

# TECHNICAL MEMORANDUM

FROM: Office of Intermodal Planning and Investment Statewide Transportation Planning section  
TO: VTrans Stakeholders  
SUBJECT: Statutory and Regulatory Requirements and Policies relevant to VTrans  
DATE: May 2021

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## 1: CONTEXT AND OVERVIEW

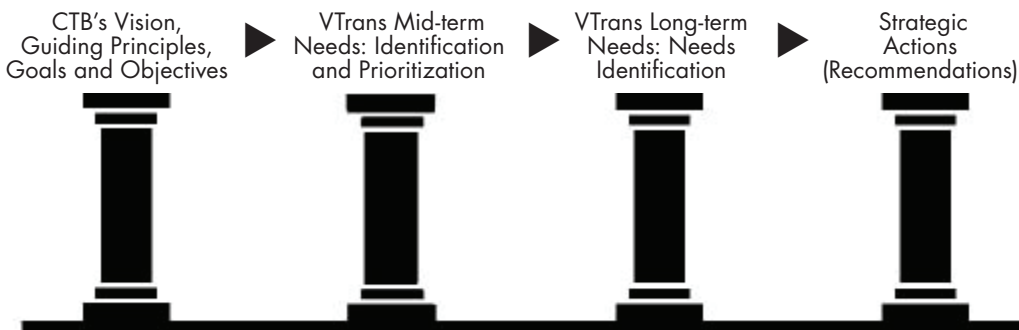
### 1.1: Purpose of the Technical Memorandum

This technical memorandum document is intended to serve as a synthesis of regulations and policies relevant to VTrans, Virginia's Transportation Plan. It is not intended to be an official record of regulations or policies, and to that end, it does not provide the entire text, nor does it provide detailed interpretation or discuss the nuance of these policy items. Rather, it is meant to provide a compilation with links so that users may gather more detailed information.

### 1.2: About VTrans

VTrans is the Commonwealth of Virginia's multimodal transportation plan to advance the CTB's vision for transportation in the Commonwealth. The CTB, with assistance from the Office of Intermodal Planning and Investment (OIPI), develops VTrans to identify mid-term and long-term transportation needs as well as strategic actions to advance CTB's vision and goals for the transportation system (which may be addressed by multimodal infrastructure projects, transportation strategies, creation of new policies, or modifications of existing policies).

**Figure 1: VTrans Major Tasks**



## 2: FEDERAL REQUIREMENTS

It is a federal requirement for each US state to develop a statewide multimodal long-range transportation plan. The original impetus for this requirement was the development of the continuing, comprehensive, and coordinated ("3C") planning process between regions and states in the 1960's. Statewide plan requirements were updated over the years with each major federal transportation funding act. The current requirements were mostly solidified in 1991 with ISTEA, with additional requirements for performance-based planning added with MAP-21 in 2012. The requirements will continue to evolve.

The major sources of federal regulations are the Code of Laws of the United States of America (also known as the US Code) and the Code of Federal Regulations (CFR). The US Code is issued by the House of Representatives and is the official compilation and codification of the general and permanent federal statutes of the United States. The Code of Federal Regulations (CFR) is issued through the Federal Register. It lists the rules and regulations issued by the departments and agencies of the federal government (for example, USDOT, FHWA, FTA), not the lawmakers. The CFR often contains more detailed guidance provided by the agencies, but it does not contradict the US Code.

The main ruling describing statewide transportation plan requirements is Title 23 - Highways, Chapter 135 - Statewide and nonmetropolitan transportation planning of the US Code. The main CFR rules and regulations relevant to the statewide transportation plan are found in Title 49, Transportation.

Relevant US Code and CFR references are below. In addition to federal regulations, the Commonwealth of Virginia also has its own requirements for the Statewide Plan that go beyond the federal requirements. Those are shown below in a separate section of this document.

## 2.1: Federal Requirements pertaining directly to Statewide Transportation Planning

### 2.1.1: Code Citation 23 U.S.C. § 135 (Mirrored in 49 U.S.C. § 5304)

Section Name	Statewide and nonmetropolitan transportation planning
Online Reference	US Code Section 135: <a href="https://www.law.cornell.edu/uscode/text/23/135">https://www.law.cornell.edu/uscode/text/23/135</a> 49 US Code Section 5304: <a href="https://www.law.cornell.edu/uscode/text/49/5304">https://www.law.cornell.edu/uscode/text/49/5304</a>
Brief Description	Lays out the federal requirements related to development of the statewide transportation plan
Brief Summary of Requirements	This section requires that each state develop a statewide transportation plan with a minimum 20-year forecast period, and that it be: <ul style="list-style-type: none"> <li>▪ multimodal;</li> <li>▪ include coordination with MPO's and other regional organizations;</li> <li>▪ take consideration of USDOT's ten planning factors;</li> <li>▪ use a performance-based approach (including the use of performance targets);</li> <li>▪ include a discussion of potential environmental mitigation activities and potential areas to carry out these activities; and</li> <li>▪ include a consultative process to the maximum extent practicable</li> </ul> <p>In addition, the plan shall be published or otherwise made accessible including online.</p>
Other Guidance or Recommendations	<ul style="list-style-type: none"> <li>▪ The statewide plan should include measures to ensure the preservation and most efficient use of the existing transportation system.</li> <li>▪ States may enter into multi-state compacts, and may include an illustrative financial plan and project list.</li> </ul>

### 2.1.2: Code Citation 23 CFR § 450.216

Section Name	Development and content of the long-range statewide transportation plan
Online Reference	<a href="https://www.law.cornell.edu/cfr/text/23/450.216">https://www.law.cornell.edu/cfr/text/23/450.216</a>
Brief Description	Provides further guidance to states after 23 U.S.C. § 135.
Brief Summary of Requirements	<p>The Statewide Plan shall consider and include, as applicable:</p> <ul style="list-style-type: none"><li>▪ elements and connections between different modes, particularly with respect to intercity travel;</li><li>▪ shall reference, summarize, or contain relevant plans and studies;</li><li>▪ shall include performance measures and targets and system performance report;</li><li>▪ be developed in cooperation with affected MPO's, or affected nonmetropolitan officials and/or tribal governments, and other state agencies; and</li><li>▪ include a discussion of potential environmental mitigation activities</li></ul> <p>The state shall provide opportunities for comment and participation, and make the plan available for public review.</p> <p>The state shall evaluate, revise, and periodically update the plan and provide copies to FHWA and FTA for informational purposes.</p>
Other Guidance or Recommendations	<p>The Statewide Plan should:</p> <ul style="list-style-type: none"><li>▪ include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system;</li><li>▪ integrate the priorities, goals, countermeasures, strategies, or projects contained in the HSIP, including the SHSP, and should include a security element that incorporates or summarizes the priorities, goals, or projects set forth in other transit safety and security planning and review processes, plans, and programs, as appropriate.</li></ul> <p>States may:</p> <ul style="list-style-type: none"><li>▪ include an illustrative financial plan and project list; and</li><li>▪ consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the State's transportation system.</li></ul>

### 2.1.3: Code Citation 23 CFR § 450.226

Section Name	Phase-in of new requirements
Online Reference	<a href="https://www.law.cornell.edu/cfr/text/23/450.226">https://www.law.cornell.edu/cfr/text/23/450.226</a>
Brief Description	Provides guidance on when updated federal requirements must be reflected in Statewide Transportation Plans.
Brief Summary of Requirements	<ul style="list-style-type: none"><li>▪ Statewide Transportation Plans adopted after May 27, 2018 must reflect the requirements as described in MAP-21.</li><li>▪ Two years on or after the effective date of each rule establishing performance measures, a State may only adopt a long-range statewide transportation plan that it has developed according to the performance-based provisions and requirements of this part and in such a rule.</li></ul>
Other Guidance or Recommendations	<ul style="list-style-type: none"><li>▪ Prior to May 27, 2018, a State may adopt a long-range statewide transportation plan that has been developed using the SAFETEA-LU requirements or the provisions and requirements of this part.</li></ul>

#### 2.1.4: Code Citation 23 CFR § 450.206

Section Name	Scope of the statewide and nonmetropolitan transportation planning process
Online Reference	<a href="https://www.law.cornell.edu/cfr/text/23/450.206">https://www.law.cornell.edu/cfr/text/23/450.206</a>
Brief Description	Provides guidance on the statewide planning process with respect to federal coordination and performance-based planning requirements.
Brief Summary of Requirements	<p>Each State shall:</p> <ul style="list-style-type: none"><li>▪ carry out a continuing, cooperative, and comprehensive statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will address the ten USDOT Planning Factors;</li><li>▪ provide for the establishment and use of a performance-based approach to transportation decision-making to support national goals, including setting performance targets in coordination with MPO's and public transit providers outside of MPO's;</li><li>▪ integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this section, in other State transportation plans and transportation processes, as well as any plans developed by providers of public transportation in areas not represented by an MPO required as part of a performance-based program. Examples of such plans and processes include the HSIP, SHSP, the State Asset Management Plan for the National Highway System (NHS), the State Freight Plan (if the State has one), the Transit Asset Management Plan, and the Public Transportation Agency Safety Plan;</li><li>▪ consider the performance measures and targets established under this paragraph when developing policies, programs, and investment priorities reflected in the long-range statewide transportation plan and statewide transportation improvement program; and</li><li>▪ document statewide transportation planning activities performed with federal funds in a statewide planning work program in accordance with the provisions of 23 CFR part 420. The work program should include a discussion of the transportation planning priorities facing the State.</li></ul>

### 2.1.5: Code Citation 23 CFR § 450.208

Section Name	Coordination of planning process activities
Online Reference	<a href="https://www.law.cornell.edu/cfr/text/23/450.208">https://www.law.cornell.edu/cfr/text/23/450.208</a>
Brief Description	Provides more detailed guidance on state requirements to coordinate transportation planning.
Brief Summary of Requirements	<p>Each state shall coordinate planning carried out under this subpart with MPOs and public transportation operators to support statewide transportation planning and programming priorities and decisions. The state shall:</p> <ul style="list-style-type: none"><li>▪ coordinate statewide trade and economic development planning activities and related multistate planning efforts;</li><li>▪ consider the concerns of Federal land management agencies that have jurisdiction over land within the boundaries of the State;</li><li>▪ cooperate with affected local elected and appointed officials with responsibilities for transportation, or, if applicable, through RTPOs described in section 450.210(d) in nonmetropolitan areas;</li><li>▪ consider the concerns of Indian Tribal governments that have jurisdiction over land within the boundaries of the State; and</li><li>▪ consider related planning activities being conducted outside of metropolitan planning areas and between States.</li><li>▪ The State air quality agency shall coordinate with the State department of transportation (State DOT) to develop the transportation portion of the State Implementation Plan (SIP) consistent with the Clean Air Act ( 42 U.S.C. 7401et seq.).</li><li>▪ The statewide transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.</li></ul>
Other Guidance or Recommendations	<ul style="list-style-type: none"><li>▪ The State is encouraged to rely on information, studies, or analyses provided by MPOs for portions of the transportation system located in metropolitan planning areas</li><li>▪ Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, should be coordinated and consistent with the statewide transportation planning process.</li></ul> <p>In carrying out the statewide transportation planning process, States should apply asset management principles and techniques consistent with the State Asset Management Plan for the NHS and the Transit Asset Management Plan, and Public Transportation Agency Safety Plan in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.</p> <p>For non-NHS highways, States may apply principles and techniques consistent with other asset management plans to the transportation planning and programming processes, as appropriate.</p> <ul style="list-style-type: none"><li>▪ Two or more States may enter into compacts.</li><li>▪ States may use any one or more of the management systems (in whole or in part) described in 23 CFR part 500.</li></ul>

## 2.2: Other Federal Requirements that may be relevant to Statewide Transportation Planning

### 2.2.1: Code Citation 23 U.S.C. § 119

Section Name	State Asset Management Plan
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/23/119">https://www.law.cornell.edu/uscode/text/23/119</a>
Brief Description	Describes regulations regarding state asset management plans for National Highway System including bridges. It does not reference statewide transportation plans but highlights the need for the asset management plan to make progress towards the state performance targets.
Brief Summary of Relevance	A State shall develop a risk-based asset management plan for the National Highway System to improve or preserve the condition of the assets and the performance of the system and shall include strategies leading to a program of projects that would make progress toward achievement of the State targets for asset condition and performance of the National Highway System. A State that does not achieve or make significant progress toward achieving the targets of the State for performance measures described in section 150(d) for the National Highway System shall include as part of the performance target report under section 150(e) a description of the actions the State will undertake to achieve the targets.

### 2.2.2: Code Reference 49 U.S.C. § 5326

Section Name	Transit Asset Management
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/49/5326">https://www.law.cornell.edu/uscode/text/49/5326</a>
Brief Description	Describes requirement for states and transit providers to develop transit asset management plans. It does not reference statewide transportation plans but requires the adoption of TAM performance targets.
Brief Summary of Relevance	Not later than 3 months after the date on which the Secretary issues a final rule, and each fiscal year thereafter, each recipient of Federal financial assistance under this chapter shall establish performance targets in relation to the performance measures established by the Secretary. Each designated recipient of Federal financial assistance under this chapter shall submit to the Secretary an annual report that describes the progress of the recipient during the fiscal year to which the report relates toward meeting the performance targets established under paragraph (2) for that fiscal year; and the performance targets established by the recipient for the subsequent fiscal year.

### 2.2.3: Code Reference 49 U.S.C. § 70202

Section Name	State Freight Plans
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/49/70202">https://www.law.cornell.edu/uscode/text/49/70202</a>
Brief Description	Requirements related to Statewide Freight Plans
Brief Summary of Relevance	A State freight plan may be developed separately from or incorporated into the statewide strategic long-range transportation plan.

#### **2.2.4: Code Reference 49 U.S.C. § 22705**

Section Name	STATE RAIL PLANS - Content
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/49/22705">https://www.law.cornell.edu/uscode/text/49/22705</a>
Brief Description	Lays out minimum requirements for State Rail Plan Contents
Brief Summary of Relevance	A State rail plan shall be coordinated with other State transportation planning goals and programs, including the statewide transportation plan, and set forth rail transportation's role within the State transportation system.

#### **2.2.5: Code Reference 49 CFR § 266.15**

Section Name	Requirements for Statewide Rail Plan
Online Reference	<a href="https://www.law.cornell.edu/cfr/text/49/266.15">https://www.law.cornell.edu/cfr/text/49/266.15</a>
Brief Description	Sets out requirements for states to complete State Rail Plans including the required contents of the Plan and updates to the plan.
Brief Summary of Relevance	Requires that the Rail Plan shall be based on a comprehensive, coordinated and continuing planning process for all transportation services within the State.

#### **2.2.6: Code Reference 49 U.S.C. § 5303**

Section Name	Metropolitan transportation planning
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/49/5303">https://www.law.cornell.edu/uscode/text/49/5303</a>
Brief Description	Important reference outlining requirements for regional planning in urbanized areas.
Brief Summary of Relevance	Encourages planning coordination between states and MPO's.

#### **2.2.7: Code Reference 23 U.S.C. § 150**

Section Name	FHWA National goals and performance management measures
Online Reference	<a href="https://www.law.cornell.edu/uscode/text/23/150">https://www.law.cornell.edu/uscode/text/23/150</a>
Brief Description	Important reference outlining requirements for conducting performance-based transportation planning, including establishing and reporting on performance measures and targets.
Brief Summary of Relevance	Use as reference when incorporating performance measures into state transportation plan.

### **3: STATE REQUIREMENTS FOR STATEWIDE TRANSPORTATION PLANS**

In addition to federal requirements, the Commonwealth of Virginia has outlined additional requirements for the statewide transportation plan. These requirements can be found in the Code of Virginia, which is issued based on the codified legislation of the Virginia General Assembly.

### 3.1.1: Code Reference Va. Code Ann. § 33.2-353

Section Name	Commonwealth Transportation Board to develop and update Statewide Transportation Plan.
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-353/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-353/</a>
Brief Description	Outlines the state requirements for the statewide long-range transportation plan.
Brief Summary of Requirements	<ul style="list-style-type: none"><li>▪ The Statewide Transportation Plan shall:<ul style="list-style-type: none"><li>– establish goals, objectives, and priorities that cover at least a 20-year planning horizon, in accordance with federal transportation planning requirements</li><li>– incorporate the measures and goals of the approved long-range plans developed by the applicable regional organizations.</li></ul></li><li>▪ The Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas, and shall consider all modes of transportation</li><li>▪ The Statewide Transportation Plan shall be updated as needed but no less than once every four years.</li><li>▪ The plan shall promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety.</li></ul>

## 3.2: Other State Requirements that may be relevant to Statewide Transportation Planning

### 3.2.1: Code Reference Va. Code Ann. § 2.2-229

Section Name	Office of Intermodal Planning and Investment of the Secretary of Transportation
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title2.2/chapter2/section2.2-229/">https://law.lis.virginia.gov/vacode/title2.2/chapter2/section2.2-229/</a>
Brief Description of Relevance	Details the role of OIPI in completing the statewide transportation plan.
Brief Summary of Relevant Requirements	It shall be a responsibility of the Office to develop, for the Commonwealth Transportation Board's approval, the Statewide Transportation Plan pursuant to § 33.2-353.

### 3.2.2: Code Reference Va. Code Ann. § 15.2-2223

Section Name	Comprehensive plan to be prepared and adopted; scope and purpose
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2223/">https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2223/</a>
Brief Description of Relevance	Requires local comprehensive plans to be consistent with the statewide transportation plan.
Brief Summary of Relevant Requirements	The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353.



### 3.2.3: Code Reference Va. Code Ann. § 15.2-2232

Section Name	Legal status of plan
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2232/">https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2232/</a>
Brief Description of Relevance	Requirement to note Corridors of Statewide Significance on local comprehensive plan transportation maps.
Brief Summary of Relevant Requirements	<p>Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map.</p> <p>Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.</p>

### 3.2.4: Code Reference Va. Code Ann. § 15.2-2222.1

Section Name	Coordination of state and local transportation planning
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2222.1">https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2222.1</a>
Brief Description of Relevance	Requirement for localities developing a comprehensive plan to send the draft plan for review by VDOT.

### 3.2.5: Code Reference Va. Code Ann. § 33.2-214

Section Name	Transportation; Six-Year Improvement Program
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter2/section33.2-214/">https://law.lis.virginia.gov/vacode/title33.2/chapter2/section33.2-214/</a>
Brief Description of Relevance	Gives the CTB the authority to require that projects added to the SYIP be consistent with the statewide transportation plan.
Brief Summary of Relevant Requirements	<p>The Board shall have the power and duty to integrate land use with transportation planning and programming, consistent with the efficient and economical use of public funds.</p> <p>If the Board determines that a local transportation plan described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range transportation plan or regional Transportation Improvement Program as described in § 33.2-3201 is not consistent with the Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208, the Board shall notify the locality of such inconsistency and request that the applicable plan or program be amended accordingly.</p>

### 3.2.6: Code Reference Va. Code Ann. § 33.2-214.1

Section Name	Statewide prioritization process for project selection
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter2/section33.2-214.1/">https://law.lis.virginia.gov/vacode/title33.2/chapter2/section33.2-214.1/</a>
Brief Description of Relevance	Requires that applications in SMART SCALE be screened to determine if they address a need identified in the statewide transportation plan needs assessment.
Brief Summary of Relevant Requirements	Prior to the analysis candidate projects and strategies shall be screened to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas.

### 3.2.7: Code Reference Va. Code Ann. § 33.2-370

Section Name	High-priority projects program
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-370/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-370/</a>
Brief Description of Relevance	Requires funds in the HPP program to be used for projects that address a need from the statewide transportation plan needs assessment.
Brief Summary of Relevant Requirements	The Board shall establish a high-priority projects program and shall use funds allocated in § 33.2-358 to the program for projects and strategies that address a transportation need identified for a corridor of statewide significance or a regional network in the Statewide Transportation Plan pursuant to § 33.2-353

### 3.2.8: Code Reference Va. Code Ann. § 33.2-371

Section Name	Highway construction district grant programs
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-371/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-371/</a>
Brief Description of Relevance	Requires funds in the DG program to be used for projects that address a need from the statewide transportation plan needs assessment.
Brief Summary of Relevant Requirements	The Board shall establish a grant program in each highway construction district to fund projects and strategies that address a need in the Statewide Transportation Plan developed pursuant to § 33.2-353

### 3.2.9: Code Reference Va. Code Ann. § 33.2-354

Section Name	Commonwealth Transportation Board to develop and update Statewide Pedestrian Policy
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-354/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-354/</a>
Brief Description of Relevance	Outlines the requirement to develop a Statewide Pedestrian Policy.
Brief Summary of Relevant Requirements	The Board shall coordinate the development of the Statewide Pedestrian Policy with that of the Statewide Transportation Plan provided for in § 33.2-353 and cover the same 20-year planning horizon. The Statewide Pedestrian Policy shall be summarized in a public document and made available to the general public upon presentation to the Governor and General Assembly, either in combination with the Statewide Transportation Plan or as a separate document.

### 3.2.10: Code Reference Va. Code Ann. § 33.2-355

Section Name	Goals for addressing transportation needs of populations with limited mobility
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-355/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-355/</a>
Brief Description of Relevance	Outlines the requirement to develop mobility goals for populations with limited mobility.
Brief Summary of Relevant Requirements	The Board shall establish specific mobility goals for addressing the transportation needs of populations with limited mobility. Such goals, once established, shall be considered in the development and implementation of the Statewide Transportation Plan.

### 3.2.11: Code Reference Va. Code Ann. § 33.2-357

Section Name	Revenue-sharing funds for systems in certain localities
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-357/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-357/</a>
Brief Description of Relevance	Allows for projects based on the statewide transportation plan needs assessment to be included in consideration for revenue-sharing funding.
Brief Summary of Relevant Requirements	In allocating funds under this section, the Board shall give priority to projects as follows: <ul style="list-style-type: none"><li>▪ first, to projects that have previously received an allocation of funds pursuant to this section;</li><li>▪ second, to projects that (i) meet a transportation need identified in the Statewide Transportation Plan or (ii) accelerate a project in a locality's capital plan;</li><li>▪ third, to projects that address pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure does not meet the Department's maintenance performance targets.</li></ul>

### 3.2.12: Code Reference Va. Code Ann. § 33.2-1004

Section Name	Plans for acquisition of rights-of-way.
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter10/section33.2-1004/">https://law.lis.virginia.gov/vacode/title33.2/chapter10/section33.2-1004/</a>
Brief Description of Relevance	Requires the VDOT Commissioner to have a plan for ROW acquisition along CoSS's included in the statewide transportation plan needs assessment.
Brief Summary of Relevant Requirements	Subject to compliance with applicable federal regulations, the Commissioner of Highways shall establish a plan for identification and acquisition of rights-of-way that may be needed within the corridors designated on the Statewide Transportation Plan.

### 3.2.13: Code Reference Va. Code Ann. § 33.2-3201

Section Name	Transportation planning duties and responsibilities of Metropolitan planning organizations
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter32/section33.2-3201/">https://law.lis.virginia.gov/vacode/title33.2/chapter32/section33.2-3201/</a>
Brief Description of Relevance	Important reference outlining state requirements for regional planning in urbanized areas.
Brief Summary of Relevant Requirements	The purpose of the regional long-range transportation plan is to comply with federal regulations and provide the MPOs and the region a source of candidate projects for use by the MPOs in developing regional Transportation Improvement Programs (TIPs) and serving as an input to assist the Commonwealth with the development of the Statewide Transportation Plan (VTrans).

### 3.2.14: Code Reference Va. Code Ann. § 33.2-2605

Section Name	Annual budget and allocation of expenses [HRTAC]
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter26/section33.2-2605/">https://law.lis.virginia.gov/vacode/title33.2/chapter26/section33.2-2605/</a>
Brief Description of Relevance	Regulations pertaining to Hampton Roads Transportation Accountability Commission.
Brief Summary of Relevant Requirements	The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible.

### 3.2.15: Code Reference Va. Code Ann. § 33.2-214.2 (2021)

Section Name	transportation projects; resiliency
Online Reference	<a href="https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0051">https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0051</a>
Brief Description	The Office of Intermodal Planning and Investment shall make public, in an accessible format whether a project has been designed to be or the project sponsor has committed that the design will be resilient
Relevant Requirements	<ul style="list-style-type: none"><li>▪ Requires the Office of Intermodal Planning to include in the results of screening candidate projects in the SYIP whether such projects are designed to be resilient.</li><li>▪ Adds that the Statewide Transportation Plan will be updated every four years to promote resiliency.</li></ul>

### 3.2.16: Code Reference Va. Code Ann. § 33.2-372

Section Name	Interstate Operations And Enhancement Program
Online Reference	<a href="https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-372/">https://law.lis.virginia.gov/vacode/title33.2/chapter3/section33.2-372/</a>
Brief Description	Program established to improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth
Relevant Requirements	<ul style="list-style-type: none"><li>▪ Funds may be used to address needs in the Statewide Transportation Plan or an interstate corridor plan through operational and transportation demand management strategies and (ii) other transportation improvements, strategies, or services.</li></ul>

### 3.2.17: Code Reference Budget Item 447.10 #1c

Section Name	2021 Transportation Funding Initiative
Online Reference	<a href="https://budget.lis.virginia.gov/amendment/2021/2/HB1800/Introduced/CR/447.10/1c/">https://budget.lis.virginia.gov/amendment/2021/2/HB1800/Introduced/CR/447.10/1c/</a>
Brief Description	Development of Regional Trail System
Relevant Requirements	The Office of Intermodal Planning and Investment shall coordinate a policy working group comprised of representatives from the Department of Transportation, the Department of Rail and Public Transportation, the Department of Conservation and Recreation, the Statewide Trails Advisory Committee, staff of the House Appropriations Committee, and staff of the Senate Finance and Appropriations Committee. The working group shall evaluate and recommend a prioritization process for the identification of new multi-use trail opportunities, a master planning process, and a funding needs assessment. The Office of Intermodal Planning shall report on the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 15, 2021.

## 4: COMMONWEALTH TRANSPORTATION BOARD POLICIES

In addition to regulations from the Code of Virginia, The Commonwealth Transportation Board, which is the body responsible for the development of the Statewide Transportation Plan, adopts resolutions to set new Policies or to accept Plan documents. Examples are shown below.

### 4.1: Actions to Approve the Policy for the Prioritization of the VTrans Mid-Term Transportation Needs and Accept the Prioritized 2019 VTrans Mid-term Needs

Decision Date	March 17, 2021
Web link	<a href="http://www.ctb.virginia.gov/resources/2021/march/reso/14.pdf">http://www.ctb.virginia.gov/resources/2021/march/reso/14.pdf</a>
Brief Description	Establishes the policy for the identification and prioritization of the VTrans mid-term Needs
Relevant items	Also includes acceptance of the prioritized list of needs, updates the Northern Virginia Regional network to include Fauquier County, establishes that VDOT and DRPT funds for corridor or facility planning and advance activities shall be limited to VTrans Priority 1 locations, and provides direction to OIPI to develop strategic actions to further the CTB's Goals.

### 4.2: Adoption of Updated Policy for Implementation of the SMART SCALE Project Prioritization Process

Decision Date	February 19, 2020
Web link	<a href="http://www.ctb.virginia.gov/resources/2020/feb/reso/5.pdf">http://www.ctb.virginia.gov/resources/2020/feb/reso/5.pdf</a>
Brief Description	Updates the policy for SMART SCALE project prioritization process
Relevant items	Re-establishes that applications must be made for a qualifying need consistent with the assessment of needs undertaken in the Statewide Transportation Plan.

### 4.3: Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs

Decision Date	January 15, 2020
Web link	<a href="http://www.ctb.virginia.gov/resources/2020/jan/res/19.pdf">http://www.ctb.virginia.gov/resources/2020/jan/res/19.pdf</a>
Brief Description	Approval of the updated VTrans Vision, Goals, Objectives, and Guiding Principles, as well as the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs, including adding a portion of Rt 288 to the Washington to NC CoSS.
Relevant Requirements	Provided direction to OIPI to prioritize the mid-term needs, and to develop scenarios to develop long-term needs and conduct a vulnerability assessment for flooding and sea-level rise.

### 4.4: Approval of VTrans Implementation Plan

Decision Date	December 5, 2018
Web link	<a href="http://www.ctb.virginia.gov/resources/2018/dec/res/15approval-of-the-vtrans-implementation-plan.pdf">http://www.ctb.virginia.gov/resources/2018/dec/res/15approval-of-the-vtrans-implementation-plan.pdf</a>
Brief Description	Approves the VTrans Implementation Plan and directs OIPI to monitor and coordinate initiatives of the VTrans Implementation Plan.

#### **4.5: Action to Approve the VTrans Multimodal Transportation Plan Needs Recommendations Methodology and Recommendations by the Commonwealth Transportation Board**

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Decision Date	January 10, 2018
Web link	<a href="http://www.ctb.virginia.gov/resources/2018/jan/reso/resolution_14_vtrans.pdf">http://www.ctb.virginia.gov/resources/2018/jan/reso/resolution_14_vtrans.pdf</a>
Brief Description	Approval of the VTrans recommendations methodology and establishes the intent of the Board that advanced activities and project development relating to concepts addressing a capacity be limited to VTrans Tier 1 recommendations.

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#### **4.6: Adoption of Revised Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process**

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Decision Date	July 28, 2016
Web link	<a href="http://www.ctb.virginia.gov/resources/2016/july/reso/5_Adoption_of_Revised_Policy_and_Approval_of_Guides_Implementation_of_a_Project_Prioritization_Process.pdf">http://www.ctb.virginia.gov/resources/2016/july/reso/5_Adoption_of_Revised_Policy_and_Approval_of_Guides_Implementation_of_a_Project_Prioritization_Process.pdf</a>
Brief Description	Updates the policy for SMART SCALE project prioritization process
Relevant Requirements	Establishes that applications must be made for a qualifying need consistent with the assessment of needs undertaken in the Statewide Transportation Plan.

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#### **4.7: VTrans2040 Virginia's Statewide Multimodal Long-Range Transportation Plan Vision Plan and Needs Assessments**

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Decision Date	December 9, 2015
Web link	<a href="http://www.ctb.virginia.gov/resources/2015/dec/reso/Resolution_VTRANS.pdf">http://www.ctb.virginia.gov/resources/2015/dec/reso/Resolution_VTRANS.pdf</a>
Brief Description	Approval of the VTrans2040 Vision and Needs assessment, and directs OIPI to develop an action plan and scenario analysis of future trends

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#### **4.8: VTrans Action Plan – Virginia's Implementation Plan for VTrans2035**

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Decision Date	October 19, 2011
Web link	<a href="http://www.ctb.virginia.gov/resources/2011/oct/Agenda_Item_5_VtransAction_Plan_Resolution_.pdf">http://www.ctb.virginia.gov/resources/2011/oct/Agenda_Item_5_VtransAction_Plan_Resolution_.pdf</a>
Brief Description	Approval of the VTrans2035 Action Plan

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#### **4.9: Northern Virginia Corridor of Statewide Significance**

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Decision Date	May 17, 2011
Web link	<a href="http://www.ctb.virginia.gov/resources/2011/may/resol/Agenda_Item_4_CoSS_Amended.pdf">http://www.ctb.virginia.gov/resources/2011/may/resol/Agenda_Item_4_CoSS_Amended.pdf</a>
Brief Description	Establishes the 12th Corridor of Statewide Significance

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#### 4.10: VTrans2035 – Virginia’s Statewide Multimodal Long-Range Transportation Plan

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Decision Date	December 17, 2009
Web link	<a href="http://www.ctb.virginia.gov/resources/2009/dec/resol/Agenda_Item_NB_2_VTrans2035_Resolution.pdf">http://www.ctb.virginia.gov/resources/2009/dec/resol/Agenda_Item_NB_2_VTrans2035_Resolution.pdf</a>
Brief Description	Approval of the VTrans2035 plan update and also served to establish the VTrans travel markets of Corridors of Statewide Significance, Regional Networks and Urban Development Areas pursuant to VA Code § 15.2-2223.1

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These items were deemed to be relevant to VTrans through ongoing staff reviews at the Virginia Office of Intermodal Planning and Investment. Staff will continue to monitor for additions and changes to policies and regulations in order to ensure VTrans is consistent with federal and state decision-making. If you have any suggestions, questions, or concerns, please reach out to the OIPI Statewide Transportation Planning section at [comment@vtrans.org](mailto:comment@vtrans.org). Additional contact information can be found by visiting [www.vtrans.org](http://www.vtrans.org).