

February 18, 2008

CHAPTER ~~92~~

~~SECONDARY STREET ACCEPTANCE~~ REQUIREMENTS

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24VAC30-~~92~~-10. Definitions.

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The following words and terms when used in these regulations shall have the following meanings unless the context clearly indicates otherwise:

"Abandon" in all its forms means the legislative action reserved for and granted to the local governing body to extinguish the public's right to a roadway under the jurisdiction of the Virginia Department of Transportation, pursuant to §§[33.1-151](#) and [33.1-155](#) of the Code of Virginia.

Deleted: "AASHTO" means the American Association of State Highway and Transportation Officials. ¶

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"Accessible route" means a continuous unobstructed, stable, firm and slip-resistant path connecting all accessible elements of a facility (may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts) that can be approached, entered and used by persons with disabilities. An accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

"ADT" means average daily traffic count (see "Projected Traffic").

"Alley" means a roadway segment used by motor vehicles for access to the rear side of commercial or residential land use which is located within a dedicated public way.

"Clear zone" means the total border area of a roadway including parking lanes or shared use path that is sufficiently wide for an errant vehicle to avoid a serious accident. (See the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-~~92~~-170) for details.)

Deleted: "Board" means the Commonwealth Transportation Board. ¶

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"Commissioner" means the chief executive officer of the Virginia Department of Transportation or his designee.

"Complete development (land)" means the utilization of the available areas in a manner as to realize its highest density for the best potential use based on zoning, pending rezoning, the adopted comprehensive plan of the governing body, or the customary use of similar parcels of land.

"Complete development (streets)" means the development of a subdivision street in full compliance with all applicable provisions of these regulations to the necessary standards of design, construction, and public benefit requirements for the effective and efficient accommodation of all modes of transportation generated by the complete development of the land, both internal and external to the subdivision.

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“Connectivity Index” means the number of links divided by the number of nodes. Only links and nodes within a network addition shall be used to calculate a network addition’s connectivity index.

"Locally controlled grade separation structure" means a grade separation structure that does not qualify for maintenance by the department but was established within the right-of-way of a street intended for state maintenance.

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"Local official" means the representative of the governing body appointed to serve as its agent in matters relating to subdivisions.

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"Cul-de-sac" means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement and more specifically the turning area.

"Dam" means an embankment or structure intended or used to impound, retain, or store water, either as a permanent pond or as a temporary storage facility.

"Department" or "VDOT" means the Virginia Department of Transportation.

"Design speed" means a speed selected for purposes of design and correlation of those features of a street such as curvature, super elevation, and sight distance, upon which the safe operation of vehicles is dependent.

Deleted: "Design manual" means the department's Road Design Manual (see 24VAC30-91-160), Location and Design Division. ¶

"Developer" means an individual, corporation, or registered partnership engaged in the subdivision of land.

"Director of the Asset Management Division" means the department employee responsible for overseeing all programs administered by the Asset Management Division, including these requirements and the final acceptance of streets as part of the secondary system of state highways maintained by the department, his successor or his designee. "Discontinue," in all its forms, means the legislative act of the Commonwealth Transportation Board, pursuant to §33.1-150 of the Code of Virginia, that determines that a road no longer serves public convenience warranting its maintenance with funds at the disposal of the department.

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"District administrator" means the department employee assigned the overall supervision of the departmental operations in one of the Commonwealth's nine construction districts or his designee.

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“District administrator’s designee” means the department employee or employees designated by the district administration to oversee the implementation of this regulation.

"Drainage manual" means the department's Drainage Manual (see 24VAC30-92-170).

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"Dwelling unit" means a structure or part of a structure containing sleeping, kitchen, and bathroom facilities that is suitable for occupancy as a home or residence by one or more persons.

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"Easement" means a grant of a right to use property of an owner for specific, limited use or purpose.

"External link" means a link within a network addition that connects with the existing public street network.

"Functional classification" means the assigned classification of a roadway based on the roadway's intended purpose of providing priority to through traffic movement and access to adjoining property as determined by the Department, based on the federal system of classifying groups of roadways according to the character of service they are intended to provide.

"Governing body" means the board of supervisors of the county but may also mean the local governing body of a town or city, if appropriate, in the application of these requirements.

"Intersection" means the juncture of two or more streets at which point there are three or more links.

"Level of service" means a qualitative measure describing operational conditions within a vehicular traffic stream, and their perception by motorists and passengers. For the purposes of these requirements, the applicable provisions of the Highway Capacity Manual (see 24VAC30-92-170) shall serve as the basis for determining "levels of service."

"Level terrain" means that condition where highway sight distances, as governed by both horizontal and vertical restrictions, are generally long or could be made so without construction difficulty or major expense.

"Link" means (i) a segment of roadway, alley or rear lane that is between two nodes or (ii) a stub out or connection to an existing stub out.

"Multi-use trail" means a facility designed and constructed for the purpose of providing bicycle and pedestrian transportation which within a dedicated public way and is anticipated to be maintained by an entity other than the Department.

"Network Addition" means a group of interconnected links and nodes shown in a plan of development.

"Node" means an intersection of three (3) or more links, or the terminus of a link, such as a cul-de-sac or other dead end. The terminus of a stub out shall not constitute a node for the purposes of this chapter. The intersection of a street with only a stub out, and the intersection of a street with only a connection with an existing stub out shall not constitute a node for the purposes of this chapter, unless such stub out provides service to lots within the development.

"Parking bay" means an off-street area for parking two or more vehicles that provides access to a public street.

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**Deleted:** "Loop street" means a street whose two outlets are to the same street. ¶

**Deleted:** "Mountainous terrain" means that condition where longitudinal and traverse changes in the elevation of the ground with respect to the road or street are abrupt and where benching and side hill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

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**Deleted:** "Neotraditional development" means a type of subdivision that creates a neighborhood or community design with qualities of a traditional small town, combining a mix of uses that may include retail establishments, offices, civic buildings, public squares, and multi-family and single-family housing, all within walking distance of one another, as well as a mix of transportation facilities that focuses on the needs of pedestrians and bicyclists in addition to the needs of motorists. These developments may include a variety of buildings and land use densities along the same street. Street layout may follow a grid pattern using narrow streets and having multiple connections to surrounding neighborhoods. These developments may be referred to as "villages" or "hamlets" within the ordinances of the governing body. ¶

"Nonresidential street" means a subdivision street adjacent to property that is anticipated to develop for purposes other than residential use. ¶

"Office building" means a building that is used primarily for conducting business transactions other than retail sales. ¶

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"Parking lane" means an area, generally seven feet in width, adjacent to and parallel with the travel lane of a roadway that is used for parking vehicles.

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"Pavement Design Guide" means the Pavement Design Guide for Subdivision and Secondary Roads in Virginia (see 24VAC30-~~92-170~~).

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"Permit Manual" means the department's Land Use Permit Manual (24VAC~~30-150~~).

"Phased development" (streets) means the method outlined in 24VAC30-~~92-80~~ (Phased development of subdivision streets) whereby the acceptance of certain subdivision streets into the secondary system of state highways may be considered before being completely developed in accordance with all applicable requirements (e.g., two lanes of a four-lane facility are considered for acceptance in advance of lanes 3 and 4 being finished).

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"Plan of development" means any site plat, subdivision plat, preliminary subdivision plat, conceptual subdivision sketch or other engineered or surveyed drawings depicting proposed development of land and street layout, including plans included with rezoning proposals.

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**Deleted:** "Plat" means the schematic representation of the land divided or to be divided. ¶

"Private streets" means subdivision streets that have not been dedicated to public use or that require the permission or invitation of a resident or owner to use the street. Such streets are not intended to be included in the secondary system of state highways maintained by the department. ¶  
"Privately maintained streets" means any public or private street that is not maintained by the department or the local governing body. ¶

"Plans" means the standard drawings, including profile and roadway typical section, that show the location, character, dimensions and details for the proposed construction of the street.

"Planting Strip" means a section of land between the curb face and the pedestrian accommodation or shared use path.

**Deleted:** "Resident engineer" means the department employee assigned to supervise departmental operations within a specified geographical portion of the Commonwealth, consisting of one to four counties, or his designee. In the context of either this regulation or the Subdivision Street Design Guide (24VAC30-91-160), the term can also refer to: ¶

1. In districts having centralized functions for the review and approval of subdivision plans, either: ¶  
a. The district land development manager for functions related to plan approval; ¶  
b. The residency permit manager for functions related to construction, inspection, and acceptance of streets; or ¶  
c. Any other position specifically designated to perform the functions described in subdivisions 1a and 1b of this definition. ¶  
2. In cities and towns that maintain and operate their own system of streets and elect to use the pavement and right-of-way width requirements of the Subdivision Street Design Guide (24VAC30-91-160) as a basis for street maintenance payments under the provisions of §33.1-41.1 of the Code of Virginia, as well as the counties of Arlington

"Projected traffic" means the number of vehicles, normally expressed in average daily traffic (ADT), forecast to travel over the segment of the subdivision street involved.

"Public street" means a street dedicated to public use and available to the public's unrestricted use without regard to the jurisdictional authority responsible for its operation and maintenance.

"Requirements" means the design, construction, public benefit, and related administrative considerations herein prescribed for the acceptance of a subdivision street for maintenance by the department as part of the secondary system of state highways.

"Right-of-way" means the land, property, or interest therein, usually in a strip, acquired for or devoted to a public street designated to become part of the secondary system of state highways.

**Deleted:** and Henrico, the local official responsible for the review and approval of subdivision street design. ¶

"Residential street" means a subdivision street adjacent to property that is anticipated to develop as single-family residences, apartment buildings, or other similar dwelling structures. ¶

"Roadway" means the portion of the road or street within the limits of construction and all structures, ditches, channels, etc., necessary for the correct drainage thereof.

"Secondary system of state highways" means those public roads, streets, bridges, etc., established by a local governing body pursuant to §33.1-229 of the Code of Virginia and subsequently accepted by the department for supervision and maintenance under the provisions of Articles 6 (§33.1-67 et seq.) and 11 (§33.1-150 et seq.) of Chapter 1 of Title 33.1 of the Code of Virginia.

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"Shared use path" means a facility that is designed and constructed according to the Road Design Manual (24VAC30-92-170), for the purpose of providing bicycle and pedestrian transportation.

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"Specifications" means the department's Road and Bridge Specifications (24VAC30-92-170), including related supplemental specifications and special provisions.

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"Smoothed Urbanized Area Boundary" means the modified area boundary of census urbanized area as determined by the latest U.S. decennial census and modified by appropriate state, regional and local government officials, and approved by the Federal Highway Administration.

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"Shopping center" means a building or buildings containing two or more stores that are used primarily for retail sales but may include commercial trade or professional uses.

"Smoothed Urban Cluster Boundary" means the modified area boundary of a census urban cluster as determined by the latest U.S. decennial census and modified by appropriate state, regional and local government officials, and approved by the Federal Highway Administration.

**Deleted:** "Single-family residence" means a structure, other than an apartment building, maintained and used as a single dwelling unit or any dwelling unit that has direct access to a street and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit. ¶

"Standards" means the applicable drawings and related criteria contained in the department's Road and Bridge Standards (24VAC30-92-170).

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"Stub Out" means a transportation facility (i) whose right-of-way terminates at a parcel abutting the development, (ii) that consists of a short segment that is intended to serve current and future development by providing continuity and connectivity of the public street network, (iii) that based on the spacing between the stub out and other streets or stub outs, and the current terrain there is a reasonable expectation that connection with a future street is possible, and (iv) that is constructed to at least the end of the radius of the intersection with the adjoining street and the right of way is graded and dedicated to the property line.

"Subdivision" means the division of a lot, tract, or parcel into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Any resubdivision of a previously subdivided tract or parcel of land shall also be interpreted as a "subdivision." The division of a lot or parcel permitted by §15.2-2244 of the Code of Virginia will not be considered a "subdivision" under this definition, provided no new road or street is thereby established. However, any further division of such parcels shall be considered a "subdivision."

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"Street" means any street segment that is created as part of a plan of development, other subdivision of land, or is constructed by or at the direction of the local governing body and is a public way for purposes of vehicular traffic, including the entire area within the right-of-way.

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"Subdivision Street Design Guide" means Appendix B of the Road Design Manual (see 24VAC30-92-170).

**Deleted:** Public streets developed in accordance with these requirements and meeting the necessary public service provisions established herein shall be eligible for addition to the secondary system of state highways maintained by the department. Streets primarily intended to access property abutting or in the immediate vicinity of the street are deemed "local" subdivision streets

"Swale" means a broad depression within which stormwater may drain during inclement weather, but which does not have a defined bed or banks.

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"Traveled way" means the portion of the secondary street designated for the movement of vehicles, exclusive of shoulders, parking areas, turn lanes, etc.

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**Deleted:** "Through street" means a street that provides access between two other streets. ¶

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“Tree well” means an opening on a sidewalk, generally abutting the curb, where a tree may be planted.

“VPD” means vehicles per day.

**Deleted:** "VDOT" means the Virginia Department of Transportation. ¶

“VPH” means vehicles per hour.

“Watercourse” means a definite channel with bed and banks within which water flows, either continuously or in season.

24VAC30-~~92~~-20. Applicability, effective date, and transition.

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A. Applicability. This regulation is intended to govern secondary street development and the criteria for acceptance of these streets by the Department for subsequent maintenance. The Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-~~92~~-170) offers guidance on the design and construction features of secondary street development and set out design parameters deemed appropriate for most land development scenarios. However, the business of land development is fluid and the Department, in consultation with the local official, is prepared to consider innovative transportation approaches associated with land development proposals that are consistent with the design and connectivity requirements of this chapter, and the Subdivision Street Design Guide (see 24VAC30-~~92~~-170). However, when not specifically addressed in one of these documents, the relevant requirements of the Road Design Manual (see 24VAC30-~~92~~-170), standards, specifications, Pavement Design Guide (see 24VAC30-~~92~~-170) and associated instructions shall govern.

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These requirements apply to all streets designated to be maintained by the Department as part of the secondary system of state highways. The Department's review and approval shall apply only to streets proposed for addition to the secondary system of state highways maintained by the Department. Any plans submitted for review that contain only streets proposed for maintenance by others may be reviewed for general guidance at the discretion of the district administrator, but will not be officially approved. However, any such review shall not represent the Department's commitment to accept such streets for maintenance irrespective of the quality of the construction of the street or streets.

If a plan of development with streets proposed for VDOT acceptance includes any streets that are not initially intended to be accepted for maintenance by the Department as part of the secondary system, the plan must include a notation identifying these streets. In the absence of this notation, the plans will not be approved. Any streets proposed to be privately maintained shall also have a notation on the plat and impacted deeds that clearly indicate that as a prerequisite for the streets' future acceptance, the streets must be improved to the Department's prevailing requirements for acceptance at no cost to the Department. All notations made on plats or similar instruments pursuant to this section shall be in accordance with § 33.1-72.2.

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B. Vesting and grandfathering.

1. Streets where the street layout has been proffered pursuant to §§ 15.2-2297, 15.2-2298, or 15.2-2303 prior to the effective date of this regulation shall be considered for acceptance in accordance with the applicable former requirements for a period of up to ten (10) years, provided the requirements of § 15.2-2307 have been met. This subdivision shall not apply to any streets where the proffered layout may be adjusted, without requiring a significant affirmative governmental act to modify such proffered conditions, to the meet the requirements of this chapter. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
2. Streets that are part of a recorded plat or final site plan valid pursuant to § 15.2-2261 and approved in accordance with § 15.2-2286 and §§ 15.2-2241 through 15.2-2245 prior to the effective date of this regulation shall be considered for acceptance in accordance with the applicable former requirements. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
3. Streets that are part of a preliminary subdivision plat valid pursuant to § 15.2-2260 approved in accordance with § 15.2-2286 and §§ 15.2-2241 through 15.2-2245 prior to the effective date of this regulation shall be considered for acceptance in accordance with the applicable former requirements for a period of up to five (5) years, provided the requirements of § 15.2-2260 have been met. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
4. Streets that are part of a street construction plan approved by the Department prior to the effective date of this regulation shall be considered for acceptance in accordance with the applicable former requirements. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
5. When the local governing body takes an action that modifies the applicable area types within such locality the following shall apply.
  - a. Streets where the layout was proffered pursuant to §§ 15.2-2297, 15.2-2298, or 15.2-2303 prior to the modification of the applicable area type shall be considered for acceptance in accordance with the requirements of the former area type for a period of up to ten (10) years, provided the requirements of § 15.2-2307 have been met. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
  - b. Streets that are part of recorded plat or final site plan pursuant to § 15.2-2261 approved prior to the modification of the applicable area type shall be considered for acceptance in accordance with the requirements of the former area type for a period of up to five (5) years. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
  - c. Streets that are part of preliminary subdivision plat pursuant to § 15.2-2260 approved prior to the modification of the applicable area type shall be considered for acceptance in accordance with the requirements of the former area type for a period of up to five (5) years. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.
  - d. Streets that are part of a street construction plan approved by the Department prior to the modification of the applicable area type shall be considered for acceptance in accordance with the requirements of the former area type for a period of up to five (5) years. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.

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C. Effective date. All streets proposed for acceptance by the department after ~~Month XX, 2008~~, shall be considered for acceptance in accordance with these provisions, except as may be waived by the Commissioner pursuant to this chapter.

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#### 24VAC30-92-30. Local subdivision ordinances

A. Exemptions or variances in local ordinances. ~~Any requirements of ordinances adopted by the governing body which are not in conflict with these provisions shall become the Department's requirements in that locality and govern.~~ The Department does not recognize any provision of an ordinance adopted by the governing body that exempts the development of streets from these requirements. Consequently, any street proposed for addition to the secondary system of state highways maintained by the department shall comply with applicable requirements as herein provided or the local ordinance, when such provisions not in conflict with this chapter.

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**Deleted:** A. Precedence of local subdivision ordinance. Pursuant to §33.1-229 of the Code of Virginia, new streets are established by the governing body of the locality in which they are located. Any requirements of the subdivision ordinance adopted by the governing body that are equal to or greater than these provisions shall become the department's requirements in that locality and govern unless the local governing body concurs with an exception to their higher standards. ¶  
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#### 24VAC30-92-40. Continuity of public street system.

The continuity of a publicly maintained street system is a prerequisite to the addition of any street or network addition into the secondary system of state highways.

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A street or network addition may only be accepted into the secondary system of state highways for state maintenance if it is the continuation of the network of public streets whose maintenance has been officially accepted by the Department or, if appropriate, a city, town or county and such street or network addition meets the requirements of this chapter.

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#### 24VAC30-92-50. Area Type Thresholds.

The local governing body shall provide the Department with a copy of any duly adopted ordinance that modifies the area type designations within such locality based on the thresholds in this section as well as maps which show the affected areas as soon as practicable. Modifications to the area type designations shall become effective on the first business day of the month following the adoption of such modifications.

A. Area Type Thresholds. There are three area types established for secondary streets in the Commonwealth. Within each area type, streets must meet the applicable design and public benefit requirements to be eligible for acceptance into the secondary system of state highways. For the purposes of this chapter the following area types shall determine the design and public benefit requirements that apply to streets and network additions.

1. Compact Area Type. The Compact Area Type shall apply when any part of a network addition meets one or more of the following criteria:
  - a) Located within a locally designated urban development area pursuant to 15.2-2223.1, or within an area designated by a adopted local comprehensive plan pursuant to 15.2-2223 as a village, town or other growth area;
  - b) Located within a smoothed urbanized area boundary;
  - c) Located within an area designated by the local government, by ordinance or by the adopted local comprehensive plan pursuant to 15.2-2223, to be subject to the Compact Area Type requirements of this Chapter;
  - d) Located within a locally designated transfer of development rights receiving area pursuant to 15.2-2316.1; or,
  - e) Located within a smoothed urban cluster boundary.
2. Suburban Area Type. The Suburban Area Type shall apply when any part of a network addition meets one or more of the following criteria and does not meet any of the Compact Area Type criteria:
  - a) Located outside a smoothed urbanized area boundary but within an official Metropolitan Planning Organization Study Area;
  - b) Located within a two-mile radius of a locally designated urban development area pursuant to 15.2-2223.1;
  - c) Located within a two-mile radius of a smoothed urban cluster boundary;
  - d) Located within a locally designated cluster development pursuant to 15.2-2286.1; or
  - e) Located within an area not subject to the Compact Area Type criteria that is designated by the local government, by ordinance or by the adopted local comprehensive plan, to be subject to the Suburban Area Type requirements of this Chapter.
3. The Rural Area Type. The Rural Area Type shall apply in all other areas of the Commonwealth.
4. Exceptions to the Area Type thresholds.

Streets located within an area subject to the Suburban criteria may be considered for acceptance into the secondary system of state highways under the Compact Area Type standards. Streets located within an area subject to the Rural Area Type criteria may be considered for acceptance into the secondary system of state highways under the Compact Area Type or Suburban Area Type standards.

The Commissioner, based upon a resolution from the local governing body, for good cause shown may determine that an area type for a specific area within the local jurisdiction should be modified to a different area type or that any of the requirements of section 60 and section 90 of this chapter should be modified to the requirements of a different area type. The Commissioner shall consider and review the permissible parcel sizes and uses to ensure that the area is indeed being regulated in such manner that

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necessitates a change in area type. Any such modification shall cease to apply if the zoning of the area is modified.

24VAC30-92-60. Public benefit requirements.

A. Public benefit. A street or network addition may only be accepted by the Department for maintenance as part of the secondary system of state highways if it provides sufficient public benefit to justify perpetual public maintenance as defined by this regulation. A street shall be considered to provide sufficient public benefit if it meets or exceeds the public service, pedestrian accommodation and connectivity requirements of the applicable area type of this chapter.

B. Public service requirements. In the event the governing body requests the addition of a street or network addition before it meets these public service provisions, the district administrator will review each request on an individual case basis and determine if the acceptance of a street prior to normal service requirements is justified provided the street or network addition meets all other applicable requirements including the connectivity requirements of this chapter. However, prior to deferring acceptance based solely on service requirements, the district administrator shall confer with the Director of the Asset Management Division. At the request of the local governing body, subject to approval by the district administrator, the public service requirements may be reduced for individual streets serving state or local economic development projects.

1. Individual streets. For the purpose of these requirements without regard to applicable area type, public service may include, but is not necessarily limited to, streets meeting one or more of the following situations:
  - a. Serves three or more occupied units of varied proprietorship with a unit being a single-family residence, owner-occupied apartment, owner-occupied residence in a qualifying manufactured home park, a stand-alone business, or single business entity occupying an individual building, or other similar facility. However, streets providing service in settings similar to an apartment building setting will only be considered for acceptance if the street is well defined and the district administrator's designee determines that it is not a travel way through a parking lot. Also, streets serving manufactured home parks may only be considered when the land occupied by the manufactured home in fee simple ownership by the residents of such manufactured home.
  - b. Constitutes a connecting link between other streets that qualify from the point of public service.
  - c. Such street is a stub-out.
  - d. Serves as access to schools, churches, public sanitary landfills, transfer stations, public recreational facilities, or similar facilities open to public use.
  - e. Serves at least 100 vehicles per day generated by an office building, industrial site, or other similar nonresidential land use in advance of the occupancy of three

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Deleted: The public service requirements of this subsection may be waived for cul-de-sac streets less than 0.25 miles in length when the acceptance of the street or streets will complete the acceptance of all streets within the subject section of the subdivision. ¶ Criteria.

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or more such units of varied proprietorship. Any addition under this provision shall be limited to the segment of a street that serves this minimum projected traffic and has been developed in compliance with these requirements.

f. Constitutes a part of the network of streets envisioned in the transportation plan or element of a locality's comprehensive plan that, at the time of acceptance, serves an active traffic volume of at least 100 vehicles per day.

2. Apartment and retail shopping complexes. A through street that serves a shopping center or rental apartment building may be considered for maintenance as part of the secondary system of state highways if it is deemed by the department to provide a public service and provided it is well defined and the district administrator's designee determines that it is not a travel way through a parking lot. However, internal streets in these complexes do not normally qualify for addition to the system because their operation and maintenance are considered to be a responsibility of the owner, who stands to profit, rather than the tenant or customer.
  - a. However, a street that serves as the principal access to rental apartment buildings may be considered to provide public service if unrestricted public use is permitted and maintenance continuity is practical.
  - b. Entrance streets and the internal traffic circulation system of shopping centers and apartment complexes qualify only if more than three property owners are served and the street is separated from the parking areas.

~~e. Streets serving manufactured home parks may only be considered if the residents of the park own the land occupied in fee simple.~~

3. Network additions. A network addition shall be considered to provide service if (i) seventy (70) percent of the lots served by the network are developed, including construction of the principal structure to serve the designated land use of such lots and (ii) seventy (70) percent of the links with more than 5 lots with frontage along such links have at least three (3) occupied lots of varied ownership.

4. Special exceptions. There may be other sets of circumstances that could constitute public service. Consequently, any request for clarification regarding unclear situations should be made in writing to the district administrator. The district administrator should then consult the Director of the Asset Management Division for resolution.

- C. Connectivity requirements. All street segments in a development as shown in a plan of development shall be considered for acceptance into the secondary system of state highways as one network addition. However, streets with a functional classification of collector and above, may be eligible for acceptance as individual streets.

If the right of way for a stub-out or stub-outs maintained by the Department adjoins the property of a development with a network addition or individual street proposed for acceptance into the secondary system of state highways, such network addition or individual street shall connect to such stub-out or stub-outs to be eligible for acceptance into the secondary system of state highways. In instances where the existing stub-out or stub-outs are not constructed to the property line, the developer of the adjoining property shall be responsible for constructing the missing portion of such stub-out or stub-outs to ensure continuity of the street network.

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Streets originally constructed as part of development that would have been considered for acceptance into the secondary system of state highways as a network addition, which have not been considered for acceptance into the secondary system of state highways, may only be considered for acceptance as a network addition. However, streets with a functional classification of collector and above, may be eligible for acceptance as individual streets.

Nothing in this chapter shall be construed as to prohibit stub-outs from providing service to lots within a development. In such instances the developer shall post a sign provided by the Department which indicates that such stub-out is a site for a future roadway connection.

For the purposes of calculating the connectivity index of network additions, external links and stub outs of roadway (i) with a federal functional classification of collector or above or (ii) is identified on the local transportation plan as a roadway with a functional classification of collector or above shall count as two links. In all instances, the Department must agree with the functional classification.

The connectivity requirements of this chapter shall not apply to the following: a frontage road or reverse frontage road as defined in the Access Management Regulations (see 24VAC30-72), streets petitioned for acceptance into the secondary system of state highways through the rural addition program pursuant to §§ 33.1-72.1 and 33.1-72.2, or streets constructed or approved pursuant to §§ 33.1-221 and 33.1-223.

#### 1. Compact Standard.

The streets within a network addition may be accepted into the secondary system of state highways if the network addition meets the following requirements:

- a. The streets are designed and constructed in compliance with the compact design standards pursuant to 24VAC30-92-90, the Road Design Manual and the Subdivision Street Design Guide (24VAC30-92-170);
- b. The overall connectivity index of the network addition is 1.6 or higher;
- c. The block layout and other features of the development are designed in such a fashion as to provide reasonably direct pedestrian movement; throughout the development and to adjoining property; and,
- d. The network addition contains at least one external connection, and contains an additional external connection and provides a stub-out for every 50 links or fraction thereof. A network addition may provide an additional external connection or connections in lieu of the required stub-out or stub-outs.

#### 2. Suburban Standard.

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The streets within a network addition may be accepted into the secondary system of state highways if the network addition meets the following requirements:

- a. The streets are designed and constructed in compliance with the suburban design standards pursuant to 24VAC30-92-90, the Road Design Manual and the Subdivision Street Design Guide (24VAC30-92-170);
- b. The overall connectivity index of the network addition is 1.4 or higher;
- c. The block layout and other features of the development are designed in such a fashion as to provide reasonably direct pedestrian movement; throughout the development and to adjoining property; and
- d. The network addition contains at least one external connection and contains an additional external connection and provides a stub-out for every 50 links or fraction thereof. A network addition may provide an additional external connection instead of the required stub-out.

### 3. Rural Standard.

The streets within a network addition may be accepted into the secondary system of state highways if the network addition meets the following requirements:

- a. The streets are designed and constructed in compliance with the rural design standards pursuant to 24VAC30-92-90, the Road Design Manual and the Subdivision Street Design Guide (24VAC30-92-170); and
- b. The network addition contains at least one external connection and provides a stub-out, as well as an additional external connection for every 50 links or fraction thereof. A network addition may provide an additional external connection instead of the required stub-out.

### 4. Individual Street Standard.

Individual streets may only be accepted into the secondary system of state highways if such streets provide continuity and connectivity with the existing highway network. Streets that are not part of a network addition shall be accepted into the secondary system of state highways upon petition by the local governing body as long as they meet the requirements of the applicable design standard and both termini of the street are intersections with a roadway or roadways that are part of the existing publicly maintained highway network, subject to the connectivity exceptions of subdivision 5 of this subsection. Streets considered for individual acceptance generally should be (i) streets that provide a connection between two existing publicly maintained streets, (ii) streets with a functional classification as collector or higher, (iii) a frontage road or reverse frontage road pursuant to VDOT's Access Management Regulations (24VAC30-72), (iv) streets petitioned for acceptance into the secondary system of state highways through the

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Rural Addition program pursuant to §§ 33.1-72.1 and 33.1-72.2, or (v) streets constructed or approved pursuant to §§ 33.1-221 and 33.1-223.

5. Connectivity Exceptions. The developer shall submit any request for connectivity exceptions to the district administrator's designee with a copy to the local official. The district administrator's designee shall respond within 45 days of receipt of a request.
- e.) If the locality's comprehensive plan designates adjoining parcels to the proposed development for a land use that is determined by the local official to be incompatible with the land use of the proposed development the district administrator's designee may, at the request of the local official, reduce the external connectivity requirements. If the external connectivity requirements are reduced due to incompatible land use, such network additions shall provide stub-out or stub-outs, as determined by the district administrator's designee based on the size of the development, to allow the external connectivity requirements to be met in the event that the comprehensive plan changes the designation of adjacent parcels to land use that is not incompatible. In no instance shall any commercial or residential land use be considered incompatible land use with any proposed commercial or residential development.
  - b.) The connectivity requirements of this chapter may be reduced by the district administrator's designee in certain circumstances where physical impedance such as terrain or a limited access highway effectively precludes meeting the applicable connectivity requirements.
  - c.) The external connectivity requirements of this chapter may be reduced by the district administrator's designee in his sole determination, if adjacent existing development effectively precludes meeting the external connectivity requirements. In such instances the network addition shall provide a stub-out or stub-outs, as determined by the district administrator's designee based on the size of the development, to allow for future connectivity.
  - d.) The connectivity requirements of this chapter may be reduced by the district administrator's designee in his sole determination, if the parcel shape is such that it effectively precludes meeting the external connectivity requirements. District administrator's designee shall not make such a determination unless the developer presents evidence of reasonable efforts to acquire necessary easements or property to provide external connections to meet the external connectivity requirements. In such instances the network addition shall contain a stub-out or stub-outs, as determined by the district administrator's designee based on the size of the development, to allow for future connectivity.
6. In instances where a conflict exists between this chapter and the Access Management Regulations (see 24VAC30-92-170) the following shall apply.
- i. For streets with a functional classification of collector where external connections necessary to meet the external connectivity requirements of this chapter cannot be accommodated within the applicable spacing standards such standards shall be modified by the district administrator to allow for such connection. Such external connection or connections shall be required to meet intersection sight distance standards specified in the Road Design Manual (see 24 VAC 30-92-170).
  - ii. For streets with a functional classification of minor arterial where external connections necessary to meet the connectivity requirements of this chapter

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cannot be accommodated within the applicable spacing standards the district administrator shall, in consultation with the developer and the local official, either modify the applicable spacing standards to allow for such connection or connections, or reduce the external connectivity requirements of this chapter. Such external connection shall be required to meet intersection sight distance as specified in the Road Design Manual (see 24 VAC 30-92-170).

iii. For streets with a functional classification of principal arterial where external connections necessary to meet the external connectivity requirements of this chapter cannot be accommodated within the applicable spacing standards such external connectivity requirements shall be reduced.

D. Conditional Acceptance and Removal of Network Additions. This subsection shall not apply to stub outs required by subsection C of this section.

1. Network additions shall be conditionally accepted into the secondary system of state highways when the applicable connectivity index requirement was met through the use of stub outs.

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2. A network addition that was conditionally accepted into the secondary system of state highways shall be fully accepted into the secondary system of state highways when the stub outs used to meet the applicable connectivity index requirement are connected with a street or streets from the adjoining parcel or parcels.

3. The Commissioner shall remove network additions that were conditionally accepted from the secondary system of state highways if a neighboring parcel or parcels of the network addition are developed and the stub outs intended to connect to future development, which allowed the network addition to meet the applicable connectivity index requirements, are not connected to the streets of the neighboring parcel and the applicable connectivity index requirements can no longer be met. The Commissioner shall provide notice to affected property owners 365 days prior to the removal of the streets from the secondary system of state highways.

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4. A network addition which has been removed from the secondary system of state highways may only be re-accepted into the secondary system of state highways if the reasons for its removal have been remedied. Streets which were part of a network addition that was removed shall not be considered for acceptance as individual streets, unless such street has a functional classification of collector or above and the district administrator's designee determines such street provides benefit to the overall transportation network.

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24VAC30-92-70. Administrative procedure.

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A. Conceptual sketch. A preliminary plan of the development that shows sufficient information for the Department to review and concur with the proposed functional classification for each street in the development shall be provided to the District administrator's designee, by the local

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official, prior to preparing detailed construction plans for review. Any preliminary or conceptual plat, plan or sketch that conforms to the locality's zoning requirements or subdivision ordinance is acceptable if the information required by this subsection is shown. The Department will not consider any requirements of a locality's subdivision ordinance that are in conflict with the requirements of this chapter. The submittal should include:

1. The general location and configuration, including the terminus, of each street, including the traffic volume anticipated when the land served is fully developed in accordance with the land uses anticipated.
2. The location and area of each type of permitted land use within the subdivision.
3. The location of any proposed transportation facility including any public transportation facilities as well as bicycle and pedestrian accommodations, within the subdivision's boundaries, included in the comprehensive plan of the governing body.
4. The proposed functional classification for each street in the subdivision.
5. The connectivity index of the network addition as proposed, if applicable.
6. The location of stub-outs on adjoining property, if applicable, and the location of any proposed stub-outs within the network addition.
7. Other available information pertinent to the intended development, including but not limited to any proposed phased development of streets pursuant to 24VAC30-92-80.

The district administrator's designee will review the layout and functional classification of streets shown in the concept plan and notify the local official in writing, as well as the developer, if applicable, of his concurrence or recommendations and whether or not the streets in the proposed network addition meet the connectivity and other requirements of this chapter. This approval or concurrence will be valid as long as the basic concept for the development including the general street layout and design, as submitted for review, remains unchanged. If the street layout is modified so that the network addition no longer meets the connectivity requirements of this chapter, this approval or concurrence is void and the conceptual plan, plat or sketch must be reviewed again to obtain the Department's approval or concurrence. As part of his review, the District administrator's designee shall review the provision of collector and other higher order streets and if necessary make recommendations for the provision of such streets to address the traffic generated by the development.

B. Plan submission. Plats or plans, or both, together with other pertinent data as herein prescribed, shall be submitted to the local official, and in accordance with the practices of the local government and to the District administrator's designee for all proposed developments whose streets are intended to be added to the secondary system of state highways maintained by the Department. The district administrator's designee may, subject to the availability of staff and upon the request of the local official, cooperate in the review of proposed developments to be developed to these standards but not initially intended for addition to the secondary system of

**Deleted:** Prior to preparing detailed construction plans for review, the resident engineer shall be provided a preliminary plan of the entire development, prepared by the developer, that shows sufficient information for VDOT to review and concur with the functional classification proposed for each street in the subdivision.

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state highways maintained by the department. The Department may recover the costs for this service in accordance with 24VAC30-~~92-150~~.

C. Plan review. Upon receipt of the plats or plans, or both, the district administrator's designee will arrange for the appropriate review to determine compliance with the requirements of this chapter and other applicable VDOT requirements. The general procedure for this review is described in 24VAC30-~~92-160~~ (Subdivision street development, plan review, and acceptance).

D. Plan approval. The district administrator's designee will advise the appropriate local official and the developer, if applicable, as to the results of the review.

1. If the street development proposed by the plats or plans, or both, is determined to be in compliance with these requirements, the district administrator's designee will provide written confirmation of this finding. This action signifies the district administrator's designee's approval of the street layout and design shown on the plats or plans, as submitted. Any subsequent revision, additions, or deletions thereto shall require specific written approval of the district administrator's designee for each such change.

2. If a revision of the submitted plats or plans is determined necessary, the district administrator's designee will list the required changes in a written response to the local official and the developer, if applicable. Upon completion of the specified revisions, the plats or plans will be resubmitted for review and approval by the district administrator's designee as prescribed in 24VAC30-~~92-160~~.

The Department's approval of a street construction plan shall constitute its commitment to accept the street or network addition depicted thereon when all applicable provisions of these requirements are satisfied and the streets have been constructed according to the approved construction plan and supporting specifications. However, during the Department's or other approved inspection of construction as specified by this chapter, if a situation is discovered that was not addressed on the approved plan that could, in the opinion of the district administrator's designee, adversely affect public safety or the integrity of either the roadway or the adjacent property, acceptance of the street or network addition shall be deferred until the situation is corrected.

The department's approval of a street construction plan shall expire after a period of five years if construction has not commenced, in which case the subdivision street construction plan shall be resubmitted for subsequent review and approval. This shall not affect the adequacy of the approved concept plan as depicted on a recorded final plat, as provided for under §15.2-2241 of the Code of Virginia.

Network additions will only be accepted when the entire network addition has been constructed, except in such instances where the constructed portion meets the applicable public benefit requirements of this chapter.

E. Street acceptance. Upon the satisfactory completion of construction of the street or streets in a network addition, the Department will advise the local governing body regarding the street or

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network addition's readiness for acceptance and the local governing body, in consultation with the district administrator's designee, will initiate its acceptance into the secondary system of state highways maintained by the department provided:

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1. The developer dedicates the prescribed right-of-way to public use.

2. The street or streets in the network addition has been constructed in accordance with the applicable specifications, standards and the plats or plans approved by the department.

3. The street or streets in a network addition provides sufficient public benefit as prescribed in 24VAC30-~~92-60~~ and meets the requirements of this chapter.

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4. The street or streets in the network addition has been properly maintained since its completion.

5. The developer furnishes the surety and fees in accordance with 24VAC30-~~92-150~~

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6. The governing body has executed all agreements prescribed by these requirements, unless specifically waived on an individual case basis by the Director of the Asset Management Division.

7. The governing body, by proper resolution, requests the department to accept the street or streets in the network addition for maintenance as part of the secondary system of state highways under its jurisdiction. The resolution shall include the governing body's guarantee of an unrestricted and unencumbered right-of-way as dedicated, plus any necessary easements for fills, drainage, or sight distance.

Upon the Department's determination that the requested street or network addition is in compliance with the applicable provisions of these requirements, the governing body will be officially advised of the street or network addition's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the district administrator's designee's authority to begin maintenance thereon.

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24VAC30-~~92-80~~ Phased development of streets.

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A. Policy. Certain streets that require four or more travel lanes to accommodate the projected traffic may be accepted by the Department for maintenance after completion of the first two lanes to an acceptable, initial phase of construction, upon the request of the governing body. It is recognized that there is a distinction between those streets that benefit the regional transportation network and those that primarily serve the development of land and local traffic, and, therefore, the criteria for phased construction for each situation differs as described in subsection B of this section.

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However, in all cases, the right-of-way required for the road at its complete stage of construction shall be dedicated and accepted as part of the initial street acceptance. In addition, the initial

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phase of construction shall be designed and constructed to facilitate construction of the remaining phase in a manner that will avoid the need to reconstruct the initial two lanes.

Consideration for the acceptance of any street under the provisions of this section shall be limited to the phased development of only the street's roadway. All other applicable requirements, e.g., public benefit, drainage easements, and administrative procedures, shall apply.

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#### B. Criteria.

1. For streets included in the transportation plan of the local's comprehensive plan that serve diverse areas of the region or locally, no special agreement or acknowledgement is needed as a prerequisite to acceptance, provided:

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a. The street is part of a transportation corridor that was formally adopted as a part of the locality's comprehensive transportation plan prior to the local governing body's approval of the plat or plan for the development of the adjacent land.

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b. The transportation corridor is a major thoroughfare planned primarily to move through traffic.

c. When fully developed the street must satisfy the Department's functional classification criteria as a major collector or higher.

d. The street has a projected traffic volume of 8,000 vehicles per day or less for a period of 10 years following the date of the acceptance for maintenance by the department.

2. For all other streets, the local governing body's resolution requesting acceptance of the initial two lane section must include provisions that acknowledge:

a. The local governing body agrees that all costs incurred in the street's complete construction, including right-of-way, engineering, utility adjustment, etc., shall be provided from funds other than those derived from state revenue sources administered by the Department, except as may be expressly authorized by the Department.

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b. The local governing body agrees that it is their responsibility to ensure that the roadway is completed as needed to accommodate the traffic. However, the locality also acknowledges that a determination that the street needs to be completed to its ultimate section will be made by the district administrator's designee or his designee once it is determined that the first two lanes will not sustain an acceptable level of service for the function classification of the roadway in accordance with the Highway Capacity Manual (see 24VAC30-92-170).

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#### C. Procedures.

1. Plats or plans, or both, for the street's complete development, in accordance with all applicable provisions of these requirements, shall be submitted for approval.

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2. The plats or plans shall also delineate the street's initial development as proposed pursuant to this section. In no case shall this design provide less than one-half of the roadway typical section required by the applicable requirements for the street's complete development.

3. Unless waived by the district administrator's designee, a capacity analysis shall be submitted to document that an acceptable level of service will be maintained for the intended duration of the initial phase of development. In determining an acceptable level of service, the beneficial effect of the proposed street on the overall transportation network will be considered.

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4. A determination will be made by the Department in consultation with the locality whether the street can be approved for phased development and which criterion in subsection B of this section applies.

5. Upon the district administrator's designee's determination that the proposal is in compliance with the applicable provisions of this section, the plans may be approved accordingly.

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6. Upon completion of the street's initial phase in accordance with approved plans, its compliance with all other applicable provisions of this section, and the inclusion of the appropriate language in the resolution, the street may be accepted for maintenance by the department as part of the secondary system of state highways.

#### 24VAC30-92-90. Design Standards.

A. Applicability. These design standards shall apply to all streets that are accepted into the secondary system of state highways. For the purposes of this chapter a street shall be determined to have either on street parking or off street parking based on the Design and Agreement Requirements section of this chapter (24VAC30-92-130 E). All streets functionally classified as local shall have a design speed equal to the posted speed limit, except for streets functionally classified as local with a projected traffic volume of 400 vehicles per day or less which may have a design speed less than the posted speed limit.

The Department, locality and developer shall take measures to minimize the impacts of through traffic on streets functionally classified as local and accepted into the secondary system of state highways under these regulations. Such measures shall include street designs that manage motor vehicle speed to match local context.

The design standards of this chapter are supported and supplemented by the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-92-170) which further regulates the design of secondary streets.

B. Compact Area Type. To be accepted into the secondary system of state highways all streets within a network addition or streets located within a compact area type, either in whole or in part, shall meet the following design requirements.

1. Pedestrian Accommodations. Sidewalks are required along both sides of the street. In no instance shall any sidewalk be constructed directly next to the street, unless the sidewalk is at least 8 feet wide. In such instances tree wells should be provided. In instances where it is necessary to retrofit streets with pedestrian accommodations to allow the streets to be accepted into the secondary system of state highways the pedestrian accommodations less than eight (8) feet wide may be constructed directly next to the street.
2. Planting strip. Planting strips are required unless the sidewalk is placed directly next to the street. Planting strips should be at least three (3) feet in width.

C. Suburban Area Type. To be accepted into the secondary system of state highways all streets within a network addition or streets located within a suburban area type, either in whole or in part with the outlying areas in the rural area type, shall meet the following design requirements.

1. Pedestrian Accommodations.

A network addition or street is determined to provide pedestrian accommodations if (i) sidewalks are provided along both sides of the street or (ii) a combination of sidewalks and multi-use trails or shared-use paths which, as a system, provides reasonable access to all of properties in the development is constructed which provides connectivity of pedestrian accommodations that is equivalent to having sidewalks on both sides of the street. Such multi-use trails shall have trail stubs to allow for future connection with other multi-use trails both existing and proposed.

A network addition or street where all lot sizes are at least two (2) acres is determined to provide pedestrian accommodations if (i) sidewalks are provided along one side of the street or (ii) one or more multi-use trails or shared-use paths which, as a system, provides reasonable access to all properties in the development is constructed which provides connectivity of pedestrian accommodations that is equivalent to having sidewalks on one side of the street. Such multi-use trails shall have trail stub-outs to allow for future connection with other multi-use trails both existing and proposed.

Sidewalks or other pedestrian accommodation shall be provided along both sides of any street classified as collector or above. In no instance shall any sidewalk be constructed directly next to the street, unless the sidewalk is at least 8 feet wide. In such instances tree wells should be provided.

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An agreement for maintenance with the locality shall be provided to VDOT for any multi-use trail outside of the VDOT right of way. In instances where it is necessary to retrofit streets with pedestrian accommodations to allow the streets to be accepted into the secondary system of state highways the pedestrian accommodations less than eight (8) feet wide may be constructed directly next to the street.

The District Administrator, in consultation with the local official, may modify the sidewalk, multi-use trail, or shared-use path requirements when the developer proposes to provide alternative sidewalk, multi-use trail, shared-use path or other pedestrian accommodations that provide equivalent connectivity to those required by this section.

Equivalent connectivity shall mean the alternative accommodations provide connectivity to properties within and outside the development similar to the connectivity that would have been provided by the sidewalk, multi-use trail, or shared-use path requirements.

2. Planting strip. Where sidewalks are constructed planting strips are required unless the sidewalk is placed directly next to the street. Planting strips should be at least three (3) feet in width.

D. Rural Area Type. To be accepted into the secondary system of state highways all streets within a network addition or streets located within a rural area type shall meet the following design requirements.

1. Pedestrian Accommodations.

A network addition or street is determined to provide pedestrian accommodations and connectivity if (i) sidewalks are provided along one side of the street or (ii) one or more multi-use trails or shared-use paths which, as a system, provides reasonable access to all properties in the development is constructed which provides connectivity of pedestrian accommodations that is equivalent to having sidewalks on one side of the street, such multi-use trails shall have trail stub-outs to allow for future connection with other multi-use trails both existing and proposed.

Streets with a projected ADT of 200 vehicles or less are exempted from the pedestrian accommodation requirements.

Sidewalks or other pedestrian accommodation shall be provided along both sides of any street classified as collector or above. In no instances shall any sidewalk be constructed directly next to the street, unless the sidewalk is at least 8 feet wide and tree wells are provided.

An agreement for maintenance with the locality shall be provided to VDOT for any multi-use trail outside of the VDOT right of way. In instances where it is necessary to retrofit streets with pedestrian accommodations to allow the streets to be accepted into the secondary system of state highways the pedestrian accommodations less than eight (8) feet wide may be constructed directly next to the street.

The District Administrator, in consultation with the local official, may modify the required sidewalk or multi-use trail requirements when the developer proposes to provide alternative sidewalk, multi-use trail, shared-use path or other pedestrian accommodations that provide equivalent connectivity to those required by this section. Equivalent connectivity shall mean the alternative accommodations provide connectivity to properties within the development and outside the development similar to the connectivity that sidewalks would have provided.

2. Planting strip. Where sidewalks are constructed planting strips are required. Planting strips should be at least three (3) feet in width.

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24VAC30-92-100. Connections to or work within streets maintained by the department.

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A. Connections to streets maintained by the Department. A land use permit issued by the Department is required for new connections of any kind to existing streets maintained by the Department. Due to the wide variation in prevailing conditions, each location shall be evaluated individually to determine exact requirements. Therefore, it is incumbent upon the developer or his designee to apply for a land use permit at the appropriate time to ensure the desired completion of the development. Such application shall be made to the district administrator's designee and be consistent with the approved plats or plans for the subdivision or the document reviewed for the connection of a street that is to remain privately maintained. In no instance where the proposed connection to the existing streets maintained by the Department involves a stub-out shall a land use permit be unreasonably withheld.

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B. Relocations, adjustments, and improvement of streets maintained by the Department. All work performed within the existing right-of-way of streets maintained by the Department, including pavement widening, the addition of turn lanes, realignments and relocations of existing streets, shall be coordinated with and approved by the Department as follows:

1. All such work shall be accomplished pursuant to a land use permit issued by the Department after the required right-of-way has been dedicated to public use or as otherwise required by the Department.

2. All work, including the relocation, adjustment, and improvement of existing streets under VDOT jurisdiction shall be subject to the Department's direction rather than these requirements. Such work should include overlaying and restriping the old and new portions of the roadway as may be required by the District administrator's designee.

3. The relocation of streets maintained by the Department shall only be accomplished with the consent of the local governing body.

4. Traffic, both vehicular and pedestrian, should be maintained on streets under the Department's jurisdiction until the new portion has been accepted by the Department for maintenance unless the Department authorizes a closure of the road to traffic.

5. No street or roadway maintained by the Department and actively used by the public shall be abandoned or vacated unless a new street serving the same citizens has been constructed and accepted for maintenance by the Department.

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6. Streets previously discontinued exist as a public way under the jurisdiction of the local governing body and should be abandoned or vacated prior to the development of land within the public way.

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24VAC30-92-110. Discretionary authority.

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The department's district administrator's designees are authorized considerable discretionary authority regarding the design of subdivision streets functionally classified as "local." The Department's District Administrators are authorized considerable discretion regarding the design of secondary streets functionally classified as "collector" or above. The Commissioner is authorized discretionary authority regarding the safety features, structural integrity, or traffic capacities prescribed by these requirements.

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24VAC30-92-120. Appeal to district administrator.

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The District Administrator is authorized to consider and render a ruling on unresolved differences of opinion between the developer and the district administrator's designee that pertain to the interpretation and application of these requirements.

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To obtain this review, the developer shall provide the District Administrator, the district administrator's designee and the local official a written request for such action, describing any unresolved issue. After reviewing all pertinent information, the District Administrator will advise the developer in writing regarding the decision of the appeal, with a copy to the local official and the district administrator's designee. All correspondence requesting an appeal should include copies of all prior correspondence regarding the issue or issues with the local official and department representatives.

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The developer may request a meeting with the District Administrator concerning the appeal and the District Administrator shall respond within ten (10) business days and provide to the developer a date, time, and location for such meeting. After reviewing all pertinent information, the district administrator shall advise the developer in writing regarding the decision on the appeal, with a copy to the district administrator's designee and the local official.

The District Administrator shall advise the developer of the decision on the unresolved differences of opinion within forty-five (45) days.

24VAC30-92-130. Other design and agreement requirements.

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A. General requirements. Most criteria addressing the design of new streets can be found in the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-92-170). However, the following provisions are provided for guidance, particularly in regard to features that require agreements or formal acknowledgements of the governing body before VDOT's acceptance of the street or streets within a development.

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When an agreement is required between the local governing body and the Department as a prerequisite to the acceptance of a street, nothing in these requirements shall preclude the local governing body from entering into separate agreements with other entities to fulfill its responsibilities. However, if the provisions are intended to ensure the safety of the public using the street, the Department reserves the right to approve the involvement of the other party or parties.

B. Geometric requirements. Geometric requirements for new streets are established the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-92-170). Sufficient off-street parking must be provided by the local governing body in accordance with this chapter if streets in a proposed network addition are constructed in accordance with design requirements for streets with off-street parking.

C. Turn lanes. Left or right turn lanes shall be provided at intersections when the Department determines that projected turning movements warrant their installation. These facilities shall be designed in accordance with the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-92-170) and, if necessary, additional right-of-way shall be provided to accommodate these facilities.

D. Pavement structure.

1. Pavement design. The pavement structure for new streets shall be in accordance with the Pavement Design Guide (see 24VAC30-92-170), including any prescribed underdrains. Prior to construction of the pavement sub-base and finish courses, the district administrator's designee shall approve the proposed pavement design.

2. Special pavement surfaces. The district administrator's designee may approve special pavement surfaces, such as the use of stamped pavement. However, if the pavement design is a type not addressed by the Pavement Design Guide (24VAC30-92-170), an agreement shall be provided by the governing body that addresses the future maintenance of such pavement.

3. Pavement additions to existing streets. When an existing VDOT maintained roadway is to be widened to accommodate additional lanes or the addition of turn lanes, the necessary pavement design shall be obtained from the district administrator's designee and the entire surface of the roadway (old and new portions) may be required to be overlaid and re-striped if required by the district administrator's designee. The District administrator's designee shall not require the entire surface of the roadway to be overlaid and re-striped when the only pavement addition to the existing roadway was for bicycle lanes unless extenuating circumstances require that the entire surface of the roadway be overlaid and re-striped.

E. Parking.

1. Perpendicular and angle parking along streets is normally prohibited. However, perpendicular and angle parking along streets may be considered if the features along the street cause the street to readily appear to be a street rather than a travel way through a parking lot.

Street design that anticipates limited or no on-street parking shall be approved when sufficient off-street parking is provided in accordance with this chapter. Street design that anticipates the restriction of on-street parking on one side of the street shall be approved when sufficient off-street parking is provided for occupied buildings on the side of the street it is anticipated parking will be restricted.

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- Deleted:** In certain circumstances the Subdivision Street Design Guide (24VAC30-91-160) allows reduced pavement widths for curb and gutter sections. Any such reduction must be specifically requested by the governing body in writing and be approved by the resident engineer.
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2. For streets designed without on-street parking a minimum of two off-street parking spaces per dwelling unit shall be provided in proximity of the unit which they are intended to serve. Such spaces, which may be provided in a parking bay or garage facilities, shall be provided outside of the street's right of way. The District administrator's designee may approve a lesser parking requirements for individual developments or classes of developments when evidence is presented to support such an approval such as proximity to transit service and type of development. Entrances to parking bays and garage facilities shall be designed in accordance with the appropriate provisions of the Land Use Permit Manual and the Access Management Regulations (see 24VAC30-92-170).

3. In instances where the local governing body has determined, through adoption of a parking ordinance or other similar ordinance, that a lesser parking requirements is sufficient for certain classes of development, such lesser requirement shall govern.

4. The Department shall not prohibit roadway design that allows for the provision of on-street parking on anyway roadway with a functional classification of collector or local where the posted speed limit is 35 mph or less.

F. Cul-de-sacs and turnarounds. An adequate turnaround facility shall be provided at the end of each cul-de-sac to permit the safe and convenient maneuvering by service vehicles. Various configurations of turnarounds are illustrated in the Subdivision Street Design Guide (see 24VAC30-92-170); however, alternative configurations may be approved by the district administrator's designee. Additional right-of-way shall be provided as required by the design of the turnaround. Normally, any nontraveled way areas within the turnaround, such as an island, shall be included in the dedicated right-of-way of the facility unless the Department and the locality are able to reach an agreement for the maintenance of such non-traveled way areas. Nothing in this chapter shall prohibit the provision of stormwater management facilities in the non-traveled way areas of a cul-de-sac provided the requirements of subdivision L of this section are met.

For circular turnarounds, a well-defined, identifiable street segment, equal to the normal lot width along the intersected street that serves the cul-de-sac or 50 feet, whichever is greater, shall extend from the intersected street to the turning area.

G. Curb and gutter. For the purpose of these requirements, the use of curb and gutter is an acceptable roadway design, rather than a requisite. However, when used, curb and gutter shall be designed in accordance with the Road Design Manual and the Subdivision Street Design Guide (see 24VAC30-92-170) and only one curb and gutter design may be used along the length of a street.

1. Driveway entrance requirements. Without regard to the curb design used, the curb shall incorporate a driveway entrance apron, as illustrated in the Subdivision Street Design Guide (see 24VAC30-92-170), to provide a smooth transition from the gutter invert or roadway surface onto the driveway.

**Deleted:** 2. Localities are encouraged to adopt local ordinances to appropriately address adequate off street parking in subdivisions. In the absence of local regulations that are deemed acceptable by the department, the following criteria shall apply for the design of subdivision streets: ¶

a. A minimum of two off-street parking spaces per dwelling unit, exclusive of garage facilities associated with the unit, shall be provided in the proximity of the unit they are intended to serve.

Additional off-street parking space shall be provided when the width of any residential curb and gutter roadway is proposed for reduction as permitted in the Subdivision Street Design Guide (24VAC30-91-160). Except as may be associated with corner dwellings, the availability of on-street parking along other streets will not normally be considered as additional off-street parking. ¶

b. If parking bays are provided, they shall be located off the street's right-of-way and designed to prevent vehicles from backing into the adjacent subdivision street. ¶

c. Entrances to parking bays shall be separated by at least 50 feet and designed in accordance with the appropriate provisions of the standards or Land Use Permit Manual. ¶

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2. Curb ramps. All streets that incorporate accessible routes for pedestrian use shall, without regard to the curb design used, include curb ramps at intersections for use by persons with disabilities and shall incorporate other applicable provisions of the Americans with Disabilities Act.

H. Private entrances. All private entrances shall be designed and constructed in accordance with the Subdivision Street Design Guide ([see 24VAC30-92-170](#)).

I. Pedestrian, bicycle, and shared use path facilities. The Commonwealth Transportation Board's "Policy for Integrating Bicycle and Pedestrian Accommodations" emphasizes accommodating pedestrian and bicycle traffic. ~~Any~~ street proposed for VDOT acceptance shall accommodate pedestrian and bicycle traffic. ~~Pedestrian and bicycle facilities~~ should be included in the initial construction of the street, prior to VDOT acceptance. These facilities are eligible for VDOT acceptance based on the criteria of this section.

1. Compliant facilities. Pedestrian and bicycle facilities, including shared use paths as defined under [§46.2-100](#) of the Code of Virginia, shall be accepted as part of ~~the street or network~~ addition, unless otherwise requested by the governing body, provided they are located fully within the dedicated right-of-way of the street and they are constructed in accordance with applicable criteria and standards of the Department.

a. Sidewalk criteria. Sidewalks shall be constructed in accordance with ~~this chapter and the~~ Subdivision Street Design Guide ([see 24VAC30-92-170](#)).

b. Bicycle facility criteria. Bicycle facilities contiguous with the street shall be in accordance with the Department's design and construction criteria set forth in the Road Design Manual ([see 24VAC30-92-170](#)).

c. Shared use path criteria. Shared use paths shall be constructed in accordance with the Road Design Manual ([see 24VAC30-92-170](#)) and closely follow the vertical alignment of the roadway without meandering on and off the right-of-way.

2. Noncompliant sidewalk, bicycle, and shared use paths. Noncompliant sidewalk, bicycle and shared use paths that fail to meet requirements of the Department's standards for construction, alignment, or placement within the dedicated right of the street shall be deemed to be noncompliant and not qualify for maintenance ~~unless a design waiver or exemption is granted by the Department~~. However, such facilities may co-exist within the dedicated right-of-way of the street under a land use permit issued by the ~~district administrator's designee~~ to the local governing body responsible for having established the facility through its subdivision process ~~or other development process~~.

Such permits will clearly specify the responsibility for maintenance of the facility and related activities to the extent the facility occupies the street's right-of-way. The permit applicant should be ~~an entity that has perpetual maintenance capability~~. Noncompliant sidewalks and shared use paths may be constructed of ~~stabilizer~~ convenient to the applicant.

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J. Bridge, drainage, and other grade separation structures. Bridges, drainage, and other grade separation structures shall be designed and constructed in accordance with all applicable Department criteria and standards. The district administrator's designee may require special review of the plans and construction inspection.

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The Department will accept grade separation structures as part of new streets provided the structure is a drainage structure or is intended to separate the movement of registered motor vehicles. In addition, the Department will accept grade separation structures intended to separate pedestrians or bicyclists or any combination thereof from traffic using the roadway, provided:

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1. The structure is available for unrestricted public use;

2. The structure is accessible to pedestrian accommodations situated along the street; and

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3. The projected traffic volume of the street is not less than 4000 vpd or, if the structure otherwise serves as part of the principal pedestrian access to a school and a peak hour traffic volume of 450 vph is projected.

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In all other instances, the grade separation structure shall be deemed to be a locally controlled grade separation structure within the right-of-way of the street, in which case the street will only be accepted as part of the secondary system of state highways maintained by the department after the local governing body and the department have executed an agreement acceptable to the department that (i) acknowledges the department has no responsibility or liability due to the presence of the structure and (ii) assures the burden and costs of inspection, maintenance, and future improvements to the structure are provided from sources other than those administered by the department.

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In all cases, whether the structure is accepted as an integral part of the roadway for maintenance by the department or it remains a locally controlled structure, the responsibility for lighting, safety, and security of those using such facilities shall remain a responsibility of local government.

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K. Dams. The department will only consider accepting streets for maintenance that occupy dams when all of the following provisions are satisfied. For the purpose of this section, a roadway will be considered to occupy a dam if any part of the fill for the roadway and the fill for the dam overlap or if the area between the two embankments is filled in so that the downstream face of the dam is obscured or if a closed drainage facility from a dam extends under a roadway fill.

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1. Agreements with the governing body. Except as exempt under subdivision 6 of this subsection, the governing body acknowledges by formal agreement the Department's liability is limited to the maintenance of the roadway and that the Department has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of an owner, other than the Department, as established by [§33.1-176](#) of the Code of Virginia.

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2. Design review. An engineer, licensed to practice in the Commonwealth of Virginia, shall certify that the hydraulic and structural design of any dam, as described below, is in accordance

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with current national and state engineering practice and that all pertinent provisions of the Subdivision Street Design Guide (see 24VAC30-92-170) have been considered. Prior to approval of the roadway construction plans, the hydraulic and structural design of a proposed dam shall be reviewed by and meet the department's satisfaction if:

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a. A roadway is considered to occupy a dam; or

b. A roadway is located below but sufficiently close to the dam that a catastrophic breach could endanger the roadway or the safety of those using the roadway.

3. Right-of-way requirements. The right-of-way of roads considered to occupy dams shall be recorded either as an easement for public road purposes or as a dedication specifically to the governing body. Right-of-way dedicated in the name of the Commonwealth or any of its agencies is not acceptable if it includes a dam and roads through such right-of-way will not be accepted as a part of the secondary system of state highways maintained by the department.

4. Supplemental, alternative access. To be considered for VDOT maintenance, roadways that occupy a dam must be supplemented by an appropriate alternative roadway facility for public ingress or egress, having suitable provisions that ensure perpetual maintenance.

5. Permits. All applicable federal and state permits associated with dams shall be secured and filed with the locality prior to VDOT's acceptance of any street that occupies a dam.

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6. Dams exempt from agreements. The acceptance of roadways that occupy dams shall be exempt from the requirements for an agreement with the governing body, as required by subdivision 1 of this subsection, if all of the following is satisfied:

a. The dam is used to create a stormwater detention or retention facility;

b. The maximum depth of the water retained by the impoundment at its 100-year storm flood elevation is not greater than four feet; and

c. The surface area of the impoundment at full flood is not greater than two acres and is beyond the right-of-way dedicated to public use.

L. Roadway drainage.

1. Policy and procedures. All drainage facilities shall be designed in accordance with the Department's Drainage Manual (see 24VAC30-92-170) and supplemental directives or the Subdivision Street Design Guide (see 24VAC30-92-170). All drainage computations supporting a proposed drainage design shall be submitted to the department for review as part of the documents necessary for the approval of a construction plan.

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2. Stormwater management. Whereas the Department considers matters regarding stormwater management associated with the construction of new streets to be under the authority of the local governing body, decisions regarding stormwater management in the construction of streets are

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deferred to the locality. However, stormwater management, including the construction of detention or retention facilities, or both, is recognized as an available design alternative. Where the developer is required by regulations promulgated by an agency or governmental subdivision other than the Department or the developer chooses to use stormwater management facilities in the design of a subdivision or other development, the governing body shall, by formal agreement, and as a prerequisite for the transfer of jurisdiction over the street to the Department, acknowledge that the department is not responsible for the operation, maintenance, or liability of the stormwater management facility or facilities associated with the subdivision or the development. However, in the event the governing body has executed a comprehensive, locality-wide agreement with the Department addressing these matters, a specific agreement addressing stormwater management controls in the subdivision or development will not be required as a condition for street acceptance.

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Stormwater management controls for VDOT projects are to be designed in accordance with the approved VDOT Erosion and Sediment Control and Stormwater Management Program Standards and Specifications, as annually approved by the Department of Conservation and Recreation (see 24VAC30-92-170), the Virginia Erosion and Sediment Control Regulations, 4VAC50-30, and the Virginia Stormwater Management Regulations, 4VAC3-20. While these controls may be necessary whenever a street maintained by the Department is widened or relocated, the Department does not require them in the development of new streets, because such activity is regulated by the local governments. However, developers and counties may find these controls useful in managing land development activity.

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Generally devices and treatments intended to mitigate the impact of stormwater shall be placed off of the right-of-way and shall be designed to prevent the backup of water against the roadbed. However, such devices and treatments may be placed within the right-of-way if the Department and the local governing body have executed an agreement acceptable to the Department that (i) acknowledges the Department has no responsibility or liability due to the presence of the devices and or treatments, (ii) assures the burden and costs of inspection, maintenance, and future improvements to the devices and or treatments are provided from sources other than those administered by the Department, (iii) the type of facility is currently in use in the United States, (iv) a professional engineer licensed by the Commonwealth certifies that the construction of the facility to plans reviewed by the Department and (v) a concept of the facility is included in the Department's Drainage Manual, the Department of Conservation and Recreation's Stormwater Handbook or supplemental directives (see 24VAC30-92-170).

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Where development activity results in increased runoff to the extent that adjustment of an outfall facility is required, such adjustment shall be at the developer's expense and be contained within an appropriate easement.

### 3. Drainage easements.

a. An acceptable easement shall be provided from all drainage outfalls to a natural watercourse, as opposed to a swale.

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b. The Department normally accepts and maintains only that portion of a drainage system that falls within the limits of the dedicated right-of-way for a street. The Department's responsibility to enter drainage easements outside of the dedicated right-of-way shall be limited to undertaking corrective measures to alleviate problems that may adversely affect the safe operation or integrity of the roadway.

c. In the event drainage to a natural watercourse is not accomplished or is interrupted, an acceptable agreement from the governing body may be considered as an alternative to providing an easement to a natural watercourse, provided the agreement acknowledges that the Department is neither responsible nor liable for drainage from the roadway.

M. Other design considerations.

1. Guardrail. Guardrail shall be used when required by the district administrator's designee consistent with the Road Design Manual (see 24VAC30-92-170). For placement considerations, see the Subdivision Street Design Guide (see 24VAC30-92-170).

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2. Landscaping and erosion control. All disturbed areas within the dedicated right-of-way and easements of any street shall be restored with vegetation compatible with the surrounding area. Where there is visual evidence of erosion or siltation, acceptance of the street as part of the secondary system of state highways maintained by the department will be postponed until appropriate protective measures, in accordance with VDOT's construction practices, are taken. Except as otherwise approved by the district administrator's designee, planting of trees or shrubs on the right-of-way shall be in accordance with the Subdivision Street Design Guide and the Road Design Manual (see 24VAC30-92-170).

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3. Lighting. Roadway, security, or pedestrian lighting, when required by the governing body or desired by the developer, shall be installed in accordance with the Subdivision Street Design Guide and the Road Design Manual (see 24VAC30-92-170). However, VDOT shall not be responsible for the maintenance or replacement of lighting fixtures or the provision of power for lighting.

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4. Railroad crossings.

a. Short-arm gates with flashing signals, flashing signals alone, or other protective devices as deemed appropriate by the department shall be provided at any at-grade crossing of an active railroad by a street.

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b. Crossings of railroad right-of-way are subject to the requirements of the railroad. Streets to be accepted by the department for maintenance as part of the secondary system of state highways that cross railroad right-of-way will only be considered if the protective measures outlined under this section have been fully installed and an agreement between the railroad, the developer and the local governing body has been executed. Prior to execution, such agreements shall be presented to the department for consideration in consultation with the Department of Rail and Public Transportation.

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5. Utilities. Local governments, the development community, and the utility community are encouraged to coordinate and consolidate their interests as part of the initial development plan.

a. Underground utilities. The department allows the placement of underground utilities within the dedicated right-of-way of streets, but normally restricts placement to areas outside of the travel lanes. However, if the governing body has established adequate requirements approved by the Department for the design, location, and construction of underground utilities within the right-of-way of streets, including provisions that ensure that adequate testing and inspection is performed to minimize future settlement, those requirements shall become the Department's requirements and govern unless those requirements conflict with a requirement of the department.

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When location of the utilities outside of the pavement area is not practical, such installations:

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(1) Are acceptable within the shoulders along the street or within the parking area,

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(2) May be acceptable beneath the travel lanes of the street or alley when provisions are made to ensure adequate inspection and compaction tests and:

(a) Longitudinal installations and manholes are located outside of the normal travel lanes, or

(b) Longitudinal installations and manholes are placed in the center of a travel lane out of the wheel path.

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However, manholes shall not be placed in sidewalk, multi-use trail or shared use path facilities within five feet of curb ramps or within driveway entrances.

b. Open-cutting of hard-surfaced roadways. The Department usually prohibits the open-cutting of hard-surfaced roads except in extenuating circumstances. Therefore, all underground utilities within the right-of-way, as determined necessary by good engineering practice to serve the complete development of adjacent properties, shall be installed during the street's initial construction and prior to the application of its final pavement surface course. This shall include extensions of all necessary cross-street connections or service lines to an appropriate location beyond the pavement and preferably the right-of-way line.

In the event it is necessary to open the street pavement to work on utilities after the surface has been placed, additional compaction tests and paving as necessary to restore the integrity and appearance of the roadway may be required at the discretion of the district administrator's designee.

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c. Cross-street conduits. To facilitate the placement of future underground utilities, cross-street conduits are encouraged, with placement of such conduits occurring on each street at intersections,

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d. Aboveground utilities. All aboveground utilities shall be installed behind the sidewalk or as close as possible to the limits of the street's right-of-way but shall not encroach on the sidewalk, the shared use path, or any clear zone.

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To assure the unencumbered dedication of the right-of-way for street additions, easements or other interests within the platted right-of-way shall be quitclaimed of any prior rights therein. In exchange, a permit may be issued by the Department for a utility to occupy the area involved. This permit will be processed by the district administrator's designee upon acceptance of the street into the secondary system of state highways maintained by the Department. No inspection fee is required for permits so issued. However, the approval of the permit shall be contingent upon the utility's compliance with applicable provisions of the Land Use Permit Manual (see 24VAC30-92-170).

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24VAC30-92-140. Right-of-way width, spite strips, and encroachments.

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A. Right-of-way width. A clear and unencumbered right-of-way shall be dedicated to public use for any street proposed for addition to the secondary system of state highways maintained by the department. However, in certain, rare extenuating circumstances involving a party beyond the influence of the developer, an easement for transportation purposes may be approved by the district administrator's designee in lieu of dedicated right-of-way. In all other cases, any easement that might interfere with the public's unencumbered use of the street shall be quitclaimed in exchange for a land use permit, as outlined in 24VAC30-92-130 M 5 (Design and agreement requirements—Utilities).

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The width of right-of-way shall be as indicated in the Subdivision Street Design Guide and the Road Design Manual (see 24VAC30-92-170) and shall be sufficient to include all essential elements of the roadway intended to be maintained by the Department, including pedestrian, multi-use trail, bicycle, or shared use path facilities and clear zone. However, supplemental easements may be used to accommodate sight distance requirements and slopes for cuts and fills. The right-of-way requirements are defined in the Subdivision Street Design Guide and the Road Design Manual (see 24VAC30-92-170).

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When an existing state maintained road is widened, the additional right-of-way should be dedicated as follows:

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1. If the existing right-of-way consists of a prescriptive easement, to the degree that the developer controls the land, the right-of-way shall be dedicated to public use from the centerline of the alignment.
2. If the existing right-of-way is dedicated to public use, the additional right-of-way shall be dedicated to public use.
3. If the existing right-of-way is titled in the name of the department or the Commonwealth, the additional right-of-way shall be deeded to the department or to the Commonwealth, consistent with the title of the existing right-of-way.

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B. "Spite strips." Plans that include a reserved or "spite" strip that prohibits otherwise lawful vehicular access to a street from the adjacent properties, whether within or outside the subdivision or development, will not be approved.

C. Encroachments within the right-of-way. Recording of a plat causes the fee title interest of areas dedicated to public use to transfer to the local governing body. Therefore, objects installed within the right-of-way for purposes other than transportation may be considered an unlawful encroachment in the right-of-way and prevent the right-of-way from being considered clear and unencumbered.

Posts, walls, signs, or similar ornamental devices that do not interfere with roadway capacity or encroach into a clear zone or interfere with prescribed sight distance requirements may be permitted within the right-of-way. However, specific authorization by the district administrator's designee or as authorized under the Land Use Permit Manual (see 24VAC30-92-170) is a requisite for these devices or any other encroachment located within the right-of-way. For the purposes of this subsection, mailboxes installed on breakaway posts may occupy the right-of-way without permit. Otherwise encroachments that do not fall within the clear zone may be allowed within the right-of-way pursuant to a land use permit issued by the district administrator's designee.

24VAC30-92-150. Surety and fees.

A. Policy. Except as otherwise provided herein, the developer shall provide surety to guarantee the satisfactory performance of the street, an inspection fee to cover the Department's cost of inspecting the new street and an administrative cost recovery fee to recover the department's costs associated with the review of subdivision or other development plans, and the administrative processing of the acceptance of new streets as determined in this section. All surety and fees collected under this section shall be based on the date of the local governing body's request and the aggregate mileage of new streets in that request, rounded up to the next tenth. In the event of extenuating circumstances beyond the developers control, the Commissioner or his designee may waive all or a portion of any of the surety and fees.

B. Surety. The Department reserves the right to inspect, or have inspected, the street proposed for acceptance into the secondary system of state highways at any stage of construction and prior to street acceptance. The developer, contractor, and third party inspector, if applicable, shall cooperate with the assigned VDOT personnel to provide the access and information necessary to verify that construction of the street is in accordance with the street's approved design and appropriate standards and specifications. A determination by the District administrator's designee that the required cooperation has not been extended shall be grounds for VDOT to refuse to accept the street for maintenance as part of the secondary system of state highways. A determination of non-cooperation may be appealed as specified by this chapter (see 24VAC30-92-120).

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¶  
24VAC30-91-130. Neotraditional developments. ¶  
Streets maintained with public transportation funds should be able to safely accommodate the effective and efficient movement of those expected to use those streets. Consequently, the design of streets intended for maintenance by the department within neotraditional or other unique developments also must comply with all applicable provisions of these requirements and the department's applicable design criteria. ¶  
The Subdivision Street Design Guide (24VAC30-91-160) offers additional guidance on neotraditional developments and acceptable unique features typically seen in these types of developments. The utilization of many neotraditional concepts and traffic calming features can normally be accomplished within the flexibility available within VDOT's subdivision street design criteria, and specific requests for exceptions when requests cannot be accommodated should be in writing to the resident engineer. ¶

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February 18, 2008

1. Type of surety and expiration. The developer shall provide surety to guarantee the satisfactory performance of the street. In the event the developer fails to provide surety or any of the fees described in this section within the 30-day period following the local governing body's request for the Department to accept the maintenance of a street, the Department's or other entity's previous final inspection of the street shall be considered void and a new inspection shall be required. An acceptable surety may be in the form of a performance bond, cash deposit, certified check, irrevocable letter of credit, third party escrow account, or other form mutually satisfactory to the Department and the developer. Under no circumstances shall the Department or any agency of the Commonwealth be named the escrow agent nor shall funds deposited with the Department as surety be subject to the payment of interest.

**Deleted:** An acceptable surety, in accordance with this section, shall be provided by the developer

**Deleted:** for a period of one year from the date of its acceptance into the secondary system of state highways.

**Deleted:** Surety

A. Amount of Surety. The surety shall be \$3,000 for each tenth of lane mile, or portion thereof, to be accepted by the Department for maintenance as part of the secondary system of state highways. The Commonwealth Transportation Board may adjust the surety on an annual basis based on increases or decreases in the producer price index for highway and street construction materials up to an amount not to exceed \$5,000 for each tenth of lane mile or portion thereof.

The surety for streets petitioned for acceptance into the secondary system of state highways through the Rural Addition program pursuant to §§ 33.1-72.1 and 33.1-72.2, and streets constructed or approved pursuant to §§ 33.1-221 and 33.1-223 shall be waived.

B. Length of Surety. The surety shall guarantee performance of the street for three (3) years from the date of its acceptance into the secondary system of state highways. When a third party inspection process acceptable to the Department in accordance with this chapter used the surety shall guarantee performance for one (1) year.

C. Third Party Inspection Process. A third party inspection process shall be acceptable to the Department if:

1. The developer or construction contractor arranges for a firm not otherwise related to the developer or contractor to provide inspection services for the construction of the streets in the development;
2. Inspection and testing methodology and frequency are accomplished in accordance with VDOT Materials Division's *Manual of Instructions* and *Virginia Department of Transportation Road and Bridge Specifications*; and,
3. A report is submitted to the Department summarizing the inspections steps taken, certifying the results of the inspection and testing as accurate, and confirming that the street or streets were built to the approved specifications and pavement design, signed and stamped by a professional engineer licensed to practice as such in the Commonwealth.

2. Alternatives to surety.

a. In jurisdictions where the staff of the governing body administers a comprehensive subdivision construction inspection program that has been approved by the department, the surety shall be waived upon certification by the governing body that the proposed addition has been constructed in accordance with approved plans and specifications.

b. If requested by the developer and subject to availability of Departmental personnel or consultants, VDOT may perform the construction inspection equivalent to that required for third-party inspection of any street or streets proposed to be added to the secondary system of state highways. In such cases, the developer shall bear all costs incurred by the Department, the surety shall be waived, and no street inspection fee pursuant to subsection D shall be charged.

C. Administrative cost recovery fee.

1. Application of the administrative cost recovery fee. To recover a portion of the Department's direct costs associated with the review of plans or plans of development, and the administrative processing of the acceptance of new streets, an administrative cost recovery fee shall be required from the developer at the time the streets are accepted by the department. The amount of this cost recovery fee shall be computed at a base rate of \$500, without regard to street length, plus \$250 per tenth of center lane mile, or portion thereof.

2. Alternatives to the administrative cost recovery fee. As an alternative to the administrative cost recovery fee, the Department may use one of the following approaches to recover its direct costs:

a. For any subdivision, at the developer's request, the department may establish an account for the purpose of tracking these costs and billing the developer not more often than every thirty (30) days;

b. For large, complex, multi-use developments, the Department, at its option, may establish an account for the purpose of tracking these costs and billing the developer not more often than every thirty (30) days. However, the cost recovery fee assessed under this provision shall not be greater than two times the prevailing cost recovery fee structure; or

c. If requested to provide plan review for streets that are not intended for maintenance by the Department, the Department may establish an account for the purpose of tracking these costs and billing the developer not more often than every thirty (30) days.

D. Street Inspection Fee. To recover a portion of the Department's direct costs associated with the inspection of subdivision streets, an inspection fee shall be required from the developer at the time the streets are accepted by the Department.

The inspection fee shall be computed at a base rate of \$250, without regard to street length, plus \$125 per tenth of lane mile, or portion thereof.

The street inspection fee shall be reduced by seventy-five (75) percent if either a third party inspection process pursuant to subdivision B1C of this section or a local street inspection

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**Deleted:** 3. Amount of surety. Surety shall be calculated at the rate of \$2,000 per lane per tenth mile of street, or portion thereof, to be accepted by the department for maintenance as part of the secondary system of state highways. ¶

C. Maintenance fee. ¶

A maintenance fee, provided by the developer, shall be required for the acceptance of any street as part of the secondary system of state highways. The maintenance fee shall be calculated at the rate of \$150 per lane per tenth mile or portion thereof. ¶

D

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**Deleted:** a. For streets shown on subdivision construction plans approved prior to (the effective date of the regulation): ¶

(1) No cost recovery fee will be collected for street additions requested by the local government before July 1, 2005; and ¶

(2) The cost recovery fee structure described in subdivision 1 c of this subsection shall apply until July 1, 2007, after which the department's prevailing cost recovery fee structure will apply. ¶

b. For streets shown on subdivision construction plans approved after the effective date of the regulation, the department's cost recovery fee structure in effect at the time of construction plan approval shall apply and be fixed for a period of three years from the date of said approval, after which the prevailing cost recovery fee structure shall apply. ¶

c. The administrative cost recovery fee shall be computed at a base rate of \$250 per lane, without regard to street length, plus \$100 per lane per tenth mile, or portion thereof. However, in the event the surety for new streets is waived under the provisions of subdivision A 2 of this section, the administrative cost recovery fee shall be reduced 50%. ¶

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**Deleted:** 3. Administrative cost recovery fee, annual adjustments. The department shall have the option of adjusting the annual cost recovery fee, in which case it shall compile information regarding its costs for the review of subdivision plans, the inspection of new subdivision streets, and the administrative processing of the acceptance of new streets during the previous fiscal year and report this information to the commissioner by January 1 of each year. The commissioner may adjust the administrative cost recovery fee by not more than 25% of the fee structure in effect on July 1 of the previous calendar year but not greater than the department's average direct cost as established in the report. ¶

[... 3]

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certification process pursuant to subdivision B2A of this section were used.

If requested to provide inspection services for subdivision streets that are not intended for maintenance by the Department, the Department may establish an account for the purpose of tracking these costs and billing the developer not more often than every thirty (30) days.

24VAC30-~~92-160~~. Subdivision street development, plan review, and acceptance.

A. The locality-state partnership governing VDOT acceptance of new streets for maintenance. Section 33.1-229 of the Code of Virginia (a Byrd Act provision) creates the authority under which local governments establish new roads as part of the secondary system of state highways. Sections 15.2-2240 and 15.2-2241 of the Code of Virginia establish the authority of local subdivision ordinances and the authority of counties to set the standards for new streets within their territories.

VDOT's participation in the development and acceptance of streets for maintenance is a cooperative commitment of the Commonwealth Transportation Board.

VDOT's concurrence with or approval of a construction plan represents VDOT's commitment to accept the network addition or streets shown on the plan when satisfactorily constructed and all other requirements governing the department's acceptance of streets are satisfied, including the governing body's request for the acceptance of or transfer of the maintenance and operational jurisdiction over the street, as outlined in these requirements.

Pursuant to these principles:

1. Local government controls land development activity and establishes new streets, the relocation of existing streets, and the criteria governing the development of such streets.

2. VDOT establishes the requirements that must be satisfied for network additions and new streets to be considered for maintenance by the Department as part of the secondary system of state highways under its jurisdiction.

Within each locality, VDOT is represented by a district administrator's designee.

B. Street development and acceptance of maintenance process.

1. Concept and construction plan approval phase. The proposed construction plan shall be considered incomplete in the absence of a preliminary pavement design based on the Pavement Design Guide (see 24VAC30-~~92-170~~) and the presumed values therein.

2. Construction phase. Upon approval of the construction plan and prior to construction, the district administrator's designee should advise the developer regarding inspection of the

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construction phases and the scheduling of those inspections. VDOT approval of each of the following phases of construction is recommended.

- a. Installation of any enclosed drainage system before it is covered.
  - b. Installation of any enclosed utility placements within the right-of-way before being covered.
  - c. Construction of the cuts and fills, including field density tests, before placement of roadbed base materials.
  - d. A final pavement design, based on actual soil characteristics and certified tests, shall be completed and approved before the pavement structure is placed.
  - e. Placement of base materials, including stone depths, consistent with the approved pavement design, prior to placement of the paving course or courses, followed by field density and moisture tests and the placement of a paving course as soon as possible.
  - f. Construction of pavement, including depth and density, upon completion as part of the final inspection.
3. Street acceptance process. In the absence of any other formal acceptance, the governing body's resolution requesting the Department to accept a network addition or street for maintenance as part of the secondary system of state highways completes the dedication and is deemed to constitute the governing body's acceptance of the street.
4. Post acceptance phase.

24VAC30-~~92-170~~. Listing of documents (publications) incorporated by reference.

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 the Department may be obtained from the Department's division and representative indicated; however, Department documents may be available over the Internet at [www.VirginiaDOT.org](http://www.VirginiaDOT.org).

The Department shall post all documents incorporated into this regulation by reference under its control on its website. After the effective date of any changes to such incorporated documents under the control of the Department, the Department shall post the changes for a period of at least sixty (60) days.

1. Drainage Manual, effective April 2002.

Location and Design Division (VDOT)

Location and Design Engineer

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1401 E. Broad Street

Richmond, Virginia 23219

2. Land Use Permit Manual, 24VAC30-150, effective November 15, 1983.

Field Code Changed

Asset Management Division (VDOT)

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Director of the Asset Management Division

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1401 E. Broad Street

Richmond, Virginia 23219

3. Pavement Design Guide for Subdivision and Secondary Roads in Virginia, effective August 1, 2000.

Materials Division (VDOT)

State Materials Engineer

1401 E. Broad Street

Richmond, Virginia 23219

4. Road and Bridge Specifications, effective 2002.

Construction Division (VDOT)

State Construction Engineer

1401 E. Broad Street

Richmond, Virginia 23219

5. Road Design Manual, effective January 1, 2005.

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

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6. Subdivision Street Design Guide (Appendix B: Road Design Manual, effective January 1, 2005)

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

7. Road and Bridge Standards, effective February 1, 2001.

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

8. Standard Specifications for Highway Bridges, effective 1996.

American Association of State Highway and Transportation Officials

North Capital Street, Suite 225

Washington, DC 20001

VDOT Modifications to document above

Structure and Bridge Division (VDOT)

Structure and Bridge Engineer

1401 E. Broad Street

Richmond, Virginia 23219

9. Virginia Erosion and Sediment Control Handbook, effective 1992.

Division of Soil and Water Conservation with The Virginia Erosion and Sediment Control Law and Regulations

Division of Soil and Water Conservation

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Governor Street, Suite 206

Richmond, Virginia 23219

10. Highway Capacity Manual, effective 2000.

Transportation Research Board

Keck Center of the National Academies

Transportation Research Board

500 Fifth Street, NW

Washington, DC 20001

Attn: TRB Publications Sales & Affiliate Services

11. VDOT Erosion and Sediment Control and Stormwater Management Program Standards and Specifications (effective March 1, 2004).

Deleted: Manual

Location and Design Division (VDOT)

Location and Design Engineer

1401 E. Broad Street

Richmond, Virginia 23219

12. Policy for Integrating Bicycle and Pedestrian Accommodations—Commonwealth Transportation Board (effective March 18, 2004.) Note: This policy reference is included in the regulation only for informational purposes and is not considered a regulatory provision. Applicable elements of this policy are stated in the regulation itself.

13. Access Management Regulation, effective July 1, 2008.

Asset Management Division

Director of the Asset Management Division (VDOT)

1401 E. Broad Street

Richmond, Virginia 23219

14. Design Standards for Entrance/Intersection Access Management (Appendix C of the Road Design Manual, effective July 1, 2008).

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[Location and Design Division](#)

[Location and Design Engineer](#)

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[15. Traffic Impact Analysis Regulation, effective July 1, 2007.](#)

[Asset Management Division](#)

[Director of Asset Management](#)

[1401 E. Broad Street](#)

[Richmond, Virginia 23219](#)

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In addition, additional pavement width may be necessary between the travel lanes and the parking spaces to allow a car to back from its normal parked position, orient itself for entering the travel lanes and stop without either encroaching into the travel lanes or having the driver's vision of oncoming traffic obscured by adjacent, parked vehicles.

with the consent of the county official and the resident engineer.

3. Administrative cost recovery fee, annual adjustments. The department shall have the option of adjusting the annual cost recovery fee, in which case it shall compile information regarding its costs for the review of subdivision plans, the inspection of new subdivision streets, and the administrative processing of the acceptance of new streets during the previous fiscal year and report this information to the commissioner by January 1 of each year. The commissioner may adjust the administrative cost recovery fee by not more than 25% of the fee structure in effect on July 1 of the previous calendar year but not greater than the department's average direct cost as established in the report.

If the commissioner deems that a change in the cost recovery fee structure is warranted, implementation of the change shall be made as follows:

- a. Notice of the adjusted fee structure, including the report on which it is based or information about where the report may be viewed, will be published in the Virginia Register of Regulations in April of that year, and
- b. The adjusted fee structure shall become effective on July 1 of that year.