-310. Utility installations within limited access highways.

Utility installations on all limited access highways shall comply with the following additional provisions:

1. Requests for all utility installations within limited access right-of-way shall be reviewed and, if appropriate, be approved by the ~~Commissioner of Highways~~ Chief Engineer prior to permit issuance.

2. New utilities will not be permitted to be installed parallel to the roadway longitudinally within the controlled or limited access right-of-way lines of any highway, except that ~~in special cases~~ where other alternative locations are not in the public interest or under resource sharing agreements, such installations may be permitted under strictly controlled conditions and ~~then~~ only with approval ~~from~~ of the Commissioner of Highways. ~~However, in each such case the utility owner must show~~ The

applicant must satisfy the following conditions, at a minimum:

a. That the installation will not adversely affect the safety, design, construction, operation, maintenance, or stability of the highway.

b. That the accommodation will not interfere with or impair the present use or future expansion of the highway.

c. That any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility.

d. ~~In no case will parallel installations within limited access right-of-way be permitted that involve~~ No tree removal or severe tree trimming is required for the installation.

3. Overhead and underground utilities may only be installed within limited access right-of-way ~~by a utility company~~ under ~~an agreement that provides for~~ a shared resource ~~arrangement~~ agreement subject to VDOT's need for the shared resource.

4. All authorized longitudinal utility installations within limited access right-of-way~~, excluding communication tower facilities,~~ shall be located in a utility area established along the outer edge of the right-of-way. Special exceptions must be approved by the ~~Commissioner of Highways~~ Chief Engineer.

5. Authorized overhead utility installations within limited access right-of-way shall maintain a minimum of 21 feet of vertical clearance.

6. Authorized underground utility installations within limited access right-of-way shall have a minimum of 36 inches of cover.

7. Service connections to adjacent properties shall not be permitted from authorized utility installations within limited access right-of-way.

8. Overhead crossings shall be located on a line that is perpendicular to the highway alignment.

9. A utility access control line will be established between the proposed utility installation, the through lanes, and ramps.

24VAC30-151-330. Overhead utility installations within nonlimited access highways.

A. Overhead utility crossings shall be located on a line that is perpendicular to the highway alignment.

Longitudinal installations shall be located on a uniform alignment as near as possible to the right-of-way line to provide a safe environment and space for future highway improvements and other utility installations.

B. Overhead longitudinal utilities may be installed on all nonlimited access highways by a public or private utility company under a permit, except in scenic areas, as follows:

1. Overhead utilities may be installed within nonlimited access right-of-way ~~by a utility company~~ under permit, including a districtwide permit as allowed under ~~24VAC30-151-30 C 1~~ 24VAC30-151-30 B 1.

2. All overhead installations, excluding ~~communication tower~~ wireless support structure facilities, shall be located adjacent to the right-of-way line and in accordance with clear zone requirements. Repairs and replacement of similar installations may be performed in existing locations under the existing permit ~~providing~~, provided the work shall not impede the traveled way. Additional poles, taller poles, or cross-arms require a separate permit.

C. Longitudinal installations of overhead lines within the right-of-way shall be limited to single-pole construction. Joint-use, single-pole construction will be encouraged at locations where more than one utility or type of facility is involved, especially where the right-of-way widths approach the minimum needed for safe operations or maintenance requirements, or where separate installations may require extensive removal or alteration of trees.

D. Consideration will not be given to poles placed on a highway right-of-way of less than 40 feet in width. ~~Longitudinal pole line installation shall be located on the outer 15 feet of the right-of-way greater than 40 feet in width.~~

E. Highway crossings should be grouped at one location whenever practical, and as near as possible to right angles to the center of the road.

F. New overhead installations crossing existing or proposed nonlimited access highways shall provide a minimum of 18 feet of vertical clearance or at a minimum height as established by the ~~National Electric Safety Code (see 24VAC30-151-760)~~ standards and specifications set forth in the terms of the permit, whichever is greater. The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

G. Existing overhead utilities that are found to be in horizontal or vertical conflict~~, or both,~~ with proposed traffic control devices or signage~~, or both,~~ shall be adjusted, at ~~no cost to VDOT~~ the permittee's expense, to

provide an unobstructed view for the traveling public and the appropriate clearance from traffic control devices or signage.

H. The vertical clearance for all new overhead installations parallel to an existing or proposed highway and within nonlimited access rights-of-way shall be in compliance with standards as specified in the ~~National Electric Safety Code (see 24VAC30-151-760)~~ terms of the permit. The overlashing of telecommunications lines onto existing lines or strand is not considered a new overhead installation.

I. When crossing a median, all poles or other overhead facilities shall be placed to maintain an adequate clear zone in each direction.

J. Longitudinal pole line installation will not be allowed in the median.

24VAC30-151-340. Underground utility installations within nonlimited access highways.

Underground longitudinal utilities may be installed under permit on all nonlimited access highways, except in scenic areas, as follows:

1. Underground utilities may be installed within nonlimited access right-of-way by a public or private utility company under a permit, including a districtwide permit as allowed under 24VAC30-151-30 ~~C~~ B 1.

2. All underground utilities within ~~VDOT~~ rights-of-way will require a minimum of 36 inches of cover, except that underground cables that provide [broadband,] cable or telecommunications services shall be at a minimum of 30 inches of cover [and except as authorized pursuant to section 30(B)(1)] . The district administrator's designee has the discretion to grant an exception to depth of cover requirements if the permittee encounters obstacles preventing the installation of main line facilities at the minimum depth of cover, as long as installation at the minimum depth of cover is resumed when the installation passes by the obstacle.

3. An underground utility shall not be attached to a ~~bridge or other~~ structure unless the ~~utility owner~~ applicant or permittee can demonstrate that the installation and maintenance methods will not interfere with VDOT's ability to maintain the ~~bridge or other~~ structure, will not impact the durability and operational characteristics of the ~~bridge or other~~ structure, and will not require access from the roadway or interfere with roadway traffic. The attachment method must be approved by VDOT (see 24VAC30-151-430).

4. The proposed method for placing an underground facility requires approval from the district

administrator's designee. All underground facilities shall be designed to support the load of the highway and any superimposed loads. All pipelines and encasements shall be installed in accordance with 24VAC30-151-360 and 24VAC30-151-370.

5. ~~Underground utilities~~ No underground utility shall ~~not~~ be installed within the median area except~~,~~ ~~in special cases or~~ under shared resource agreements~~,~~ or with approval from the Commissioner of Highways.

6. Underground utilities may be installed under sidewalk areas with approval from the district administrator's designee.

24VAC30-151-350. ~~Nonlimited access highways: communication towers~~ Wireless support structures and site installations.

~~Communication tower structures and other types of surface mounted or underground utility facilities may be installed by a utility company under an agreement providing for a shared resource arrangement or the payment of appropriate compensation, or both. The Commissioner of Highways may grant an exception for a nonshared resource arrangement, under strictly controlled conditions. The utility owner must show that any alternative location would be contrary to the public interest. This determination would include an evaluation of the direct and indirect environmental and economic effects that would result from the disapproval of the use of such right-of-way for the accommodation of such utility. Communication~~ In accordance with Chapter 15.1 (§ 56-484.26 et seq.) of Title 56 of the Code of Virginia, wireless support structures, communication pedestals, nodes, and amplifiers may be installed in the right-of-way pursuant to permit unless the district administrator's designee reasonably concludes that safety concerns at a specific location require placement of wireless support structures, communication pedestals, nodes, or amplifiers elsewhere ~~in the right-of-way~~. The placement of communication pedestals, nodes, or amplifiers between the edge of pavement or back of curb and the sidewalk shall not be permitted. All requirements and regulations applicable to permits that do not conflict with Chapter 15.1 of Title 56 of the Code of Virginia must be followed to obtain and maintain a permit for wireless support structures, communication pedestals, nodes, and amplifiers.

24VAC30-151-360. Pipelines.

The permittee shall maintain minimum cover for any underground facility as established by the VDOT standards and specifications set forth in the terms of the permit or as otherwise required by applicable law,

whichever is greater. Where pavement exists, the permittee shall bore, push, or jack and maintain a minimum cover of 36 inches.

The vertical and horizontal clearance between a pipeline and a structure or other highway facility shall be sufficient to permit maintenance of the pipeline and facility. Longitudinal pipeline installations shall be kept out of the ditch line where practical. When locating the utilities outside of the pavement area is not practical, such as in high density developments ~~incorporating the principles of new urbanism~~ as described in § 15.2-2223.1 of the Code of Virginia, utilities may be placed under the pavement. When utilities are proposed to be placed within the ditch line or under highway pavement, the permit applicant shall provide ~~the~~ justification for such installations to the district administrator's designee as part of the permit application.

All water, gas, sewer, electrical, communications, and any pressurized pipelines carrying hazardous material shall conform to all applicable industry codes, including materials, design, and construction requirements. No asbestos cement conduit or pipe shall be used for any installation. The permittee may be required to certify in writing that this restriction has been observed, if requested by VDOT.

Pipelines four inches in diameter or larger and no longer in use shall be cleaned of debris and plugged at open ends with Class A3 concrete. The district administrator's designee may also require such pipes to be filled prior to being plugged.

24VAC30-151-380. Appurtenances.

A. When vents are required, they shall be located at the high end of casings less than 150 feet in length and generally at both ends of casings longer than 150 feet. Vent standpipes shall be on or beyond the right-of-way line to prevent interference with maintenance or pedestrian traffic.

B. A permit may be granted to install drains for any underground facility. The permittee shall ensure the achievement of positive drainage.

C. National uniform color codes for identification of utilities shall be used to place permanent markers.

D. ~~Manholes~~ Utility access points (e.g., manholes and handholes) shall be placed in the shoulders, utility strips, or other suitable locations. When no other alternative is available, consideration will be given to placement of manholes in the pavement surface. Every effort should be made to minimize ~~manhole~~ utility access point installations at street intersections and in the normal wheel path of the travel lanes. ~~Manholes~~ Utility access points shall be designed and located in such a manner that shall cause the least interference to other utilities and future highway expansion.

E. ~~Manhole~~ Utility access point frames and covers, valve boxes, and other castings located within the paved roadway, shoulder, or sidewalk shall be constructed flush with the finished grade. ~~Manhole~~ Utility access point frames and covers, valve boxes, and other castings located within sidewalk areas shall be constructed in accordance with the Americans with Disabilities Act (42 USC § 12101 et seq.).

F. The permittee shall install shutoff valves, preferably automatic, in lines at or near the ends of structures and near unusual hazards, unless other sectionalizing devices within a reasonable distance can isolate hazardous segments.

24VAC30-151-390. In-place and prior-rights permits.

A. Prior to VDOT's acceptance of a secondary street into the VDOT system, the ~~public~~ utility owner shall quitclaim ~~its~~ all prior rights within the right-of-way to the Commonwealth in exchange for ~~a~~ an in-place permit ~~for in-place utilities on new subdivision streets. The utility may~~ allowing the permittee's utility facilities to continue to occupy such street in ~~its~~ the existing condition and location. The ~~public utility owner~~ permittee shall be responsible for the utility facilities and resulting damages to persons and property that might result from the presence of the utility. Should VDOT later require the ~~public utility owner~~ permittee to alter, change, adjust, or relocate ~~any~~ the utility facilities subject to the in-place permit, the ~~non-betterment~~ nonbetterment cost will be the responsibility of the Commonwealth and all other costs will be the responsibility of the permittee.

B. In cases where existing utilities are not in conflict with transportation improvements authorized under the auspices of a land use permit, but would be located beneath transportation facility features, a ~~prior rights~~ prior-rights permit may be issued that allows the existing utilities to remain in place.

C. Utilities without prior rights but located within the right-of-way of new subdivision streets shall obtain an ~~in place~~ in-place permit to occupy that portion of the right-of-way. Should VDOT later require the permittee to alter, change, adjust, or relocate any utility, the cost will be the responsibility of the permittee.

24VAC30-151-400. Utility adjustments in conjunction with a VDOT project.

~~A permit is required for~~ Where facilities are directed to be relocated in conjunction with a ~~VDOT~~ transportation project~~. For specific information, see the Right-of-Way Utilities Relocation Policies and Procedures Manual (see 24VAC30-151-760)~~, the permitee must obtain a new permit for any facilities relocated within or to right-of-way. Unless otherwise specifically provided by the Code of Virginia or this chapter, all relocation is to be done in a timely manner so as to not interfere with the project and at the

permittee's sole expense, and relocation must be done in accordance with the VDOT policies and procedures included in the terms of the permit. Utilities may be placed within the ~~highway~~ right-of-way by permit, including adjustments and work performed in connection with utilities agreements. Utilities placed within the right-of-way shall conform to the requirements of this chapter.

24VAC30-151-420. Lighting facilities.

A. A permit is required for any lighting that will be on or overhanging the right-of-way~~. Lighting on or overhanging the right-of-way is classified as roadway lighting or nonroadway lighting. Roadway lighting is lighting intended to improve visibility for users of the roadway. Nonroadway lighting~~ and that is ~~lighting intended~~ designed to ~~improve visibility or to enhance safety for pedestrians or~~ illuminate the pavement or adjacent ~~properties~~ pedestrian or bicycle facilities. Lighting facilities are not considered a utility.

B. Design of ~~roadway~~ lighting ~~facilities~~ systems or fixtures shall be ~~based upon the specifications developed by the Illuminating Engineering Society in the manual, American National Standard Practice for Roadway Lighting (see 24VAC30-151-760). The Roadway Lighting Design Guide by the American Association of State Highway and Transportation Officials (AASHTO) (see 24VAC30-151-760) may be used as a supplemental guide~~ in accordance with § 2.2-1111 of the Code of Virginia and the terms of the permit.

C. The ~~permittee~~ applicant shall submit to the district administrator's designee ~~two copies of~~ scale drawings in electronic format depicting lighting pole locations, mounting heights, pole and base type (breakaway or nonbreakaway), photometric calculations, type ~~and wattage~~, lumens of luminaries, and arm lengths. ~~Roadway lighting~~ Lighting shall be installed in accordance with ~~VDOT's Road and Bridge Specifications (see 24VAC30-151-760)~~ the terms of the permit.

D. ~~Nonroadway lighting may be allowed within the right-of-way, provided such lighting does not adversely affect the visibility of roadway users, and lighting supports and support locations do not compromise VDOT clear zone and safety standards~~ VDOT reserves the right to require modification or removal of luminaries if they are determined to be providing excessive light trespass into adjacent properties.

24VAC30-151-430. Attachments to bridge structures.

A. Utilities may be located on highway grade separation structures across interstate or other controlled access highways, over crossroads, and across major streams or valleys only in extreme cases~~,~~ and with

approval of the district structure and bridge engineer in accordance with VDOT specifications.

B. ~~Communication and electric power lines~~ Lines carrying electricity shall be insulated, grounded, and installed in a conduit or pipe to manholes or poles at either end of the structure, as applicable.

C. If a utility is placed on a structure, the installation shall be located beneath the structure's floor between the girders or beams~~,~~ and at an elevation above the bottom flange of the beam. The utility shall not be attached to the outside of the exterior beam, parapets, or sidewalks.

D. Water and sewer attachments shall follow general controls previously listed for providing encasement and allied mechanical protection. In addition, shut-off valves shall be provided outside the limits of the structure.

E. Utilities attached to structures crossing waterways may require a water quality permit.

F. Natural gas and petroleum mains may not be attached to highway structures.

24VAC30-151-440. ~~Miscellaneous permits.~~ (Repealed.)

~~In accordance with the General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760), no use of any real property under the ownership, control or jurisdiction of VDOT shall be allowed until written permission is first obtained from VDOT. A permit, which shall constitute such permission, is required for the uses of right-of-way described in this part.~~

24VAC30-151-450. Banners and decorations.

A county, town, ~~or~~ religious or civic organization, or other individual or entity shall obtain a single use permit to hang banners or erect holiday decorations ~~(~~, such as lights~~)~~, across state highways. Banners and decorations shall not remain in place more than 30 calendar days and shall be a minimum of 21 feet above the center of the road. They shall not detract from, interfere with, or conflict with any existing highway signs or signals.

24VAC30-151-460. Building movements.

A single use permit shall be obtained for ~~all building~~ movements on right-of-way for all buildings over 16 feet wide. All requests for building movements require the approval of the district administrator's designee in the district where the move initiates after the ~~mover~~ applicant provides the required investigative report and route certification documents. All building movements shall be covered by a performance bond that is commensurate with the type of move requested. ~~Application for a building movement shall be made~~

~~through the district administrator's designee in the district where the move initiates.~~

24VAC30-151-490. Construction or reconstruction of roads, entrances, bridges, ~~or other~~ drainage structures, or other transportation facilities.

A permit is required for construction or reconstruction of roads, private or commercial entrances, bridges ~~or other,~~ drainage structures, or other transportation facilities. Such activities may be permitted based upon evaluation, an engineering analysis provided by the applicant, and approval of the district administrator's designee. Approval by the relevant county board of supervisors may also be necessary.

24VAC30-151-500. Crest stage gauges, water level recorders.

Permits may be issued to any governmental ~~state~~ agency to install hydrological study equipment within ~~highway~~ rights-of-way. Maintenance of these facilities is the responsibility of the permittee.

24VAC30-151-520. Filming ~~for movies~~.

A single use permit shall be obtained for any filming activities within the right-of-way that may affect the safety, use, or operation of the highway. Additionally, a single use permit shall be obtained for any movie, television, or other commercial filming within the ~~highway~~ rights-of-way and shall be coordinated through the Film Office of the Virginia Tourism Corporation.

24VAC30-151-550. Roadside memorials.

A. ~~Section 33.2-216 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials.~~ Roadside memorials shall not be placed on ~~state~~ right-of-way without first obtaining a permit. ~~At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way~~ A roadside memorial permit requires compliance with the following requirements as well as all other applicable permit regulations:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review~~, and if necessary, amend or reject any application~~ applications for compliance with applicable requirements and has the authority to issue or deny a permit or request amendment of the application.

2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's

location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.

3. ~~If the~~ The applicant ~~requests an appeal to~~ may request review of the district administrator's designee's decision regarding amendment or ~~rejection~~ denial of an application~~, this appeal will be forwarded to~~ by the district administrator.

4. Criteria used to review applications shall include~~, but not be limited to,~~ the following factors:

a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;

b. The effect on the proposed site's land use or aesthetics~~;~~ and installation or maintenance concerns; and

c. Circumstances surrounding the accident or incident.

5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. ~~It is illegal to park along the interstate system, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.~~

B. The following ~~rules will be followed concerning~~ requirements and limitations apply to applications for roadside memorial ~~participation~~ permits:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.

2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the death certificate.

3. Only family members of the victim may apply for a memorial.

4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and ~~the~~ any adjacent property ~~owner or~~ owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.

5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.

6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commissioner of Highways may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.

7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

C. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and § 46.2-831 of the Code of Virginia and the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120) and Vegetation Control Regulations on State Rights-Of-Way (~~see 24VAC30-151-760~~ 24VAC30-200). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.

2. Only one memorial per fatality shall be allowed.

3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.

4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.

a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.

b. Memorials shall be located in such a manner as to avoid distractions to motorists ~~or pose~~ and safety hazards to the traveling public.

c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.

d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves

the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.

e. If ~~VDOT's~~ the right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee ~~will~~ may locate a more suitable location ~~as~~ close ~~as possible~~ to the incident vicinity to locate the memorial where sufficient right-of-way exists.

D. ~~Removal.~~ After the two-year term or any extension of the term approved in accordance with this section, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

24VAC30-151-560. Mailboxes and newspaper boxes.

Mailboxes and newspaper boxes may be placed within VDOT right-of-way without a permit; however, placement ~~should~~ shall not interfere with safety, maintenance ~~and~~, or use of the roadway. Lightweight newspaper boxes may be mounted on the side of the support structure. Breakaway structures will be acceptable as a mailbox post. Breakaway structures are defined as a single four-inch by four-inch square or four-inch diameter wooden post or a standard strength, metal pipe post with no greater than a two-inch diameter.

24VAC30-151-570. Miscellaneous signs and devices.

A. In cooperation with local, state, and federal organizations, certain public service signs may be placed within the right-of-way without a permit. The district administrator's designee shall determine the appropriate location for the following signs.

1. Forestry. Authorized representatives of the ~~National~~ U.S. Forest Service and ~~State Forest Service~~ Virginia Department of Forestry may place forest fire warning signs within the right-of-way without a permit. ~~Fire~~ A limited number of fire warning signs will be placed near forest reservations or wooded areas~~; however, only a limited number of the small cardboard or metal signs should be allowed within the right-of-way within the forest reservations~~. The Department of Forestry may utilize other types of signs to more forcibly impress the public with the need for protecting forest areas. Sign placement shall be accomplished under an agreement, subject to the following conditions:

a. No highway sign should carry more than one message~~,~~ and no other signs shall appear on posts bearing highway signs;

b. No signs shall be erected that would restrict sight distance~~,~~ or are close to highway warning and directional signs;

c. Signs regarding forest fires should be placed by fire wardens; and

d. Signs shall be maintained by the Department of Forestry.

In all cases, the forest warden is to coordinate the desired location of these signs with the district administrator's designee prior to placement.

2. Garden week. These signs are erected and removed by employees of VDOT. The appropriate committee of the Garden Club of Virginia will designate the gardens and places that are to be officially opened during Garden Week and notify the district administrator's designee accordingly, who will ensure the appropriate placement of these signs.

3. Roadside ~~acknowledgement~~ acknowledgment. These signs acknowledge the name and logo of businesses, organizations, communities, or individuals participating in the landscape of a segment of the right-of-way in accordance with the Comprehensive Roadside Management Program (~~see 24VAC30-151-760~~ 24VAC30-121). As the landscaping is accomplished under a land use permit, the signs are considered to be covered by that permit.

~~4. Rescue squad. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to the rescue squad headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).~~

~~5. Fire station. These signs are fabricated, erected, and maintained by VDOT. The signs may be used on the approaches to fire station headquarters as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760).~~

~~6.~~ 4. Bird sanctuary. Upon receipt of a request from a town or city, VDOT will fabricate and erect these signs, at the expense of the municipality, at the corporate limits of the town or city under the municipality name sign ~~as shown in the Virginia Supplement to the Manual on Uniform Traffic Control Devices (see 24VAC30-151-760)~~. In order for a municipality to be designated as a bird sanctuary, the municipality must pass a resolution to that effect. The municipality shall be responsible for maintenance of bird sanctuary signs.

~~7.~~ 5. Historical highway markers. Information regarding the historical highway marker program may be obtained from the Virginia Department of Historic Resources. Applications for historical highway

markers shall be obtained from and submitted to the Virginia Department of Historic Resources.

B. The district administrator's designee may authorize the placement of the following miscellaneous signs within right-of-way under ~~the auspices of~~ a single use permit:

1. Locality identification or "welcome to" signs. Requests for locality identification or "welcome to" signs to be located within nonlimited access right-of-way. These signs shall not be placed on limited access right-of-way. Locality identification or "welcome to" signs that interfere with roadway safety, traffic capacity, or maintenance shall not be permitted. A permit application requesting placement of a locality identification or "welcome to" sign within the right-of-way must be accompanied by a formal resolution from the local governing body or a letter from the chief executive officer of the local government. Such signs shall meet all VDOT breakaway requirements ~~(see Road Design Manual, 24VAC30-151-760)~~ specified in the terms of the permit or be erected outside of the clear zone. No advertising shall be placed on these signs. The local governing body shall be responsible for maintenance of the locality's identification or "welcome to" signs in perpetuity.

2. VDOT may authorize any individual, group, local government, and other entities to place storm drain pollution prevention markers or stenciling on VDOT storm drain inlet structures accessible by pedestrian facilities. A local government, through coordination with the district administrator's designee, may apply for a countywide permit to enable this type of activity ~~of~~ on behalf of clubs, citizens groups, and other entities. The permit application must include, at a minimum, a graphic sample ~~or samples~~ of the proposed markers, structure locations and a comprehensive list of streets~~,~~ if a wide distribution of marker placement is anticipated. Stencil measurements shall not exceed ~~15" L x 20" W~~ 15 inches in length by 20 inches in width.

3. VDOT may authorize a local government to install "no loitering" signs within the right-of-way. The district administrator's designee shall determine the appropriate location for these signs.

C. The Commissioner of Highways or the commissioner's designee may authorize the placement of various automated traffic enforcement devices for the Commonwealth or its political subdivisions as may be allowed by law.

24VAC30-151-580. Ornamental posts, walls, residential and commercial development identification signs, or other nontransportation-related elements.

Ornamental posts, walls, residential and commercial development identification signs, or other

nontransportation elements, such as ~~pedestrian oriented~~ pedestrian-oriented trash cans, or any combination of these~~,~~ that do not interfere with roadway safety, traffic capacity, or maintenance may be authorized under ~~the auspices of~~ a single use permit. These nontransportation related elements shall not be placed on limited access rights-of-way. ~~Requests for the placement of ornamental posts, walls, residential and commercial development identification signs, or other nontransportation related elements, or any combination of these, may be permitted as authorized by the district administrator's designee.~~ Permit applications requesting placement of ornamental posts, walls, residential and commercial development identification signs, other nontransportation related elements, or any combination of these~~,~~ within the right-of-way must be accompanied by documentation indicating the issuance of all required approvals and permissions from the local jurisdictional authority. Such ornamental posts, walls, residential and commercial development identification signs, and other nontransportation related elements shall meet all VDOT breakaway requirements ~~(see Road Design Manual, 24VAC30-151-760)~~ specified in the terms of the permit or be erected outside of the clear zone. No advertising shall be placed on these nontransportation related elements permitted within the right-of-way. The permittee shall be responsible for maintenance of these nontransportation related elements in perpetuity.

24VAC30-151-590. ~~Outdoor advertising adjacent to the right-of-way.~~ (Repealed.)

~~Permits for outdoor advertising located off the right-of-way are obtained through the roadside management section at any VDOT district office or the Maintenance Division in accordance with Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia. Selective pruning permits for outdoor advertising shall be issued in accordance with § 33.2-1221 of the Code of Virginia.~~

24VAC30-151-600. Pedestrian and bicycle facilities.

The installation of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses, and overpasses within right-of-way may be authorized under ~~the auspices of~~ a single use permit. VDOT, at its discretion, shall maintain those facilities that ~~meet the requirements of the Commonwealth Transportation Board's Policy for Integrating Bicycle and Pedestrian Accommodations (see 24VAC30-151-760)~~ are open for general public use, built in the right-of-way to VDOT standards, and accepted by VDOT for maintenance. The maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses, and overpasses not meeting these requirements shall be subject to permit requirements, and the permittee shall be responsible for maintenance of these facilities.

The installation of pedestrian or bicycle facilities within limited access right-of-way shall be considered a

change in limited access control and requires approval of the Commonwealth Transportation Board prior to permit issuance (see Change of Limited Access Control, ~~24VAC30-151-760~~ 24VAC30-401). The installation of pedestrian or bicycle facilities parallel to and within the right-of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass shall not be considered a change in limited access but shall require the approval of the ~~Commissioner of Highways~~ Chief Engineer prior to issuance of a permit for such activity.

24VAC30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under a single use permit in ~~strict~~ accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760), VDOT Road and Bridge Standards (see 24VAC30-151-760)~~ specifications as set forth in the terms of the permit, § 33.2-265 of the Code of Virginia, and the Comprehensive Roadside Management Program (~~see 24VAC30-151-760~~ 24VAC30-121). The ~~applicant~~ permittee shall maintain any altered roadside area ~~in perpetuity~~ for the duration of the permit. All related permit applications shall be accompanied by a corresponding maintenance agreement. If permit conditions, including the maintenance agreement, are violated at any time, VDOT ~~reserves the right to reclaim and~~ may revoke the permit and restore ~~such permitted~~ the roadside area to its original condition or otherwise establish turf in accordance with VDOT ~~Road and Bridge Specifications (see 24VAC30-151-760)~~ standards and specifications. The costs of reclamation and restoration activities shall be paid by the permittee. Tree pruning or removal may be allowed on right-of way for maintenance purposes for utility facilities or as part of a roadside beautification project sponsored by the local government or to daylight an outdoor advertising structure or business in accordance with Vegetation Control Regulations on State Rights-of-Way (~~see 24VAC30-151-760~~ 24VAC30-200). ~~See VDOT's Tree and Brush Trimming Policy (see 24VAC30-151-760) for further information.~~

All pesticide applicators shall meet the applicable requirements established by the Department of Agricultural and Consumer Services in ~~Rules and~~ Regulations ~~for Enforcement of the~~ Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide ~~Law~~ Control Act (2VAC5-670) ~~(see 24VAC30-151-760)~~. Pesticide activities shall comply with all applicable federal and state regulations.

Permits for volunteer mowing or litter pickup shall be issued only under conditions that ensure reasonable safety for all participants and other highway users and that will not cause unreasonable

interference with normal traffic flow. All volunteer mowing operations on highway segments with speed limits greater than 45 mph shall be performed only by licensed, bonded, and insured persons. A copy of the permit and all safety requirements included in the permit must be maintained at the mowing site. No lane closures will be allowed for mowing, and the mower operator and mowing equipment shall not encroach into the travel way while in operation. Participants of a one-time litter pickup shall be adults or shall be supervised by an adult. The ratio shall be one adult per no more than six children. No participants 10 years of age or younger will be allowed to participate. All participants must view an Adopt-a-Highway safety video prior to participating.

24VAC30-151-630. Transit and school bus shelters.

School bus shelters, public transit shelters, or share ride stations may be authorized under the auspices of a single use permit. Approval of ~~such structures~~ the shelter or station design must be obtained ~~in accordance with~~ from the Virginia Department of General Services ~~requirements set forth in the Construction and Professional Services Manual (see 24VAC30-151-760)~~ prior to the issuance of a permit. Shelters shall be located in accordance with all clear zone requirements ~~described in Appendix A-2 of VDOT's Road Design Manual (see 24VAC30-151-760)~~ specified in the terms of the permit.

24VAC30-151-670. Prohibited use of right-of-way.

~~No~~ The following uses of the right-of-way are prohibited and no permit shall be issued for the following uses of the right-of-way:

1. Signs. Signs not otherwise allowed in this chapter or by law, including temporary signs, banners, inflatable and air-blown signs, and decorations, shall not be placed, located, or displayed on the ~~highway~~ right-of-way or overhang the right-of-way.

2. Vendors on right-of-way. ~~Permits will not be issued to vendors for~~ Vendor activities and the operation of business within ~~state~~ the rights-of-way, except that a permit may be issued for the following activities:

a. As may be allowed for waysides and rest areas under the Rules and Regulations for the Administration of Waysides and Rest Areas (~~see 24VAC30-50-10 and 24VAC30-151-760~~ 24VAC30-50) and the Rules and Regulations for the Administration of Parking Lots and Environs (~~24VAC30-100-10~~ 24VAC30-100).

b. ~~Vendors~~ Commercial vendors of newspapers and written materials ~~enjoy constitutional~~

~~protection under the First Amendment to~~ may place or operate ~~their~~ services within rights-of-way, provided ~~they~~ services neither impede traffic nor impact the safety of the traveling public. Newspaper vending machine size, placement, and location shall be as directed by the district administrator's designee ~~for that area~~.

c. ~~To localities to~~ Localities may administer mobile food vending on nonlimited access highways, where the vending operations are regulated by local ordinances, operated consistent with such ordinances, and in accordance with the Commonwealth Transportation Board's regulations and policies.

d. Bike share or other micromobility system operators for placement of stations.

e. Electric vehicle charging stations as allowed by law.

3. Dwellings. No private dwellings, garages, or similar structures shall be placed or constructed within the right-of-way, except support buildings as may be allowed under ~~24VAC30-151-220 and 24VAC30-151-230~~ 24VAC30-151-350 in connection with wireless communication facilities.

24VAC30-151-690. Permitted discharge to VDOT right-of-way.

A. Permits to discharge to ~~VDOT~~ the right-of-way may be issued upon written approval of the local public health department or the Virginia Department of Environmental Quality, or both, and this written approval shall be made part of the permit application. Discharges made to ~~VDOT~~ the right-of-way pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) Permit shall demonstrate prior to discharge that no feasible alternative discharge point exists. If discharge is made to ~~VDOT~~ the right-of-way, the permittee shall notify the district administrator's designee of any instances where the regulated discharge limits are exceeded and take immediate corrective action to ensure future excursions are prevented, and any damage to ~~VDOT property~~ the right-of-way is remediated. Any discharges made pursuant to the ~~General~~ Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges from ~~Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (see 24VAC30-151-760)~~ Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120) shall be prohibited from containing any water exhibiting visible oil sheen.

B. Any damages to ~~VDOT property~~ the right-of-way, regardless of authorization implied by any non-VDOT issued permit, shall be remedied or repaired immediately by the permittee.

24VAC30-151-700. General provisions for fees, surety, and other compensation.

Except as otherwise provided in this part, the applicant shall pay an application fee to cover the cost of permit processing, pay additive fees to offset the cost of plan review and inspection, and provide surety to guarantee the satisfactory performance of the work or use under permit. For locally administered VDOT projects, the permit fees are waived and in lieu of a surety, the locality may (i) provide a letter that commits to using the surety in place or (ii) have the contractor execute a dual obligation rider that adds VDOT as an ~~additional~~ obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within ~~state maintained~~ state-maintained right-of-way under the terms of the land use permit for that purpose. A copy of the original surety and letter or rider shall be attached to the land use permit. Except as provided in 24VAC30-151-740, utilities within the right-of-way shall pay an annual accommodation fee as described in 24VAC30-151-730. In the event of extenuating circumstances, the Commissioner of Highways may waive all or a portion of any of the fees or surety.

24VAC30-151-710. Fees.

A. Single use permit. A nonrefundable application fee shall be charged to offset the cost of reviewing and processing the permit application and inspecting the project work, in accordance with the requirements in this subsection:

1. The application fee for a single permit is $100. Public rights-of-way use fees may be charged in lieu of permit fees in certain situations in accordance with law.

2. Additive costs shall be applied as indicated in this subdivision. The district administrator's designee will determine the total permit fees using the following schedule:

Activity	Fee
Private Entrances	none
Commercial Entrance	$150 for first entrance $50 for each additional entrance
Street Connection	$150 for first connection $50 for each additional connection
Temporary Logging Entrance	$10 for each entrance
Temporary Construction Entrance	$10 for each entrance
Turn Lane	$10 per 100 linear feet
Crossover	$500 per crossover
Traffic Signal	$1,000 per signal installation

Reconstruction of Roadway	$10 per 100 linear feet
Curb and Gutter	$10 per 100 linear feet
Sidewalk	$10 per 100 linear feet
Tree Trimming (for outdoor advertising)	in accordance with § 33.2-1221 of the Code of Virginia
Tree Trimming (all other activities)	$10 per acre or 100 feet of frontage
Landscaping	$10 per acre or 100 feet of frontage
Storm Sewer	$10 per 100 linear feet
Box Culvert or Bridge	$5 per linear foot of attachment
Drop Inlet	$10 per inlet
Paved Ditch	$10 per 100 linear feet
Under Drain or Cross Drain	$10 per crossing
Above-ground Structure (including poles, pedestals, fire hydrants, towers~~, etc.~~)	$10 per structure
Pole Attachment	$10 per structure
Span Guy	$10 per crossing
Additive Guy and Anchor	$10 per guy and anchor
Underground Utility - Parallel	$10 per 100 linear feet
Overhead or Underground Crossing	$10 per crossing
Excavation Charge (including Test Bores and Emergency Opening)	$10 per opening
Two Month Commuter Lot Mobile Food Vending (available in Planning District 8 only) (weekdays and weekends)	$150
Single Weekend Commuter Lot Mobile Food Vending (available in Planning District 8 only) (per weekend)	$10

3. ~~Time~~ Permit term extensions for active permits shall incur a monetary charge ~~equal to one-half the application fee charged to the initial permit~~ of $50. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall ~~equal the application fee~~ be $100. Notwithstanding 24VAC30-151-80, commuter lot mobile food vending permits may not be extended or reinstated.

4. If a permit is ~~cancelled~~ canceled prior to the beginning of the permitted activity, the application fee and ~~one-half of~~ the additive fee will be retained as compensation for costs incurred by VDOT during plan review.

5. The district administrator's designee, in accordance with 24VAC30-151-70, may establish an

account to track plan review and inspection costs and may bill the permittee not more often than every 30 calendar days. If an account is established for these costs, the permittee shall be responsible for the nonrefundable application fee and the billed costs. When actual costs are billed, the district administrator's designee shall waive the additive fees in subdivision 2 of this subsection.

B. Districtwide permits. Districtwide permits, as defined in 24VAC30-151-30, are valid for a period of two years. The biennial fee for a districtwide permit for utilities and logging operations is $750 per district. The biennial fee for a districtwide permit for surveying is $200 per district. The central office permit manager may exercise discretion in combining requests for multijurisdictional districtwide permits and to authorize unlimited time extensions at the full cost of the permit fee for each two-year term.

~~C. Miscellaneous permit fees. To connect the facility to the transmission grid pipeline, the operator of a nonutility renewable energy facility that produces not more than two megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, shall remit to VDOT a one-time permit fee of $1,500 per mile as full compensation for the use of the right-of-way in accordance with § 56-617 of the Code of Virginia.~~

~~D.~~ C. No-fee permits. The following permits shall be issued at no cost to the applicant:

1. In-place permits as defined in 24VAC30-151-30 and 24VAC30-151-390.

2. Prior-rights permits as defined in 24VAC30-151-30 and 24VAC30-151-390.

3. As-built permits as defined in 24VAC30-151-30.

4. ~~Springs and wells as defined in 24VAC30-151-280.~~

~~5.~~ Crest stage gauges and water level recorders as defined in 24VAC30-151-500.

~~6.~~ 5. Filming ~~for movies~~ as defined in 24VAC30-151-520.

~~7.~~ 6. Roadside memorials as defined in 24VAC30-151-550.

~~8.~~ 7. No loitering signs as defined in 24VAC30-151-570.

8. Litter pickup and volunteer mowing as defined in 24VAC30-151-620.

24VAC30-151-720. Surety.

A. Performance surety. The ~~permittee~~ applicant shall provide surety to guarantee the satisfactory

performance of the work or use for which a permit is requested. Surety shall be based on the estimated cost of work to be performed within the right-of-way or as otherwise stated in this chapter. Surety may be in the form of a check, cash, irrevocable letter of credit from a financial or banking institution, ~~insurance~~ performance bond, or any other VDOT-approved method. An applicant for a districtwide permit for utilities shall provide a continuous surety in the amount of $10,000 per county. An applicant for a districtwide permit for logging entrances shall provide a continuous surety in the amount of $10,000 per district. There is no surety requirement for districtwide permits for surveying. Under no circumstances shall VDOT or any agency of the Commonwealth be named the escrow agent~~, nor shall~~. No funds deposited with VDOT as surety shall be subject to the payment of interest. The surety will be refunded or released upon completion of the work and inspection by VDOT ~~subject to the provisions of § 2.2-1151.1 of the Code of Virginia~~ in accordance with the law. VDOT shall be named as an obligee on the bond or a payee for a check, cash, or revocable letter of credit. If a permit is ~~cancelled~~ canceled prior to the beginning of work, the surety shall be refunded or released.

Should the permittee fail to complete the work to the satisfaction of the district administrator's designee, then all or whatever portion of the surety that is required to complete work covered by the permit or to restore the right-of-way to its original condition shall be retained by VDOT.

B. ~~Continuous surety~~ Structure bond. Permittees installing, operating, and maintaining facilities within the highway right-of-way shall secure and maintain a continuous bond. Governmental customers may use a resolution in lieu of a continuous bond. The continuous surety shall be in an amount sufficient to restore the right-of-way in the event of damage or failure. The surety shall remain in full force as long as the ~~work~~ facility covered by the permit remains within the right-of-way. A private or commercial entrance does not require a continuous surety. Any other installation may require a continuous surety as determined by the district administrator's designee. ~~An applicant for a districtwide permit for utilities shall provide a continuous surety in the amount of $10,000 per county. An applicant for a districtwide permit for logging entrances shall provide a continuous surety in the amount of $10,000 per district. There is no surety requirement for districtwide permits for surveying.~~

24VAC30-151-730. Accommodation fees.

The Commissioner of Highways or a designee shall determine the annual compensation for the use of the right-of-way by a utility, except as provided in 24VAC30-151-740. The rates shall be established on the value of the right-of-way being used to accommodate the utility facility. The rates for wireless facility

installations shall be established on the following basis:

~~1. Limited Access Crossings - $50 per crossing.~~

~~2. Limited Access Longitudinal Installation - $250 per mile annual use payment.~~

~~3. Wireless Communication Facility Sites (limited and nonlimited access):~~

~~a. $24,000 annual use payment for a wireless support structure permitted prior to July 1, 2018, until the permit expires or is terminated~~ 1. Small cell attachments to VDOT-owned towers and poles and placement of associated equipment shall be in accordance with § 56-484.31 of the Code of Virginia;

~~b. $14,000 annual use payment for non-small-cell colocation on a wireless support structure. This payment does not include equipment mounted to an existing wooden utility pole~~ 2. Wireless facility attachments and emplacements at VDOT-owned towers shall be negotiated in the same manner as resource sharing as set out in 24VAC30-151-740; and

~~c.~~ 3. A wireless support structure installed under a land use permit issued on or after July 1, 2018, shall have an annual use payment ~~based upon the following, which shall be adjusted every five years~~ set in accordance with § 56-484.32 of the Code of Virginia~~:~~

~~(1) $1,000 for any wireless support structure at or below 50 feet in height;~~

~~(2) $3,000 for any wireless support structure above 50 feet and at or below 120 feet in height;~~

~~(3) $5,000 for any wireless support structure above 120 feet in height; and~~

~~(4) $1.00 per square foot for any other equipment, shelter, or associated facilities constructed on the ground~~.

24VAC30-151-740. Exceptions and provisions to the payment of fees and compensation.

A. Pursuant to §§ 56-462 and 56-468.1 of the Code of Virginia, a certificated provider of telecommunication service shall collect and remit to VDOT a Public Right-of-Way Use Fee as full compensation for the use of the right-of-way by those utilities.

B. Pursuant to §§ 15.2-2108.1:1 and 56-468.1 of the Code of Virginia, a cable television operator subject to the public right-of-way use fee shall not be charged an annual use payment for the use of ~~public~~ the right-of-way.

C. Pursuant to § 56-468.1 of the Code of Virginia, certified providers of telecommunications service

shall not be charged ~~land use~~ permit application and additive fees or an annual payment under a resource sharing agreement for the use of ~~public~~ the right-of-way.

D. Municipal or authority owned sewer and water facilities and renewable energy generation transmission facilities shall not be charged an accommodation fee pursuant to 24VAC30-151-730 ~~of this chapter~~ for the use of public right-of-way.

E. At ~~VDOT's~~ the discretion of the Commissioner of Highways, under the provisions of resource sharing as ~~defined~~ described in 24VAC30-151-30, compensation for the use of the limited access right-of-way may be negotiated and agreed upon through ~~one~~ any of the following methods:

1. The mutually agreeable exchange of goods, facilities, or services only;

2. ~~Cash~~ Monetary compensation only; or

3. A combination of both.

~~VDOT~~ The Commissioner of Highways will ensure that the goods or services provided in any mutually agreeable exchange are equal to the monetary compensation amount established for the use and occupancy of the right-of-way.

F. VDOT may enter into wireless support structure agreements to permit the construction of wireless support structures or a wireless facility's occupancy of the right-of-way, consistent with applicable law.

24VAC30-151-760. ~~Listing of documents (publications) incorporated by reference.~~ (Repealed.)

~~Requests for information pertaining to the availability and cost of any of these publications should be directed to the address indicated below the specific document. Requests for documents available from VDOT may be obtained from the department's division and representative indicated; however, department documents may be available over the Internet at www.VirginiaDOT.org. Documents with a Virginia Administrative Code (VAC) number may be accessed from the Internet at: http://leg1.state.va.us/000/srr.htm.~~

~~1. Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~2. Access Management Regulations: Principal Arterials (24VAC30-72)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~3. Change of Limited Access Control (24VAC30-401)~~

~~State Right-of-Way Director (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~4. Comprehensive Roadside Management Program (24VAC30-121)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~5. Construction and Professional Services Manual~~

~~Department of General Services~~

~~Division of Engineering and Buildings~~

~~Bureau of Capital Outlay Management (BCOM)~~

~~1100 Bank Street, 6th Floor~~

~~Richmond, VA 23219~~

~~6. Erosion and Sediment Control Regulations (4VAC50-30)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~7. General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-20)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~8. General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120)~~

~~Regulatory Coordinator~~

~~State Water Control Board~~

~~P. O. Box 10009~~

~~Richmond, VA 23240~~

~~9. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) (effective December 22, 2003, revised November 2004)~~

~~Federal Highway Administration~~

~~Superintendent of Documents~~

~~U.S. Government Printing Office~~

~~P.O. Box 371954~~

~~Pittsburgh, PA 15250-7954~~

~~10. National Electric Safety Code (2007 edition)~~

~~Institute of Electrical and Electronics Engineers, Inc.~~

~~10662 Los Vaqueros Circle~~

~~P.O. Box 3014~~

~~Los Alamitos, CA 90720-1264~~

~~11. Policy for Integrating Bicycle and Pedestrian Accommodations (effective 2004)~~

~~Transportation and Mobility Planning Division (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~12. Right-of-Way Utilities Relocation Policies and Procedures Manual (effective November 2003)~~

~~State Right of Way Director (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~13. Road and Bridge Specifications 2007 (revised 2008)~~

~~Scheduling and Contract Division (VDOT)~~

~~State Contract Engineer~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~14. Road and Bridge Standards (effective 2009)~~

~~Location and Design Engineer (VDOT)~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~15. Road Design Manual (effective 2005, revised 2009)~~

~~Location and Design Engineer (VDOT)~~

~~1401 E. Broad Street~~

~~Richmond, VA 23219~~

~~16. Roadway Lighting, American National Standard Practice for Roadway Lighting (effective 2000, reaffirmed 2005)~~

~~The Standard Practice Subcommittee of the IESNA Roadway Lighting Committee~~

~~The Illuminating Engineering Society of North America~~

~~120 Wall Street~~

~~New York, NY 10005~~

~~17. Roadway Lighting Design Guide (effective 2005)~~

~~American Association of State Highway and Transportation Officials (AASHTO)~~

~~444 North Capitol St. N.W., Suite 225~~

~~Washington, D.C. 20001~~

~~18. Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~19. Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~20. Rules and Regulations for Enforcement of the Virginia Pesticide Law (2VAC20-20)~~

~~Virginia Department of Agricultural and Consumer Services~~

~~Office of Pesticide Services~~

~~102 Governor Street, 1st Floor~~

~~Richmond, VA 23219~~

~~21. Rules for Enforcement of the Underground Utility Damage Prevention Act (20VAC5-309)~~

~~State Corporation Commission~~

~~Department of Energy Regulation~~

~~P. O. Box 1197~~

~~Richmond, VA 23218~~

~~22. Secondary Street Acceptance Requirements (24VAC30-92)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~23. Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~24. VDOT Tree and Brush Trimming Policy (effective 2004)~~

~~Maintenance Division Administrator (VDOT)~~

~~1401 E. Broad St.~~

~~Richmond, VA 23219~~

~~25. Virginia Erosion and Sediment Control Handbook, 3rd edition (effective 1992), a Technical Guide to The Virginia Erosion and Sediment Control Law and Regulations (4VAC50-30)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~26. Virginia Stormwater Management Handbook, 1st edition, Volumes 1 and 2, (effective 1999), a Technical Guide to the Virginia Stormwater Management Program Permit Regulations (4VAC50-60)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

~~27. Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60)~~

~~Department of Conservation and Recreation~~

~~Division of Soil and Water Conservation~~

~~203 Governor Street, Suite 206~~

~~Richmond, VA 23219~~

28. Virginia Supplement to the Manual on Uniform Traffic Control Devices (24VAC30-310, includes the Virginia Work Area Protection Manual)

Traffic Engineering Division (VDOT)

1401 E. Broad St.

Richmond, VA 23219

FORMS (24VAC30-151)

Land Use Permit LUP-HRIPE, Land Use Permit Application for Photo Enforcement of High-Risk Intersection Segments (eff. 8/2024)

Land Use Permit LUP-SZSL, Land Use Permit Application for School Zone Speed Limit (eff. 8/2024)

Land Use Permit LUP-SZPE, Land Use Permit Application for School Zone Photo Enforcement (eff. 8/2024)

Land Use Permit LUP-STS, Land Use Permit Application for Small Transit Shelter (eff. 8/2024)

Land Use Permit LUP-LRSL, Land Use Permit Application for Locality Reduced Speed Limits as per § 46.2-1300 (eff. 8/2024)

Land Use Permit LUP-A, Land Use Permit Application (rev. 9/2014)

Land Use Permit LUP-AUA, Agricultural Use Agreement (rev. 8/2014)

Land Use Permit LUP-BMA, Land Use Permit Application - Building Movement (rev. 8/2014)

Land Use Permit LUP-BMI, Building Movement - Investigator's Report (rev. 8/2014)

Land Use Permit LUP-BMR, Building Movement - Route Certification (rev. 8/2014)

Land Use Permit LUP-BMQ, Building Movement - Prequalification Questionnaire (rev. 8/2014)

Land Use Permit LUP-BMV, Building Movement - VDOT Recommendation (rev. 8/2014)

Land Use Permit LUP-CCV, Chemical Control of Vegetation (rev. 7/2015)

Land Use Permit LUP-CS, Cash Surety Affidavit (rev. 8/2014)

Land Use Permit LUP-CSB, Corporate Surety Bond (rev. 8/2014)

Land Use Permit LUP-CUA, Commercial Use Agreement (rev. 8/2014)

Land Use Permit LUP-ESCCC, Erosion & Sediment Control Contractor Certification (rev. 8/2014)

~~Land Use Permit LUP-IPP, Land Use Permit Application - In Place Utility, New Street Acceptance (rev. 8/2014)~~

~~Land Use Permit LUP-LC, Bank Irrevocable Letter of Credit (rev. 8/2014)~~

~~Land Use Permit LUP-MFV, Local Program for the Temporary Occupation of Right-of-Way by Mobile Food Vendors, (eff. 9/2015)~~

~~Land Use Permit LUP-OC, Open-Cut Pavement Restoration Requirements (rev. 8/2014)~~

~~Land Use Permit LUP-PA, Permit Agreement for Occupation of Right-of-Way (rev. 8/2014)~~

~~Land Use Permit LUP-PRU, Land Use Permit Application - Prior Rights Utility (rev. 8/2014)~~

~~Land Use Permit LUP-SB, Surety Bond (rev. 8/2014)~~

~~Land Use Permit LUP-SEA, Special Events Approvals (rev. 8/2014)~~

~~Land Use Permit LUP-SEI, Special Event Information (rev. 8/2014)~~

~~Land Use Permit LUP-SPG, Special Provisions - General (rev. 8/2014)~~

~~Land Use Permit LUP-WZTCC, Work Zone Traffic Control Certification (rev. 8/2014)~~

~~Land Use Permit Resolution (rev. 8/2014)~~

Land Use Permit LUP-A, Land Use Permit Application (rev. 5/2023)

Land Use Permit LUP-BM, Land Use Permit Application for Building Movements (rev. 10/2024)

Land Use Permit LUP-BR, Land Use Permit Application for Bicycle Race Events (rev. 11/2024)

Land Use Permit LUP-CFV, Land Use Permit Application for Mobile Food Vending in Commuter Lots (rev. 10/2024)

Land Use Permit LUP-CRI, Land Use Permit Application for Regional Cultural Resource Investigation (rev. 10/2024)

Land Use Permit LUP-CWOFC, Land Use Permit Application for Countywide Permit Overhead Fiber Co-Location (rev. 10/2024)

Land Use Permit LUP-DWSCF, Land Use Permit Application for Districtwide Wireless Small Cell Facilities (rev. 10/2024)

Land Use Permit LUP-DWSV, Land Use Permit Application for Districtwide Surveying Operations (rev.

10/2024)

Land Use Permit LUP-DWTLE, Land Use Permit Application for Districtwide Temporary Logging Entrances (rev. 10/2024)

Land Use Permit LUP-DWUSC, Land Use Permit Application for Districtwide Utility Service Connections (rev. 10/2024)

Land Use Permit LUP-EVTCS, Land Use Permit Application for Emergency Vehicle Traffic Control Signal (rev. 10/2024)

Land Use Permit LUP-GC, Land Use Permit Application for Golf Cart and Utility Vehicle Accommodation (rev. 10/2024)

Land Use Permit LUP-HRPE, Land Use Permit Application for Photo Enforcement of High-Risk Intersection Segments (rev. 10/2024)

Land Use Permit LUP-IPP, Land Use Permit Application In Place Utility (New Street Acceptance) (rev. 8/2014)

Land Use Permit LUP-IR, Land Use Permit Application for Private Irrigation System Installation (rev. 10/2024)

Land Use Permit LUP-LRSL, Land Use Permit Application for Locality Reduced Speed Limits (rev. 10/2024)

Land Use Permit LUP-LS, Land Use Permit Application for Landscape Installation and Maintenance (rev. 10/2024)

Land Use Permit LUP-LT, Land Use Permit Application for Lighting Installation (rev. 10/2024)

Land Use Permit LUP-MFV, Land Use Permit Application for Local Program for the Temporary Occupation of Right-of-Way by Mobile Food Vendors (rev. 10/2024)

Land Use Permit LUP-OAVC, Land Use Permit Application for Outdoor Advertising Vegetation Control (rev. 10/2024)

Land Use Permit LUP-OC, Land Use Permit Application Open Cut Pavement Restoration Requirements (rev. 4/2017)

Land Use Permit LUP-OTLP, Land Use Permit Application for One Time Litter Pickup (rev. 12/2024)

Land Use Permit LUP-PRC, Land Use Permit Application for Photo-Red Camera System Installation (rev. 10/2024)

Land Use Permit LUP-PRU, Land Use Permit Application Prior Rights Utility (rev. 8/2014)

Land Use Permit LUP-PSMD, Land Use Permit Application for Sign Installation for the Prohibition of Specific Mobility Devices (rev. 10/2024)

Land Use Permit LUP-PU, Land Use Permit Application for Private Utility Service Crossing (rev. 10/2024)

Land Use Permit LUP-RM, Land Use Permit Application for Roadside Memorial Installation (rev. 10/2024)

Land Use Permit LUP-RWZU, Land Use Permit Application for Regional Work Zone Traffic Control for Utility Work Located off Right-of-Way (rev. 10/2024)

Land Use Permit LUP-SDS, Land Use Permit Application for Storm Drain Stenciling (rev. 10/2024)

Land Use Permit LUP-SE, Land Use Permit Application for Special Events (rev. 11/2024)

Land Use Permit LUP-STS, Land Use Permit Application for Small Transit Shelter (rev. 10/2024)

Land Use Permit LUP-SUSCF, Land Use Permit Application for Single-Use Permit Wireless Small Cell Facilities Co-Location (rev. 11/2024)

Land Use Permit LUP-SUSO, Land Use Permit Application for Surveying Operation (rev. 11/2024)

Land Use Permit LUP-SUTLE, Land Use Permit Application for Single-Use Temporary Logging Entrances (rev. 11/2024)

Land Use Permit LUP-SUWFC, Land Use Permit Application for Installation of Wireless Facility Co-Location (rev. 11/2024)

Land Use Permit LUP-SUWSS, Land Use Permit Application for Single Use Wireless Support Structure (rev. 11/2024)

Land Use Permit LUP-SWCD, Land Use Permit Application for Soil and Water Conservation District Sign Installation (rev. 10/2024)

Land Use Permit LUP-SZPE, Land Use Permit Application for School Zone Photo Enforcement (rev. 10/2024)

Land Use Permit LUP-SZSL, Land Use Permit Application for School Zone Speed Limit (rev. 10/2024)

Land Use Permit LUP-UT, Land Use Permit Application for Utility Installations (rev. 10/2024)

Land Use Permit LUP-UTT, Land Use Permit Application for Biennial Utility Tree Trimming Operations (rev. 10/2024)

Land Use Permit LUP-VCSB, Land Use Permit Application for Vegetation Control Single Business (rev. 10/2024)

Land Use Permit LUP-VM, Land Use Permit Application for Volunteer Mowing Activities (rev. 10/2024)

Land Use Permit LUP-WSP, Land Use Permit Application for Wayfinding Sign Program (rev. 10/2024)

Land Use Permit LUP-WZSSC, Land Use Permit Application for Work Zone Speed Safety Cameras (rev. 10/2024)

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Final Regulation
Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-151
VAC Chapter title(s)	Land Use Permit Regulations
Action title	Chapter 151 Regulatory Reform and Periodic Review
Date this document prepared	____, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Land Use Permit Regulations, 24VAC30-151, permit work activities on the right-of-way of state highways for construction, utility installations, entrances, events, and other activities. The Commonwealth Transportation Board (CTB) has undertaken a comprehensive review of 24VAC30-151. The intent of this action is to remove redundant or obsolete language and to achieve regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"CFR" means the Code of Federal Regulations.
"Department" or "VDOT" means the Virginia Department of Transportation.
"DIBR" means Documents Incorporated by Reference.
"U.S.C." means the United States Code.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On July 16, 2025, the CTB adopted final amendments to 24VAC30-151, Land Use Permit Regulations.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Commonwealth Transportation Board promulgated the Land Use Permit Regulations pursuant to its general authority to make regulations "for the protection of and covering traffic on and for the use of systems of state highways" in § 33.2-210 of the Code of Virginia. Federal law, including 23 U.S.C. 111 and 23 CFR 710.403, requires states to restrict access to and use of certain highway rights-of-way.

Additional Code sections authorize certain sections or aspects of the Land Use Permit Regulations. Section 33.2-118 authorizes the Department to issue permits for mobile food vending in certain parking areas. Section 33.2-216 requires the CTB to "establish regulations regarding size, distance from the roadway, and other safety concerns to govern the installation, maintenance, and removal of roadside memorials, plaques, and other devices placed within the right-of-way that commemorate the memory of persons killed in vehicle crashes within the right-of-way of any state highway." Sections 33.2-240, 33.2 241, and 33.2-245 of the Code of Virginia authorize the Department and the CTB to regulate access to and entrances onto the state highway system.

Section 2.2-1151.1 authorizes the department to issue permits for "(i) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (ii) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field." Several additional sections of the Code of Virginia authorize the CTB

and the Department to regulate the access to and use of the highway right-of-way by various utilities, including §§ 56-458 and 56-484.28.

Additionally, federal regulations authorize or mandate regulation of the use of highway right-of-way, including 23 CFR Part 645, Subpart B (Accommodation of Utilities).

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The Land Use Permit Regulations set forth the rules that individuals, localities, and other entities must follow to conduct activities other than travel on highway systems that are under VDOT's jurisdiction. These include activities such as installation of utilities, construction of private and commercial entrances, landscaping, the temporary use of the right-of-way, as well as numerous other types of activities. The regulations set forth criteria used by VDOT when determining whether to issue a permit and are intended to preserve the integrity of the highway system and protect the safety of motorists, pedestrians, and highway workers. Land use permits address safety issues such as proper procedures for temporarily closing travel lanes, standards for entrances and access points onto highways, affixing signs and other objects to structures in the right-of-way, and location and protection of utility lines.

The proposed regulatory amendments are essential to protecting public health, safety, and welfare as they ensure permittees are able to better understand and comply with the appropriate standards for activities by incorporating those standards into the terms and conditions of the required land use permit which must be secured prior to any activity occurring in the right-of-way and advance improved procedures for the conduct of work within the highway right-of-way. The proposed changes are intended to remove redundant or obsolete language, add clarity, and achieve regulatory reduction and streamlining in accordance with EO 19. Several changes will add administrative updates or bring the text in line with current practice, which protects the public by ensuring the regulatory text provides the necessary clarity for permittees to understand the requirements of the permit process. The CTB also proposes to remove the Documents Incorporated by Reference (DIBR) and instead reference those documents in the terms of the land use permit secured by regulated entities. These DIBR include standards and specifications with which regulated entities are required to comply. This will ensure the most relevant versions of the documents are being followed by regulated parties, more narrowly tailor requirements to the specific type of permit and associated activity, and ease burdens on permittees in determining applicability.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

In addition to administrative updates, elimination of redundancy, adding clarifying language, and bringing the text in line with current practice, the CTB proposes to remove the DIBR from this regulation and instead include the relevant documents in the terms of the land use permits. Other changes that could be considered substantive include the amendments related to insurance requirements and permittee responsibilities in section 40, the broadening of section 500 to apply to all governmental agencies, the expansion of section 520 to include all commercial filming, and the addition of volunteer mowing or litter pickup to section 620.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary benefit to both the public and the Commonwealth of the removal of the DIBR section is improved clarity for regulated entities, ensuring they are aware of the specific documents relevant to them by including them in the terms of the land use permits. This change will also ensure the most relevant version of each document is clearly specified for compliance. There are no disadvantages to this proposed change, as the permit application forms will be updated to correspond to this change and all permit application forms are publicly available on VDOT's website.

Amendments to section 40 will require permittees to maintain comprehensive general liability insurance with limits of at least $1,000,000 per occurrence and $5,000,000 in the aggregate, or in amounts otherwise required by VDOT stated in the permit, strengthen the indemnification and hold harmless language, and clarify permittee responsibilities for facilities installed within the right-of-way under permit. These changes are intended to protect the Commonwealth by ensuring permittees are adequately covered against liability for personal injury and property damage in connection with all activities undertaken under a permit and by clarifying that the Commonwealth is not liable for costs related to permittee violations and actions. By setting required minimum insurance amounts, some permittees may need to obtain higher levels of coverage than they would otherwise obtain under the current requirements. Furthermore, the movement of language from section 300, which pertains to utility installations, to section 40 for general applicability may require some permittees to take on additional costs to assume full responsibility for damages caused by improperly installed and/or maintained facilities within the right-of-way under permit.

The primary advantage to the public of the proposed changes to sections 500, 520, and 620 is the enhancement of statewide consistency and a reduction in permit processing time, as the requests submitted by the impacted applicants will no longer require approval from the Department's Central Office prior to issuance by the residency.

The other proposed changes to the regulation benefit the public through removing redundant or outdated language or providing additional clarity and are not anticipated to present disadvantages to the public or the Commonwealth.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no changes to previously reported information.

Localities Particularly Affected

There are no changes to previously reported information.

Other Entities Particularly Affected

There are no changes to previously reported information.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Virginia Cable Telecommunications Association (VCTA)	VCTA requests broadband be explicitly included in the definition of a "Utility" in 24VAC30-151-10 by inserting "broadband" after "cable television."	The CTB and VDOT agree with this recommendation and will amend the regulation as requested.
	VCTA requests the following definition of "Prior Rights" be added to 24VAC30-151-10: "'Prior rights': in the case of a utility which does not offer broadband services through facilities in a right of way, means a recorded easement or franchise granting such utility the right to occupy the right of way; and in the case of a broadband provider, any such utility shall be deemed to have 'prior rights' with respect to existing facilities in an electrical or communications easement."	As explained in subsection 30(D) of the proposed amendments, prior-rights permits allow utilities with existing facilities within the right-of-way to remain in place as long as those facilities are not in conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth. Prior rights do not apply to franchises, nor to utility easements that were placed after the highway right of way was established; prior rights only apply to situations where a utility had an easement and was in place prior to highway right of way being established at that location. The definition of "prior rights" requested by VCTA expands beyond the current or generally accepted meaning or application of prior rights. This regulatory amendment process is not the appropriate venue for establishing a definition of "prior rights" nor a definition that would alter and expand upon the generally accepted meaning in the manner proposed. As such, the CTB

		and VDOT respectfully reject the requested change.
	VCTA requests relocation costs to be borne by VDOT when fiber is installed with federal or state grants or financial incentives for installation of broadband services along a specific route.	This request would shift the cost of broadband relocation from the broadband provider and the parties that benefit from the presence of the broadband facility to the general taxpayers of the Commonwealth. It would further remove an incentive for broadband providers to place broadband facilities as far from the built highways as possible and would encourage an approach to the planning of broadband facilities that would disregard future impacts of broadband facilities situated in the right of way on and at the expense of transportation. The CTB and VDOT respectfully reject this requested change.
	VCTA requests the following sentence be added to the definition of "Shared resource agreements" in 24VAC30-151-10: "Broadband providers shall be exempt from shared resource agreement requirements." VCTA asserts that broadband providers should be exempt from shared resource agreements due to uncertainty over the compensation demanded and the inability to recover the unknown cost of a "shared resource agreement" through federal or state grants. VCTA also asserts that shared resource agreements discourage broadband deployment and are inconsistent with both federal and state policies for broadband deployment.	Shared resource agreements are only utilized for longitudinal occupancy of limited access highways, which account for roughly 8% of VDOT's total highway network. Since resource sharing started in the 1990s, VDOT has secured shared resource agreements from 41 broadband providers. If shared resource agreements were discouraging to broadband deployment, these providers would have shifted their planned networks to other non-limited access highways, where the fees for broadband were minimal (a one-time fee of $100 + $10 per 100 linear feet as set out in 24VAC30-710). As described in 24VAC30-151-740(E), VDOT ensures that shared resource agreement compensation is equal to the monetary compensation amount established for the use and occupancy of the right-of-way and the method for providing that compensation, whether through goods, facilities, services, or cash, is determined through a negotiation with the broadband company. Limited access highways are established to ensure maximum throughput of traffic and to minimize the interference with traffic by minimizing installations in and connections to the highways. Thus, historically, limited access highways have been used for long-distance communication and broadband lines, not service lines (service connections to individual customers are not permitted off limited access highways). Furthermore, the use of shared resource agreements is consistent with Federal

		Highway Administration guidance, and some version of shared resource agreements is utilized by at least 14 other states. As the requested exemption would allow for disparate use of limited access roadways by broadband providers without providing compensation, the CTB and VDOT respectfully reject this requested change.
	VCTA requests the replacement of the 4th sentence of 24VAC30-151-40(B) in the proposed regulations with: "VDOT shall encourage the consolidation into one permit application of proposed work which is of a continuous nature along one route (ignoring entrances or intersecting roads) or on several routes within one jurisdiction, and wherever possible proposed work of a continuous nature shall be covered by a single permit, regardless of proposed length."	The removal of the 5th sentence in 24VAC30-151-40(B) is proposed to eliminate the current maximum distance length for a permit, meeting the same goal as the suggested language. The applicant and VDOT must retain flexibility with respect to permit length to provide adequate oversight in complicated environments or to limit surety requirements to meet applicant capability. The CTB and VDOT will maintain the recommendation to delete the 5th sentence of 24VAC30-151-40(B) and will modify the 4th sentence of that subsection to read: "Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length."
	VCTA requests the second sentence of 24VAC30-151-40(C) in the proposed regulations be modified to replace the word "exactly" with "approximately." Permittees would be able to construct facilities "approximately" as shown on the approved permit application, including distances, depths, and location of existing infrastructure.	While there are situations in which approximate compliance with approved plans for installing a cable underground may be permissible, there are others in which this could cause significant damage, such as VDOT underdrains being destroyed. Furthermore, in the case of entrance details, "approximate" conformity with plans could reduce sight distance or impact the ability of vehicles to enter or exit due to excess changes in grade. Finally, the definition of "approximately" is fluid, making enforcement difficult. VDOT's process for coordination and approval of changes to previously approved plans is set out in subsection 40(J) of the proposed regulations. The CTB and VDOT respectfully reject this requested change.
	VCTA requests that the following text be added to the end of the first sentence of subsection 2 of section 340: "…and except that telecommunications and cable television service connections may be placed with a minimum 18 inches of cover."	Subsection 30(B)(1) already provides for the requested flexibility but also includes the proviso that telecommunications and cable television providers take full responsibility for cuts of line installed with less than 30" of cover. For clarity, the CTB and VDOT propose to add "broadband" to the list of providers granted

		flexibility in subsection 30(B)(1) and to add following text to the end of the first sentence in subsection 2 of section 340: "…and except as authorized pursuant to section 30(B)(1)."
	VCTA asserts that the liability language proposed to be added to the regulatory text is too broad. VCTA requests that the following text be added to the end of the first sentence in both subsections 40(F) and 40(G): "…by permittee and for which permittee is responsible." In addition, in subsection 40(I), VCTA requests the text after the semi-colon in the proposed third sentence containing indemnification language be replaced with: "…for which permittee is responsible, and from any of the permittee's contractors, subcontractors, agents, or employees, for which the permittee is responsible."	The proposed text of subsections 40(F) and 40(G) already includes limiting this liability to "activities undertaken under permit". Subsection 40(I) of the proposed text also limits liability and reads: "VDOT and the Commonwealth shall be absolved from all responsibilities, damages, and liabilities associated with granting the permit and the permittee's activities in the right-of-way, including activities performed by the permittee's contractors or agents. All facilities shall be placed and maintained in a manner to preclude the possibility of damage to VDOT-owned facilities or other facilities placed within the right-of-way by permit. A permittee shall indemnify and hold harmless the Commonwealth, the Commonwealth Transportation Board, the Commissioner of Highways, VDOT, and the consultants, representatives, agents, and employees of those agencies from and against any and all claims, causes of action, losses, costs, attorney fees, expenses, and damages that directly or indirectly result from or arise out of the permittee's activities or violations in the right-of-way; from any of the permittee's contractors, subcontractors, consultants, representatives, agents, or employees; or from anyone for whom acts or violations the permittee is or may be liable. A permittee shall be civilly liable to the Commonwealth for all actual damage caused by a violation of the terms of a permit or this chapter. Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter." As such, the CTB and VDOT respectfully reject this requested change.
	VCTA requests the last sentence of the proposed text for subsection 40(I) be struck. The sentence reads: "Injunctive remedies available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the	The sentence requested to be removed lays out potential actions that VDOT may take to rectify public safety issues caused by violations of the permit or the regulations by the permittee. This should not be interpreted as a method for improperly taking property. However, the CTB and VDOT have determined that the

	right-of-way caused by violations of the permit or this chapter."	referenced sentence is not necessary and will revise the regulatory amendments as requested.
	VCTA requests striking the two proposed sentences at the end of subsection 40(V) which read: "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection. The failure of VDOT to fully or properly inspect any work shall not excuse in any way the permittee from any of the permittee's duties or obligations under the permit, law, or regulation."	The intention of the language is to make it clear that the permittee is responsible for the work they are doing and VDOT's inspection or lack of inspection does not absolve the permittee of doing the work correctly. With open cuts, if the VDOT inspector is not onsite during placement of fill, it is unlikely VDOT can verify proper compaction in the lower levels of the fill or verify depth effectively. The permittee could also hit traffic loop detectors when saw cutting in preparation for an excavation, and VDOT's signals team may not detect this until weeks after the work is complete. For directional boring, if the inspector is not onsite during activities and watching the equipment operation, it is unlikely VDOT can verify exact placement (vertical and horizontal). If the utility installer cuts VDOT underdrains, cross pipes, private entrance pipes, guardrail posts and other department assets, this may not become known until sometime later. When installing facilities on a steep slope or embankment, slope slides or other erosion issues caused by disruption of adjacent soil or improper compaction tend to occur after permit completion. Due to the number of permits issued annually, VDOT would be forced to significantly increase permit fees to fund consultant inspectors to provide full-time inspection of all permittees. The CTB and VDOT respectfully reject this requested change.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements

151-10		"Utility" is defined as “a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, electricity, gas, oil, petroleum products, water, steam, storm water stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system	Add “broadband” after “cable television” in the definition of “Utility.”	Clarifying change made in response to request from VCTA.
151-30		The subsection dealing with districtwide permits (currently subsection C, proposed subsection B) will be rewritten to streamline and consolidate the text.	Add “broadband” to the list of providers granted flexibility in subsection 30(B)(1).	Clarifying change made in response to request from VCTA.
151-40		In subsection B, the amendments will remove the fifth sentence which contains a requirement for single use permits that “consolidation shall not be for a length greater than two miles.” This change will enable VDOT to allow a permit to cover more geographic area without requiring a special permit under section 660, which will reduce the complexity of the permit process. In subsection I, the proposed last sentence read, “Injunctive remedies	In subsection B, the fourth sentence will also be modified to read, “Applicants are encouraged to submit work of a continuous nature along one route, or connected routes within one jurisdiction, into one permit application, regardless of length.” In subsection I, the proposed last sentence will be removed.	Clarifying changes made in response to request from VCTA.

		available to VDOT include providing private property access to VDOT to rectify concerns to public safety in the right-of-way caused by violations of the permit or this chapter."		
151-340		Administrative and streamlining updates will be made to this section.	Add "broadband" to the list of providers granted flexibility in subsection 2. The following text will be added to the end of the first sentence in subsection 2: "…and except as authorized pursuant to section 30(B)(1)."	Clarifying changes made in response to request from VCTA.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
151-10	N/A	Section 10 defines the words and terms used in the regulation.	The DIBR reference will be removed from the definition of "Clear zone" to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Definitions for "Chief Engineer," "Permit agreement," "Shared resource agreement," and "Wireless support structure agreement" will be added to provide further explanation for terms used in the regulation. The definitions of "Central office permit manager,

			"Commercial entrance," "District administrator," "Permit," "Permittee," "Private entrance," "Right-of-way," "Service connections," "System of state highways," "Transportation project," "Utility," and "VDOT" will be amended to clarify and streamline the definitions. "Manhole" and "Power line" will be removed as these definitions are no longer necessary. Minor formatting or grammatical edits will be made to the definitions of "District administrator's designee," "Limited access highway," and "Non-betterment cost."
151-20	N/A	This section outlines VDOT's authority to issue permits for work performed on any real property under the ownership, control, or jurisdiction of VDOT.	Additional Code of Virginia sections will be included in the sentence describing the authority by which the General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21) are adopted. In addition to work, "non transportation uses" will be added to the activities for which written permission is required before the activity is allowed or performed on the system of state highways or any right-of-way or real property under the ownership, control, or jurisdiction of VDOT. This change is intended to reflect that some activities which require a permit are not "work," including parades and races. Formatting and clarifying updates will also be made to this section.
151-30	N/A	This section states when a permit is required and specifies the type of permit required for different activities in the right-of-way.	The title of this section will be amended to read, "Types of permits and permit agreements." The current text of subsection A will be removed as the provisions are repeated elsewhere in section 30. The numbering for the remaining subsections will be adjusted. Clarity will be added to the subsection on single use permits (currently subsection B, proposed subsection A). Provisions concerning single use permits which were previously found in other subsections of section 30 will now be consolidated into this subsection. The subsection dealing with districtwide permits (currently subsection C, proposed subsection B) will be rewritten to streamline and

			consolidate the text. “Broadband” will be added to the list of providers granted flexibility in subsection 30(B)(1). Clarifications will be added to the subsection pertaining to prior-rights permits (currently subsection E, proposed subsection D). In the subsection on as-built permits (currently subsection F, proposed subsection E), text will be added stating that “Utility facilities required to be relocated within a right-of-way due to a conflict with a transportation project or other use of the right-of-way by the public or the Commonwealth may be issued an as-built permit upon completion of the project and the mutual agreement between VDOT and the utility for such relocation.” This text more accurately reflects the situations for which this type of permit may be issued. In the subsection regarding agreements (currently subsection G, proposed subsection F), the text requiring an agreement for any perpendicular crossing of limited access right-of-way will be removed to correspond to current Department practice. “Median” will be added to the locations for which an agreement will be required for a new longitudinal occupancy, and “occupancy of a VDOT-owned wireless support structure” will be added and “new communication tower or small site facilities installed within the right-of-way, as allowed for in 24VAC30-151-300” removed in subpart 1b for clarity and consistency with the Code of Virginia. Further clarification will be added to subpart 2 regarding shared resource agreements, noting that in exchange for occupancy of limited access right-of-way, utilities provide a combination of goods, facilities, services, or monetary compensation to VDOT. Other streamlining and clarifying edits will be made to this subsection.

			A new subsection will be added to clarify that no permits shall be required for placement of mailboxes and newspaper boxes in accordance with this regulation. Additional formatting updates will be made, text will be amended to align with other sections, and text that is redundant with other sections of this regulation or the Code of Virginia will be removed.
151-40	N/A	Section 40 describes the general rules, regulations, and requirements for land use permits.	A sentence will be added to subsection A stating, “The terms of every permit include and incorporate by reference this chapter as well as all federal, state, and local requirements applicable to a permittee’s activities under the permit.” This corresponds to the removal of the DIBR from the regulation. Other clarifications regarding contractors and agents will be included. The responsibility for approving activities within limited access right-of-way prior to permit issuance will be changed from the Commissioner of Highways to the Chief Engineer. This change is to align with 24VAC30-401 and current VDOT practice. In subsection B, the amendments will remove the requirement for single use permits that “consolidation shall not be for a length greater than two miles.” This change will enable VDOT to allow a permit to cover more geographic area without requiring a special permit under section 660, which will reduce the complexity of the permit process. For clarity, the fourth sentence of subsection B will also be modified to read, “Applicants are encouraged to submit work of a continuous nature along one route or connected routes within one jurisdiction into one permit application, regardless of length.” Subsection C will be reorganized for improved readability. * In subsection F, new text will require permittees to secure and maintain commercial general liability insurance

			with limits of at least $1,000,000 per occurrence and $5,000,000 aggregate, or in amounts otherwise required by VDOT as stated in the permit. These amounts are proposed to be specified in the regulation for clarity, as they are generally the amounts VDOT currently requires in permits. New subsections G and H will be added to clarify permittee responsibilities for damages and continuing maintenance. These sections have been moved from section 300, which relates to utility installations, to section 40 to reflect their general applicability to all permits. Strengthened indemnification and hold harmless language will be added to newly numbered subsection I. These changes are intended to protect the Commonwealth by ensuring permittees are adequately covered against liability for personal injury and property damage in connection with all activities undertaken under a permit and by clarifying that the Commonwealth is not liable for costs related to permittee violations and actions. A new subsection (L) will be added requiring all work to be done in accordance with all federal, state and local requirements and the terms of the land use permit. This will be added to correspond to the removal of references to specific DIBR to reflect the inclusion of the relevant manuals and specifications within the terms of the permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Newly numbered subsection R will be streamlined to state that the permittee is responsible for any settlement in the backfill or pavement after the completion of work activities under the permit or for any settlement caused by the installed facility.

			A sentence will be added to newly numbered subsection V to state, "The permittee may not rely upon any act, statement, or failure to act on the part of VDOT with respect to inspection, nor shall the failure of VDOT to fully or properly inspect any work in any way excuse the permittee from any of its duties or obligations under the permit, law or regulation." Similar language exists in section 70 of the regulation, but the more comprehensive language is proposed to be included here for clarity. Certain requirements which are restated in other regulations and DIBR will be removed. Other streamlining and clarifying edits will be made to this section.
151-50	N/A	This section discusses violations and liability concerns.	The title of this section is proposed to be updated to "Objects in the right-of-way." Subsections B-D are proposed to be deleted as the text is duplicative of other sections of the regulation.
151-80	N/A	Section 80 sets the standards regarding permit time limits, extensions, and cancellations.	In subsection A, the requirement that the time limit for work to be accomplished under the permit shall not normally be less than six months in duration will be removed to eliminate potential confusion as to the regulatory requirements. Subsection B will be amended to clarify that it applies to single use permits and that permittees must request a time extension prior to the expiration of the permit. Calendar days will be changed to business days to better reflect VDOT's ability to respond to a request. Redundant text in subsection B will also be removed. Subsection C will be clarified to reflect that a permit may be cancelled if no work has started within 30 days of issuance or such additional time as authorized by the district administrator's designee.
151-90	N/A	This section describes the hours for work under the authority of a permit and the restrictions for work on holidays.	The list of holidays included in this section will be expanded to all state observed holidays to better reflect holiday traffic patterns. Other clarifications to this section will also be made.

151-110	N/A	This section outlines the conditions that would lead to a permit being revoked or denied.	Flexibility will be added to subsection A to allow permits to be either revoked or suspended upon written finding of a violation. New language will be added to allow for a completed permit to be revoked and the facility or use for which it was issued required to be removed or relocated at the direction of the Commissioner of Highways if the facility or use obstructs or interferes with a transportation project or the improvement, maintenance, or operation of a right-of-way. The text will clarify that all costs to remove and/or relocate the facilities or uses or otherwise resulting from the permit revocation shall be incurred and paid by the permittee unless otherwise specifically provided for by law. Additional amendments to this subsection will clarify that suspended permits shall be noted as such and that no work or use shall be allowed under a suspended permit, and that misrepresentations, fraudulent actions, or repeated violations may result in a permanent denial of the right to work within or use the right-of-way. This change is intended to limit impacts to construction schedules, thereby avoiding work orders and associated costs. A new subsection B will be added explaining the unique provisions relating to revocation of districtwide permits. Clarifications to newly numbered subsection C will explain that permits may be denied to any applicant or joint applicant when the applicant or joint applicant, or its contractors or agents, have violated or are in violation of any term of a permit or of any federal, state, or local requirement applicable to work or use under a permit.
151-120	N/A	Section 120 outlines the provisions governing entrances.	This section is proposed to be repealed as the text is duplicative of other sections in this regulation and the Code of Virginia.
151-220	N/A	This section covers commercial use agreements in instances where wider rights-of-way are acquired by VDOT for the development of a highway at	This section is proposed to be removed as it is no longer VDOT practice to acquire wider rights-of-way than needed at a specific time. In any instance where the situation covered

		such time as adequate funds are available for the construction of the highway.	under this section could occur in the future, section 660 relating to special permits would apply.
151-230	N/A	This section covers agricultural use agreements in instances where wider rights-of-way are acquired by VDOT for the development of a highway at such time as adequate funds are available for the construction of the highway.	This section is proposed to be removed as it is no longer VDOT practice to acquire wider rights-of-way than needed at a specific time. In any instance where the situation covered under this section could occur in the future, section 660 relating to special permits would apply.
151-240	N/A	Section 240 deals with the requirements of a VDOT permit for dams for farm ponds within the right-of-way.	Administrative updates will be made to this section.
151-260	N/A	Section 260 sets the requirements for railroad companies which request railroad crossing permits.	Subsection A will be streamlined to state, “VDOT may permit railway crossings.” In subsection C, “Construction bond” will be changed to “surety” to correspond to the requirements in other sections of this chapter.
151-270	N/A	Section 270 sets the requirements for non-railroad companies which request railroad crossing permits.	“Performance and indemnifying bond” will be changed to “suitable surety” to correspond to the requirements in other sections of this chapter. Text that is redundant with the Code of Virginia will be removed and other formatting updates will be made.
151-280	N/A	This section describes the permit process for landowners whose springs, wells or facilities are acquired by VDOT.	This section is proposed to be repealed as it is no longer utilized. In any instance where the situation covered under this section could occur in the future, section 660 relating to special requests would apply.
151-290	N/A	This section describes the allowance for, and requirements related to, public telephone booths.	This section is proposed to be repealed as it is no longer utilized.
151-300	N/A	Section 300 outlines the requirements for utility installations on highway rights-of-way.	Text clarifying permittee responsibilities for damages and continuing maintenance has been moved to section 40 from section 300 to clarify that these requirements apply to all permits. Additional administrative and streamlining updates will be made to this section.
151-310	N/A	Section 310 sets the requirements for utility installations on all limited access highways.	In subsections A and D, the responsibility for reviewing and approving requests for utility installations within limited access right-of-way and for approving longitudinal

			utility installations within limited access right-of-way will be changed from the Commissioner of Highways to the Chief Engineer. This change is to align with current VDOT practice. Other clarifying amendments will be added to this section.
151-330	N/A	Section 330 outlines the requirements for overhead utility installations within nonlimited access highways.	A sentence will be removed in subsection D which reads, "Longitudinal pole line installation shall be located on the outer 15 feet of the right of way greater than 40 feet in width." "Communications tower" will be changed to "wireless support structure" for consistency with the Code of Virginia. Administrative updates will be made and references to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-340	N/A	This section describes the requirements for underground utility installations within nonlimited access highways.	For clarity, the following text will be added to the end of the first sentence in subsection 2 of section 340: "…and except as authorized pursuant to section 30(B)(1)." "Broadband" will be added to the list of providers granted flexibility in subsection 2. Administrative and streamlining updates will also be made to this section.
151-350	N/A	Section 350 provides for the installation of communication tower structures and other types of surface mounted or underground utility facilities by a utility company and outlines requirements of the utility company and VDOT.	The title of this section is proposed to be updated to, "Wireless support structures and site installations." "Communications towers" will be changed to "wireless support structures" in the section title for consistency with the Code of Virginia. Other streamlining and clarifying updates will be made.
151-360	N/A	Section 360 describes the requirements of permittees regarding pipelines.	The requirement for permittees to maintain minimum cover for any underground facility will be clarified to add, "…as established by the VDOT standards and specifications set forth in the terms of the permit or as otherwise required by applicable law, whichever is greater." The phrase "incorporating the principles of new urbanism" will be removed. The phrase

			currently relates to high density developments as locations where utilities may be placed under the pavement. The phrase has been removed from the corresponding section of the Code of Virginia, § 15.2-2223.1, and as such should be removed from this regulation. Other clarifying edits will be made to this section.
151-380	N/A	This section outlines the requirements for vents; drains; permanent utility markers; manholes and associated frames and covers, valve boxes, and other castings; and shutoff valves.	The amendments would change "manholes" to "utility access points" in subsections D and E. This will allow for the regulation to better address different types of access points, including manholes and handholes.
151-390	N/A	This section deals with in-place and prior-rights permits for utilities.	A sentence will be added to subsection C stating, "Should VDOT later require the permittee to alter, change, adjust, or relocate any utility, the cost will be the responsibility of the permittee." This sentence will clarify the responsibility of a utility owner that does not have a prior right to be located within the right-of-way and align the section with current VDOT practice. Other clarifying edits will be made to this section.
151-400	N/A	This section describes the permit requirements for facilities relocated in conjunction with a VDOT project.	The amendments will clarify that a permittee must obtain a new permit for facilities directed to be relocated within or to right-of-way in conjunction with a transportation project, and that the relocation must be done in a timely manner and at the permittee's sole expense unless otherwise specifically provided in the Code of Virginia. References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-420	N/A	Section 420 describes the permit requirements for lighting facilities.	Subsection A will be streamlined to remove the distinction between roadway and nonroadway lighting since the requirements imposed by VDOT as a condition of land use permit approval are largely the same for both. The amendments will also clarify that lighting designed to illuminate the pavement or adjacent

			pedestrian or bicycle facilities is subject to a permit. Subsection B will be amended to remove the references to specific DIBR. Instead, the text will require the design of lighting systems and fixtures to be in accordance with § 2.2-1111 of the Code of Virginia, which sets requirements for lighting design by VDOT and other road agencies. In subsection C, the DIBR reference will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Flexibility will be added to this subsection through the allowance of drawings to be submitted electronically. Applicants will be required to submit photometric calculations and wattage for the fixtures to reflect the prevalence of LED fixtures. “Permittee” will also be updated to “applicant.” Amendments in subsection D will allow VDOT to require modification or removal of luminaries if they are determined to provide excessive light trespass into adjacent properties. This will allow VDOT to address citizen complaints about glare from lighting fixtures. Other changes to subsection D correspond to the changes in subsection A to remove the distinction between roadway and nonroadway lighting.
151-430	N/A	This section outlines the requirements for attachments of utilities to bridge structures.	Clarity will be added to subsection A to require approval of the district structure and bridge engineer “in accordance with VDOT specifications.” Subsection B will be amended to clarify that the requirements apply to “lines carrying electricity.”
151-440	N/A	Section 440 sets the requirement for a permit to be obtained for uses of real property under the ownership, control or jurisdiction of VDOT.	This section is proposed to be repealed in conjunction with the addition of “non-transportation uses” to section 20 to remove redundancy from the regulation.

151-450	N/A	This section outlines the permit requirements for hanging banners or erecting decorations across state highways.	The list of entities which are required to obtain a permit under this section will be expanded to include other individuals and entities to ensure proper permits are obtained for banners and decorations.
151-460	N/A	Section 460 describes the permit requirements for building movements over 16 feet wide.	The amendments streamline the requirement that requests for building movements be approved by the district administrator's designee in the district where the move initiates by removing a duplicative sentence.
151-490	N/A	Section 490 states that a permit is required for construction or reconstruction of roads, bridges or other drainage structures and details the requirements for such a permit.	“Private or commercial entrances” and “other transportation facilities” will be added to the list of items for which a permit is required under this section for clarity.
151-500	N/A	This section allows for the issuance of permits to any governmental state agency to install hydrological study equipment within highway rights-of-way.	* The proposed change would remove “state” from the type of governmental agencies covered under this section. Currently, non-state governmental agencies obtain these permits under section 660. This change will eliminate the need for a special permit.
151-520	N/A	Section 520 sets the permit requirements for filming for movies within the highway rights-of-way.	* This section would be broadened to apply to all commercial filming as the current restriction to movie filming does not encompass the breadth of possible filming which could present a threat to safety if not conducted under the proper permit.
151-550	N/A	This section establishes the permit requirements regarding the authorized location and removal of roadside memorials.	Formatting and clarifying updates will be made, and text that is redundant or unnecessary will be removed for streamlining purposes.
151-560	N/A	This section outlines the requirements for the placement of mailboxes and newspaper boxes, and states that placement should not interfere with safety, maintenance and use of the roadway.	The amendments propose to change “should” to “shall” regarding the requirement that placement of mailboxes and newspaper boxes not interfere with safety, maintenance and use of the roadway. This strengthened requirement will help prevent safety issues regarding the placement of these boxes within the VDOT right-of-way.
151-570	N/A	Section 570 describes the conditions for placement of certain public service signs within the right-of-way without a permit.	The title of this section will be broadened from “Miscellaneous signs” to “Miscellaneous signs and devices.” A new subsection C will be added stating, “The Commissioner of Highways or his designee may authorize the placement of various automated traffic enforcement devices for the Commonwealth or its political

			subdivisions as may be allowed by law." These changes will allow for the placement of automated traffic enforcement devices under this section of the regulation as they are not currently addressed elsewhere. Subsections A(4) and A(5) are proposed to be removed. This text covers VDOT activities for which permits are not needed, and as such, the text is unnecessary. Formatting updates will be made and text that is redundant or unnecessary will be removed for streamlining purposes.
151-580	N/A	Section 580 outlines the requirements for ornamental posts, walls, residential and commercial development identification signs, or other nontransportation-related elements.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Text that is redundant or unnecessary will be removed for streamlining purposes.
151-590	N/A	Section 590 discusses permits for outdoor advertising adjacent to the right-of-way.	This section is proposed to be repealed as the requirements are duplicative with those included in Chapter 12 of Title 33.2 of the Code of Virginia, 24VAC30-120, and 24VAC30-200.
151-600	N/A	This section describes the requirements for the installation and maintenance of sidewalks, steps, curb ramps, shared use paths, pedestrian underpasses and overpasses within right-of way, as well as the installation of pedestrian or bicycle facilities within limited access rights-of-way.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. New text will be added to this section requiring VDOT to maintain "facilities that are open for general public use, built in the right of-way to VDOT standards, and accepted by VDOT for maintenance." Additionally, the required approval of the installation of pedestrian or bicycle facilities parallel to and within the right

			of-way of nonlimited access highways crossing limited access highways by way of an existing bridge or underpass by the Commissioner of Highways will be changed to the Chief Engineer. This will align this section the equivalent change described in section 40.
151-620	N/A	Section 620 discusses the permit requirements for landscaping and roadside management by individuals or organizations. The permit applicant is required to "maintain any altered roadside area in perpetuity."	The amendments clarify that placement and maintenance of plant materials by individuals or organizations may be allowed under a single use permit and that the permit applicant will be required to maintain any altered roadside area for the duration of the permit instead of in perpetuity. This change addresses potential situations where perpetual maintenance would not be reasonable, such as future construction which removes the landscaping area. * A new paragraph will be added to this section to outline the permit and safety requirements for volunteer mowing or litter pickup. This addition will ensure volunteer mowing and litter pickup are conducted in accordance with VDOT's safety standards for the protection of the volunteers and the motoring public. References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
151-630	N/A	Section 630 sets the permit requirements for school bus shelters, public transit shelters, or ride share stations.	References to specific DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents. Other clarifying edits will be made to this section.
151-670	N/A	This section outlines the uses of right-of-way for which a permit shall not be issued.	Examples of signs that are prohibited within the right-of-way will be added. New exceptions for the placement of bike share or other micromobility systems and the installation of electric vehicle charging stations, as may be

			allowed by law, will be added to reflect the prevalence of and/or future need for these facilities. A new reference to section 350 of this chapter will also be added to the subsection on dwellings to reflect the potential need for support buildings in connection with wireless communication facilities. Clarifications will be added and text that is redundant or unnecessary will be removed for streamlining purposes.
151-690	N/A	This section discusses the permit requirements for discharges made to VDOT right-of-way.	Formatting and clarifying updates will be made to this section.
151-700	N/A	This section outlines the requirements for permit applicants regarding fees, surety, and other compensation.	Formatting and clarifying updates will be made to this section.
151-710	N/A	Section 710 sets the fees for the different types of single-use and district wide permits and outlines the various no fee permits.	For consistency with the Code of Virginia, a sentence will be added to subsection A(1) stating, “Public rights of way use fees may be charged in lieu of permit fees in certain situations in accordance with law.” Changes will be made to subsection A(3) to specify fees of $50.00 for permit term extensions for active permits and $100 for the reinstatement of expired permits. These changes will clarify the existing intent of the regulation and align the text with current VDOT practice. Subsection A(4) will be amended to state that VDOT will retain the entire application fee, including the full additive fee, for permits cancelled prior to the beginning of the permitted activity. This will reduce the burden on VDOT permit and fiscal staff processing the refunds. In subsection B, a provision will be added to allow the central office permit manager to authorize unlimited time extensions at the full cost of the permit fee for each two-year term. This will reduce the paperwork burden on permittees as the paperwork required for a permit extension is less than that for a new permit request.

			The amendments propose to eliminate the current subsection C on miscellaneous permit fees in conjunction with the addition to subsection A(1). Other clarifications, changes corresponding to edits to other sections, and formatting updates will be made to this section.
151-720	N/A	Section 720 outlines the requirements for performance sureties in subsection A and continuous sureties in subsection B.	The requirement for an applicant for a districtwide permit for utilities to provide a continuous surety in the amount of $10,000 per county, and for an applicant for a districtwide permit for logging entrances to provide a continuous surety in the amount of $10,000 per district will be moved from subsection B to subsection A. Additionally, the amendments will clarify that VDOT must be named as an obligee on the bond or a payee for a check, cash, or irrevocable letter of credit for the required performance surety. The heading for subsection B will be updated from “continuous surety” to “structure bond” to better reflect the content of the subsection. The sentences from subsection B dealing with continuous surety will be moved to subsection A. Other clarifications and formatting updates will be made to this section.
151-730	N/A	Section 730 describes the required accommodation fees for the use of the right of-way by a utility.	This section will be updated to reflect that the value of the right-of-way being used to accommodate a utility facility will be used as the basis for determining annual compensation. The specified fees for limited access crossings and limited access longitudinal installation will be removed. The specified fees for wireless communication facility sites will be removed and references to the Code of Virginia and section 740 of this regulation inserted. These changes will align the text with current VDOT practice and eliminate language that could potentially result in the assessment of unnecessary fees. Text that is redundant or unnecessary will be removed for streamlining

			purposes. Other clarifications and formatting updates will be made to this section.
151-740	N/A	This section sets the exceptions and provisions to the payment of fees and compensation.	A new subsection F will be added to state that, “VDOT may enter into wireless support structure agreements to permit the construction of wireless support structures or wireless facilities’ occupancy of the right-of-way, consistent with applicable law.” This addition will allow for items included in Chapter 15.1 of Title 56 of the Code of Virginia to be more completely covered by the regulation. Formatting and clarifying updates will also be made to this section.
151-760	N/A	This section lists the DIBR for the regulation.	* The DIBR will be removed to reflect the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.
FORMS	N/A	This section contains the land use permit application forms.	The forms included in this section will be updated to reflect the removal of the DIBR from the regulation and the inclusion of the relevant manuals and specifications within the terms of the land use permits. This will ensure the most updated versions of the documents are being followed and ease the burden on regulated entities to determine the applicability of specific documents.

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SMART SCALE FY 2026 (Round 6) Post-Round Evaluation

Brooke Jackson, P.E. – SMART SCALE Program Manager

Office of Intermodal Planning and Investment

July 2025

Post-Round Evaluation Agenda

- Process Overview
- Round 6 Policy Updates
- Round 6 Policy Evaluation
- Performance-Based Planning for Successful Applications

History and Purpose

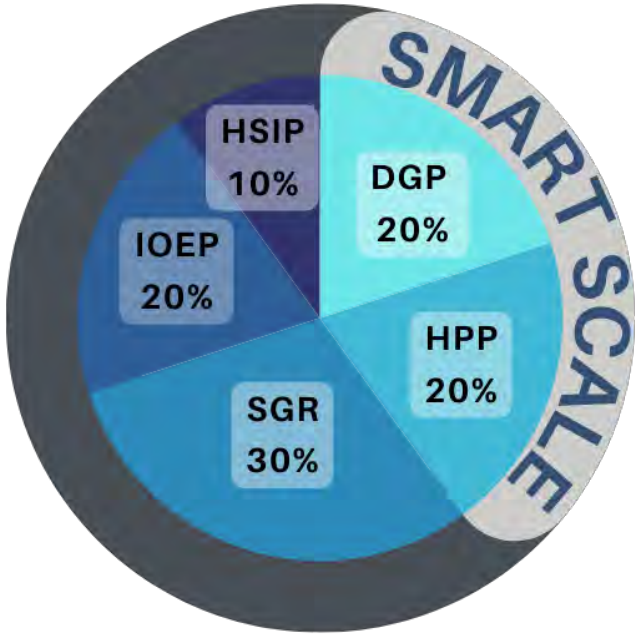
- **SMART SCALE was created to improve the transparency and accountability of project selection and stabilize the Six-Year Improvement Program**
- **Effective July 1, 2014 (Virginia HB2 as defined in § 33.2-214.1), required developing a prioritization process that the CTB was to use for project selection by July 2016.**
  - Needed to remove the political element and select projects that bring the best value
- **It reformed Virginia's transportation programming process by requiring the use of a data-driven, outcome-based prioritization process**
  - SMART SCALE has improved the transparency and accountability of project selection
  - The process scores projects based on an objective and fair analysis that is applied statewide
- **SMART SCALE is a tool to help CTB select projects that provide the greatest benefits for tax dollars spent**

Virginia HB 2 Defines the Process

- **Benefit-Cost Relationship Required**
- **Six Factor Areas Required (SCALE) –** safety, congestion mitigation, accessibility, land use*, economic development, and environmental quality
- **Multi-Modal Project Evaluation –** must consider highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies
- **Meet a VTrans Need**
- **Projects must be fully funded when added to the SYIP**

**Note: Land Use is required in populations over 200,000 defined in the 6th enactment clause*

Virginia HB 1414 (2020) Defines Funding to Construction Programs



Program	Formula Percentage	Update Cycle
Construction District Grant (DGP)	20%	Even FYs
High Priority Projects (HPP)	20%	Even FYs
State of Good Repair Program (SGR)	30%	Annual
Interstate Operations and Enhancement Program (IOEP)	20%	4 Years
Virginia Highway Safety Improvement Program (HSIP)	10%	Annual
Revenue Sharing (state and local match)	NA	Odd FYs
Transportation Alternatives (TAP)	NA	Odd Fys

SMART SCALE Summary Compared to Previous Rounds

PROJECT APPLICATIONS	FY 2017 ROUND 1	FY 2018 ROUND 2	FY 2020 ROUND 3	FY 2022 ROUND 4	FY 2024 ROUND 5	FY 2026 ROUND 6
Pre-Application Submitted	N/A	N/A	557	484	490	325
Full Application Submitted	321	436	468	406	413	277
Scored	287	404	433	397	394	270
Funded	163	147	134	167	164	53
Total Funding Requested*	$7.4 B	$8.6 B	$7.4 B	$6.3 B	$8.3 B	$8.2 B
Total Funding Allocated	$1.7 B	$1.1 B	$0.9 B	$1.4 B	$1.6 B	$1.0 B
Value of Projects Supported	$3.3 B	$2.4 B	$5.1 B	$1.9 B	$2.4 B	$1.2 B

**Total of scored applications funding requested*

Summary of Changes

- **Administrative Changes**

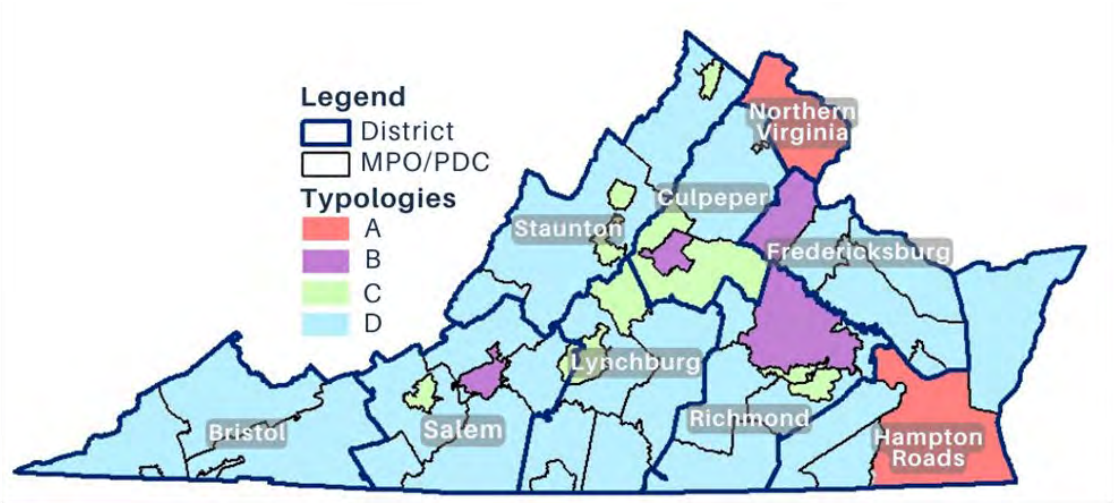
  Applications must pass readiness gates before submission to improve application quality and reduce staff resources

- **Policy Changes**

  1. Refined High-Priority Projects Program (HPP) Eligibility
  2. Refined High-Priority Projects Program (HPP) Funding Steps
  3. Changed the Land Use factor to a multiplier
  4. Modified factor weightings
  5. Changed calculation of the congestion benefits for 7 years in the future
  6. Utilize forward-looking economic development measure developed by VEDP
  7. Tie Consensus Funding Decisions to Delivery Performance

Modified Factor Weightings

Safety	Reduce the number and rate of fatalities and severe injuries
Congestion	Reduce person-hours of delay and increase person throughput
Accessibility	Increase access to jobs and travel options
Land Use	Support transportation-efficient land development patterns
Economic Development	Support economic development and improve goods movement
Environment	Improve air quality and avoid impacts to the environment



Factor	Safety		Congestion		Accessibility		Land Use		Economic Development	Environment
Round	6	5	6	5	6	5	6	5	No Change	No Change
Type A	15%	5%	45%	45%	25%	15%	Up to 100% Added	20%	5%	Up to -5 Points 10%
Type B	20%	20%	25%	15%	25%	20%		15%	20%	10%
Type C	30%	25%	20%	15%	15%	15%		10%	25%	10%
Type D	40%	30%	10%	10%	10%	10%		10%	30%	10%

Administrative Changes
Readiness Gates

- **Improved application quality and reduced staff resources by eliminating projects early that do not meet the program's requirements**
- **Outcomes Compared to Round 5***
    1. Number of Pre-Applications fell from 490 to 325 (34% reduction), which appears to be related to early readiness communications
    2. 44% of applications were resubmittals that have already gone through a VDOT, DRPT, and OIPI review, reducing screening and validation demand
    3. Extensive readiness and eligibility feedback given to 325 Pre-Applications resulted in 38 withdrawn and 10 pre-screened out applications, resulting in 277 Full Applications
    4. 5 applications were screened out due to readiness, as compared to 19 in Round 5

**Comparing Staff Recommended Scenarios*

Policy Changes

1. Refined High-Priority Projects Program (HPP) Eligibility

2. Refined HPP Funding Steps

- **Clarified CTB Policy to ensure HPP projects are of statewide or regional significance**
- **Eliminated "old" Step 2 (HPP money sorted at district-level) that funded "skipped" DGP projects**
- **Outcomes Compared to Round 5**
  1. Project Type - HPP dollars previously funded seven small (<$10M) and three large (>$10M) Primary Type Pedestrian, which are no longer eligible for HPP dollars
  2. The average amount per project funded by HPP nearly doubled to $27.2 million from $15.6 million
  3. HPP no longer funds low-scoring (below average benefit), low-cost (below $10 million)

Round 6	High-Cost	Low-Cost
High-Score	8 (57%)	0 (0%)
Low-Score*	6 (43%)	0 (0%)

Round 5	High-Cost	Low-Cost
High-Score	10 (33%)	4 (13%)
Low-Score	2 (7%)	14 (47%)

**Average benefit scores of Round 6 HPP projects doubled from Round 5*

Policy Changes
3. Changed the Land Use factor to a multiplier

- **Land Use now enhances the score of the project**
- **Outcomes Compared to Round 5**
    1. Land Use total percent impact on benefit for funded projects fell from 49% (R5) to 21% (R6)
    2. Land Use factor impact is now in line with other factors

Policy Changes
4. Modified factor weightings

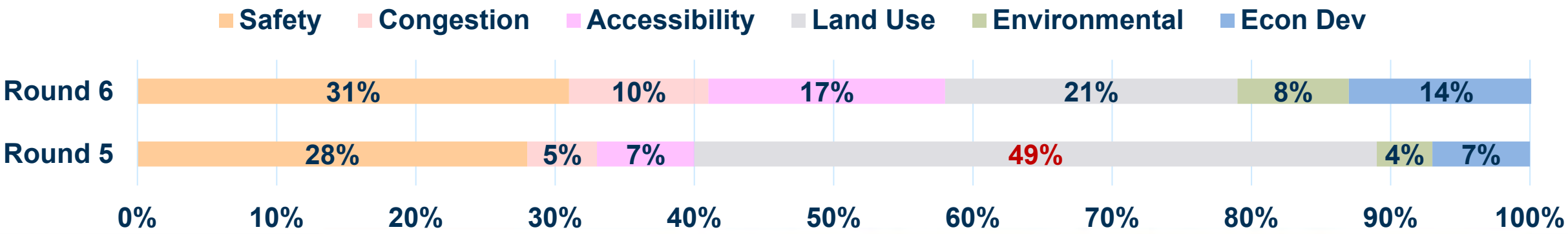
- **Redistributed Land Use to Safety, Congestion, and Accessibility**

Factor	Safety		Congestion		Accessibility		Land Use		Economic Development	Environment
Round	6	5	6	5	6	5	6	5	No Change	No Change
Type A	15%	5%	45%	45%	25%	15%		20%	5%	10%
Type B	20%	20%	25%	15%	25%	20%		15%	20%	10%
Type C	30%	25%	20%	15%	15%	15%		10%	25%	10%
Type D	40%	30%	10%	10%	10%	10%		10%	30%	10%

Up to 100% Added

Up to -5 Points

- **Outcomes Compared to Round 5 – Percent Impact on Benefit (Funded Projects)**



Policy Changes
5. Calculate Congestion Benefits for 7 Years in the Future

- **Aligns congestion scoring with a forward-looking approach that considers future design requirements and economic development growth**
- **Used the provided transportation studies that consider background growth, not only today's problem**
- **Outcomes Compared to Round 5**
  1. Of funded projects, the Congestion Factor impact on project benefit grew from 5% to 10%
  2. In reviewing fully resubmitted projects, the Congestion scores increased on average 300%
- **Data Observations in Round 6**
  1. Top Congestion score was found in Type B (congestion weighting 25%) not in Area Type A, which has the highest congestion weighting at 45% – Short Pump Area Improvements in Richmond District
  2. Of the top 10 Congestion scores, only three occurred in Type A

Policy Changes
6. Utilize the Forward-looking Economic Development

- **Based on best-in-class economic impact assessments currently used by VEDP to incorporate key economic priorities of the Commonwealth**
- **Outcomes Compared to Round 5**
  1. Prior methodology relied on user input of sites that considered local plans and the level of site plan
     a. Did not necessarily capture the future economic interest in developing parcels
     b. Past rounds' highest scores favored longer length projects, where a significant amount of low-quality (zoned only sites) data could be added
  2. In Round 6 with the policy change, nearby VEDP-vetted sites are run through VEDP's Model
     a. Considers workforce, terrain, and access to ports/airports, to model job creation and capital expenditure
     b. These metrics more precisely capture the active interest in these sites by businesses
  3. Economic Development impact on project benefit doubled from 4% to 8% without increasing the Area Type Weighting

Policy Changes
7. Tie Consensus Funding Decisions to Delivery Performance

- **Consider information from the VDOT Local Assistance Division's Locality Sustained Performance Program (LSPP) when informing the consensus scenario**
- **Outcomes Compared to Round 5**

  Informed Board Members on the applicant's performance, which guided Consensus Scenario decisions

Key Takeaways

- **Round 6 Staff Recommended Scenario represented a successful execution of the Board's desired outcomes**
  1. HPP dollars are no longer funding Bike and Pedestrian Primary type projects
  2. HPP dollars are now funding High-Cost, High-Benefit projects
  3. Land Use factor impact is now in line with other factors
  4. Safety, Congestion, and Accessibility impact increased
  5. Congestion measure values increased
  6. Captures the active development interest in VEDP-vetted sites
  7. Delivery performance guided Consensus Scenario decisions

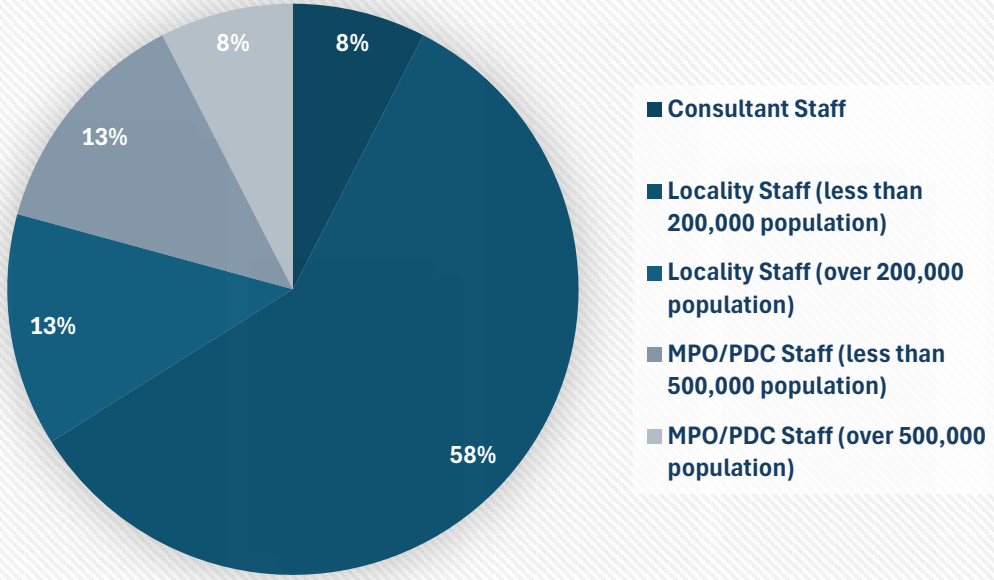
Applicant Comments on Round 6

Received comments via Post-Round Survey, Letters, and News Articles

- **Common comments of the three sources**
  - HPP rules narrowed the scope of projects that MPO/PDC's can submit
  - HPP funding allocations
  - How do we (the applicant) perform better?

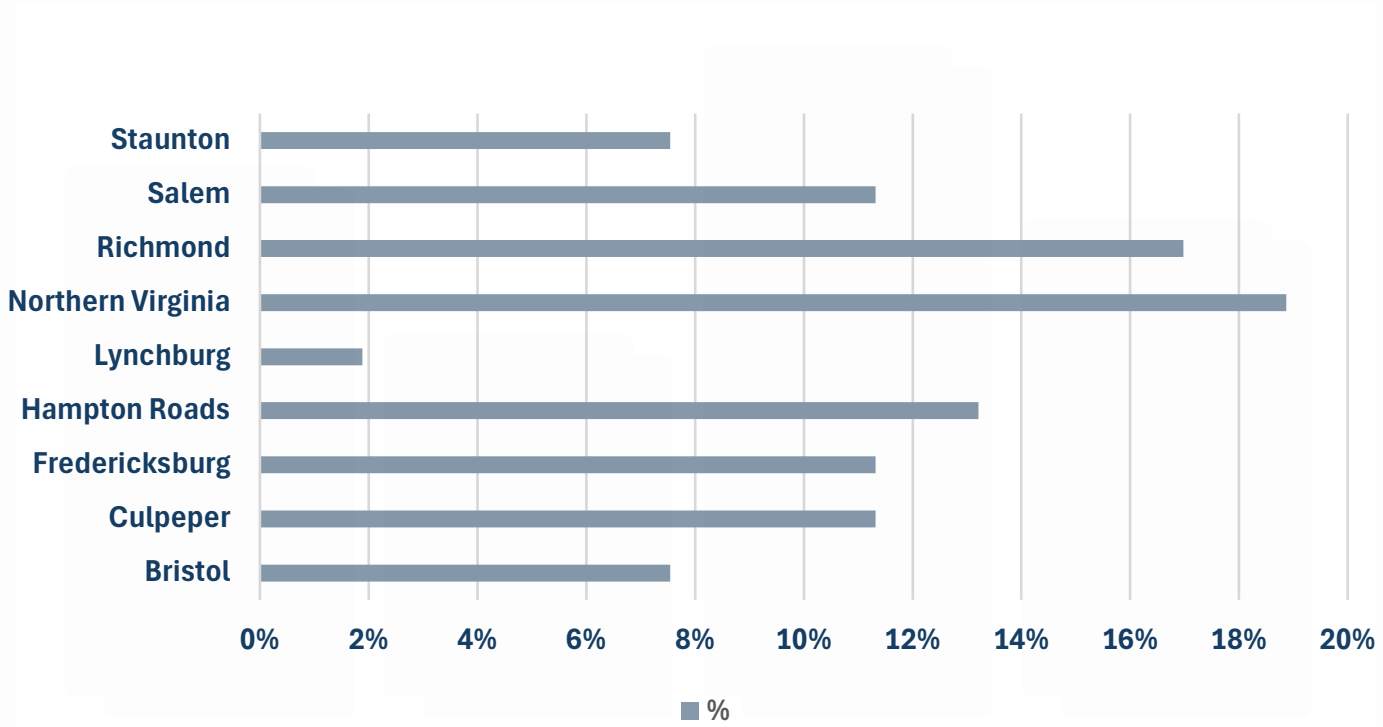
Applicant Comments on Round 6 Survey Engagement

Entity Type



Total Participants: 53
Total Comments: 148

District



Applicant Comments on Round 6 Survey General Feedback

- **Screening**
  - Readiness Gates; generally well received, with the anticipated confusion of a new process
- **Resources**
  - Consensus was positive surrounding training and available resources
  - Promote what website resources are available and consider video training
- **Outreach from the State**
  - All positive feedback regarding applicant communication with District staff
  - Challenges include keeping up with changes to the application process throughout rounds of SMART SCALE; communicating all changes along the way is key

Applicant Comments on Round 6 Policy Feedback

- **HPP Redefinition**
  - Study requirement component difficult to meet; too expensive to be funded
  - Severely restricts regional entities in terms of what they can submit
- **Elimination of Step 2**
  - Hurts rural districts that have to compete on a statewide basis with urban districts
  - Hurts higher cost projects competing on a statewide basis (resulting in lower scores)

Applicant Comments on Round 6 Survey Methodology Feedback

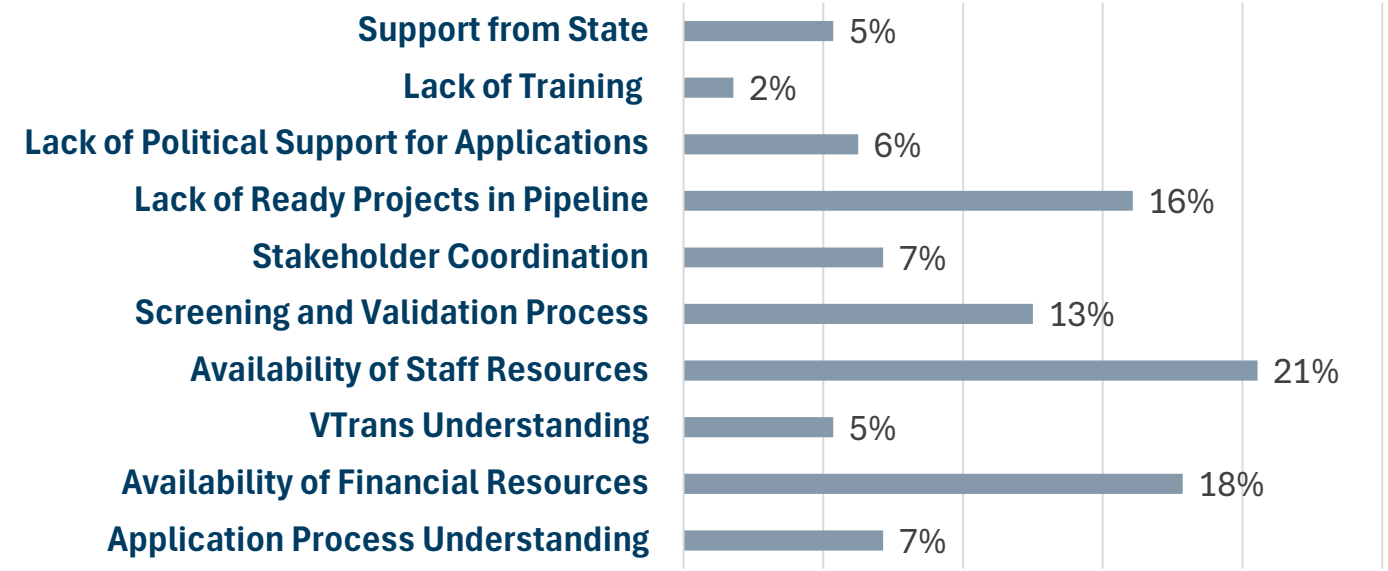
Methodology Update	Satisfied	Neutral	Dissatisfied	N/A
Congestion factor calculated 7 years in the future	50%	26%	19%	5%
VEDP led forward-looking Economic Development measure	33%	33%	24%	10%
Modification of the Land Use factor to a multiplier	31%	38%	19%	12%
Updates of the factor weightings by area type	38%	33%	26%	3%

Supporting Comments:

- Economic Development is limited in rural areas; large VEDP sites are usually few and far between
- Economic Development measure was confusing for applicants; there needs to be an easy and transparent way to obtain all the VEDP site data when a locality is considering an application
- Multiple comments related to Area Type B and Safety measure, appetite to increase safety benefits
- Future Congestion was generally well received, could be extended to 10-15 years instead of 7

Methodology Feedback
Challenges and Lessons Learned

What were your organization's biggest challenges to successfully developing and submitting applications for consideration? Select all that apply.



Comments - How can the State continue to provide support to the applicants?

- Technical support and support with the CEWB
- Continued opportunities for training, clear, concise guides, and website information, survey feedback
- Checklist of items required for submission with deadlines
- Project feasibility review by VDOT before apps are submitted
- **Ways to make projects more competitive**

Looking Forward to Round 7 Performance-Based Planning

1. **Focus on VTrans Priority 1 and 2 Need Locations - Benefit score is the project's impact on needs/problems**
2. **Identify the Right Solutions to address the Needs – Value Engineering**
3. **Improve Cost Effectiveness – Reduce risk and contingency**

Reasons why performance-based planning is overlooked

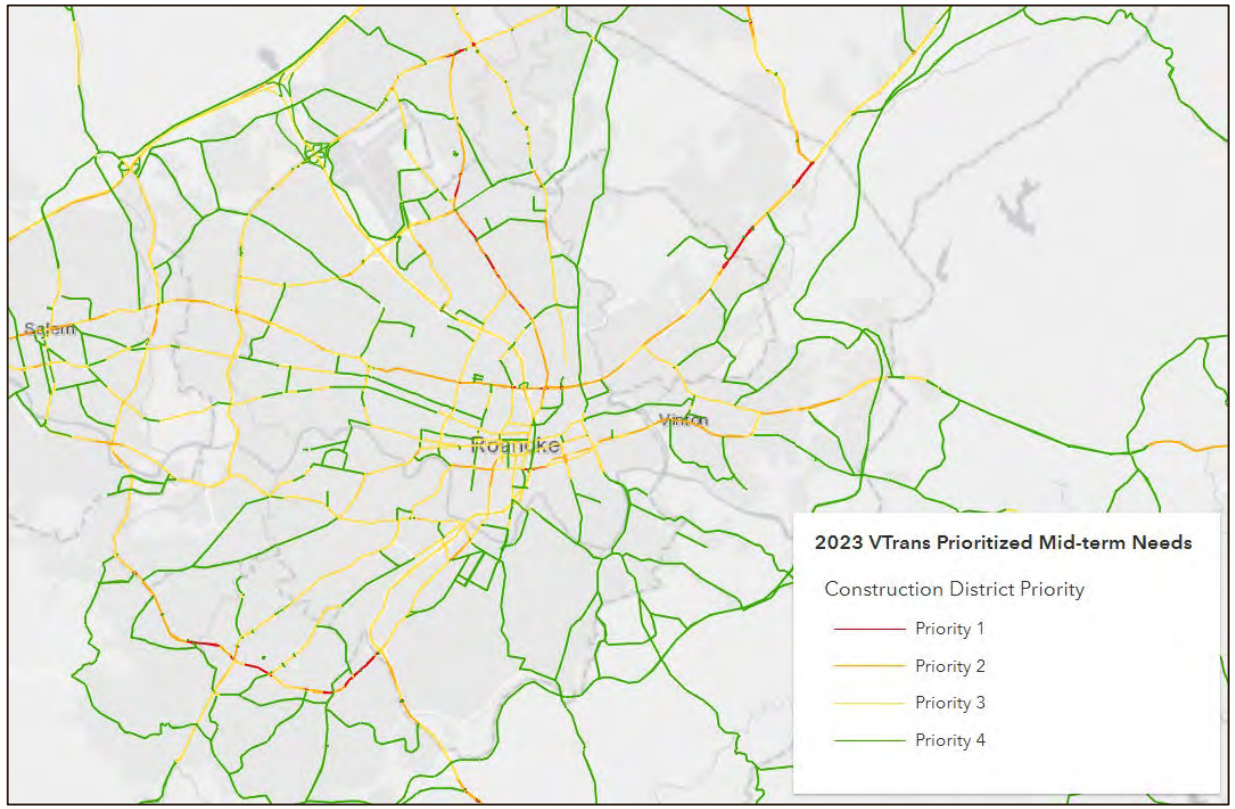
- Local board members expect an application in their district, regardless of whether there are high-ranked, prioritized needs
- Pressure to apply for the maximum application limit cap impacts application quality
- Perceived versus real (data-supported) issue
- Solution has already been determined; value engineering not considered

Looking Forward to Round 7
VTrans Prioritized Needs

- **ANY Mid-Term Need is acceptable for SMART SCALE**
- **Locations with the greatest needs are VTrans Prioritized Needs**
  - Priority 1 and 2 locations established in VTrans become eligible for study funding under the Project Pipeline program
- **Priority Needs are ranked 1 - worst 1%, 2 – worst 5%, 3 – worst 15%, 4 - remaining**

Looking Forward to Round 7
VTrans Prioritized Needs by Construction District Priority

- **Priority 1 is the highest need (red)**
- **43 out of 53 (80%)** of all funded projects were located on a Priority 1 or 2 Construction District Priority Need
- **14 out of 14 (100%)** of HPP-funded projects were located on a Priority 1 or 2 Construction District Priority Need



https://vtrans.virginia.gov/interactvtrans/map-explorer

Looking Forward to Round 7
VTrans Prioritized Needs by Construction District Priority

Funding Comparison by District

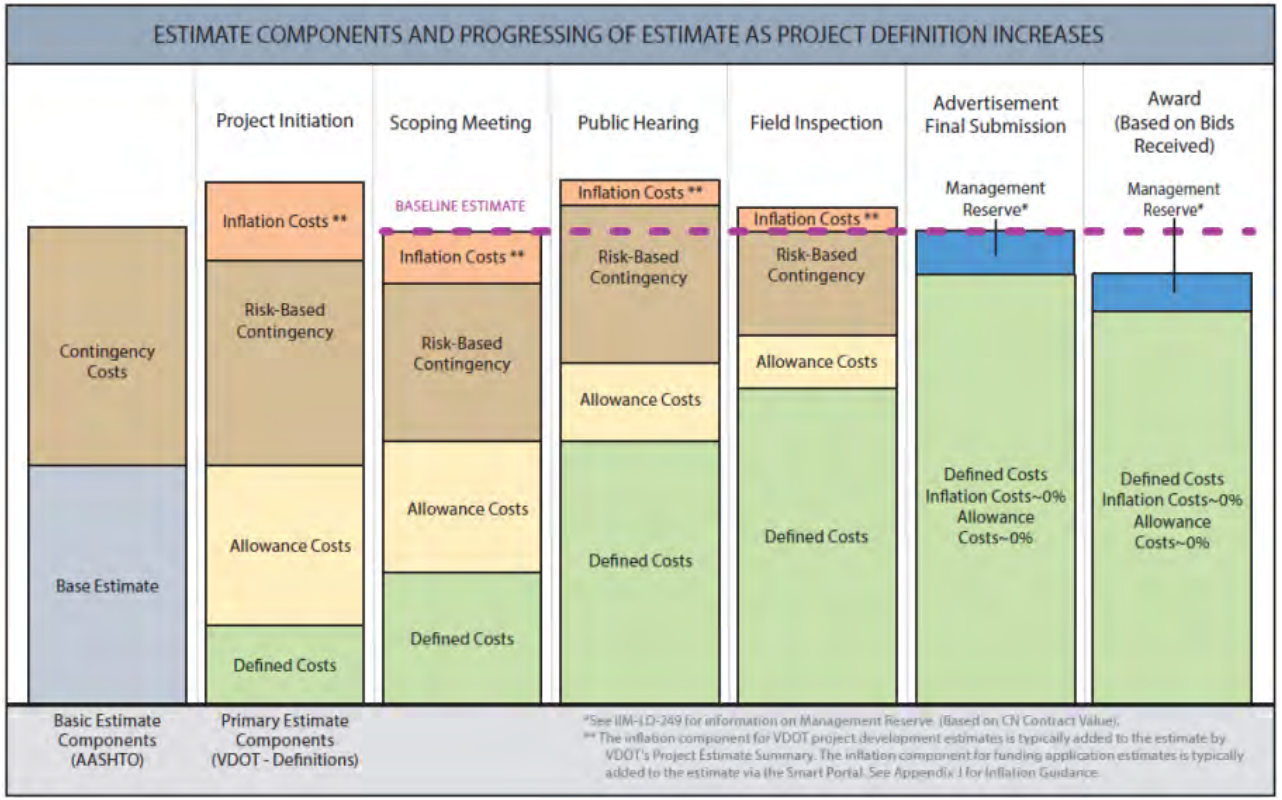
District	Total Apps	Priority 1			Priority 2			All Other Locations		
		Total	Funded	Not Funded	Total	Funded	Not Funded	Total	Funded	Not Funded
Bristol	20	3	1	2	4	0	4	13	2	11
Culpeper	24	6	2	4	12	2	10	6	0	6
Fredericksburg	34	6	2	4	14	1	13	14	1	13
Hampton Roads	31	11	6	5	8	3	5	12	2	10
Lynchburg	12	1	1	0	4	2	2	7	1	6
Northern Virginia	23	8	3	5	6	1	5	9	0	9
Richmond	65	18	6	12	22	6	16	25	2	23
Salem	34	5	0	5	15	1	14	14	2	12
Staunton	27	12	4	8	8	2	6	7	0	7
	270	**70**	**25**	**45**	**93**	**18**	**75**	**107**	**10**	**97**
		35% Success Rate			19% Success Rate			10% Success Rate		

Looking Forward to Round 7
Identify the Right Solutions to Needs – Value Engineering

- **Frequently, the solution has already been determined, and value engineering has not been considered**
- **Planning Studies to determine the Preferred Alternative**
  - Incorporate STARS (VDOT) and Pipeline (OIPI) program methodologies
  - Consider the most cost-effective solution in the preferred alternative selection
- **Right-size the application scope (corridor size) to the worst performance locations**

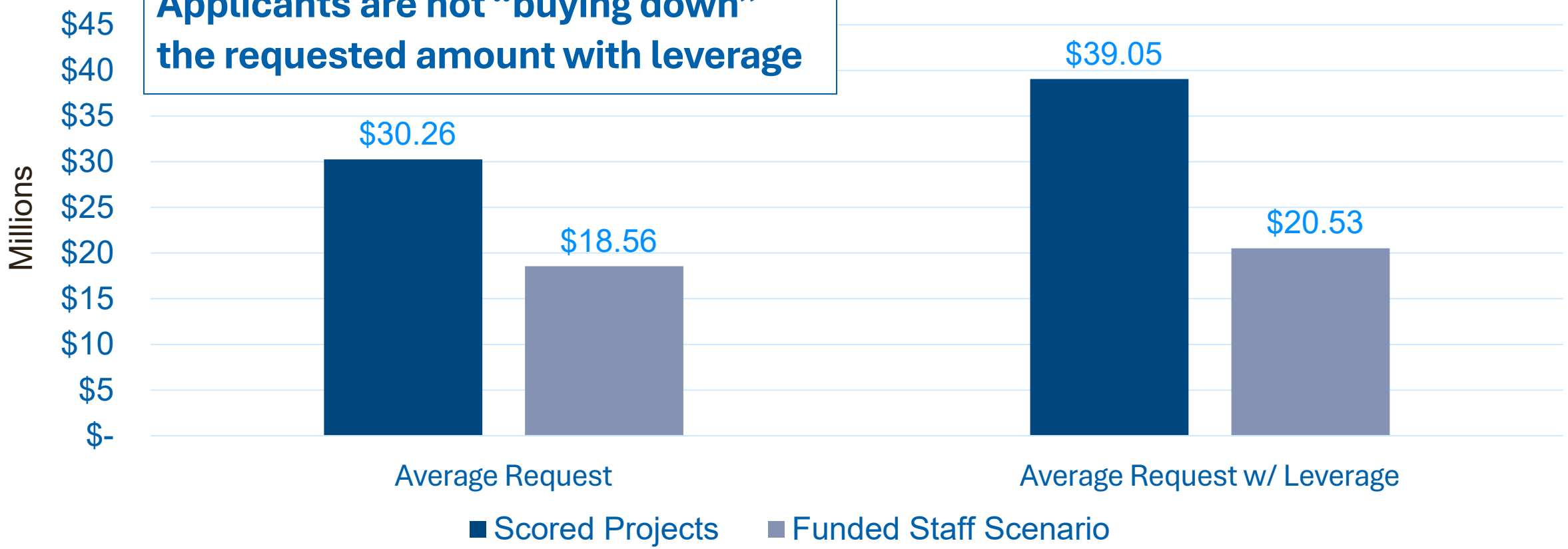
Looking Forward to Round 7
Cost Effectiveness

- **Cost Estimates**
  - Work with VDOT District early and often
  - Reduce risk and contingency
- **Advance a project as far as possible before applying**



Looking Forward to Round 7
Cost Effectiveness

Applicants are not "buying down" the requested amount with leverage



Average Funded Project Request Round 6 – $18.6M (all) and $27.2M HPP

Looking Forward to Round 7
Key Takeaways

Applicants should focus on performance-based planning

1. Focus on Priority 1 & 2 locations
2. Right-sized solutions
3. Partnership in cost estimate preparation
4. Not what percent you leverage; it is what amount is requested (request vs benefit)

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Thank you.

Director's Report

July 2025

DRPT

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION



Next Stop: 2030
DRPT's Strategic Plan

Create a positive impact on the Commonwealth

- DRPT received its annual rail performance data.
  - In calendar year 2024, projects funded by DRPT's rail grants (Rail Industrial Access, Rail Preservation, and FREIGHT) transported nearly 4.8 million rail carloads of freight or the equivalent of 16.2 million truckloads.
  - Since 2017, DRPT's rail programs have transported the equivalent of 99.4 million truckloads of freight.
- The Virginia Breeze provided 5,210 trips in April 2025, up 12% over April 2024.
- April 2025 statewide transit ridership (including WMATA and VRE) was 13.7 million, up 14% from April 2024.
  - WMATA Virginia ridership in April 2025 was 8.0 million, a 17% increase over April 2024.
  - VRE ridership in April 2025 was 260,000, up 70% from April 2024.
  - Virginia Agency (non-WMATA and VRE) ridership in April 2025 was 5.4 million, up 7% from April 2024.
- In June, Hampton Roads Transit launched a quarterly newsletter. HRT reported that its Base Express reached 100,000 riders in just over two years - the service was originally projected to provide 25,000 trips over three years.
  - The Base Express is partially funded by a DRPT TRIP Regional Connectivity grant.
  - Additionally, HRT reported that its 757-Express services have seen major increases in ridership, as frequent service (15-minute headways) and fewer stops have attracted more riders.

Next Stop: 2030
DRPT's Strategic Plan

Foster innovative practical solutions

- On May 28, WMATA announced the launch of its "Tap. Ride. Go." contactless payment program on the Metrorail system. Riders can now use their credit or debit card, mobile wallet or smart watch to pay for fares. WMATA is planning to expand the feature to its buses in the future.
- On June 15, WMATA began Automatic Train Operation (ATO) on the Metrorail Blue, Orange, and Silver Lines, returning the whole Metrorail system to ATO, after receiving concurrence from the Washington Metrorail Safety Commission. WMATA also announced that along with the return to ATO, it will be returning to the original design speed of the Metrorail system, up to 75 mph. Starting June 22, Metrorail will reduce end-to-end travel times by about 3 minutes on all three of the aforementioned lines.

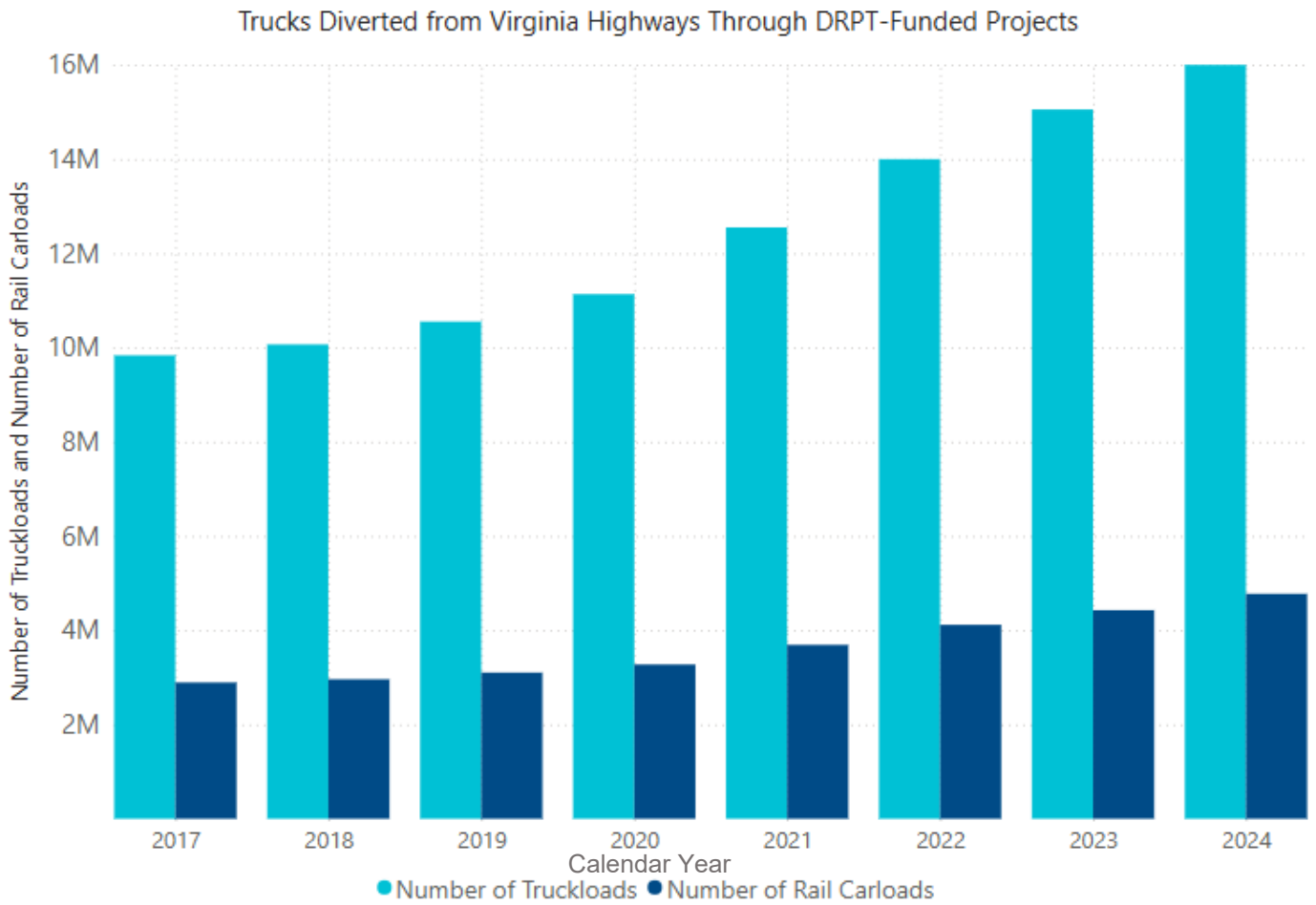
Cultivate a sustainable well-managed organization

- DRPT is finalizing an agreement to bring management of its GIS software in house. This will include managing data and servers internally. This process will reduce agency spending on software that previously went through VITA.
- DRPT Rail team completed a two-year process to shift all rail grant end dates to coincide with fiscal year-end or calendar year-end. This improves grant management efficiency for DRPT and grantees by streamlining progress checks to twice a year, rather than on an ad-hoc basis.

DRPT Freight Rail Programs

Truckloads diverted onto rail carloads, by calendar year

Rail Performance Data Dashboard



About

To gauge the performance of its Rail Programs, DRPT calculates the number of trucks diverted from Virginia's highways through funded projects. This measure is calculated using program agreement performance reported by the agency's rail partners annually. On average, one train carload removes the equivalent of 3.4 truckloads from the highway.
In 2024, 16,234,884 truckloads were diverted from Virginia highways.

Rail programs include the Rail Preservation Fund, FREIGHT Program, Rail Industrial Access, and Rail Enhancement Fund.

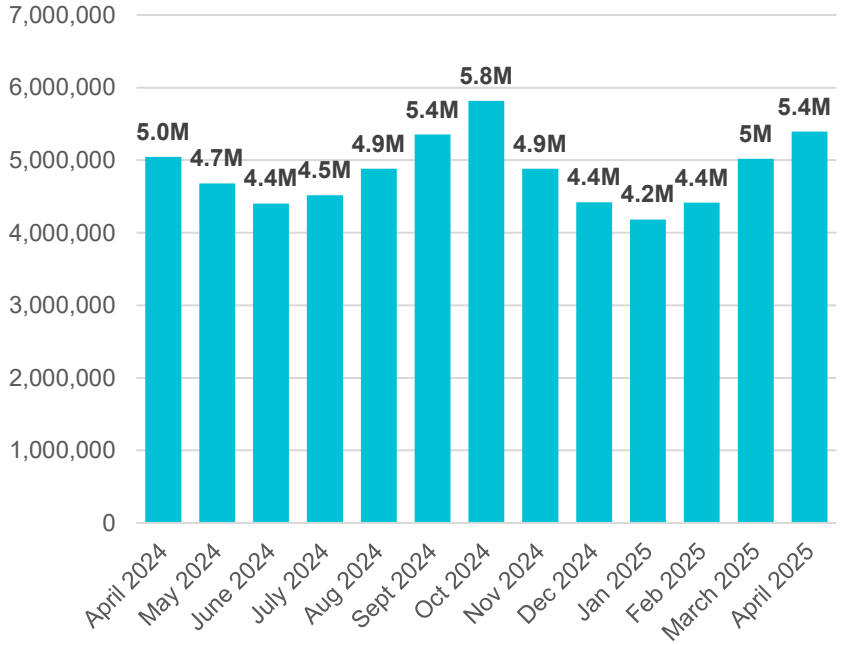
Data is reported on a fiscal year basis with the exception of legacy projects still reporting by calendar year as a requirement of the Rail Enhancement Fund. Data may change as rail partners review and revise reported figures.

99,431,558

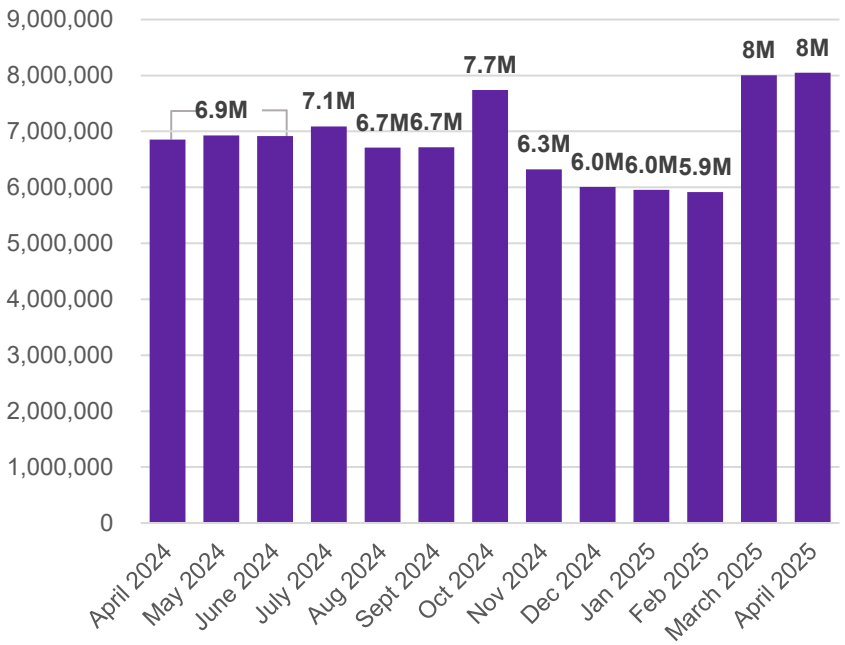
Total Trucks Diverted

Statewide Transit Ridership

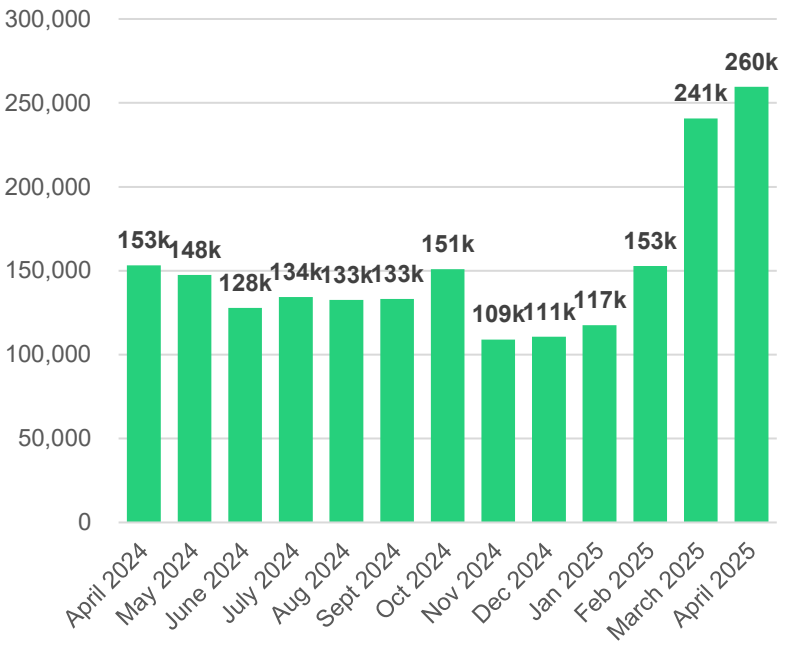
Statewide Transit Ridership – April 2024 to April 2025



Virginia Agencies



WMATA

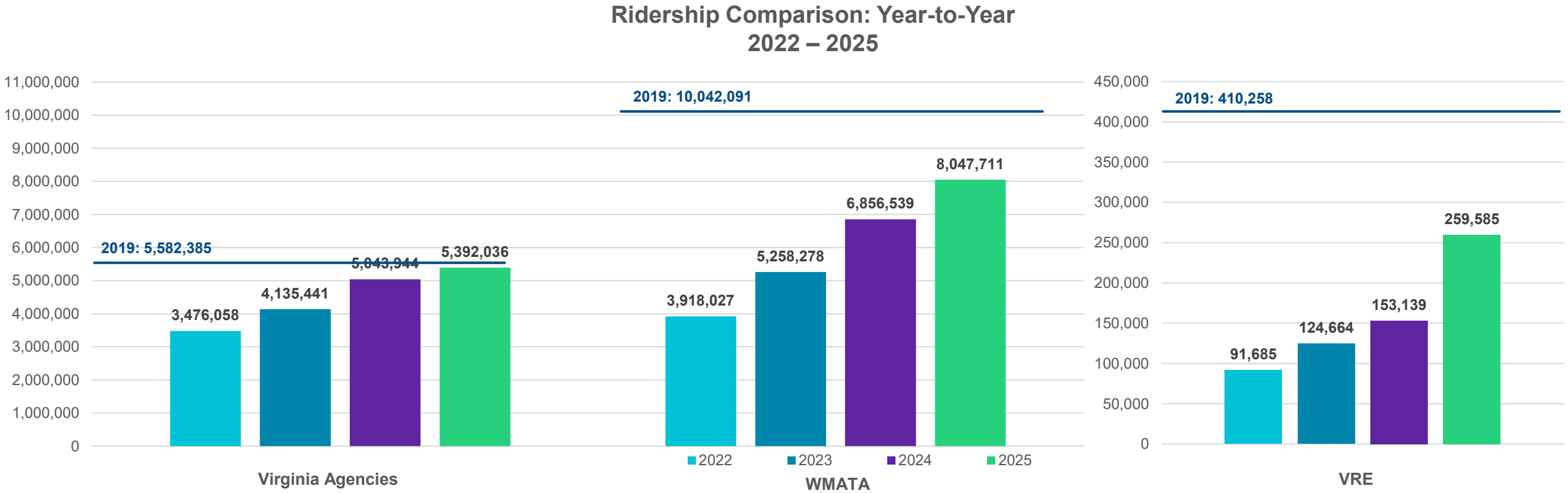


VRE

Agencies	April 2024	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	March 2025	April 2025	Total*
Virginia Agencies	5,043,944	4,679,887	4,403,644	4,514,454	4,883,563	5,352,290	5,818,844	4,881,823	4,419,656	4,182,767	4,414,886	5,019,474	5,392,036	57,963,324
VRE	153,139	147,561	127,770	134,350	132,607	133,247	150,972	109,026	110,625	117,466	152,882	240,794	259,585	1,816,885
WMATA	6,856,539	6,930,758	6,916,793	7,089,451	6,710,201	6,717,554	7,742,372	6,320,579	6,005,122	5,957,138	5,915,679	8,001,329	8,047,711	82,354,687
All Agencies + VRE + WMATA	**12,053,622**	**11,758,206**	**11,448,207**	**11,738,255**	**11,726,371**	**12,203,091**	**13,712,188**	**11,311,428**	**10,535,403**	**10,257,371**	**10,483,447**	**13,261,597**	**13,699,332**	**142,134,896**

*Last 12 Months

Statewide Ridership Comparison: April Year-to-Year



Mode	2022	2023	2024	2025	2025 vs 2022	2025 vs 2023	2025 vs 2024
Virginia Agencies	3,476,058	4,135,441	5,043,944	5,392,036	55%	30%	7%
VRE	91,685	124,664	153,139	259,585	183%	108%	70%
WMATA	3,918,027	5,258,278	6,856,539	8,047,711	105%	53%	17%
All Agencies + VRE + WMATA	**7,485,770**	**9,518,383**	**12,053,622**	**13,699,332**	**83%**	**44%**	**14%**

Virginia Breeze Ridership – April

In April 2025, ridership on VA Breeze routes totaled 5,210 which was:

- 182% higher than original estimates, and
- 12% higher than April 2024

For the month of April 2025, the VA Breeze contributed to a reduction of 203 metric tons of CO_2 equivalent emissions.

Valley Flyer:

- Ridership – 9% higher than April 2024
- Farebox Rev. – 8% higher than April 2024

Piedmont Express:

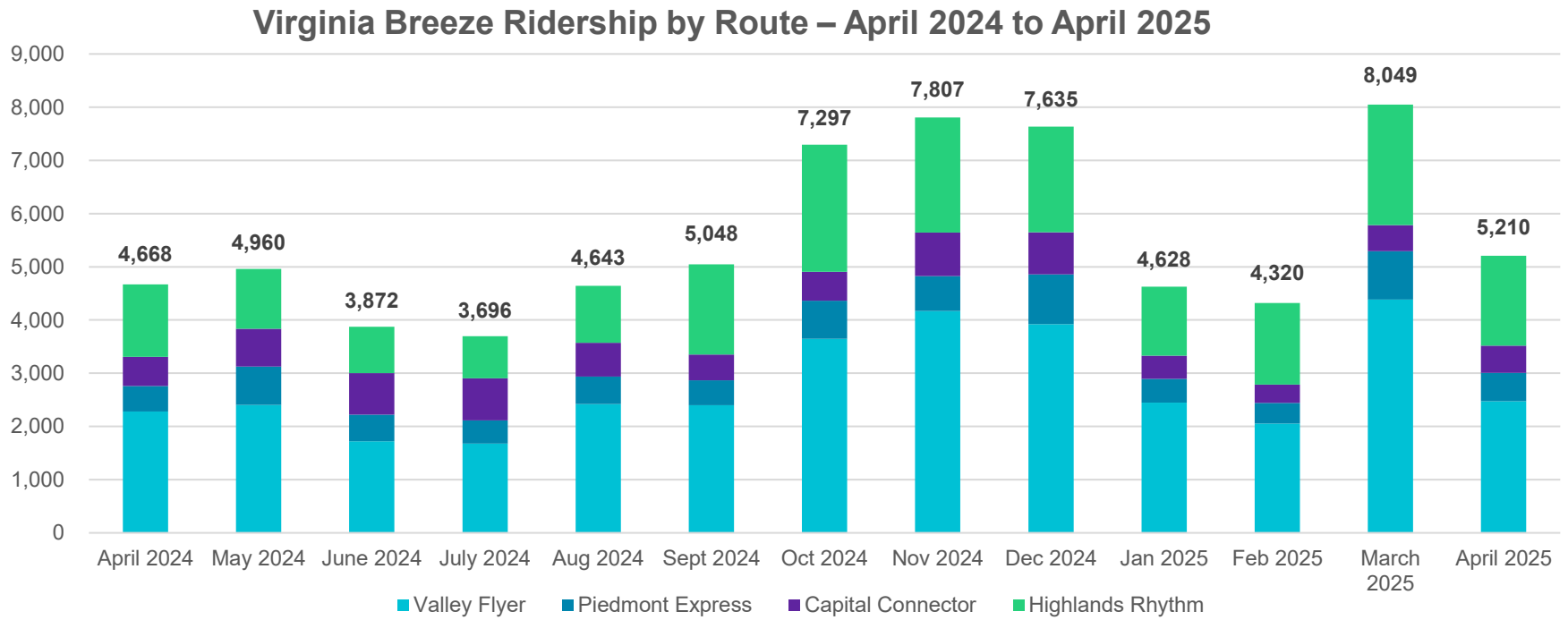
- Ridership – 12% higher than April 2024
- Farebox Rev. – 13% higher than April 2024

Capital Connector:

- Ridership – 7% lower than April 2024
- Farebox Rev. – 3% lower than April 2024

Highlands Rhythm:

- Ridership – 24% higher than April 2024
- Farebox Rev – 23% higher than April 2024



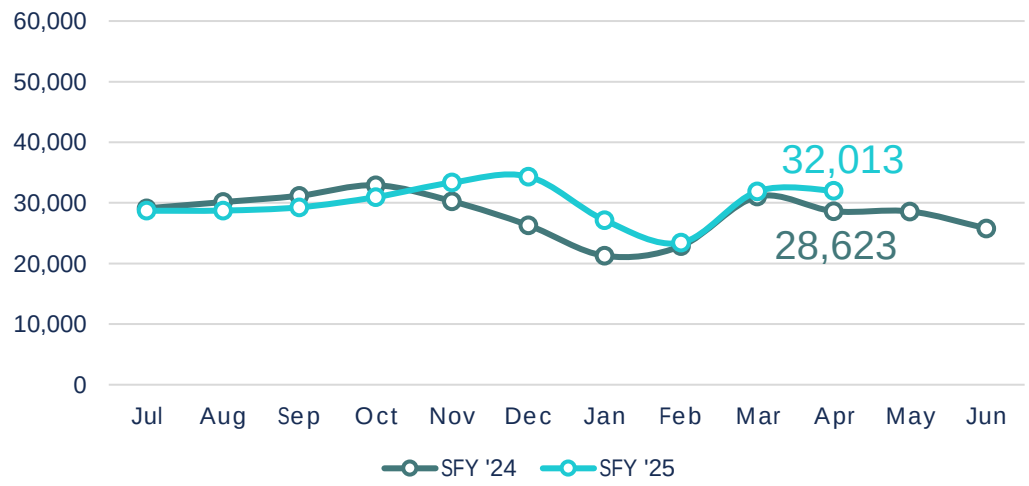
Route	April 2024	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	March 2025	April 2025	Total
Valley Flyer	2,281	2,404	1,722	1,676	2,421	2,399	3,645	4,171	3,920	2,448	2,057	4,385	2,475	36,004
Piedmont Express	476	719	500	440	518	467	717	656	940	448	384	908	531	7,704
Capital Connector	551	714	781	789	631	483	545	816	790	432	345	490	513	7,880
Highlands Rhythm	1,360	1,123	869	791	1,073	1,699	2,390	2,164	1,985	1,300	1,534	2,266	1,691	20,245
All Routes	**4,668**	**4,960**	**3,872**	**3,696**	**4,643**	**5,048**	**7,297**	**7,807**	**7,635**	**4,628**	**4,320**	**8,049**	**5,210**	**71,833**

Virginia-**Supported Amtrak Monthly Ridership by Route SFY '25 vs. SFY '24**

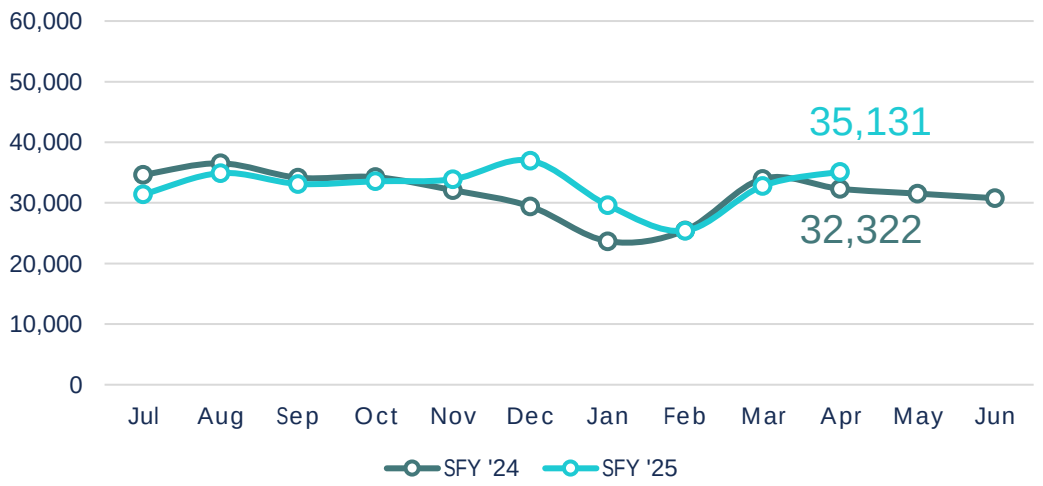
Friday – Sunday remain the most popular travel days.

Note: High travel Easter weekend occurred April this year vs. March last year.

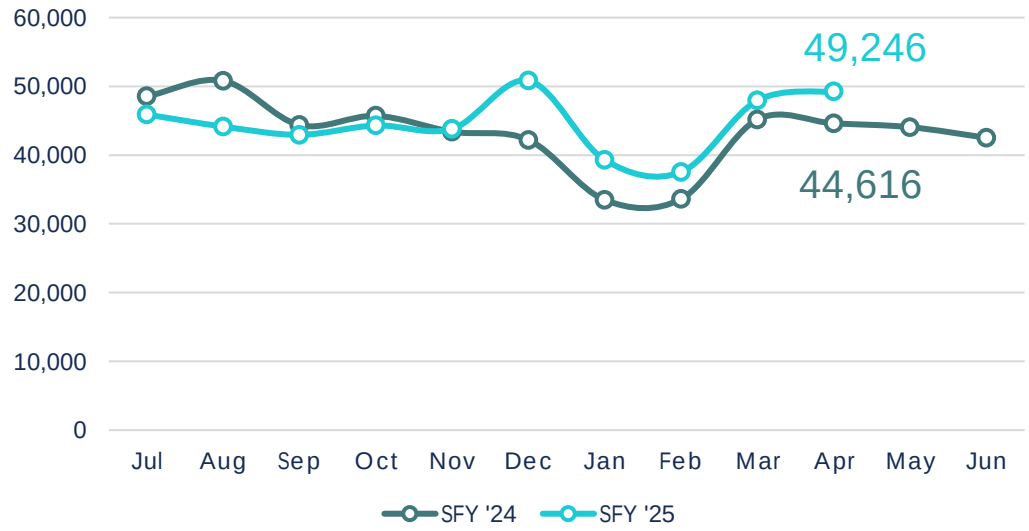
Route 46: Roanoke (+11.8%)



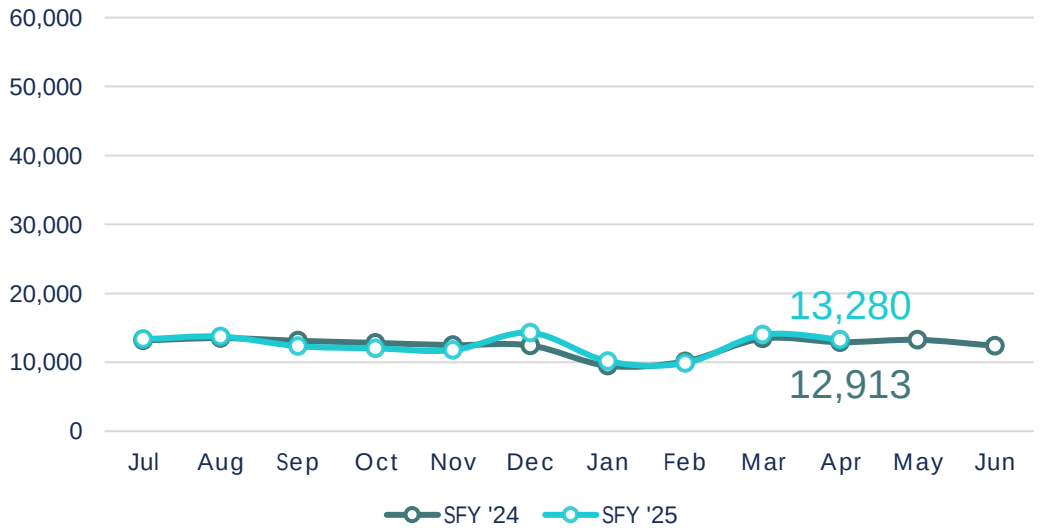
Route 47: Newport News (+8.7%)



Route 50: Norfolk (+10.4%)



Route 51: Richmond (+2.8%)



Virginia & Comparable State-Supported Amtrak Service Ridership

Normalized: Monthly Ridership ÷ Daily Trains

