

Recreational Access Program Guide

Administered by the
Virginia Department of Transportation
Local Assistance Division



Local Assistance

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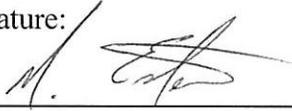
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VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCAL ASSISTANCE DIVISION

MEMORANDUM

Subject: RECREATIONAL ACCESS PROGRAM	Number: LAD 47-09
Specific Subject: GUIDE FOR THE RECREATIONAL ACCESS PROGRAM per Commonwealth Transportation Board Policy Adopted February 20, 2008 and Code of Virginia §33.1-223, as amended.	Date: December 23, 2009
	Supersedes: SR-47-91, dated July 1, 1991
Directed To: LOCAL GOVERNMENTS DISTRICT ADMINISTRATORS RESIDENCY ADMINISTRATORS URBAN PROGRAM MANAGERS	Signature:  Director, Local Assistance Division

The revised document was prepared to provide a comprehensive summary of the Recreational Access Program as established by the *Code of Virginia* and as governed by the policies of the Commonwealth Transportation Board. It is intended to serve as a reference for local jurisdictions and VDOT staff in the preparation and disposition of applications for program funding.

The document defines eligible projects, summarizes funding limitations, and describes the roles of the parties involved in the application and approval process. Appendices contain copies of the program's statutory authority, the Commonwealth Transportation Board's policy, and sample resolutions for local governing bodies.

All previous instructions regarding administrative procedures for recreational access projects are hereby superseded.

RECREATIONAL ACCESS PROGRAM GUIDE

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RECREATIONAL ACCESS PROGRAM GUIDE

I. PURPOSE

The Recreational Access Program is a state-funded program intended to assist in providing adequate access to or within public recreational areas and historic sites operated by the Commonwealth of Virginia, or by a local government or authority. Federal sites are not eligible. Recreational Access funds, with the appropriate designation and concurrence of the Director of Conservation and Recreation or the Director of Historic Resources, are allocated by the Commonwealth Transportation Board (CTB) in accordance with its policy revised February 20, 2008 (see Appendix B). While projects may qualify under either recreational or historic categories, the area may have both recreational and historic qualities. It is recommended that localities consult with both DCR and DHR to ensure the access project design takes all values into account when requesting funding under this program. These funds may be used for financing the construction or improvement of secondary or local system roads within all counties and cities and certain towns that are part of the Urban System, hereinafter referred to as eligible localities.

This guide describes the requirements, limitations and procedures for obtaining and utilizing Recreational Access funds.

II. DEFINITIONS

A. Adequate Access

Road: "Adequate Access" means a road from the nearest adequate publicly maintained road to the entrance of the recreational or historic facility, or to the entrance of the first parking area within such facility serving a major focal point. This may require construction of a new road, improvement of an existing road, or a combination of the two.

Bikeway: "Adequate Access" means a bikeway from the nearest existing or planned bikeway accommodation to the entrance of the recreational or historic site, or to the entrance of the first bicycle parking/storage area within such facility serving a major focal point. The bikeway may be located adjacent to an access road, or it may be constructed on a separate right of way.

B. Recreational Area

A recreational area is referenced as recreational facility operated by a state agency, a locality, or an authority representing two or more localities. Federal facilities are not eligible.

C. Historic Site

A site having historical significance operated by a state agency, a locality, or an authority representing two or more localities. The historical nature of such sites may be of local interest and it is not necessary that they be included in the National Register of Historic Places or the Virginia Landmarks Register. Federal sites are not eligible.

D. Focal Point

Within a recreational area or historic site, a distinct development area that warrants road or bikeway access not provided by existing facilities. For example, if an existing park is developed in phases and a new camping or ball field area is proposed for an area not accessible by the existing internal road, then that new focal point would be eligible for Recreational Access Program funding.

E. Eligible Project Cost

“Eligible Project Cost” means the allowable costs for which Recreational Access Program funds may be utilized. This includes the reasonable costs of preliminary engineering and surveying associated specifically with the project design and actual construction cost of a roadway built to VDOT standards for accommodating the projected traffic. Any pedestrian or bikeway accommodation deemed necessary for the project is eligible for funding. Bikeways may be multi-use in design and are funded separately according to the Section 33.1-223 of the *Code of Virginia* (also referenced as Appendix A within this guide). However, pedestrian-only accommodation must be funded out of the roadway allocation. Excluded are items such as environmental studies and permits, obtaining right-of-way and relocation of utilities. Optional roadway features other than those covered by this program may be included in a project, provided that the costs of these features are borne by others.

Costs incurred prior to allocation by the CTB are not reimbursable.

III. ELIGIBLE PROJECTS

A. General

Construction, reconstruction, maintenance and improvement of roads and bikeways are eligible for Recreational Access funding. A road or bikeway constructed with Recreational Access funds must serve a publicly developed recreational area or historic site operated by a state agency, a locality, or a local authority (not a federal facility). No access road or bikeway may be constructed, reconstructed, maintained or improved on privately owned property.

Development of the site to be served by the road or bikeway must be complete or in progress, or assurance must be provided that such development will be initiated, typically, within 6 months to a year of the request. In addition, the site must be designated as a public recreational or historic area by the Director of the appropriate state agency responsible for such, and that Director must recommend construction of the access project.

The program may provide, as deemed necessary, access to the site's entrance or to a logical focal point within the site. An access road and bikeway may be combined as one project.

It must be shown that the cost of constructing the access project is justified by the anticipated volume and type of traffic to be generated by the recreational or historic

attraction. Evidence of sufficient public demand to support construction of the access project must also be provided.

Costs incurred in the development, design or construction of a proposed Recreational Access project prior to the allocation of funds by the CTB are not eligible for reimbursement through this program. Right of way acquisition and adjustment of utilities costs are not eligible for reimbursement at any time and must be funded by the applicant or from sources other than those administered by the Virginia Department of Transportation. The State Environmental Review Process (SERP) is required to be completed for all state funded construction projects estimated to cost more than \$500,000. However, it is often necessary to initiate this environmental study prior to funding being approved for the project in order to facilitate the development plans for the recreational or historic area.

B. Recreational Access Roadways

Several important considerations should be kept in mind when proposing a Recreational Access road. Among these are:

1. Logical termini and alignment - The road should be located to provide the most direct, cost-effective access to the recreational area or historic site. It should end either at the entrance to the area or at the main focal point within its boundaries (e.g., parking lot, information center, administration building, camping area). The first point at which visitors would leave their vehicle generally defines the focal point.

If the existing road system does not provide adequate access to the recreational area/historic site, the application must separately address the two specific segments involved: the proposed improvement to the existing road leading to the recreational facility and the proposed access project within the recreational area itself.

A road alignment which would open adjacent land to residential or commercial development should be avoided. If the Recreational Access road must traverse privately owned property, efforts should be made to impose restrictions on such development through appropriate means such as zoning or deed restrictions. Also to be avoided, if possible, are alignments which involve railroad crossings or bridges.

2. Design - Standards for a new or improved roadway will vary according to the type and amount of traffic it is projected to accommodate. (Please refer to the Virginia Department of Transportation's (VDOT) [Road Design Manual](#) for guidance on these standards.) Additional width for turn movements may be included in program funding if fully warranted and documented.

A design speed of 30 mph is normal for park roads, but a higher or lower design speed may be considered if justification is provided.

A minimum right of way necessary to accommodate the proposed access project's design in accordance with VDOT's [Road Design Manual](#) must be provided at no cost to the Department.

3. Acceptance into Primary, Secondary or Local System - New roadways, upon completion, are opened to public use and are accepted into the appropriate system for maintenance. Recreational Access roads are normally designated as part of either the secondary or local road system, according to their location. In all counties except Arlington and Henrico, and in towns not maintaining their own road systems, these roads may be added to the secondary system of state highways. In cities and in towns receiving maintenance payments, and in the counties of Arlington and Henrico, the roads are taken into the road systems of these localities. In a few exceptional instances, it has been deemed appropriate to designate the new access roadway as part of the primary system of state highways.

Recreational Access roads are expected to be open to public use at all times. In certain cases, they may be closed during specified hours for security purposes. If maintained as part of the primary or secondary state highway system, a permit for closure must be issued by the Department of Transportation.

No fee may be charged for the use of a roadway constructed with Recreational Access funds.

C. Recreational Access Bikeways

Recreational Access bikeways, because of their special nature, warrant additional considerations:

1. Purpose - A Recreational Access bikeway is intended to serve the same purpose as an access road. That is, to provide appropriate bicycle access to a recreational or historic site, not to provide a recreational facility in itself. Like the access road, it should end at a logical focal point, normally the first place cyclists could park their bikes.
2. Concept - A bikeway may be combined with a road as a single project, or it may be constructed as a separate access project. If a bikeway access project is requested to be constructed, but not adjacent to the roadway, it will be established on a separate right of way, which must be provided at no cost to the Department and maintained by the locality or state agency as a public right of way.
3. Design - The design of the bikeway access project must be in accordance with the Department's standards for bikeways (please reference [Appendix A of the Road Design Manual for bicycle facility guidelines](#)).
4. Maintenance - A bikeway built within the right of way of an access road will be maintained as part of the road. Independent bikeways constructed outside the right of way limits of an access road must be regulated and maintained by the authority, agency or locality maintaining the site which they serve.

5. Zoning - A zoning ordinance, in accordance with § 33.1-223 and § [15.2-2280](#) of the *Code of Virginia*, must be in effect and the corridor for the proposed bikeway access appropriately classified.

IV. ROLES and RESPONSIBILITIES

A. The Local Government

Application for Recreational Access Program funds may be made only by the governing body of the county, city or town in which the access road or bikeway project is to be constructed. The local government serves as the coordinator for all Recreational Access applications. After reviewing the application and consulting with the VDOT Manager, the locality will officially request the Recreational Access Program allocation with the appropriate locality resolution. Sample resolutions are found in Appendix C. For state operated facilities such as state parks, or for facilities operated by an authority, the state agency or authority may assume some of the responsibilities for preparing the application; however, the local government will be expected to provide a resolution in request of the project and funding.

B. State Agency Designation and Recommendation

1. Virginia Department of Conservation and Recreation

Upon receipt of a request for Recreational Access Program funding for access to a public recreational facility, VDOT will consult with the Director of the Department of Conservation and Recreation. It is also recommended that the locality forward information pertaining to the recreational facility to be accessed to the Director of the Department of Conservation and Recreation at 203 Governor Street, Suite 326, Richmond, Virginia. 23219.

2. Virginia Department of Historic Resources

Upon receipt of a request for Recreational Access Program funding for access to a public historic site, VDOT will consult with the Director of the Department of Historic Resources. It is also recommended that the locality forward information pertaining to the recreational facility to be accessed to the Director of the Department of Historic Resources at 2801 Kensington Avenue, Richmond, Virginia 23221.

C. The VDOT Manager

The VDOT Manager as referenced in this guide is the department employee responsible for administration of the Recreational Access Program for that locality. The VDOT Manager will provide guidance to the locality in preparing a resolution requesting funding, in preparing sketches and cost estimates for requested road improvements, in initiating the SERP process, if required, and in assembling a file with information necessary for review by other offices of VDOT, and other pertinent state agencies.

The VDOT Manager will determine the cost of constructing the proposed road or bikeway. (Recreational Access funds may not be used for the acquisition of right of way or the adjustment of utilities, and these costs must be funded by the recipient or from other available sources. Likewise, all costs above the maximum Recreational Access allocation and any costs considered ineligible for program funding must be borne by the recipient.)

The VDOT Manager will review the entire assembly and resolve any apparent problems before forwarding the request and recommendation to the District Administrator.

D. The District Administrator

The District Administrator or designee will verify road design standards and cost estimates, and will forward the assembly of information with a recommendation to the Director of the Local Assistance Division.

E. The Director of Local Assistance Division

The Director of Local Assistance will coordinate review of the application with appropriate VDOT offices and DCR for access to recreational areas or with DHR for access to historic sites. A site visit may be scheduled if deemed necessary. A recommendation will be requested from the Director of DCR or the Director of DHR indicating whether the development constitutes an appropriate use of funds and whether it is recommended that an allocation be made. The applicant will be contacted if any details remain unresolved or if the proposed facility or access project requires modification to meet eligibility criteria. After all prerequisites have been met for a viable project the Director of Local Assistance may recommend approval to the CTB.

If a locality or state agency desires to administer the project and the Department of Transportation concurs, the Local Assistance Division will prepare an appropriate state funded project administration agreement covering respective responsibilities, schedules and payment of costs. Any cost incurred or contract executed prior to CTB approval of the project will not be eligible for funding from the Recreational Access Program.

F. The Commonwealth Transportation Board (CTB)

The CTB, upon consideration of a complete application, may allocate funds for the requested access project. Contingencies which must be satisfied will be specified in the language of the CTB's allocation resolution. This allocation is for the exclusive purpose of financing the eligible costs actually incurred in constructing the specific access facility. The date of the allocation is the date the CTB approves the project and funding amount by resolution. All project information must be received by the VDOT Manager with sufficient time for review. The complete assembly of information and documentation for the project request, accompanied by the recommendation of the VDOT Manager, should be submitted to the Local Assistance Division approximately 30 days prior to the CTB meeting. The CTB usually meets the third Thursday of each month.

Recreational Access Program funds will be authorized for expenditure or reimbursement when all contingencies of the CTB's allocation have been satisfied.

V. PROJECT IMPLEMENTATION

A. Application

Application for Recreational Access Funds may be made only by the governing body of the county, city or town in which the access road or bikeway is to be provided or maintained. The following preliminary steps should be observed in developing an application:

1. Develop a plan for the recreational area or historic site to the extent that, if it is not already established, its cost has been estimated and funding for its construction or expansion has been a.) appropriated, b.) included in an approved capital improvement plan, or c.) anticipated for a future year's capital improvement plan. Adequate assurance must be provided that the facilities will be developed and operational at the approximate time the access project is proposed for completion.
2. Contact the Department of Conservation and Recreation or the Department of Historic Resources for a preliminary opinion as to whether or not the proposed recreational area or historic site meets its criteria for official designation as such. This designation is a requisite for Recreational Access funding.
3. Contact the Department of Transportation's VDOT Manager. The VDOT Manager, for the locality, is the primary liaison between the Department and the applicant from the preliminary phase through project completion and should be consulted at an early stage for advice and assistance. The locality may request that the Department provide the design for the road. If the locality designs the Recreational Access facility, it must ensure that the road or bikeway design conforms to VDOT standards. Construction of the facility may be administered by the Department of Transportation or by the applicant through a project administration agreement.

Once the plan for development and funding of the recreational area or historic site is established and the preliminary road or bikeway design has been completed, the formal application process may be initiated. The following actions and documentation are required of the applicant:

4. Make an official request for Recreational Access funds by resolution of the local governing body. If a proposed access facility is located within more than one locality, a separate resolution will be required from each locality. Likewise, if the proposed facility is to be located in a town which does not maintain its own streets, the request from the Town Council should be concurred in by a separate resolution of the county Board of Supervisors. The local government must also provide a resolution for an allocation for access to a facility to be developed by a state agency, Sample resolutions are included in Appendix C.

5. Submit the following information to the VDOT Manager:
 - a) Original or certified copy of resolution from the local governing body requesting Recreational Access funds for the project. The resolution must contain a guarantee to provide right of way and adjustment of utilities, if required, at no cost to the Recreational Access Fund.
 - b) Site plan of recreational or historical area, showing proposed access road or bikeway.
 - c) Description of existing and/or proposed recreational or historical area facilities.
 - d) Estimated volume and type of traffic to be generated by the recreational or historic area.
 - e) Amount and status of funding for construction, development or improvement of the recreational or historic area to be served by the proposed access facility (documentation of appropriation in current year, inclusion in capital improvement plan for future year, etc.).
 - f) Description of the proposed access facility (design standards, location).

The VDOT Manager will determine the cost of constructing the proposed road or bikeway. (Recreational Access funds may not be used for the acquisition of right of way or the adjustment of utilities, and these costs must be funded by the applicant or from other available sources. Likewise, all costs above the maximum Recreational Access allocation and any costs considered ineligible for program funding must be borne by the applicant.)

The VDOT Manager will review the entire assembly and resolve any apparent problems before sending it forward.

B. Approval

The VDOT Manager will forward the request for funds with a recommendation through the District Administrator to the Director of Local Assistance.

1. The District Administrator will review the application assembly for completeness, determine whether the proposed facility's location, scope and design are appropriate, and confirm the accuracy of cost estimates. The application will then be forwarded to the Director of Local Assistance with a recommendation from the District Administrator as to whether or not the proposed facility should be provided with Recreational Access funds.
2. The Director of Local Assistance will coordinate review of the application between the Department of Transportation and the Department of Conservation and Recreation or the Department of Historic Resources. A site visit may be conducted, either jointly or independently, by both agencies. The applicant will be contacted if any details remain unresolved or if the proposed facility requires modification to meet eligibility criteria. If either agency finds that the proposal is not in accordance with the Recreational Access Program's intent or otherwise fails to meet its basic qualifications, the applicant will be notified.

3. If all requirements are met, formal designation and approval of the access project will be requested from the Director of the Department of Conservation and Recreation for a recreational area or from the Director of the Department of Historic Resources for a historic area. Subsequent to this action, a recommendation for funding will be prepared by the Director of Local Assistance for consideration by the Commonwealth Transportation Board. The Board may allocate funds for the project, subject to contingencies that are specified in the Board's resolution. The applicant will be notified of the Transportation Board's official action on the request. Upon allocation, the project is subject to all rules of design, right of way, scheduling for advertisement, bidding and construction of other similar projects administered by the Department of Transportation.
4. If a county, city or town desires to administer the project and the Department of Transportation concurs, the Department will prepare an appropriate project administration agreement covering respective responsibilities, schedules and payment of costs. Any cost incurred or contract executed prior to CTB approval of the project will not be considered eligible for Recreational Access Program funding.
5. Expenditure of funds will be authorized by the Department when all contingencies of the Board's resolution have been satisfied. No program funding will be authorized until assurance is provided that the recreational area or historic site will be open for public use at approximately the same time that the access project is completed.

Once an access road or bikeway is completed and undergoes final inspection, it is taken into the appropriate system for maintenance (state primary, state secondary or local) as indicated on page 14, paragraph VII . A bikeway constructed on separate right of way is the maintenance responsibility of the locality or authority operating the site which it serves.

C. The State Environmental Review Process (SERP)

A memorandum of agreement (MOA) was executed by the Secretary of Natural Resources and the Secretary of Transportation on July 31, 1991. This document requires that the state natural and historic resource agencies be provided an opportunity to comment on state funded road projects at the earliest stage of development. The SERP ensures that state resource agency views and interests will be considered in the project development process from concept through construction. The MOA for SERP was created pursuant to § 10.1-1188 of the *Code of Virginia*, (Article 2, Environmental Impact Reports of State Agencies). **SERP is required for all state funded construction projects estimated to cost more than \$500,000.**

The SERP process will take approximately 60 days to complete. The time necessary for completion of the SERP and any environmental commitments or regulatory clearances that are required by law must be anticipated in the project's development schedule. Therefore, the locality and VDOT Manager must work together in determining the viability of each proposed Recreational Access project with respect to the development schedule proposed for

the project. The VDOT Manager may initiate the SERP process once the locality provides the location information and requests SERP initiation. The locality will be notified once the SERP is complete and informed of any environmental commitments or regulatory clearances necessary.

Where projects are to be administered by the locality requesting Recreational Access Program funds, the locality is directed to Chapter 15 Environmental Requirements (SERP 15.3) in the [Locally Administered Projects \(LAP\) Manual](#) if the project is estimated to cost more than \$500,000.

Additional information regarding environmental requirements can be found on the following VDOT website:

http://www.virginiadot.org/business/environmental_requirements_for_state_funded_projects.asp

Regardless of the applicability of SERP, recipients of Recreational Access Program funding are responsible for complying with all applicable state and/or federal environmental laws, regulations, etc. Compliance is documented on the Certification Form (see Appendix E)

D. Projects Administered by VDOT

1. When funding for an Recreational Access project is approved by the CTB, the project is deemed viable. However, it is subject to many of the same applicable project development requirements as other state funded projects administered by VDOT.
2. The locality provides the project scope information to the VDOT Manager for a determination of SERP applicability based on the \$500,000 threshold. The recipient of the Recreational Access Program allocation is responsible for obtaining any necessary state/federal permits as well as complying with other applicable state/federal environmental laws. Compliance is documented on the Project Certification form (see Appendix E).
3. The VDOT manager provides documentation of the dedicated right of way for the project to the District Right of Way Manager. The District forwards this information and its recommendation to VDOT's Right of Way and Utilities Division Director, who certifies that right of way and utility adjustments for the project have been obtained at no cost to the Recreational Access Program fund. The provision of unencumbered right of way by the locality includes completion of any extensive environmental studies and required mitigation of existing environmental conditions.
4. The Local Assistance Division prepares a project administration agreement between a county, city, or town or state agency and VDOT if: 1) the project requires environmental studies or permits; 2) the project requires the provision of right of way; 3) the project requires matching funds; or, 4) the project includes ineligible project costs. The agreement specifies responsibilities and payment of costs. Such agreement

is subject to review and concurrence by the Office of the Attorney General prior to its execution by the appropriate party and VDOT management.

5. The locality or state agency, where applicable, provides payment to the VDOT manager for any required matching funds, ineligible project costs, or eligible projects in excess of the Recreational Access allocation prior to the project being authorized for construction. The VDOT manager forwards this payment to the Local Assistance Division, which will ensure that it is credited to the project.
6. The expenditure of funds for the project may be authorized by VDOT only after all contingencies of the CTB's resolution have been met.
7. A VDOT-administered project must be authorized with all necessary funding in place before the project may be advertised or constructed.
8. Once a project is authorized, the VDOT manager will coordinate all aspects of the construction of VDOT-administered projects.

E. Projects Administered by Others

1. When funding for a Recreational Access project is approved by the CTB, the project is deemed viable. However, it is subject to the same requirements as other state funded, locally administered projects as described in the [Locally Administered Projects \(LAP\) Manual](#). Projects administered under this program are approved by the CTB at the time of the allocation by resolution.
2. The Local Assistance Division prepares a project administration agreement between a county, city, or town or, if applicable, the state agency and VDOT if the locality wishes to administer the Recreational Access project itself. The project administration agreement requires adherence to state procurement regulations in the administration of the project's construction, and specifies responsibilities, schedules, and payment of costs. VDOT strongly recommends its standard project administration agreement for state funded projects be used for all projects that are not administered by VDOT. If a custom agreement is used such agreement is subject to review and concurrence by the Office of the Attorney General prior to its execution by a local governing body, or the applicable state agency and VDOT management.

The project administration agreement is the contract that authorizes the locality or state agency to perform any work that can be reimbursed from VDOT funds and must be executed prior to authorizing work. Any cost incurred or contract executed by a local governing body, its agent or, if applicable, the state agency, prior to project approval and allocation by the CTB, will not be reimbursed through the Recreational Access Program, unless otherwise agreed to by the Director of Local Assistance.

3. The VDOT manager provides documentation of the dedicated right of way for the project to the District Right of Way Manager. The District forwards this information and its recommendation to VDOT's Right of Way and Utilities Division Director,

who certifies that right of way and utility adjustments for the project have been obtained at no cost to the Recreational Access Program fund. The provision of unencumbered right of way by the locality, or state agency, if applicable, includes completion of any extensive environmental studies and required mitigation of existing environmental conditions.

4. The expenditure of funds for the project will be approved by VDOT only after all contingencies of the Transportation Board's resolution have been met.
5. A project that is to be administered by others must be authorized with funding approved for expenditure before VDOT will reimburse a locality or state agency for eligible costs attributed to the construction of the project. Appropriate documentation of costs and billing information must be provided by the locality or state agency administering the project.
6. The VDOT manager will monitor the construction of projects administered by the locality or another state agency and will notify the Local Assistance Division when the construction is started and completed

F. Time Frame for Application / Approval Process

An initial request from a local governing body for Recreational Access Program funding usually takes four to six months to reach approval by the CTB. Meeting the conditions of CTB approval often requires another two or more months. It should also be noted that a number of different local and state governmental officials and bodies will review each request, some of which, including the CTB, meet once each month.

Steps in preparing and approving project administration agreements (if necessary), conducting environmental and historical reviews, advertising for bids, awarding a contract, and constructing the road will require varying lengths of time. Sixty days should be allowed to complete the SERP (State Environmental Review Process), if applicable, as well as completing any environmental additional studies required by state/federal laws and obtaining necessary permits. The SERP process (see page 9, paragraph C), if required, must be completed prior to any land disturbance activity. Planning ahead for an access road project is important.

VI. LIMITATIONS

A. Maximum Allocation

The Recreational Access Program is funded through an annual appropriation. Up to \$3 million may be available annually for the program. Applications are considered on a first come, first served basis.

Funding limitations for qualified projects have been established by statute, and they are as follows:

1. Roads

State Facility - Not more than \$400,000 may be allocated for an access road project to any facility operated by a state agency.

Local Facility - Not more than \$250,000 may be allocated for an access road project to any facility operated by a locality or authority, with an additional \$100,000 if matched on a dollar-for-dollar basis by the locality or authority from other than highway sources.

2. Bikeways

State Recreational Area or Historic Site - Not more than \$75,000 may be allocated for a bikeway project to a facility operated by a state agency.

Local Recreational Area or Historic Site - Not more than \$60,000 may be allocated for a bikeway project to a facility operated by a locality or authority, with an additional \$15,000 if matched on a dollar-for-dollar basis by the locality or authority from other than highway sources.

B. Funds Not To Be Anticipated

It is intended that Recreational Access Program funds be requested as reasonably needed by the localities of the state and state agencies, but that these funds not be anticipated from year to year. It is expected that these funds will either provide sufficient funding to ensure the completion of the access project requested and necessary, or additional funding must be provided from other sources prior to the project being initiated.

C. Time Limits for Establishment of Recreational / Historic Facility

In order to ensure the most effective use of the limited funds available for the program, allocations made for road improvements or bikeways are expected to be committed by contract or otherwise under construction within two years from the date of CTB approval. Allocations for projects that are not actively under way within two years of project approval by the CTB may be deallocated to fund new projects unless the Director of Local Assistance grants an exception due to unusual circumstances. At the end of 22 months following the allocation, if the proposed improvements to serve facilities at the recreational area or historic site have not been initiated, the locality shall submit a written explanation of the status of the project and reason for delay if an extension of time is needed. Nothing precludes the locality from reapplying for an allocation in the future once the plans for economic development are more imminent.

D. Improvements to Existing Roads

Where an existing road constitutes a portion of the secondary system of state highways or is part of the road system of the locality in which it is located, Recreational Access funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by the new or expanding establishment. Additionally, where access to an eligible recreational or historic area is via an existing road that can be determined inadequate for providing safe and efficient movement of the type of traffic generated by the site or that this traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration may be given to funding additional improvements. Such projects must be requested by resolution of the local governing body and will be evaluated on case-by-case basis. The VDOT Regional Traffic Engineer may be requested to evaluate and provide a recommendation on such requests. However, turn lanes, signal lights or crossover improvements are not usually warranted as stand-alone projects and no primary highway may be improved with these funds. When a project is established to improve an existing road to serve a designated public recreational or historic area, Recreational Access funds will provide for improvements to the focal point of the recreational or historic area's facilities.

E. Towns

Towns maintaining their own streets and receiving maintenance payments under §33.1-41.1 of the Code of Virginia shall be treated for purposes of this program as independent entities (for a list of these towns, see Appendix D).

Towns whose streets are maintained as a part of the secondary system of highways will be considered as part of their respective county.

VII. ACCEPTANCE INTO SYSTEM

New roadways, upon completion, are opened to public use and are to be accepted into the appropriate system for maintenance. In all counties except Arlington and Henrico, and in towns not maintaining their own road systems, these roads will be added to the secondary system of state highways. In cities and towns receiving maintenance payments, and in the counties of Arlington and Henrico, these roads are to be taken into the road system of these localities. It is acceptable for owners or operators of park facilities, for security purposes, to gate access roads and close during certain hours. Gating may be permitted if acceptable under authority of the responsible local VDOT office.

Statutory Authority

Code of Virginia

§ 33.1-223. Fund for access roads and bikeways to public recreational areas and historical sites; construction, maintenance, etc., of such facilities.

A. The General Assembly finds and declares that there is an increasing demand by the public for more public recreational areas throughout the Commonwealth, therefore creating a need for more access to these areas. There are also many sites of historical significance to which access is needed.

The General Assembly hereby declares it to be in the public interest that access roads and bikeways to public recreational areas and historical sites be provided by using funds obtained from motor fuel tax collections on motor fuel used for propelling boats and ships and funds contained in the highway portion of the Transportation Trust Fund.

B. The Commonwealth Transportation Board shall, from funds allocated to the primary system, secondary system, or urban system of state highways, set aside the sum of \$3 million initially. This fund shall be expended by the Board for the construction, reconstruction, maintenance or improvement of access roads and bikeways within counties, cities and towns. At the close of each succeeding fiscal year the Board shall replenish this fund to the extent it deems necessary to carry out the purpose intended, provided the balance in the fund plus the replenishment does not exceed the aforesaid \$3 million.

C. Upon the setting aside of the funds as herein provided, the Commonwealth Transportation Board shall construct, reconstruct, maintain or improve access roads and bikeways to public recreational areas and historical sites upon the following conditions:

1. When the Director of the Department of Conservation and Recreation has designated a public recreational area as such or when the Director of the Department of Historic Resources has determined a site or area to be historic and recommends to the Commonwealth Transportation Board that an access road or bikeway be provided or maintained to that area;
2. When the Commonwealth Transportation Board pursuant to the recommendation from the Director of the Department of Conservation and Recreation declares by resolution that the access road or bikeway be provided or maintained;
3. When the governing body of the county, city or town in which the access road or bikeway is to be provided or maintained passes a resolution requesting the road; and
4. When the governing body of the county, city or town in which the bikeway is to be provided or maintained adopts an ordinance pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2.

No access road or bikeway shall be constructed, reconstructed, maintained or improved on privately owned property.

D. Any access road constructed, reconstructed, maintained or improved pursuant to the provisions of this section shall become part of the primary system of state highways, the secondary system of state highways or the road system of the locality in which it is located in the manner provided by law, and shall thereafter be constructed, reconstructed, maintained and improved as other roads in such systems. Any bikeway path constructed, reconstructed, maintained, or improved pursuant to the provisions of this section which is not situated within the right-of-way limits of an access road which has become, or which is to become, part of the primary system of state highways, the secondary system of state highways, or the road system of the locality, shall, upon completion, become part of and be regulated and maintained by the authority or agency maintaining the public recreational area or historical site. It shall be the responsibility of the authority, agency, or locality requesting that a bicycle path be provided for a public recreational or historical site to provide the right-of-way needed for the construction, reconstruction, maintenance, or improvement of the bicycle path if such is to be situated outside the right-of-way limits of an access road.

To maximize the impact of the Fund, not more than \$400,000 of recreational access funds may be allocated for each individual access road project to or within any public recreational area or historical site operated by a state agency and not more than \$250,000 for each individual access road project to or within a public recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources. Not more than \$75,000 of recreational access funds may be allocated for each individual bikeway project to a public recreational area or historical site operated by a state agency and not more than \$60,000 for each individual bikeway project to a public recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented on a dollar-for-dollar basis by a locality or authority from other than highway sources.

The Commonwealth Transportation Board, with the concurrence of the Director of the Department of Conservation and Recreation, is hereby authorized to make regulations to carry out the provisions of this section.

(Code 1950, § 33-136.3; 1966, c. 484; 1968, c. 221; 1970, c. 322; 1975, c. 362; 1982, c. 643; 1984, c. 739; 1989, cc. 305, 656; 1990, c. 689; 1992, c. 108; 1996, cc. 101, 131; 2005, cc. 25, 453.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street · Policy Division · CTB Section · #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 20, 2008

MOTION

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

Title: Recreational Access Fund Policy (Revision)

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

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

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

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

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

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

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to or within publicly owned or operated recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.
2. Recreational access funds shall not be used for the acquisition of right of way or adjustment of utilities. These funds are to be used only for the actual engineering and construction of a road or bikeway access facility adequate to serve traffic generated by the public recreational area or historical site.
3. The identified need or demand for the road or bikeway access facilities will be analyzed and mutually agreed upon between the Commonwealth Transportation Board and the Director of the Department of Conservation and Recreation for access to a public recreational area or the Director of the Department of Historic Resources for access to a public historical site. The decision to construct or improve an access facility to a public recreational area or historical site will be based upon verification by the Department of Transportation of sufficient public demand and justification for connection with similar public motor vehicle or bikeway access facilities to support the construction of the planned access facilities.
4. Recreational access funds will not be considered for providing adequate recreational road or bikeway access until such time as adequate assurance has been given that the recreational area or historical site is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.
5. Motor vehicle access and bikeway access may be considered as either combined facilities or separate entities. Funding limitations have been established by statute, for qualified projects, as follows:
 - A. Not more than \$400,000 of recreational access funds may be allocated for an access road to any recreational area or historical site operated by a state agency and not more than \$250,000 for an access road to any recreational area or historical site operated by a locality or an authority with an additional \$100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources.
 - B. Not more than \$75,000 of recreational access funds may be allocated for a bikeway to any recreational area or historical site operated by a state agency and not more than \$60,000 for a bikeway to any recreational area or historical site operated by a locality or an authority with an additional \$15,000 if supplemented

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

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

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

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

####

Example - Local Government Resolution Request for
funding for a
New Roadway or Existing Roadway Improvement

BOARD OF SUPERVISORS/
CITY OR TOWN COUNCIL

Date _____

At a regularly scheduled meeting of the [NAME of locality] [select (City/Town Council or County Board of Supervisors)] held on [month and day], 20[##], on a motion by [Board or Council member name], seconded by [Board or Council member name], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the [name of park facility / historic area] is owned and is to be developed by the [(County/City/Town of [name of locality] or name of state agency, e.g., Department of Conservation and Recreation)] as a [recreational/historic] facility serving the residents of [name of county/city/town] and adjoining localities; and

***** choose one from the following two paragraphs that applies *****

WHEREAS, the property on which this facility [is/will be] located has no access to a public street or roadway and will require the construction of a new roadway which will connect to [name of road] [Route #####]; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to [name of road] [Route #####]; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section [33.1-223](#) of the *Code of Virginia* requires joint action by the Director of the [Department of Conservation and Recreation / Department of Historic Resources] and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational or historical areas; and

WHEREAS, the [Board/Council] has duly adopted a zoning ordinance pursuant to Article 7 (Section [15.2-2280 et seq](#)), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this [Board/Council] that all requirements of the law have been met to permit the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility / historic area] as a public [recreational facility / historic area] and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation/historical area in accordance with Section [33.1-223](#) of the *Code of Virginia*; and

WHEREAS, the [Board/Council] agrees, in keeping with the intent of Section [33.1-63](#) of the *Code of Virginia*, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the County/City/Town] of [name of locality] acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Department of Transportation as a condition of the use of the Recreational Access Fund.

WHEREAS, the County/City/Town]of [name of locality] hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

NOW, THEREFORE BE IT RESOLVED, that the [Board of Supervisors / City/Town Council] of [name of locality] hereby requests the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility / historic area] as a [public recreational area / historic area] and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said [park / historical] area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

BE IT FURTHER RESOLVED, that the [County Administrator or City/Town Manager and/or his designee(s) be authorized to act on behalf of the [Board of Supervisors, City/Town Council]to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, \$ state funds.

****** use the following paragraph if the project is for a new road ******

BE IT FURTHER RESOLVED THAT: The [NAME of locality] [select (City/Town Council or County Board of Supervisors)] hereby agrees that the new roadway so constructed will be added to and become a part of the [select "road system of the (City/Town) of (name of locality)" if locality maintains its own road system) OR (select "secondary system of highways", if the locality does not maintain its own road system)].

Chairman

ATTEST:

Town/City Manager / County Administrator

Example – Local Government Resolution Request for
funding for a
Combined Recreational Access Road and Bikeway

BOARD OF SUPERVISORS/
CITY OR TOWN COUNCIL

Date _____

At a regularly scheduled meeting of the [NAME of locality] [select (City/Town Council or County Board of Supervisors)] held on [month and day], 20[##], on a motion by [Board or Council member name], seconded by [Board or Council member name], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the [name of park facility / historic area] is owned and is to be developed by the [(County/City/Town of [name of locality] or name of state agency, e.g., Department of Conservation and Recreation)] as a [recreational / historic] facility serving the residents of [name of county/city/town] and adjoining localities; and

***** choose one from the following two paragraphs that applies *****

WHEREAS, the property on which this facility [is/will be] located has no access to a public street or roadway and will require the construction of a new roadway which will connect to [name of road] [Route #####]; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to [name of road] [Route #####]; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section [33.1-223](#) of the *Code of Virginia* requires joint action by the Director of the [Department of Conservation and Recreation / Department of Historic Resources] and the Commonwealth Transportation Board; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section [33.1-223](#) of the *Code of Virginia* requires joint action by the Director of the [Department of Conservation and Recreation / Department of Historic Resources] and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational or historical areas; and

WHEREAS, the [Board/Council] has duly adopted a zoning ordinance pursuant to Article 7 (Section [15.2-2280](#) et seq), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this [Board/Council] that all requirements of the law have been met to permit the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility / historic area] as a public [recreational facility / historic area] and further permit the Commonwealth Transportation Board to provide funds

for access to this public recreation/historical area in accordance with Section [33.1-223](#) of the *Code of Virginia*; and

WHEREAS, the [Board/Council] agrees, in keeping with the intent of Section [33.1-63](#) of the *Code of Virginia*, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the [County/City/Town] of [name of locality] acknowledges that the State Environmental Review Process (SERP) must be completed prior to any construction activity on this project as a condition of the use of the Recreational Access Fund.

WHEREAS, the County/City/Town] of [name of locality] hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

NOW, THEREFORE BE IT RESOLVED, that the [Board of Supervisors / City/Town Council] of [name of locality] hereby requests the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility / historic area] as a [public recreational area / historic area] and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said [park / historical] area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road and bikeway as hereinbefore described.

BE IT FURTHER RESOLVED, that the[County Administrator or City/Town Manager and/or his designee(s) be authorized to act on behalf of the [Board of Supervisors, City/Town Council]to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, \$ state funds.

***** use the following paragraph if the project is for a new road and bikeway (combined) *****

BE IT FURTHER RESOLVED, that the[NAME of locality] [select (City/Town Council or County Board of Supervisors)]hereby agrees that the new roadway including the bikeway so constructed will be added to and become a part of the [select "road system of the (City/Town) of (name of locality)" if locality maintains its own road system) OR (select "secondary system of highways", if the locality does not maintain its own road system)].

Chairman

ATTEST:

Town/City Manager / County Administrator

Example – Local Government Resolution Request for
funding for a
Bikeway

BOARD OF SUPERVISORS/
CITY OR TOWN COUNCIL

Date _____

At a regularly scheduled meeting of the [NAME of locality] [select (City/Town Council or County Board of Supervisors)] held on [month and day], 20[##], on a motion by [Board or Council member name], seconded by [Board or Council member name], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the [name of park facility / historical area] is owned and is to be developed by the [(County/City/Town of [name of locality] or name of state agency, e.g., Department of Conservation and Recreation] as a [recreational / historic] facility serving the residents of [name of county/city/town] and adjoining localities; and

WHEREAS, the facility is in need of adequate bicycle access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section [33.1-223](#) of the *Code of Virginia* requires joint action by the Director of the [Department of Conservation and Recreation / Department of Historic Resources] and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational or historical areas; and

WHEREAS, the [Board/Council] has duly adopted a zoning ordinance pursuant to Article 7 (Section [15.2-2280](#) *et seq*), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this [Board/Council] that all requirements of the law have been met to permit the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility / historic area] as a public [recreational facility / historic area] and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation/historical area in accordance with Section 33.1-223 of the *Code of Virginia*; and

WHEREAS, the right of way of the proposed bicycle access is provided by the [County/City/Town] of [name of locality] at no cost to the Virginia Department of Transportation; and

***** use the following paragraph if bikeway project constructed outside roadway right of way
or for bikeway project within the jurisdiction of a locality maintaining its own road system *****

WHEREAS, this [Board/Council] acknowledges that, pursuant to the provisions of Section [33.1-223](#) of the *Code of Virginia*, this bikeway, once constructed, shall be regulated and maintained by the [County/City/Town/Operating Authority].

WHEREAS, the County/City/Town] of [name of locality] acknowledges that the State Environmental Review Process (SERP) must be conducted on this project as a condition of the use of the Recreational Access Fund.

NOW, THEREFORE BE IT RESOLVED, that the [Board of Supervisors or City/Town Council] of [name of locality] hereby requests the Director of the [Department of Conservation and Recreation / Department of Historic Resources] to designate the [name of park facility or historic area] as a public [recreational / historic] area and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for a bikeway to serve said [recreational / historic] area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary Recreational Access Program funds to provide a suitable bikeway as hereinbefore described.

BE IT FURTHER RESOLVED, that the [County Administrator or City/Town Manager and/or his designee(s)] be authorized to act on behalf of the [Board of Supervisors, City/Town Council] to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, \$ _____ state funds.

Chairman (SEAL)

ATTEST:

Town/City Manager / County Administrator

Towns Maintaining Own Streets

Under § 33.1-41.1 of the *Code of Virginia*

Abingdon	Luray
Altavista	Marion
Ashland	Narrows
Big Stone Gap	Orange
Blacksburg	Pearisburg
Blackstone	Purcellville
Bluefield	Pulaski
Bridgewater	Richlands
Chase City	Rocky Mount
Chincoteague	Saltville
Christiansburg	Smithfield
Clifton Forge	South Boston
Culpeper	South Hill
Dumfries	Strasburg
Elkton	Tazewell
Farmville	Vienna
Front Royal	Vinton
Grottoes	Warrenton
Herndon	Wise
Lebanon	Woodstock
Leesburg	Wytheville

Certification Form for State Funded Projects

Project Number: _____

UPC: _____

This certification form is to be used to certify adherence to all applicable laws and regulations pertaining to locally administered state funded projects. This certification form will not be used for projects utilizing any federal funds. The signature at the bottom will certify that **>INSERT LOCAL GOVERNMENT NAME<** has met the following requirements for state funded projects. VDOT may perform project audits to verify compliance with this certification. False or inaccurate statements identified by VDOT or other state regulatory agencies may result in the requirement to return state aid and/or other penalties as allowed by State law.

Initials	Certification Statement
	Check applicable statement: <input type="checkbox"/> For highways maintained by the LPA, project plans have been designed in accordance with AASHTO standards and signed and sealed by a Virginia registered P.E. in accordance with DPOR; OR <input type="checkbox"/> For highways which will be operated and maintained by VDOT, project plans have been designed in accordance with VDOT Standards and that VDOT has reviewed the plans in accordance with the agreed upon schedule and all necessary design variances/waivers have been attained and the plans have been signed and sealed by a Virginia registered P.E. in accordance with DPOR.
	All required regulatory agency coordination has been made and applicable permits or approvals have been acquired.
	Where VDOT will operate and maintain the highway, that the LPA has performed appropriate due diligence to identify environmental hazards on new right of way and to the best of our knowledge, any existing environmental hazards have been identified and mitigated or a plan for mitigation during construction has been made.
	Project was developed in accordance with State laws and regulations governing public involvement so that adequate and appropriate public notice and opportunity for public comment was provided.
	All right of way has been obtained and that the LPA has legal right of entry onto each and every parcel for the advertisement and construction of the referenced Project.
	The LPA has complied with the Code of Virginia requirements pertaining to relocations and the acquisition of real property.
	All affected utilities have been relocated or companies authorized to relocate their facilities. If not, they are included as in-plan work to be performed by the road contractor.
	The project was advertised in accordance with the Virginia Public Procurement Act and that the advertisement package included all appropriate EEO provisions.
	All environmental regulations as are applicable to local government capital improvement projects and as required by State or federal laws applicable to non federal-aid projects have been met or provisions to meet continuing requirements during construction have been made.

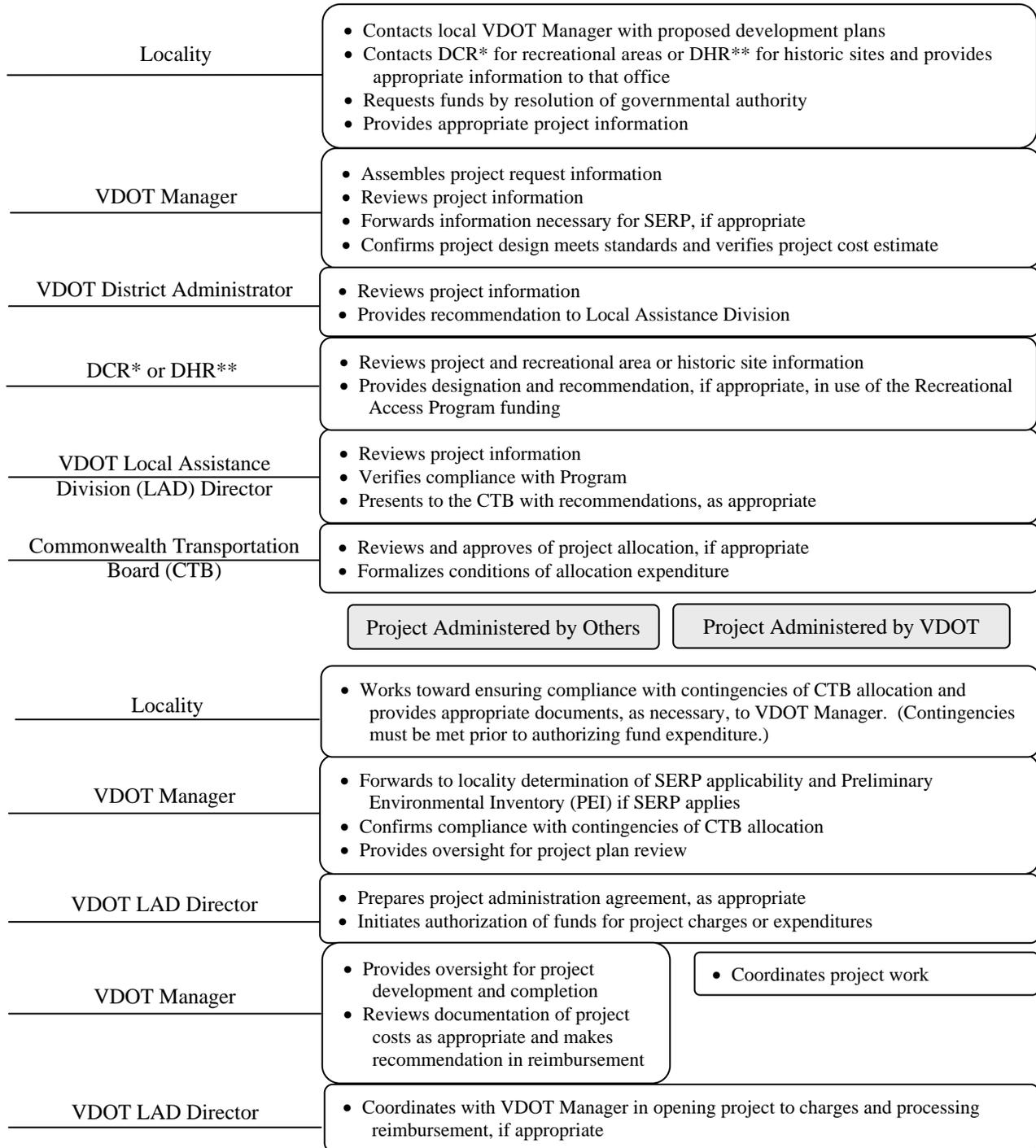
>INSERT LOCAL GOVERNMENT NAME< acknowledges that failure to fulfill its legal obligations associated with those requirements identified in this certification may result in project delays and/or delays or forfeiture of State reimbursements. **>INSERT LOCAL GOVERNMENT NAME<** further acknowledges that obligations associated with those requirements identified in this certification may be subject to audit by VDOT or State oversight agencies.

 Local Government Manager (City Manager, County Administrator, City Engineer or County Director of Public Works or designated authority to sign)

 Date

cc: Project file
 VDOT Project Coordinator
 VDOT Local Assistance Director

Flow Chart – Recreational Access Project Request & Development Process



* DCR – Virginia Department of Conservation and Recreation
 ** DHR – Virginia Department of Historic Resources

Virginia Department of Transportation Recreational Access Program Checklist

The purpose of the Recreational Access Program is to assist local governments in providing access to public recreational or historic areas developed or operated by the Commonwealth of Virginia or a local government. The program is administered by VDOT under the authority of [§33.1-223](#) of the *Code of Virginia* with the concurrence of the Director of the Department of Conservation and Recreation.

- Resolution of request from the locality
- Description of road project (termini, length, width (justify if over 18'))
- Master plan of area of development (location map/property plat, schedule of development, funding source(s) and amount(s))
- Road should be located to provide the most direct, cost-effective access to the “focal point” (i.e., location at which visitors would leave vehicle - e.g., parking lot) of the recreational area
- Anticipated traffic volume generated by the development
- Road and/or Bikeway cost estimate (right of way and utility adjustments not eligible)
- Department of Conservation and Recreation’s formal designation of site as a public recreational (DCR @ 804-786-4379) or Department of Historic Resources’ determination in site as historic (DHR @ 804-367-2323)
- Project Administration - VDOT (Locality/VDOT agreement recommended) or Locality (Locality/VDOT agreement necessary)
- Road construction funding limitations subject to estimate of eligible road costs: Local facility may receive \$250,000 plus supplemental \$100,000 match (dollar-for-dollar) toward locality’s funds. State facility may receive \$400,000.
- Bikeway funding limitations subject to estimate of eligible bikeway costs: Local facility may receive \$60,000 plus supplemental \$15,000 match (dollar-for-dollar) toward locality’s funds. State facility may receive \$75,000
- Communication of requests and information should be transmitted from locality or state to Residency Office or VDOT Project Manager, through the District Office and then to Local Assistance Division
- The CTB agenda is set 2 weeks prior to CTB meeting. Project details must be finalized for CTB agenda inclusion to be considered by the Commonwealth Transportation Board (CTB) at its next meeting.
- CTB usually meets 3rd Thursday of the month
- CTB approved project will be authorized for fund expenditure upon completion of contingencies set in resolution

Please note that for all state funded projects estimated to cost over \$500,000 the State Environmental Review Process (SERP) must be conducted and cleared prior to initiating work.