

VIRGINIA DEPARTMENT OF TRANSPORTATION

# LOCATION AND DESIGN DIVISION

## INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: Board Policies on Participation by Towns, Cities and Others	NUMBER: IIM-LD-146.4
SPECIFIC SUBJECT:	DATE: March 30, 2017
	SUPERSEDES: IIM-LD-146.3
APPROVAL:	B. A. Thrasher, P.E. State Location and Design Engineer Approved March 30, 2017

Changes are shaded.

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### CURRENT REVISION

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- Sections 33.2-361, 33.2-362 and 33.2-348 of the Code of Virginia, referenced in Section 2.01 of this memorandum under "URBAN AND PRIMARY SYSTEM PROJECTS WITHIN THE CORPORATE LIMITS OF CITIES AND TOWNS", were repealed effective July 1, 2016.
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### EFFECTIVE DATE

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- This memorandum is effective upon receipt.
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Attached for your information and use is the policy, pertaining to state and local participation in the cost of right of way, sidewalks, utility adjustments, and storm sewers on improvements to the state's highway systems, that was adopted by the Commonwealth Transportation Board on February 18, 1988, and became effective upon adoption.

Adopted by the Commonwealth Transportation Board of February 18, 1988.

**POLICY FOR STATE PARTICIPATION IN THE COST OF  
RIGHT OF WAY, SIDEWALKS AND STORM SEWERS IN  
COUNTIES, TOWNS AND CITIES**

WHEREAS, the Commonwealth Transportation Board has previously adopted a policy for state and local participation in the costs of right of way, sidewalks, utility adjustments, and storm sewers on projects in cities, towns, and counties; and

WHEREAS, changes in conditions, including revisions to the statutes of Virginia, make it advisable to amend certain provisions of this policy;

NOW, THEREFORE, BE IT RESOLVED, that the attached "Policy for State Participation in the Cost of Right of Way, Sidewalks and Storm Sewers in Counties, Towns and Cities" on Secondary System projects in counties and towns of under 3,500 population, and on Urban and Primary System projects within the corporate limits of cities and towns is hereby adopted; and

BE IT FURTHER RESOLVED, that the Board's policies – adopted on August 18, 1966 and September 21, 1978, be and hereby are rescinded

**1.00 SECONDARY SYSTEM PROJECTS IN COUNTIES AND IN TOWNS OF UNDER 3,500 POPULATION.**

- 1.01 The provisions of this section apply to the system of state highways in the several counties of the state as authorized by Section 33.2-324, Code of Virginia, as amended; and those within the corporate limits of towns of less than 3,500 population which operate under the provisions of Sections 33.2-339 and 33.2-340, Code of Virginia, as amended.
- 1.02 Section 1.02 was eliminated to remove reference to sidewalk as mandated by the CTB action of March 18, 2004.
- 1.03 Section 1.03 was eliminated to remove reference to sidewalk as mandated by the CTB action of March 18, 2004.
- 1.04 Existing storm sewers shall be relocated or replaced at no cost to others; secondary construction funds allocated for use in the county shall bear 100 percent of the cost.
- 1.05 Where the construction of new curb and gutter is determined by Department engineers to be the most economical design, the cost of new storm sewers and appurtenances such as drop inlets, manholes, etc., may be borne by secondary construction funds allocated for use in the county, provided none of the storm water to be conveyed is diverted from another watershed.

1.06 Where the construction of curb and gutter within the right of way limits is desired, or is necessary for the development of adjacent property, but is not deemed by Department engineers to be the most economical design, the cost of storm sewers and appurtenances (drop inlets, manholes and similar items) shall be financed from secondary construction funds and other sources on the basis of run-off ratios and percentages of participation as indicated below:

State: Run-off from within right of way, 100%. Run-off from areas outside the road right of way and within the watershed common to the project, 25%.

Others: Run-off from areas outside the road right of way and within the watershed common to the project, 75%.

1.07 Diverted drainage from water sheds not common to the project shall be financed from secondary construction funds and other sources on the run-off ratios and percentages of participation as indicated below:

State: Run-off from the state's right of way within the area of the diverted watershed, 100%

Others: Run-off from all areas in the diverted watershed, exclusion of state right of way, 100%

1.08 All storm sewer outfalls that are found necessary or desirable shall be financed from secondary construction funds and other sources on the run-off ratios and percentages of participation as indicated below:

State: Run-off from the state's right of way within the area being drained, 100%

Others: Run-off from all areas other than the state's right of way in the area being drained, 100%

1.09 Where, through zoning and development control ordinances, the local governing body requires participation in the off-site drainage and where their plans from an overall standpoint reasonably conform to the above-established policy, the local governing body's plan shall become the Transportation Board's policy for that locality.

1.10 The adjustment of utilities necessitated by the construction of storm sewer will be borne by secondary construction funds, except where the utilities are located on public property which has been dedicated or acquired for street or road purposes, including uses incidental thereto, or where there are franchise or other provisions where by the utility owner is required to bear the expense of such relocation of adjustment.

1.11 Unless otherwise specified by state statute or policy of the Commonwealth Transportation Board, all other right of way required for improvements to secondary system shall be acquired by purchase, gift, or power of eminent domain and cost thereof financed from secondary construction funds allocated for use in the county.

2.00 URBAN AND PRIMARY SYSTEM PROJECTS WITHIN THE CORPORATE LIMITS OF CITIES AND TOWNS

- 2.01 Sections 33.2-361, 33.2-362 and 33.2-348 of the Code of Virginia were repealed effective July 1, 2016.
- 2.02 All storm sewers, both parallel and transverse and all appurtenances, such as drop inlets, manholes, etc., that fall within the right of way limits of urban improvement or construction projects on existing or new locations and are considered necessary for adequate project drainage by Department engineers will be financed at the percentage required by law for the construction of the project; provided none of the storm water to be conveyed is diverted from another watershed.
- 2.03 All storm sewers and outfalls constructed outside of the normal right of way limits of urban projects that are considered by Department engineers as necessary for adequate project drainage will be financed at the percentage required by law for the construction of the project; provided none of the storm water to be conveyed is diverted from another watershed.
- 2.04 All storm sewers and outfalls constructed outside of the normal right of way limits of urban projects that are considered by Department engineers as beyond that needed to adequately drain the highway project shall be financed on a run-off ratio basis between federal and/or state funds and city or town funds.
- 2.05 Whenever parallel storm sewer, manholes, etc., within an urban project or outfalls beyond the right-of-way and project limits are utilized by a city or town for the conveyance of diverted storm drainage, then the cost of such storm sewers, outfalls, etc., shall be financed on a run-off ratio basis between federal and/or state funds and city or town funds.