

ATTACHMENT E

**Guide for Administering
Additions, Abandonments, and Discontinuances
of the
System of State Highways**

Prepared by VDOT's Maintenance Division

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Table of Contents

The Secondary System of State Highways – An Overview	1
Additions to the Secondary System of State Highways	3
General Provisions Regarding Termini	4
Stub Streets	5
Turnaround Facilities	5
New Streets	7
Surety and Fees	7
Surety Guidelines for Secondary Street Additions	7
County – State Agreements	8
Rural Additions	9
Rural Addition Policy (CTB)	11
Minimum Standards for New Rural Additions To Secondary System	14
Eligibility, Speculative Interest, Pro Rata Participation and County/VDOT Costs Sharing	15
Additions in Towns Having Populations Under 3,500	17
Minimum Standards and Right of Way Widths (For Towns Under 3,500 in Population)	17
Administrative Actions Additions To Secondary System Chart	18
Deletions (Discontinuances & Abandonments)	19
Discontinuance	19
Discontinuance Procedural Flow Chart	20
Abandonment	21
Abandonment Process (§33.2-909)	21
Appeal of Abandonments	22
Abandonment Procedure	22
Abandonment of Public Roads Not In The Secondary System, Title 33.2, Article 12	24
Vacations	24
Release of Right of Way	25
Primary Abandonments	25
Primary Discontinuances	27
Administrative Actions Chart for Abandonments, Discontinuances and Project Adjustments	28

The Secondary System of State Highways - An Overview

Before the [Byrd Road Act of 1932](#), commonly referred to as the “Byrd Act,” the operation and maintenance responsibility for local public roads was under the jurisdiction of the local governing body of each county, the Board of Supervisors. Prior to this legislation, the “secondary system of state highways” did not exist.

Under the Byrd Act, the General Assembly transferred to the State the authority counties previously held to operate and maintain their local roads, except in those counties that, by referendum of the voters, elected to continue that authority in their local Board. The Byrd Act created the secondary system of state highways, placing it under the jurisdiction of the Virginia Department of Transportation (VDOT).

Arlington, Henrico, Elizabeth City, and Warwick Counties elected to continue to maintain their own local roads. Of these counties, only Arlington and Henrico Counties remain; Elizabeth City and Warwick having consolidated into the City of Hampton.

The Byrd Act also created funding mechanisms for maintenance and improvement of the local roads; some of the funds collected are paid to those counties (Arlington and Henrico) which maintain their own local roads and do not participate in the secondary system of state highways.

However, the Byrd Act also continued certain powers of the local governing bodies, including the powers to create or establish new public roads and the authority to extinguish the rights of the public to use certain public roads. Consequently, each element of the secondary system of state highways begins as a facility developed with the consent of the local governing body and its acceptance as part of the county’s local network of roads. Only after this acceptance can a new local road be transferred from county control and jurisdiction to state stewardship.

In most counties, public roads exist that are not part of the secondary system of state highways. These roads are under the jurisdiction of the local governing body until it petitions VDOT to accept the road(s) under its jurisdiction and VDOT grants that request.

Since the Byrd Act, the Code of Virginia has preserved the spirit of partnership that the Act created between the local governments and the State’s operation of the secondary system, the third largest such system in the United States. Under this partnership, the local governing bodies are reserved certain legislative authorities while others are under VDOT’s domain. Chief among these is the underlying basis of VDOT’s authority:

“The control, supervision, management and jurisdiction over the secondary system of state highways shall be vested in the Department of Transportation and the maintenance and improvement, including construction and reconstruction, of such secondary system of state highways shall be by the Commonwealth under the supervision of the Commonwealth Transportation Commissioner.” -- §33.2-326 of the Code of Virginia

This edition of the Department’s “Guide to Additions, Abandonment and Discontinuances of the System of State Highways” is intended to further explain the processes governing such changes and to provide improved management aids to staff involved with making changes to the secondary system of state highways. One such aid is DACHS, a web-based application formally known as the Database for Administering Changes to the Highway System. DACHS not only produces all forms necessary to complete an addition, discontinuance or abandonment assembly, but automates the process of developing the necessary resolutions that must be passed by the local governing body to implement such changes.

For the purpose of this document, the following terms shall have these meanings:

- Private Road A street or road that is restricted in some way to access by the general public, regulated by hours of use, or otherwise is limited to access by privilege, generally associated with property ownership or membership.
- Public Road A street or road that can be used by the general public without regard to the hours of access and which is operated under the jurisdictional authority of the local governing body or VDOT.
- County Road A public road that has not been accepted by VDOT for maintenance as part of the secondary system of state highways or one that was discontinued by VDOT from the system {transferring it back to the local governing authority}.
- State Road Any road maintained by VDOT as part of the secondary system of state highways or the State Highway System.

This manual is intended to be a reference for VDOT staff and local authorities administering changes to the systems of state highways. Where appropriate and feasible, hyperlinks have been included to referenced documents.

Additions to the Secondary System of State Highways

A county board's resolution asking for VDOT operation and maintenance of a street is also that locality's implied acceptance of a street as part of their system of local roads. Although there may be other rare circumstances, the majority of new streets accepted by VDOT generally result from:

q **Development or Subdivision of Land**

These streets are usually the result of a subdivision of land, pursuant to authority established in the county board under Title 15.2 of the Code of Virginia, and must meet prerequisites established by the regulation Secondary Street Acceptance Requirements (SSAR) (24 VAC 30-92) or, if more restrictive, the subdivision ordinance of the locality. The effective date of the SSAR was March 9, 2009. The official text of this regulation is accessible from the Virginia Administrative Code. The addition of streets as a result of development is discussed in this guide as "New Subdivision Streets." Developer managed alterations to the existing secondary system may require actions other than addition, therefore such situations must be considered separately, as an Alteration to the Existing System.

q **Rural Additions**

Streets or roads added under this category exist as public roads that were not initially accepted by VDOT as part of the Byrd Act transfer of roads or as a result of some subsequent action creating a road that could not be or was not accepted by VDOT. Some streets or roads are public, but were not initially accepted by VDOT pursuant to the Byrd Act, or were later created but not accepted by VDOT for some reason. In many cases, such streets that were constructed for purposes other than development, were not required by the County Board to meet VDOT minimum standards governing acceptance, or did not qualify for acceptance for another reason.

However, the streets are now considered to meet prerequisites for addition to the secondary system of state highways and improvement at public expense in accordance with [§33.2-335](#) of the Code of Virginia. In very limited circumstances, special no-cost rural additions of facilities constructed after July 1992 may be approved by the Commissioner's designee in accordance with the rural addition policy of the CTB.

q **School (Bus) Roads**

More specifically, roads over which school buses are operated that lead from state highways, either primary or secondary, to public schools in the counties of the Commonwealth, also constitute portions of the secondary system of state highways, provided they are located on school property. (Ref. [§33.2.325](#) of the Code of Virginia)

School bus roads exist as a special subset of public roads over which school authorities exercise certain limited police powers regarding access and use of the road. Consequently, if a road serves property beyond the school, the road may have to be considered as a normal addition to the secondary system rather than as a school bus road.

Construction must be complete, to standards appropriate for anticipated traffic, and financed from sources other than those administered by VDOT.

The School Board and the Board of Supervisors guarantee the right of way (30 ft. right of way, minimum) together with any required drainage or slope easements as necessary for road maintenance.

The roadway must be clearly defined and distinctly not a portion of a parking lot.

- q Streets in Towns (Population under 3,500)
Streets in towns operating under provisions [§33.2-339](#) or [§33.2-340](#) of the Code of Virginia may be added to the secondary system at the request of the Town Council if approved by VDOT. However, any improvements of such streets, including improvements normally accomplished as part of a rural addition, must have the concurrence of the Board of County Supervisors.

Towns listed under [§33.2-319](#) of the Code of Virginia, are part of the Urban System of highways. Streets in such towns are beyond the scope of this reference document.

- q Miscellaneous Changes (including Recreational Access, Economic Development Access and Airport Access)

Additions to the secondary system of state highways that result from road relocation projects, including projects developed under VDOT's Recreational Access, Economic Development Access and Airport Access programs, are frequently accompanied by deletions from the system (actions of discontinuance and/or abandonment). Such changes to the system are discussed separately under "Project Adjustments to the Secondary System," but all such changes require a normal, post-construction set of addition documents to cause such streets to be reflected in VDOT's inventory of streets.

"Miscellaneous changes" also include administrative adjustments or transfers between the State Highway System and the secondary systems of state highways, transfers in physical jurisdiction (annexation or de-annexation) from/to the county and a town or a city, or even the re-numbering of routes.

General Provisions Regarding Termini

All changes to the system apply to the full limits or width of right of way described by some length of roadway, measured along the centerline, and defined by readily distinguishable termini identifiable in the field based upon description without further references to plat section, boundary lines, or survey stations. All roads in the highway systems of the Commonwealth have (milepost) direction, using a west-to-east and south-to-north reference system. Changes to the system (additions, abandonments, and discontinuances) are properly described according to milepost direction and hundredths of a mile from intersections with established roads. Established route directions are determined from VDOT's Roadway Inventory Management System (RIMS).

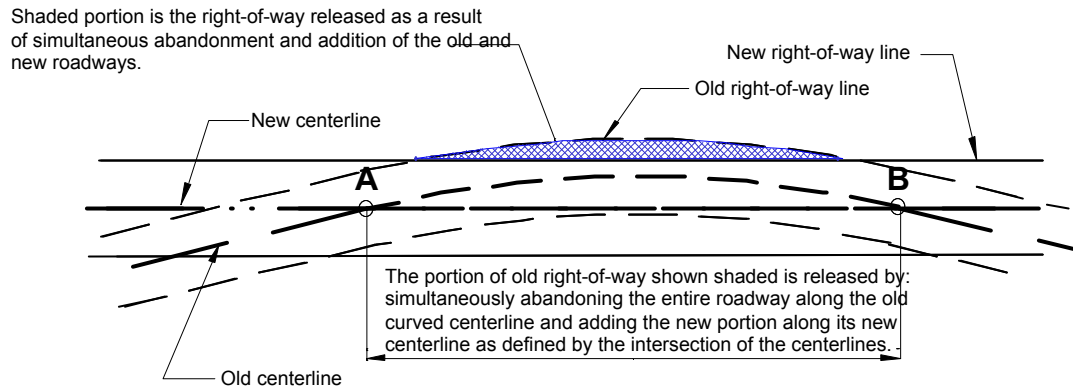
New roads are also properly described by this convention; however, doing so can be confusing to those outside of VDOT. VDOT's DACHS (Database for Administering Changes to the Highway System) application minimizes this confusion by allowing all roads to be described as they might be driven, irrespective of milepost direction but require an indication if that way (From-To) is toward increasing or decreasing mileposts.

Common examples of termini descriptions include:

- q Intersecting centerlines of roads:
From Rte. 678, To Rte. 689, a distance of 0.26 miles
- q Jurisdictional boundary of a county abutting another county, a town, a city or a state:
From Rte. 867 to CL Town of Jefferson, a distance of 0.15 miles

- c Distance in feet and direction from intersecting centerlines of roads:
From Rte. 786, to 0.07 miles east, a distance of 0.07 miles.
(Such a description normally establishes the end of maintenance, but might be used to describe a portion of road abandoned as the result of a project, such as in the following example.)

**Figure 1
Road Abandonment Sketch**



The above example shows a curved road that is straightened. The termini for Points A and B are properly described based on a distance from the nearest intersecting roadway along the centerline of the original alignment. In situations where a portion of the right of way is to be released, following the abandonment, the shaded portion that lies outside of the new alignment is the portion that is transferred, yet it is described based on the abandonment between Points A and B and the subsequent addition of the new roadway alignment.

Stub Streets

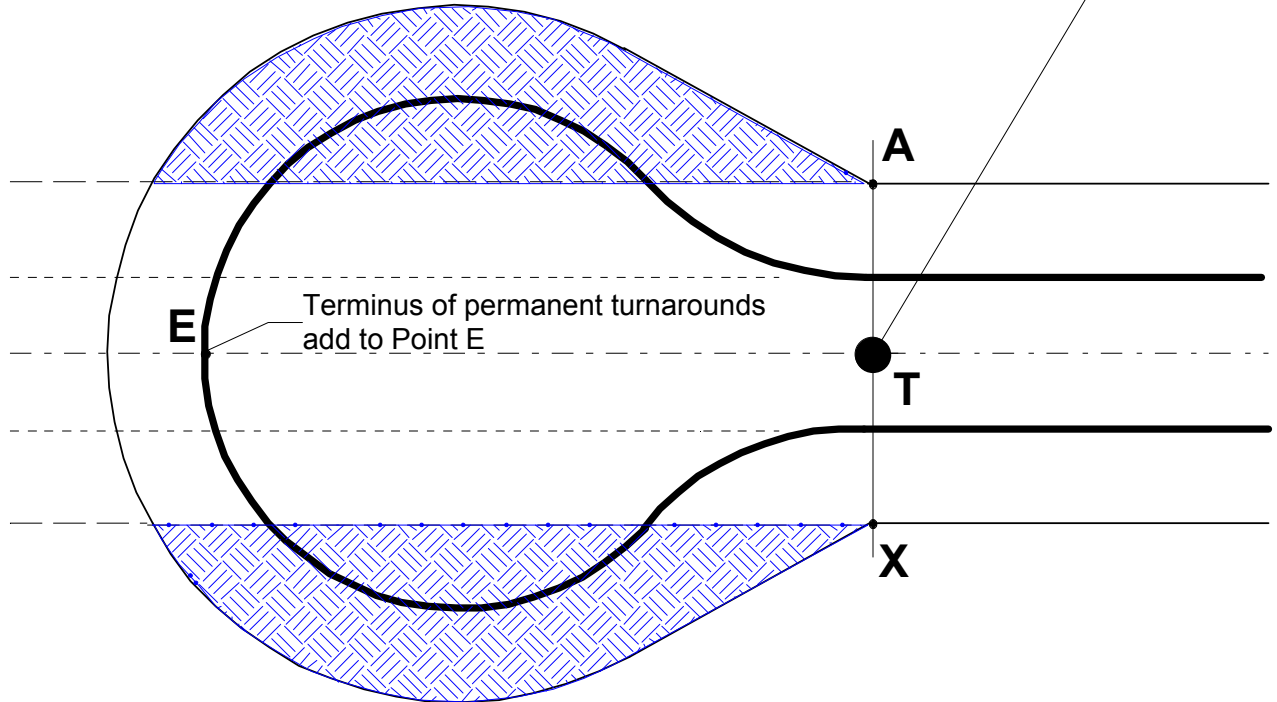
The primary purpose of a stub street is to facilitate future development of an adjoining tract and may constitute an acceptable addition. A stub street should, depending upon length, include an adequate turnaround facility. Turnaround facilities for stub streets are discussed in VDOT's [Road Design Manual](#), the [Subdivision Street Design Guide](#), and the [SSAR Guidance Document](#).

Turnaround Facilities

An adequate turnaround must be provided at the end of a cul-de-sac street and may be constructed at the end of a stub street. Any of the various turnaround designs shown in the AASHTO design references is acceptable to VDOT. However, for purposes of this discussion, the common bulb type facility is shown. When temporary turnaround facilities are used, special considerations must apply because potentially extraneous right of way may result when the road is extended. The manner in which the title to the underlying fee is held must also be considered, especially when the turnaround is a temporary facility. The dedication of the right-of-way has direct bearing on the termini associated with the addition of the turnaround and, if not carefully handled, may require subsequent Board of Supervisors action to abandon a portion of the road at the turnaround when the road is extended. If the shaded portion is not dedicated as a temporary easement, its release to the abutting landowner when the road is extended requires abandonment under [§33.2-912](#) of the Code of Virginia and subsequent action by the Commissioner under [§33.2-913](#) of the Code of Virginia.

**Figure 2
Turnaround Sketch**

Point T, terminus for temporary turnarounds or for the abandonment and addition required when the road is extended. Locate Point T on or before (to the right of) line AX, defined by the break in right-of-way lines.



If turnaround is recorded as a permanent facility and subsequently extended, the roadway must be abandoned between points E and T in order to free the shaded areas for consolidation with the abutting property. If recorded as a temporary easement for turnaround purposes, the easement is extinguished when the road is extended and no further action is required.

☐ Permanent Turnarounds

Cul-de-sac streets should be accepted to the end of pavement or face of curb (Point E). If the street is extended, abandonment of the portion between Point E and Point T is necessary to release the shaded portion of right-of-way for transfer to abutting land owners, followed by the addition of the roadway extension with Point T serving as an addition termini point. Locate Point T at or prior to a line perpendicular to the centerline, extending to point A or X, whichever is first encountered.

☐ Temporary Turnarounds

When an extension of the street is envisioned, to avoid complications requiring a portion to be abandoned when the street is extended, it is desirable for the shaded portions to be recorded as a “temporary easement for turnaround purposes until the road is extended.” If so dedicated, abandonment is unnecessary when the street is extended provided the initial addition is made as follows:

- When Shaded Portions Are Identified as a “Temporary Easement”
Accept the street to the end of pavement or face of curb, Point E.

New Streets

New streets that result from land development activities must satisfy the more restrictive applicable standards of:

- The locality's subdivision ordinance
- VDOT's [Secondary Street Acceptance Requirements](#) (SSAR) or 2005 [Subdivision Street Requirements](#) (SSR) (24 VAC 30-91), whichever is applicable
- VDOT's [Road Design Manual](#)
- VDOT's [Economic Development Access Program Guide](#) or the terms of the CTB's Airport Access Policy, and/or
- VDOT's [Recreational Access Program](#) Guide.

Surety and Fees

Under the 2005 SSR and the 2009 SSAR, developers of new streets are generally (depending upon inspection method) required to post a "surety;" a means of guaranteeing the performance of a road under which VDOT can recover costs incurred to correct defects resulting from faulty workmanship or materials. Several types of surety are acceptable to VDOT. Those most frequently provided by developers, in descending order of frequency are:

- Letter of Credit
- Performance Bond
- Escrow Account
- Cash Bond (Cash Bonds must be placed in Land Use Permit System (LUPS))

Approved formats for letters of credit, performance bonds and escrow agreements are provided in the DACHS application. Descriptions of proposed additions within the body of such documents may be replaced by attaching the DACHS Report or by supplementing the document with an attachment providing similar information. Such attachments should be signed by the surety agent.

Surety Guidelines for Secondary Street Additions

Institutions that issue letters of credit may use preferred language in lieu of that in the sample included in the appendix. However, the following information is required of all surety documents:

- Identification of the county, subdivision and street(s) segments covered by the surety
- Name and address of VDOT as beneficiary
- Name and address of the institution issuing the surety
- Name and address of the developer
- Amount of the surety. The minimum amount of credit must equal the values set forth in the 2005 SSR or 2009 SSAR, as applicable.
- A citation of the terms under which a draw will be honored
- The dates the surety becomes operative and expires

Dates of expiration on surety instruments should be a year after the end of the month that follows the month of the local governing body's (LGB) resolution or the month that the papers are submitted to the VDOT Central Office to complete the addition of the street(s). In some cases, this surety may need to be effective for an additional year in accordance with the provisions of paragraph D of [§ 33.2-334](#) of the Code of Virginia.

Street additions should not be recommended to the local government until all required documents to complete the addition assembly are on file. Only the resolution requesting the addition and the surety should be outstanding and the developer should have committed to providing the surety upon passage of the LGB's resolution.

County State Agreements

VDOT does not recognize a developer, a civic organization, or an association of homeowners as having sufficient resources or longevity to sustain the responsibilities associated with the potential impact that stormwater facilities, dams, and extrinsic structures may have in association with public roads. Consequently, VDOT looks to the county that approved the development plan creating these facilities to act as the responsible party.

An agreement with the county, consistent with the examples included in the appendix of this reference, is required as a prerequisite for VDOT's acceptance of a street that crosses a dam or an extrinsic structure or whenever the flow of drainage is interrupted from the new roadway to a natural water course.

The need for an agreement must be considered on the merits of each case. However, all such agreements are to be submitted to the Roadway Inventory Management Unit (RIMU) for final negotiation, review, approval, and execution before a related addition assembly is submitted.

Ideally, to avoid last minute problems, local VDOT officials notify the staff of the locality during preliminary plat reviews that such an agreement will be required before the related facilities are constructed.

A copy of the agreement is to be included in the final addition papers. Standard agreements are included in the Appendix for:

- Storm water detention and retention facilities (e.g., any facility that interrupts the free flow of drainage from a roadway to a natural water course)

Secondary street acceptance requires an agreement from the local governing body absolving VDOT from all liability for storm water detention/retention facilities that receive runoff from new subdivision streets.

The storm water management agreements contained in this manual were developed with input from several counties. Two agreements are included; one is for a specific subdivision and one is intended as a comprehensive county wide agreement to relieve the need for subsequent agreements. Existence of a comprehensive agreement should be referenced in each resolution requesting the addition of a street.

- Crossings of extrinsic structures (i.e., structures that provide a service beyond that needed to meet the essential and immediate needs of the transportation facility, e.g., golf cart underpasses, recreational trail underpasses, and some pedestrian under- or

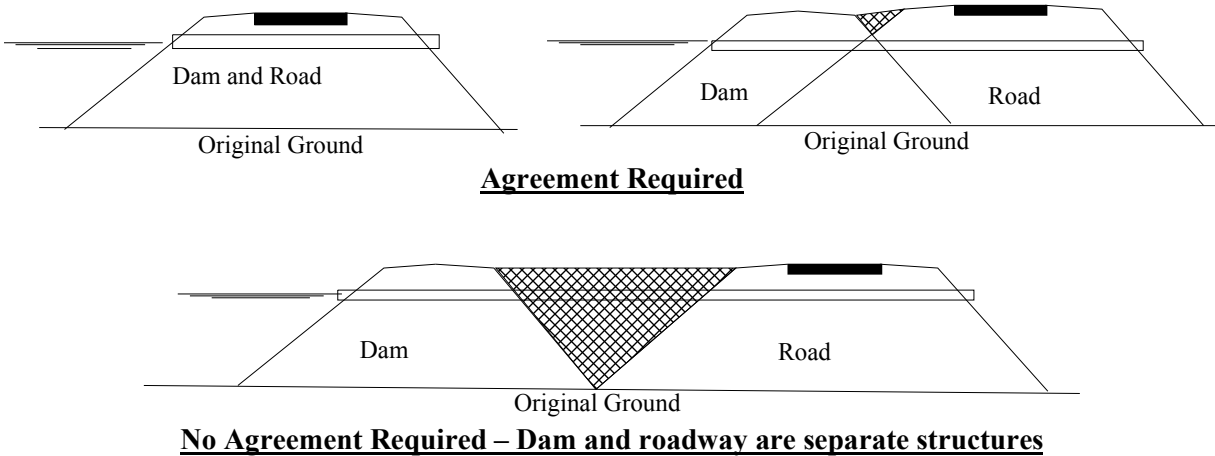
overpasses). Such structures are not accepted as part of the secondary system of state highways.

When a road crosses over or under an extrinsic structure situated within the right of way, the execution of an appropriate county state agreement is required that addresses the responsibilities of inspection, maintenance and liabilities potentially associated with the structure. VDOT discourages the installation of such structures but recognizes certain amenities may be desirable to a community.

The district administrator's designee should consult with the Highway System Group to determine requirements for an extrinsic structure agreement prior to approving proposed development plans. The paramount provision in any resulting agreement is an acknowledgement by the county that VDOT is not responsible for any liability or costs associated with the structure's existence, maintenance, and safety inspection, consistent with the practices of VDOT, even though it may perform those services and be reimbursed by the county (which may, based upon separate agreements, pass those costs on to the HOA or developer).

- Crossings of a dam (e.g., any structure, including an earthen embankment, that has an unequal hydraulic pressure on either side of a roadway or if the foundation template of the dam and roadway overlap).
- VDOT does not accept dams as part of the secondary system of state highways, nor does it accept ownership responsibilities and liabilities for performing periodic inspections of dams. A dedication of right of way, specifically to the Commonwealth of Virginia, that includes a dam is not acceptable.

**Figure 3
Road/Dam Sketches**



Rural Additions

Some public streets qualify for addition to the secondary system of state highways as rural additions. In some cases, such streets were inadequately constructed or maintained and need to be improved. However, state law prohibits expenditures of funds administered by VDOT on roads not in the system. Consequently, such roads must be added to the system prior to undertaking improvements and the cost of

such improvements must be fully funded prior to the addition. It is the responsibility of the local governing body to identify the source of funds VDOT is to use for such improvements.

Rural additions provide counties an additional tool to address older privately maintained public streets which either could not be or were not proposed to be accepted as part of the secondary system of state highways initially. Some reasons a street may now be eligible are:

- Public service originally not met but increased later, creating eligibility for maintenance at the public’s expense.
- Initially had lesser development standards, but maintenance becoming impractical burden on residents

3R standards may be used for Rural addition improvement, except that street paved width, right of way width and pavement type must meet the minimum standards established in the Commonwealth Transportation Board’s Rural Additions Policy (RAP).

Improvements may exceed these standards, provided the costs in excess of that of the prescribed minimum is funded by sources other than those administered by VDOT. A formal agreement(s) with the county, consistent with those included in the appendix, is required if a storm water management facility receives runoff from the road or the road crosses a dam or an extrinsic structure. The agreement(s) must be in force before the road is accepted as part of the system.

Criteria for Eligibility

- **Be available for the public to use 24 hours a day**
- **Have a right of way that is available to be dedicated to public use and is:**
 - **Wide enough (usually 40 feet) to meet minimum safety standards**
 - **Sufficient to permit future maintenance**
 - **Unencumbered by utility easements**
- **Serve at least three occupied homes (and at least three per mile of road)**
- **Be able to safely handle the traffic volume**
- **Connect to other roads already maintained by VDOT or a locality**
- ***§ 55-50.4 requires that a private road serving a subdivision of 50 or fewer lots have written consent of every lot owner served by the road. The consent must be recorded in the Clerk’s office.***

Certain rural addition improvements may be funded pursuant to [§33.2-357](#) of the Code of Virginia, which deals with the Revenue Sharing Program, provided the streets resulted from a subdivision of land and the street is eligible for addition under §33.2-335 of the Code of Virginia.

- **Speculative Interests** — If property abutting a proposed rural addition is intended for further development or owned for speculative purposes by a developer, it is considered speculative interest and its addition is not eligible under the CTB’s RAP. However, proposed additions that serve speculative interest property may qualify for addition under §33.2-335. Owners of speculative interests are assessed a pro rata share of the cost to improve a road, pursuant to §33.2-335. This share must be assured and provided by the county.
- **Right of Way and Utilities** — Rural addition funds administered by the Department are reserved for engineering costs and construction only. Costs for providing a clear, unencumbered right of

way and any relocation of utilities, mail boxes, fences, septic systems, wells, etc., are ineligible costs and are not covered by rural addition or revenue sharing funds administered by VDOT. The county must assure separate financing of such costs.

General Funding Options

- Rural Addition Funds
 - Counties are allowed to set aside five percent of the secondary road construction funds they are allocated in order to improve qualifying roads that are not state maintained
 - Only for streets created prior to 20 years ago or as otherwise specified in the Code of Virginia.
- Revenue Sharing Funds
 - Local match required (1:1 match for state funds)
 - Projects must be started within 1 year of allocation
 - Only for streets created prior to 20 years ago or as otherwise specified in the Code of Virginia.
- Local Funds
 - County's general fund
 - Special assessment of the land owners served
 - Revenue derived from the sale of bonds

General Steps for Rural Additions

- The board of supervisors considers requests from citizens to add roads to the secondary system of state highways. The county coordinates the eligibility review of proposed additions.
- VDOT advises the county of the requirements, improvement costs, and other issues related to the acceptance of proposed road additions.
- The board of supervisors formally requests VDOT to add the road to the secondary highway system for maintenance, identifying funds for improvement and guaranteeing unencumbered right of way.
- VDOT accepts the maintenance responsibility for the road as part of the secondary system.
- Road is improved to appropriate standards (Typically 3R Guidelines and/or RAP) utilizing the identified funds

RURAL ADDITION POLICY

(From Page 32 of the [Commonwealth Transportation Board Minutes, 2/18/88](#))

1. Rural additions to the Secondary System of State Highways will be considered when requested by resolution of the Boards of Supervisors of the several counties where the proposed roads provide sufficient public service to warrant the expenditure of highway funds for maintenance and improvement thereof; provided, however, that a minimum 40' unrestricted right of way plus additional widths for cuts and fills where necessary, along with adequate drainage easements, are established and recorded in the deed books of the county at no cost to the Commonwealth; except that a lesser right of way width, but not less than 30', may be considered where buildings or permanent structures (not including fences) were in place prior to December 31, 1961 (date of the Transportation Board's policy on right of way for the Secondary System). Further, the resolution of the Board of Supervisors shall specifically guarantee the necessary right of way and easements for the proposed road addition. Where a county has a policy requiring greater widths of right of way, its policy becomes the policy of the Commonwealth Transportation Board in that county.
2. Rural additions to the Secondary System will be limited during any one fiscal year to not more than 1¼% of each county's Secondary mileage at the end of the preceding calendar year, provided that the total mileage added to the system can be improved to a minimum standard for rural roads as established by the Department of Transportation with a maximum expenditure of not more than a sum equal to 5% of the allocation of construction funds for use on the Secondary System in such county.
3. Streets within subdivisions developed prior to July 1, 1949, may be considered as rural additions in accordance with Sections 1 and 2 aforementioned, provided that neither the original developer, developers, nor successor developers retain speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy. The Board of Supervisors requesting the addition of such subdivision streets meeting the requirements of Sections 1 and 2 shall submit with its resolution of request a certified copy of a plat of the area involved indicating street right of way, drainage easements, and place of recordation of the plat, including a detailed listing of the lot ownership at the time of submission.
4. The addition of streets in subdivisions developed subsequent to July 1, 1949, and prior to the adoption of a subdivision control ordinance in the county, the street requirements of which are equal to or greater than the requirements of the Department of Transportation for subdivision streets, or prior to November 15, 1959, (date of revised the Transportation Board's general policy on subdivision additions), whichever occurred first, may be considered under Sections 1 and 2 aforementioned provided all of the following are complied with:
 - a. The county has passed a subdivision control ordinance having street requirements meeting or exceeding the Department of Transportation's Subdivision Street Requirements.
 - b. Neither the original developer, developers, nor successor developers retain a speculative interest in property abutting such streets. Ownership or partnership in two or more parcels, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy.
 - c. One-half of the Department of Transportation's estimated cost for developing the streets to minimum rural standards as established by the Department of Transportation is donated through the county.

- d. A certified copy of the plat indicating street right of way, drainage easements, and place of recordation and a detailed record of lot ownership, along with the required donation, shall be furnished with the submission of the resolution requesting the addition.
5. Where a county policy requires that a rural addition meeting the requirements of Section 1 be graded, drained, and surfaced to minimum standards for rural additions as established by the Department of Transportation or where this work has been accomplished by the property owners living thereon prior to recommendation for acceptance into the Secondary System, consideration may be given to the waiving of the mileage requirements. However, no consideration may be given to the waiving of the monetary limitations as set forth in Section 2 above, except with the express permission of the Commonwealth Transportation Commissioner.
6. The Commonwealth Transportation Commissioner, through the Deputy Commissioner and Chief Engineer, is directed to set up standards and administrative procedures to see that the provisions of this policy are adhered to and complied with.
7. All portions of the general policy for acceptance of subdivision streets into the Secondary System of State Highways, as approved by this Board on October 29, 1959 and subsequent revisions, in conflict with this policy are rescinded only to the extent of such conflict; and
8. The Boards of Supervisors of the several counties are urgently requested to instruct their appointed viewers or road engineer to give careful consideration to the public necessity for any requested addition, and to carefully weigh the need for the addition against other road needs in the county, so that the program of improving existing secondary roads not be hindered by expenditures of available funds upon roads of questionable public service.

Table 1
Minimum Standards For New Rural Additions To Secondary System - 2/18/1988

Traffic Volume (five years hence)	Roadway Width	Width & Type of Surface
Not more than 10 vpd	22 feet	14 feet, light surface
10 vpd to 25 vpd	22 feet	16 feet, all-weather surface
25 vpd to 50 vpd	24 feet	16 feet, all-weather surface
50 vpd to 100 vpd	24 feet	16 feet, hard surface
Over 100 vpd	Roadway width, base, and surface in accordance with criteria set forth in the Department's Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.	
Grades and alignment for any Rural Addition shall not be less [stringent] than the minimums as set forth in the Geometric Design Standards/Rural Local Road System for the applicable terrain classification and anticipated traffic volume.		
Any bridge located on a rural addition shall be constructed to the applicable width and capacity as set forth in the Geometric Design Standards/Rural Road System for the anticipated traffic volume.		

It is recommended that the Guidelines for 3R projects located in the Road Design Manual be followed Deviations from the above shall be fully justified and approved by the Roadway Inventory Management Unit (Central Office Maintenance Division).

The following definitions are applicable for the above Table:

- **Light Surface** – Graded and Drain Packed Dirt
- **All-weather surface** – Stone/gravel
- **Hard Surface** – paved, surface treatment, plant mix etc.

Chart 1

Eligibility Guide for Certain (Rural) Additions to the Secondary System

Abbreviations used in this chart are as follows: BOS or LGB mean the governing body of the County, SCO means the subdivision control ordinance of the LGB, SSAR means the CTB's Secondary Street Acceptance Requirements, and C/V means Code of Virginia. All questions within a decision box must be answered "Yes" to proceed to along the "Yes" path. If any question is answered "No," exit the box on the "No" path.

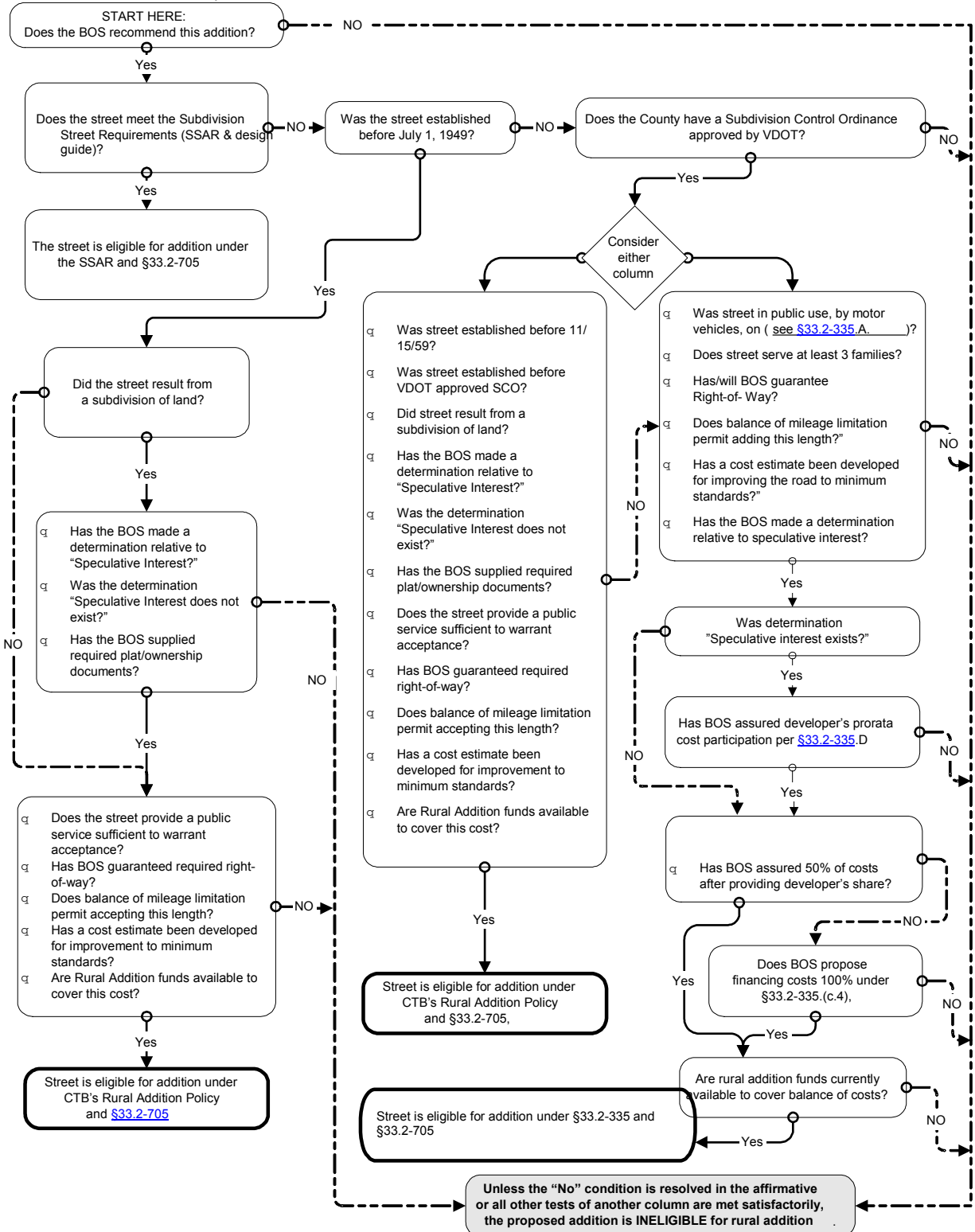
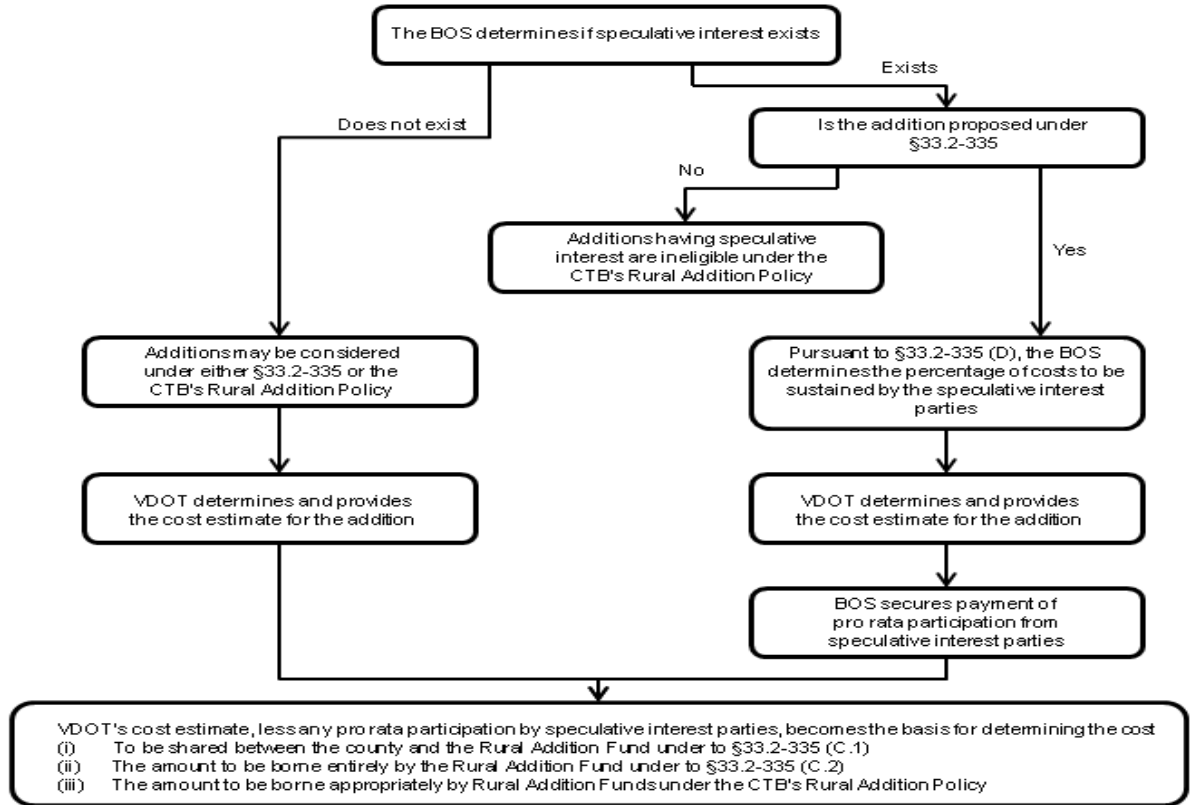


Chart 2
Speculative Interest Determination Flow Chart



FAQ: What is the basis for determining the prorata share for speculative interest holders?

Different approaches are outlined under [§33.2-335](#). The following equation is one such method:

$$\text{Prorata Share} = \frac{\text{Total appraised value of speculative land (w/o improvements) abutting the road}}{\text{Total appraised value of all land (w/o improvements) abutting the road}}$$

Additions in Towns Having Populations Under 3,500

Towns with populations under 3,500 and operating under either [§33.2-339](#) or [§33.2-340](#) of the Code of Virginia, may request additions to the secondary system. The major differences in these statutes are as follows:

- §33.2-339 - The road must have a recognizable roadbed with proper drainage facilities and be “travelable” by motor vehicles during normal conditions. However, the total length of additions in any town operating under this statute is limited to 0.25 miles per fiscal year.
- §33.2-340 - There is no limitation regarding the length of additions that can be approved within a fiscal year; however, there are specific requirements addressing the widths of pavement and right of way that must be in place at the time of the addition.

Neither of these statutes require the Commissioner and the CTB to accept requested additions to the secondary system. Streets that come into the system under these statutes are maintained to the standard that existed when the street was accepted until such time as funding for improvement is provided under the Secondary Six-Year Plan for the respective county.

Towns may elect to operate under either statute; however, the Commonwealth Transportation Board anticipates that a town will not seek to revert to §33.2-339 once it elects to operate under §33.2-340.

Table 3

Minimum Standards for Town Street Additions (Population Under 3,500)

Operational Authority	For Streets Established And Used By Motor Vehicles	Unrestricted Width Of Right-of-Way	Condition of Street
§33.2-339 Code of Virginia Maximum mileage allowed per year = 0.25	Before January 1, 1962	30 feet minimum	A recognizable roadbed with proper drainage facilities and travelable under normal conditions by motor vehicles
	After December 31, 1961	40 feet minimum, except in extenuating circumstances	
§33.2-340 Code of Virginia No limitation on annual mileage added.	Before July 1, 1950	30 feet minimum	Hard Surface 12 feet minimum
	After July 1, 1950	50 feet minimum	Hard Surface 20 feet minimum

FAQ: What process is followed to add and improve a road as a rural addition within a town?

All rural additions come into the system through the County Board of Supervisors. A Town Council must request a road be added and improved as a rural addition by the County Board of Supervisors because the roads in a town are improved through the County’s six-year plan and the County’s Board of Supervisors must concur with expenditures financed from the Rural Addition Fund or under the Revenue Sharing Program.

Table 4

Administrative Actions Matrix for Additions to the Secondary System of State Highways

Type of Addition					Responsible Body, Document, or Action
New Construction or Subdivision §33.2-705 or §33.2-334	CTB Rural Addition Policy §33.2-705	Statutory Rural Addition §33.2-335	School Bus Access §33.2-325	Town Street Addition §33.2-339 §33.2-340	
NA	NA	NA	Required	NA	School Board petitions Board of Supervisors
Required				NA	Board of Supervisors requests VDOT to accept road
NA	NA	NA	NA	Required	Town Council requests VDOT to accept road
District Staff coordinates processing of any agreements through Highway Systems Group and prepares addition assembly for submission to Highway Systems Group, including the following:					
Required					Certified Copy of Locality's resolution(s)
Required					Completed DACHS
As Required	NA	NA	NA	NA	Surety & Maintenance Fee
Required					Supporting location map and centerline sketch of roadway
NA	Required	Required	NA	NA	Payment of all participating funds
As appropriate to document change.					Supporting correspondence & information
Highway Systems Group					
For all additions, reviews the addition assembly and approves the addition on behalf of the Commissioner.					
Processes the addition assembly and prepares it for the Commissioner's action, including:					
Forwards Assembly package to Roadway Inventory Management System (RIMS)					
Advises VDOT staff of Commissioner's action					
Revises VDOT's records					

Deletions of Public Facilities from the Secondary System of State Highways

This document uses the terms road and street interchangeably, but these terms should be considered to include rail crossings, causeways, bridges, wharves, and landings as part of the secondary system of state highways (ref. [§33.2-324](#) of the Code of Virginia).

Roads, including these facilities, are removed from the “secondary system of state highways” by formal legal actions of:

- Discontinuance ([§33.2-908](#) of the Code of Virginia), an action limited to the CTB, and
- Abandonment ([§33.2-909](#) of the Code of Virginia), an action limited to the Board of Supervisors
- Abandonment ([§33.2-912](#) of the Code of Virginia), an action based on a project relocation and action by the Commissioner.

Secondary Discontinuance

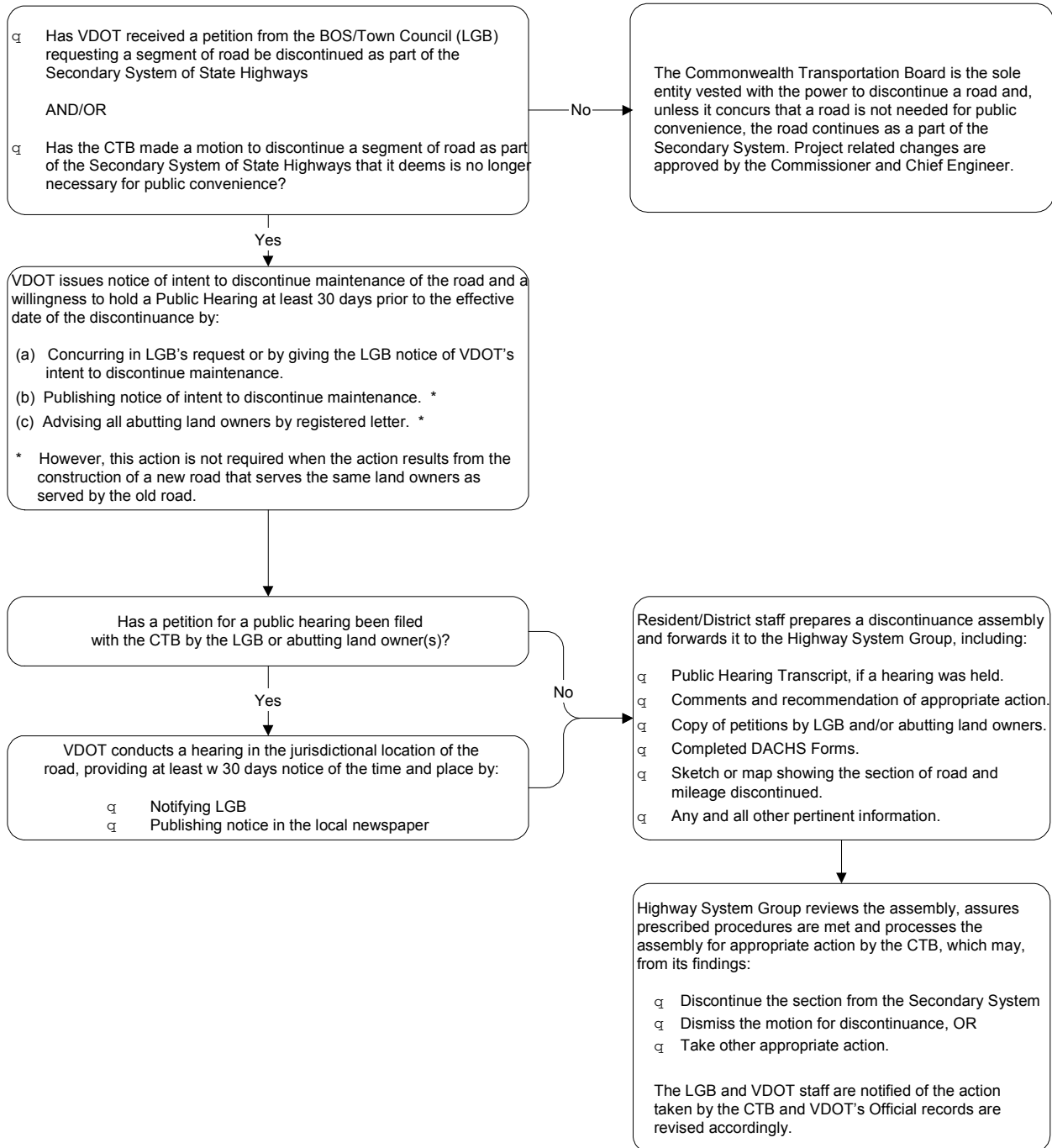
Discontinuance is an act reserved the Commonwealth Transportation Board or the Commissioner (if because of a project relocation), pursuant to [§33.2-908](#), Code of Virginia. It is the result of a determination that a facility no longer provides a sufficient public service to warrant maintenance at state expense. The facility remains a public facility and its operational jurisdiction is returned to local road officials, usually the local governing body of the locality. The powers and procedures for subsequent abandonment of a facility discontinued from the secondary system of state highways rests with the Board of Supervisors and the procedures for such actions are set out under [§33.2-915](#) through [§33.2-925](#) of the Code of Virginia.

Section 33.2-908 of the Code of Virginia, prescribes certain steps and required notices, outlined in the following “Discontinuance Procedures Flow Chart,” necessary to discontinue a road or other public facility that is not an approved project relocation. Any appeal of the findings of the CTB shall be to the circuit court of the county and conform to [§33.2-905](#) of the Code of Virginia.

Certain administrative actions and forms are required to process a discontinuance. These are listed in “Administrative Actions Matrix for Abandonment, Discontinuances and Project Adjustments” included in Table 4.

Chart 3

Discontinuance Procedures Flow Chart



Abandonment of Roads from the Secondary System of State Highways

- The Effects of Abandonment

For roads that exist on a prescriptive easement for right of way (see [§33.2-105](#) of the Code of Virginia), a lawful abandonment, under either of the Code sections discussed below, normally extinguishes the easement and the road ceases to be a public road (*Board of Supervisors v. VEPCO*, 213 Va. 407, 192 S.E.2d 768 (1972)). No subsequent conveyance of right of way is applicable.

For roads that exist on right of way dedicated to public use, abandonment has the effect of closing the road to the public, but interests in the real property dedicated for right of way may only be transferred by a separate conveyance (see [§33.2-913](#)). Right of way dedicated to a county government may be conveyed by the county; right of way dedicated to the Commonwealth may be conveyed only by VDOT. The conveyance of right of way may follow, but may not precede, an abandonment.

- Abandonment Statutes

The following statutes apply in the abandonment of facilities from the secondary system of state highways. Compared here, they are discussed in separate sections.

- [§33.2-909](#) of the Code of Virginia. To abandon a road without replacing it, the BOS must find
 - § “no public necessity exists for the continuance of the section of the secondary road as a public road” (i.e., lack of public use), or
 - § “the safety and welfare of the public would be served best by abandoning the section of road.”
- [§33.2-912](#) of the Code of Virginia. Section 33.2-912 is provided as an alternative means of abandoning roads to §33.2-909 and requires that a new road “which serves the same citizens as the old road” must be already constructed to VDOT standards and be ready for acceptance into the secondary system.

Abandonment Process Under §33.2-909

Upon receiving a request to abandon a segment of road, a county should first consider the matter on a preliminary basis. Once abandoned, it may not be possible to re-add the facility as part of the secondary system of state highways if the Board of Supervisors has a change of heart.

Section [§33.2-909](#) requires the BOS to announce its intent to abandon a road and a willingness to hold a public hearing, including providing formal notice to the Commissioner. The process and considerations are detailed in a flow chart entitled “Abandonment of a Road from the Secondary System of State Highways.” Following a public hearing, assuming one is requested and properly held, the BOS acts to either dismiss the abandonment or to abandon the road within a prescribed time frame.

Upon receipt of the BOS’s notice of intent to abandon a road, the resident engineer should promptly evaluate the proposed abandonment and forward the BOS’s notice of intent and his recommendations to the Highway System Group. The Highway System Group normally prepares the formal response from the Commissioner to the BOS.

If VDOT concurs with the abandonment, the Commissioner's response takes the form of an acknowledgment.

If VDOT does not concur, the Commissioner's response to the BOS may cite appropriate concerns against the abandonment. Normally, in such cases, the resident engineer will formally present those concerns to the county, in writing and in person at the public hearing and at subsequent meetings of the BOS scheduled to consider or act on the proposed abandonment.

If the BOS abandons the road over VDOT's objections, the resident engineer shall notify the Highway System Group as soon as possible so that VDOT can consider whether to file an appeal.

Appeal of Abandonments

- § For abandonments under [§33.2-909](#)
If the BOS abandons a road, an appeal to the circuit court, pursuant to [§33.2-910](#) of the Code of Virginia, may be made within the 30 days of the order of abandonment by any of the affected parties, including:
- Abutting property owners
 - Commonwealth Transportation Commissioner
 - Director of Game and Inland Fisheries (when appropriate)

If no appeal is initiated, the resident engineer prepares the necessary abandonment documents described in the administrative actions chart located in the appendix.

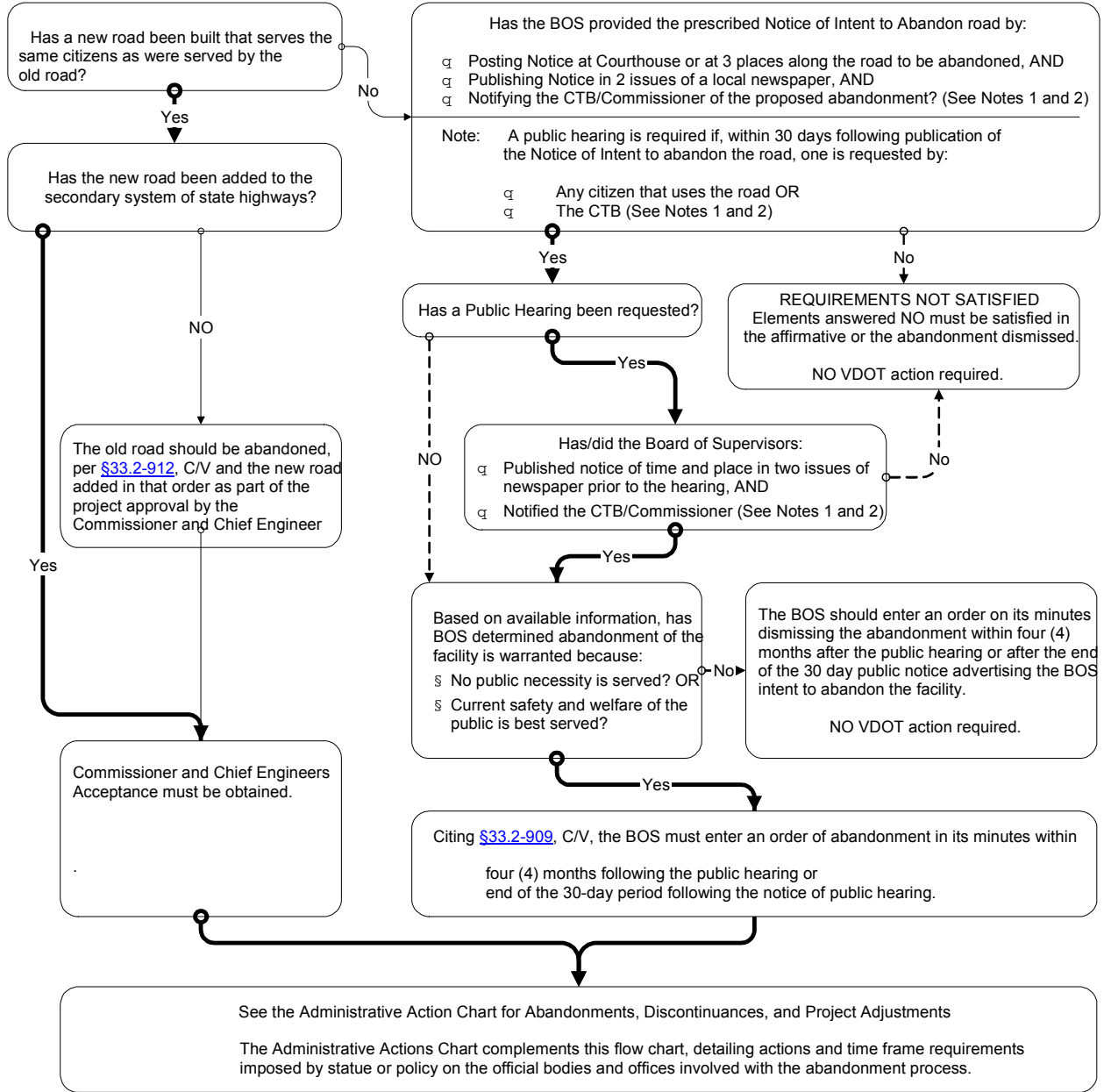
- § For abandonments under [§33.2-912](#)
No apparent provision for an appeal to the courts exists, except as occasioned by fraudulent or indiscriminate acts. (Ref. 1 *AMOCO v. Leaman*, 199 Va. 637, 101 S.E.2d 540 (1958) and Ref. 2 *Hudson v. AMOCO*, 152 F. Supp. 757 (E.D. Va. 1957), aff'd, 253 F.2d 27 (4th Cir. 1958)).

Abandonment Procedure

The following Abandonment Procedures Flow Chart describes the steps and considerations required to abandon a facility from the secondary system of state highways. An Administrative Actions Matrix for Abandonments, Discontinuances and Project Adjustments and appropriate resolutions for abandonments are provided in Table 4.

Chart 4

Abandonment Procedures Flow Chart



Abandonment of County Public Roads under Title 33.2, Article 12

(Roads Not Part of the Secondary System of State Highways)

Title 33.2, Article 12 ([§33.2-914](#) through [§33.2-926](#)) of the Code of Virginia addresses abandonment of facilities not in the State Highway System or the secondary system of state highways and includes specifically:

“... county roads maintained by a county and not part of the secondary system, and to roads dedicated to the public but which are not parts of the State Highway System, or the secondary highway system. The term “road” shall include streets and alleys in case of dedication to the public and shall likewise include an existing crossing by the lines of a railway company of such road and a crossing by such road of the lines of a railway company.” (ref. [§33.2-914](#))

Former portions of the secondary system of state highways, discontinued as a part thereof, pursuant to [§33.2-908](#) of the Code of Virginia, are abandoned under the provisions of [§33.2-915](#) through [§33.2-926](#). Such abandonments may be appealed under [§33.2-920](#). (See [§33.2-921](#) for the effects of any abandonment under this article of the Code.)

VDOT rarely takes a position on the abandonment or an act of vacation of a county road, unless it is appropriate to raise a procedural objection or the abandonment would adversely affect the operations of roads under VDOT jurisdiction.

Vacations pursuant to §15.2-2272 of the Code of Virginia

§ State Highways

The vacation process does not apply to roads of the State Highway System, which includes primary and interstate highways, or facilities maintained thereunder.

§ Secondary System of State Highways

The vacation process defined under [§15.2-2272](#) may only be used to abandon facilities of the secondary system of state highways, if **all** of the following conditions are satisfied:

- The land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by [§15.2-2204](#) of the Code of Virginia, and
- The Commonwealth Transportation Commissioner or his agent is notified in writing prior to the public hearing, and
- The vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to [§15.2-2297](#), [§15.2-2298](#) or [§15.2-2303](#) of the Code of Virginia or to implement a condition of special exception approval.

The vacation process is considered by the Department to be an alternative method to abandonment and all other actions concerning facilities of the secondary system continue to apply.

- ### § County Roads or Facilities Not or No Longer Part of the Secondary System of Highways
- Pursuant to [§33.2-925](#) of the Code of Virginia, these roads or facilities may be vacated under the provisions of [§15.2-2272](#) as an alternative means of abandoning such roads to the procedures

prescribed by [§33.2-915](#) through [§33.2-929](#). Such actions may be appealed under the provisions cited in §15.2-2272.

NOTE: Vacations done under §15.2-2006, unlike §15.2-2272, do not apply to primary or secondary highways.

Release of Right-of-Way Following Abandonment (or Vacation)

The action required following an abandonment depends upon the manner in which the title of underlying right-of-way fee was held prior to the abandonment. Whenever an abandonment is contemplated, the potential need to retain the right-of-way for subsequent transportation purposes must be evaluated. If needed for transportation, such right-of-way should not be released. The following situations apply:

- § Prescriptive right-of-way - No further action is necessary. Abandonment extinguishes the easement and the holder of the underlying fee recovers exclusive rights to the land, which is usually the abutting property owner.
- § Dedicated to or Owned by VDOT - The right-of-way may be declared surplus and is to be disposed of according to procedures prescribed by the Right of Way Division.
- § Dedicated to Public Use or the Local Government - If there is no further transportation need, VDOT must release, pursuant to [§33.2-913](#), the local government from its guarantee of transportation interest regarding the right-of-way before the property can be properly conveyed with clear title by the locality.

Such releases must be initiated by specific request and are prepared by the Highway System Group.

Primary System

The Primary System consists of all roads and bridges under the jurisdiction of and control of the Commonwealth Transportation Board and the Commissioner of Highways and not in the secondary state highway system.

Non-Project Related Abandonment of Primary Route – § 33.2-902.

Notice of Intent to Abandon and Willingness to Hold a Public Hearing

<http://law.lis.virginia.gov/vacode/33.2-902/>

The Commissioner of VDOT gives notice of its intention to abandon a road or segment of a road. This is done by **doing one of the two items listed below**:

1. by posting a notice of such intention at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway sought to be abandoned as a public highway is located **OR**

2. by publishing notice of its intention in two or more issues of a newspaper having general circulation in the county (this can be in two consecutive issues of the same paper OR in two different papers)

AND: The Commissioner of VDOT shall also send by **registered mail** a notice of the intent to abandon to the governing body of the county or counties (and towns with a population of 3,500 or less).

AND: One or the other of

A.The Local governing body passes a resolution supporting the abandonment of the primary route **OR**

B. the local governing body provides a letter of support (from County Administrator or County Director of Transportation). NOTE: this is not required by state law, but it VDOT policy – this is to ensure the local government is not left out of the official process.

If Petition (request for public hearing) is filed by a citizen in the county (within 30 days of the publication of first notice):

If one or more citizens in the county, files a petition with VDOT within 30 days after notice is posted or published -- VDOT will hold a public hearing in the county on the proposed abandonment

1. VDOT shall give notice of the time and place of the hearing by publishing such information in at least two issues in a newspaper having general circulation in the county (public hearing will be at least 30 days after the date of the first publication of the notification of public hearing) **and**
2. shall also give written notice to the local governing body.

If a petition for a public hearing is NOT filed, or if after a public hearing is held the Board is satisfied that no public necessity exists for the continuance of the section of the primary highway as a public highway or that the safety and welfare of the public would be served best by abandoning the section of highway, the Board shall:

1. within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed **or**
2. within four months after the public hearing **adopt a resolution** abandoning the section of highway as a public highway and with that resolution the section of highway shall cease to be a public highway. NOTE: If the Board is not so satisfied, it shall enter an order dismissing the application.

Primary Discontinuance (Section 33.2-901, Code of Virginia)

Discontinuance of State Primary Road (includes F numbered routes- aka Frontage roads)

Discontinuance of a Primary road is different from that of the Secondary road. While a discontinued Secondary road returns jurisdiction to the locality, a Primary road remains under the jurisdiction of the CTB and the Commissioner of Highways. A discontinued Primary road continues to be a public road but is no longer maintained.

Residency Responsibilities:

- a. Work with Local Board of Supervisors (BOS) to obtain a BOS resolution supporting the discontinuance OR obtain a letter of support for the discontinuance from the BOS (working through the County Administrator). NOTE: this is not part of the legislative requirements, but it is VDOT policy.
- b. Work with Roadway Inventory Management Unit (RIMU) to create a draft sketch of the segment to be discontinued - including location and length (in miles: 0.00) of segments to be discontinued.
- c. Forward all documents: local resolutions or letter of support and draft sketch to the VDOT Central Office, Maintenance Division, C/O RIMU Manager, Brack Dunn.

Central Office Responsibilities:

Central Office, RIMU staff will:

- a. create a "CTB Briefing" that will include all support documents and VDOT staff recommendations
- b. create a draft CTB Resolution with sketch of the proposed discontinuance
- c. work with Policy Division and the Commissioner's office staff to get this on the CTB agenda.
- d. Notify the Residency after the CTB has passed or rejected the discontinuance.

Commonwealth Transportation Board (CTB) will:

- a. pass or deny a resolution discontinuing the road.

**Table 4
Administrative Actions Matrix For Abandonments, Discontinuances And Project
Adjustments**

Action	Type Of Adjustment And Related Statute Of The Code Of Virginia				
	Not Project Related		Project Related		
	Abandonment per §33.2-909	Discontinuance per §33.2-908	Discontinuance per §33.2-908	Addition per § 33.2-705	Abandonment per §33.2-912
Board of Supervisors posts Notice of Intent to Abandon	30 days prior to public hearing	NA	NA	NA	NA
District Staff reports intent and recommends a response to the Highway Systems Group.	In 10 working days of receipt of notice	NA	NA	NA	NA
District Staff prepares response to County on behalf of Commissioner.	In 10 working days of receipt of notice	NA	NA	NA	NA
District Staff represents Department at subsequent proceedings	As Required	NA	NA	NA	NA
BOS acts to (1) abandon road or (2) dismiss proposed abandonment	Within 4 months of posting or public hearing if required	NA	NA	NA	NA
Abutting landowner, CTB, or DGIF may appeal abandonment under 33.2-910	Within 30 days if deemed appropriate.	NA	NA	NA	NA
CTB provides notice to governing body of intent to discontinue facility	NA	30 days prior to CTB action	30 days prior to CTB action	NA	NA
CTB posts notice of intent to discontinue facility	NA	30 days prior to CTB action	Not Required (See Note 2)	NA	NA
CTB posts notice of any required public hearing	NA	30 days prior to CTB action	Not Required (See Note 2)	NA	NA
District concurs on & recommends discontinuances	NA	Required	Required	NA	NA
Highway Systems Group forwards project sketch to District	NA	NA	Required	Required	Required
District annotates sketch and prepares recommendations.	NA	NA	Required	Required	Required
BOS acts to:					
1. Add new roadways	NA	NA	NA	Required	NA
2. Abandon old roadway	Required	NA	NA	NA	Request Required
3. Concur with discontinuance	NA	Required	Required	NA	NA
4. Request route renumbering	NA	NA	NA	As Required	NA
District Staff prepares addition assembly consisting of Certified copy of BOS resolution	Required	Required	Required	Required	Required
1. Required forms	Required	Required	Required	Required	Required
2. Surety & Maintenance Fees	NA	NA	NA	If by Developer See Note 1	NA
3. Supporting map & sketches	Required	Required	Required	Required	Required
4. Supporting correspondence & information	NA	NA	Required	Required	Required
For all changes Highway System Group...	Reviews and process assembly for CTB's action Advises VDOT staff of CTB's action Prepares monthly report Revises VDOT records to show the changes to the system				

General Notes

1. Surety is required for relocation projects completed by developers.
2. Where a segment of road to be discontinued has been replaced by a new road serving the same citizens as served by the old road.

All Appendices are located at:

<https://insidevdot.cov.virginia.gov/div/maint/RWI/RABP/Documents/Forms/AllItems.aspx>

