

# Funding of Upgrading Private Roads to VDOT System

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May 2022



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## REPORT DOCUMENTATION

### TITLE

Funding of Upgrading Private Roads  
to VDOT System

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### ABSTRACT

Across Virginia, citizens often call county offices asking that the maintenance of their private road be taken over by VDOT. The cost to upgrade private roads to VDOT standards usually being significant, HRTPO staff has researched the options available for funding those improvements and for responding to citizen requests.

### ACKNOWLEDGMENT & DISCLAIMERS

Prepared in cooperation with the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), and Virginia Department of Transportation (VDOT). The contents of this report reflect the views of the Hampton Roads Transportation Planning Organization (HRTPO). The HRTPO is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the FHWA, VDOT or Hampton Roads Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

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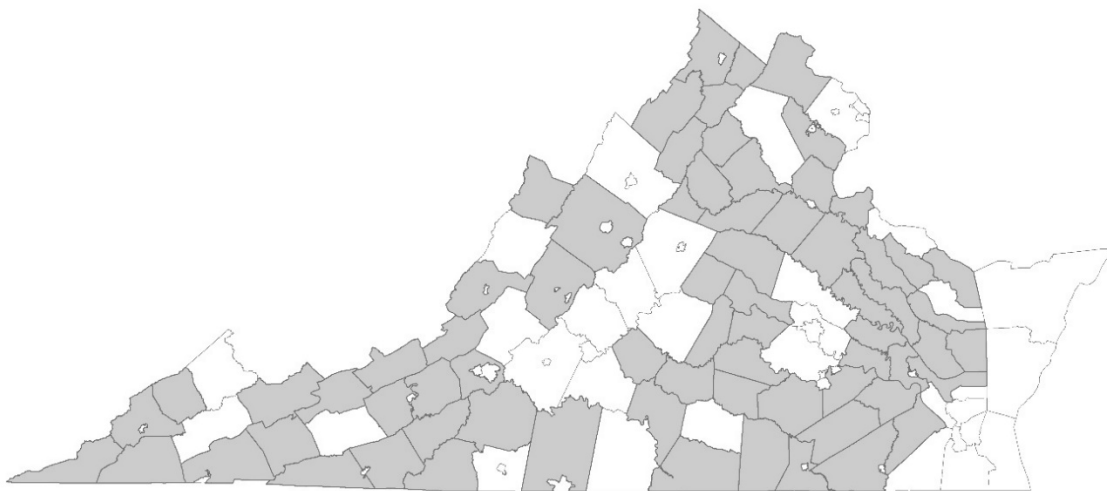
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## **Purpose**

Although most Virginia counties currently ensure that new subdivision streets successfully join the VDOT maintenance system<sup>1</sup>, older roads are often private and therefore maintained by the landowners along the road. Although landowners may have been satisfied with maintaining these roads in past decades, a change (e.g. sale of many homes, or death of landowner in charge) can lead citizens to contact their county offices asking for the government (in this case VDOT) to take over the maintenance of the subject road. Two types of **private roads** are commonly involved in citizen requests: 1) private streets, often paved, in subdivisions platted in the 1960s and 1970s<sup>2</sup>, and 2) private lanes, often unpaved, serving a few homeowners. In Virginia, the addition of roads that “exist as a result of past development which either could not be or were not proposed to be accepted as a part of the secondary system of state highways”<sup>3</sup> are known as “**rural additions**”.

Private roads must meet certain standards before VDOT will accept them. Upgrading roads to meet these standards can be expensive. As a result, HRTPO staff gathered information on the **funding and processing** of rural additions from a) staff of Virginia counties, b) VDOT staff, c) VDOT documents, and d) Virginia code to prepare this document **to give county boards and staff options for funding and responding to citizens** requesting that their private road be added to the VDOT system.



**FIGURE 1 Counties (70) Contacted for this Study**

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<sup>1</sup> In Virginia, VDOT maintains public roads in counties. For new subdivisions, most counties require that roads be designed to VDOT standards, and that the developer post bonds to ensure that the roads are built. Even so, problems can occur, e.g. when developers go bankrupt. This HRTPO report does not address such roads.

<sup>2</sup> Although private “paper streets” (streets that appear on plats but not on the ground) are less common, the findings in this report can be applied to any private roads.

<sup>3</sup> “Guide for Additions, Abandonments, and Discontinuances, Secondary System of State Highways” (VDOT, Jan. 13, 2004), p. 1. (VDOT is replacing this with “Guide to Highway System Changes”, draft October 2021.)



## **The Need for Funding**

Funding is required to improve private roads for acceptance by VDOT. The 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>4</sup> directs VDOT to accept rural additions that meet certain conditions including:

“E. Whenever the governing body of a county recommends in writing to the Department of Transportation that any street in the county be taken into and **become a part of the secondary system of the state highways** in such county, the Department of Transportation thereupon, within the limit of available funds..., **shall take such street into the secondary system** of state highways for maintenance, improvement, construction and reconstruction if such street [meets VDOT **right-of-way standards**].”

“F. Such street shall only be taken into the secondary system of state highways if the governing body of the county has identified and made available the funds required to improve the street to the **required minimum standards**.”

It appears that the engineers at VDOT residencies have some leeway on those standards:

VDOT’s “Chapter 92, Secondary Street Acceptance Requirements”<sup>5</sup> include the following:

- “Serves **three or more occupied units**...”
- “...**design** of new streets can be found in the Road Design Manual, 2011 (VDOT) and its Appendix B(1), the Subdivision Street Design Guide.”<sup>6</sup>, e.g.:
  - 24’ minimum pavement width
- “The **pavement**...shall be in accordance with the Pavement Design Guide for Subdivision and Secondary Roads in Virginia, 2009 (VDOT)...”<sup>7</sup>, e.g.:
  - 2” of asphalt on top of suitable base
- “All **drainage facilities** shall be designed in accordance with the department’s Drainage Manual, 2002 (VDOT)...”
- “An acceptable **easement** shall be provided from all drainage outfalls to a natural watercourse...”
- “A clear and unencumbered **right-of-way shall be dedicated** to public use...”

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<sup>4</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

<sup>5</sup> 24VAC30-92,

[http://www.virginiadot.org/projects/resources/SSAR/2011\\_SSAR\\_Regulations\\_Dec\\_19\\_2011.pdf](http://www.virginiadot.org/projects/resources/SSAR/2011_SSAR_Regulations_Dec_19_2011.pdf)

<sup>6</sup> <http://www.virginiadot.org/business/resources/LocDes/RDM/AppendB1.pdf>

<sup>7</sup> [https://www.virginiadot.org/business/resources/Materials/Pavement\\_Design\\_Guide\\_for\\_Subdivision\\_and\\_Secondary\\_Roads.pdf](https://www.virginiadot.org/business/resources/Materials/Pavement_Design_Guide_for_Subdivision_and_Secondary_Roads.pdf)

- “The **width of right-of-way** shall be as indicated in the Subdivision Street Design Guide (Appendix B(1) of the Road Design Manual, 2011 (VDOT)...”, e.g.:
  - “...no less than 30 feet.”

The CTB’s “Rural Addition Policy” (adopted 2-18-1988) has lower “minimum standards for new rural additions to secondary system”, e.g. **16’ of pavement** (for 10-100 vpd).

VDOT staff reports that AASHTO’s “Guidelines for Geometric Design of Low-Volume Roads” may be used.

Hiring a surveyor to prepare right-of-way dedication plats, hiring an engineer to design roadway upgrades, and hiring a contractor to construct the designed improvements can cost large sums of money. Examples from HRTPO staff calls to Virginia counties ranged **from \$260,000 for three roads to \$250,000 for one road**. According to VDOT staff, one was completed in Southampton County in 2015 for approximately \$125,000. This amount of money being difficult for rural counties—not to mention a handful of citizens—to raise, sources of funds to upgrade private roads to state standards are presented in the following section.



## **Sources of Funding**

Several sources of funds are available for upgrading private roads for VDOT acceptance:

- Funding from VDOT
- County general funds
- Funding from landowners

Each is examined in detail below.

### **Funding from VDOT**

Staff found two types of VDOT funds available for rural additions:

- Telecommunication fees
- Revenue-sharing funds

#### **Telecommunication Fees**

According to VDOT's website, "On July 1, 1998, changes to the Code of Virginia providing for the establishment of a public **right of way use fee** to cover the use of highway and street right of way by certificated **providers of telecommunication services** became effective." Whereas counties previously received funds designated by the state for rural additions, counties now receive telecommunication fees which they may (or may not) choose to spend on rural additions. According to VDOT's website, "a **percentage of telecommunication right-of-way use fees** levied in accordance with §56-468.1 may be used **for rural additions** in counties where such fees are not reserved for other purposes."<sup>8</sup> According to that section of code, the state total is allocated to counties by population:

"VDOT shall allocate the total amount received from providers to the **construction improvement program of the secondary system** of state highways. Within such allocation to the secondary system, VDOT shall apportion the amounts so received among the several counties, other than those described in clause (iii) of subdivision 1, on the basis of population, with each county being **credited** a share of the total **equal to the proportion that its population bears** to the total population of all such counties."<sup>9</sup>

Concerning the above "percentage of telecommunication...fees...[which] may be used for rural additions", the Rural Addition Policy adopted by the CTB 2-18-88 proscribes a "maximum expenditure [for rural additions] of **not more than a sum equal to 5%** of the allocation of construction funds for use on the Secondary System in such county."

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<sup>8</sup> <https://www.virginiadot.org/info/faq-2ndaryroads.asp> (if clicking fails, type or paste into browser)

<sup>9</sup> VA code §56-468.1, H, 2

Compared to the cost of upgrading a substandard private road, the telecommunication fees available to counties for rural additions are **currently small**:

- **Gloucester County** reportedly receives only approximately \$6,000<sup>10</sup> of telecommunication fees for rural additions per year.
- **Isle of Wight County** reported that secondary funding<sup>11</sup> is insufficient for private upgrades.
- **Giles County** is reportedly credited \$30,000 per year in funds used for rural addition<sup>12</sup>.
- **Goochland County** is reportedly credited \$2,000 per year in funds used for rural addition<sup>12</sup>.
- **Lee County** is reportedly credited \$5,000 per year in funds used for rural addition<sup>12</sup>.
- **Southampton County** reported that funds available today for rural addition are less than that of 2015.
- **Spotsylvania County** reported that telecommunication fee funding is small compared to the cost of upgrading private roads.

Counties may spend *today* telecommunication fees expected in the *future* by borrowing against that revenue stream via **bonding**. According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>13</sup> (section F):

“3. The local governing body of any county may use revenues derived from the **sale of bonds** to finance the construction of rural additions to the secondary system of such county.”

“...from the funds allocated by the Commonwealth for the construction of secondary road improvements [e.g. telecommunication fees], such governing body may use funds allocated within the Commonwealth Transportation Board policy for the construction of **rural additions** to pay principal and interest on **bonds associated with rural additions** in such county, provided the revenue derived from the sale of such bonds is **not used as the county matching contribution** under 33.1-23.05 [revenue sharing funds].”

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<sup>10</sup> 5% of the slightly more than \$100,000 total of annual telecommunication fees the county receives

<sup>11</sup> Counties receive two types of secondary funds: 1) non-hard surface funds (for gravel roads in the VDOT system), and 2) telecommunication fees.

<sup>12</sup> Although funds *designated* for rural addition (labeled “rural addition funds” in § 33.1-72.1) are no longer distributed by the state, some counties use the term “rural addition funds” to refer to the telecommunication fees that the counties may choose to spend on rural additions.

<sup>13</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>



## Revenue-sharing Funds

Revenue-sharing funds are state funds that localities can use if they provide a 50% match. Revenue-sharing funds may be used for rural additions. According to 2011 Code of Virginia, Title 33.1 HIGHWAYS, BRIDGES AND FERRIES. Chapter 1 Commonwealth Transportation Board and Highways Generally (33.1-1 thru 33.1-223.9), 33.1-23.05 Revenue-sharing funds for systems in certain counties, cities, and towns:

“A. From revenues made available by the General Assembly and appropriated for the improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board may make **an equivalent matching allocation** to any county, city, or town for designations by the governing body of up to \$10 million for use by the county, city, or town to improve, construct, or reconstruct the highway systems within such county, city, or town. After adopting a resolution supporting the action, the governing body may request **revenue-sharing funds** to improve, construct, or reconstruct a highway system located in another locality, between two or more localities, or **to bring subdivision streets**, used as such prior to the date specified in 33.1-72.1 [see next code paragraph below], **up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways.**”<sup>14</sup>

According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system, **revenue-sharing** funds can be used under these circumstances:

“A. “Street,” as used in this section, means a street or highway shown on a plat which was recorded or otherwise opened to public use **prior to July 1, 1992**, at which time it was open to and used by motor vehicles, and which, for any reason, has not been taken into the secondary system of state highways and serves at least **three families per mile.**”<sup>15</sup>

Counties must match revenue-sharing funds with local dollars (see county and landowner sections below). Counties may not use VDOT funds—or bond revenue backed by VDOT funds—as local match:

“...the revenue derived from the sale of such bonds is **not used as the county matching contribution** under 33.1-23.05.”<sup>16</sup>

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<sup>14</sup> <https://law.justia.com/codes/virginia/2011/title33-1/chapter1/33-1-23-05/>

<sup>15</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

<sup>16</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

County policies and actions concerning VDOT revenue-sharing funds:

- **Campbell County** recently used a special tax district to raise from landowners the 50% local match for VDOT **revenue-sharing** funds to pay for a large upgrading project.
- **Franklin County**: “It shall be the policy of the Franklin County Board of Supervisors to allow use of the VDOT **Revenue Sharing Program** to assist with the construction, improvement and acceptance of certain private streets, ...providing that all prerequisites and priorities are satisfied.” “**Matching private funds** must be available....”<sup>17</sup>
- **Franklin County** reports that VDOT usually places private roads in the fourth of four revenue-sharing tiers, but that VDOT will place a private road project into the second tier if the county will put the project **in its CIP**.
- **Smyth County** and **Washington County** use revenue sharing funds, recouping the local match via an **extra tax on subject landowners**.

#### County Policy/Practice of Not Using VDOT Funds for Private Roads

Some counties have a **policy/practice of not using the VDOT funds** described above to upgrade private roads for VDOT acceptance. The following counties indicated such a policy/practice:

- Augusta County
- Clarke County<sup>18</sup>
- Carroll County
- Charlotte County
- Essex County
- Page County

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<sup>17</sup> “Policy of Revenue Sharing”, Franklin County Board of Supervisors, Revised 7/19/2005

<sup>18</sup> “2013 Clarke County Transportation Plan”, adopted March 18, 2014,  
<https://www.clarkecounty.gov/home/showpublisheddocument/1890/637171964631770000>

## County General Funds

Counties may use general funds to pay for upgrading private roads for acceptance by VDOT. According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>19</sup> (section F):

“4. The local governing body of the county may expend **general county revenue** for the purposes of this section.”

Counties must decide **whether to apply county general funds** to upgrading private roads.

Many counties have a **policy/practice of not using county general funds** to upgrade private roads for VDOT acceptance:

- Amelia County
- Appomattox County
- Augusta County
- Bedford County
- Carroll County
- Charlotte County
- Essex County
- Orange County
- Page County
- Prince Edward County

A few counties **have used county general funds** to upgrade private roads:

- **Caroline County** provided \$30,000 for an upgrading project.
- **Goochland County** used county funds to pay for Preliminary Engineering (PE) and Right-of-Way (ROW) to upgrade one road which had a county pump station on it.
- **Spotsylvania County** staff proposed allocating \$260,000 to help upgrade three private roads in FY23.
- **Warren County** has applied up to \$250,000 annually toward the subject projects.

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<sup>19</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

Counties may spend *today* general funds expected in the *future* by borrowing against their revenue stream via **bonding**. According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>20</sup> (section F):

“3. The local governing body of any county may use revenues derived from the **sale of bonds** to finance the construction of rural additions to the secondary system of such county.”

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<sup>20</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

## Funding from Landowners

Landowners may fund all or a portion of the cost of needed improvements.<sup>21</sup> Landowners contribute funds in several ways:

- Direct payments
- Special assessment
- Sanitary districts

### Direct Payments

In some cases, contractors upgrading private roads are paid directly by the landowners along the road. In **King and Queen County**, the main road for the Goose Creek neighborhood (subdivided in the 1970s) was built to specifications but not accepted by VDOT. In 2014, homeowners paid for adding tar and chip coating to the road, and VDOT accepted it.



**FIGURE 2** Goose Creek Road, King and Queen County

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<sup>21</sup> Under revenue-sharing, they may fund all or a portion of the 50% local match.



## Special Assessment

In some cases, contractors are paid by the county, and then the county recoups that money by assessing the subject landowners, often spreading the assessment over a period of years. According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>22</sup> (section F,1):

“No such special assessment of landowners on such streets shall be made unless the governing body of the county receives written declarations from the owners of **75 percent or more of the platted parcels** of land abutting upon such street stating their acquiescence in such assessments.” “Special assessments under this section shall be conducted in the manner provided in Article 2 ( 15.2-2404 et seq.) of Chapter 24 of Title 15.2, mutatis mutandis, for assessments for local improvements.”

And the amount of assessment per landowner shall be calculated as follows:

“**The basis for such special assessments**, at the option of the local governing body, shall be either (i) the proportion the value of each abutting parcel bears to total value of all abutting parcels on such street as determined by the current evaluation of the property for real estate tax purposes, or (ii) the proportion the abutting road front footage of each parcel abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel shall exceed one-third of the current evaluation of such property for real estate tax purposes.”

To reduce the impact on county cashflow, a subset of the subject landowners may front half the cost. According to 2006 Code of Virginia § 33.1-72.1 - Taking certain streets into secondary system<sup>23</sup> (section F):

“5. The local governing body of the county may permit **one or more of the landowners** on the street in question to pay **to the county** a sum equal to one-half of the qualifying rural addition cost to bring the street up to the necessary minimum standards for acceptance into the secondary system of state highways, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the special assessment of landowners on such street, the county shall use such **special assessment funds to reimburse, without interest, the one or more landowners**

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<sup>22</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

<sup>23</sup> <https://law.justia.com/codes/virginia/2006/toc3301000/33.1-72.1.html>

for those funds which they previously advanced to the count [sic] to bring the street up to the necessary minimum standards for acceptance.”

Examples of counties using **special assessments** to collect funds from landowners for upgrading private roads for VDOT acceptance:

- **Campbell County** recently used a special tax district to raise from landowners the 50% local match for VDOT Revenue Sharing funds to pay for a large upgrading project.
- **Craig County** fronted all of the construction money for upgrading roads in a subdivision platted approximately 50 years ago, and is using a special assessment of owners to get reimbursed.
- **Goochland County** created a “service district” for two dozen property owners (in a development subdivided approximately 20 years ago) to pay the county back over a 20-year period for upgrading their roads.
- **Smyth County** places an extra tax on landowners along roads upgraded to VDOT system.
- **Stafford County** has set up “service districts” to tax landowners along private roads to be upgraded.
- **Washington County** has fronted the local match for VDOT revenue sharing funds, and recouped the money via assessing the subject landowners for 10 years.

Concerning speculative interest, according to Virginia’s “Board of Supervisors Manual”<sup>24</sup>:

“If property abutting a proposed Rural Addition is owned by speculative interests, its addition is **not eligible under the authority of the CTB's Rural Addition Policy**. Ownership or partnership in **two or more parcels**, or equivalent frontage, abutting such streets shall constitute a speculative interest for the purposes of this policy. However, proposed additions that serve speculative interest property may qualify for addition under § 33.2-335, Code of Virginia. Speculative interests are **assessed a pro rata share of the improvement costs**, pursuant to § 33.2-335, which share must be assured and provided by the county.”

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<sup>24</sup> Commonwealth of Virginia, 2020, p. 73

## Sanitary Districts

Sanitary districts are “special taxing districts” covering a group of landowners “for the purposes for which created”<sup>25</sup>. In Warren County, sanitary districts have been used to raise funds from landowners to **upgrade** private roads for VDOT acceptance:

“...the creation of sanitary districts [in Warren County] has allowed subdivisions to upgrade roads and hand them over to the Virginia Department of Transportation....”<sup>26</sup>

For several subdivisions in Warren County the sanitary district funds represented one-fourth of the road upgrade *construction* cost, the rest of the cost coming from the county (25%) and VDOT revenue sharing funds (50%). In addition, the sanitary district pays—as needed—for *utility relocation* and *right-of-way acquisition*.

Note that in some counties, instead of being used for upgrading roads for VDOT acceptance, sanitary districts are used to **maintain** roads which continue to be privately owned:

- In **Frederick County**, a sanitary district pays the county to maintain roads in the district.
- In **Prince George County**, county staff is currently helping create a sanitary district to raise money for maintaining King Drive.
- In **Warren County**, instead of being set up for sanitary sewer systems, sanitary districts are created primarily to raise funds for road maintenance. According to the county website<sup>27</sup>:
  - “A Sanitary District is a special district, which is established by the governing body of a locality upon the petition of 50 qualified voters in the proposed district, or if the proposed district contains fewer than 100 qualified voters, upon the petition of 50% of the qualified voters in the proposed district. These districts are established to raise additional funds for the maintenance of roads and other items determined by the Property Owners Association, Homeowners Association, and/or other Community Association.”

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<sup>25</sup> 2006 Code of Virginia § 21-119

<sup>26</sup> “Sanitary districts offer pros, cons”, Northern Virginia Daily, 7-20-16

<sup>27</sup> <https://www.warrencountyva.net/sanitary-districts-home>

## Funding from Other Sources

Although the subject roads **are not upgraded to the VDOT system**, some counties in the mountainous portion of the state use “coal severance” funds to **maintain** roads. A coal severance license tax is a tax levied by a locality “on every coal producer that sells or utilizes coal severed from the earth within its jurisdiction.”<sup>28</sup>

- **Tazewell County** uses **coal severance funds** (and some general funds) to maintain 241 non-VDOT roads. The county reports that—even with these funding sources—it would be too expensive to upgrade these roads for the VDOT system.
- **Wise County** uses \$100,000 per year of their \$1,000,000 per year coal severance dollars to put gravel on private roads.

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<sup>28</sup> Code of Virginia § 58.1-3741

## **Processing Citizen Requests**

Options for responding to citizen requests for their private roads to be made public are provided below.

### **Addressing the Difficulties of Upgrading**

County staff can prevent time being spent by citizens and staff on unsuccessful private-to-public conversion attempts by responding to citizen conversion requests by addressing with them these three difficulties:

- a) private property dedication requirements,
- b) private funding requirements, and
- c) the frequency of success in upgrading private roads.

At a minimum, **addressing these difficulties can take the form of simply informing** the citizens of these realities. For example, the **Fauquier County** website<sup>29</sup> directly informs citizens of all three of these difficulties:

#### **Private Streets**

##### **I live on a private street and would like it to be maintained by VDOT, what should I do?**

Due to fiscal restraints, it is very difficult to have a private street added to the Virginia Secondary Road System. In order to meet the minimum requirements, which does not guarantee the street will be accepted in the Secondary Road System, it must:

- Have sufficient right-of-way, generally 50 feet, or all property owners must be willing to voluntarily donate any needed right-of-way.
- Be constructed to VDOT standards, with all costs (which are generally very high) to bring the road up to VDOT standards being borne by the property owners, not VDOT or Fauquier County.

For more information on VDOT standards visit:  
<http://www.virginiadot.org/projects/ssr-rev.asp>

For more information on acceptance into VDOT's Secondary System visit: <http://www.virginiadot.org/info/faq-2ndaryroads.asp>

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<sup>29</sup> <https://www.fauquiercounty.gov/home/showpublisheddocument/144/635933096046570000>



Other steps counties take **to avoid** unsuccessful upgrading attempts:

- **Louisa County** does not have a program for assisting citizens with private roads.
- **Orange County** informs citizens that upgrades are not realistically possible.
- **Franklin County** requires an application fee:
  - “Prior to the advertisement of any project under this policy, the applicants shall submit a letter of application accompanied by a **refundable application fee of \$2,500** or a bond in the same amount which shall be applied to project costs.”<sup>30</sup>

The three difficulties of upgrading private roads listed above are treated separately in the following sections.

a) Private Property Dedication Requirements

As opposed to the easements that often cover private roads<sup>31</sup>, VDOT requires the property in the proposed right-of-way (r.o.w.) to be legally dedicated to public use. To avoid unsuccessful upgrades, several counties require inquiring citizens to **commit to donating the necessary right-of-way**:

- **Caroline County** sends out courtesy letters asking whether landowners are willing to dedicate r.o.w. If even one landowner says ‘no’, then the county drops the effort.
- **Giles County** requires all the landowners on the subject road to sign a document indicating their commitment to dedicate their property for a right-of-way.
- **Loudoun County** reports that dedication of r.o.w. is a stumbling block to inquiring citizens.
- **Spotsylvania County** reports that the failure of all subject landowners to dedicate r.o.w. is usually a snag in attempted conversions of private roads.
- **York County** board’s “Dirt Street Improvement Program” policy<sup>32</sup> asks property owners “to communicate their interest in the project and willingness to donate right-of-way...in writing within thirty (30) days.”

**Caroline County** staff noted that right-of-way dedication is easier to achieve for those roads which are covered by recorded easements.

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<sup>30</sup> “Policy of Revenue Sharing”, Franklin County Board of Supervisors, Revised 7/19/2005

<sup>31</sup> An easement conveys rights for—but not ownership of—the property underlying the easement.

<sup>32</sup> <https://www.yorkcounty.gov/DocumentCenter/View/5415>

b) Private Funding Requirements

Given that a very limited amount of state and county funds are available for upgrading private roads for VDOT acceptance, county staff can save the time of staff and the public by **informing inquiring citizens:**

- a) the cost of upgrades,
- b) the annual amount, if any, of state and local funds available for upgrades, and
- c) the resulting private funds required.

Some counties help inquiring citizens **learn the cost of upgrades** (and therefore, usually, the private funding obligation):

- **Franklin County** reports that its **VDOT Residency** will give a rough estimate of the cost of required upgrades.
- In **Giles County**, a road **contractor** prepares estimates of upgrade cost.
- **Northumberland County** advises citizens to ask **VDOT** for a list of needed improvements.
- **Pittsylvania County** reports that **VDOT** gives citizens a ballpark estimate of the cost of upgrading their private road.
- **Smyth County** reports that **VDOT** tells citizens what the upgrade will cost.
- **Stafford County** asks **VDOT** what improvements are needed.

When citizens **hear the private cost of upgrading**, they often give up on achieving public ownership of the subject road, and choose to simply continue maintaining their private road:

- **Carroll County** reports that—after they tell inquiring citizens the private costs (plans, construction, etc.) and requirements (e.g. right-of-way dedication)—the citizens drop their request.
- **Cumberland County** reports that it receives frequent requests, but citizens “back off” after learning the private expense.
- **Dinwiddie County** notes that inquiring citizens do not follow through once they learn the private costs.
- **Essex County** reports that citizens “give up” when they learn the extent of the improvements they need to make.
- **Page County** reports that, in the vast majority of instances, the citizen do not have enough money to upgrade their road.
- **Powhatan County** reports that—after learning the cost to be borne, e.g. \$25,000 per landowner—the citizens give up their effort to convert the private road.

c) Frequency of Success in Upgrading Private Roads

Due to the high cost of upgrading roads and the limitations of public and private funding sources, it appears that the vast majority of citizens who desire for their private road to be accepted into the VDOT system fail to do so. County staff can save the time of citizens and staff by **informing inquiring citizens** of the frequency of success of private roads being accepted by VDOT in the subject county.

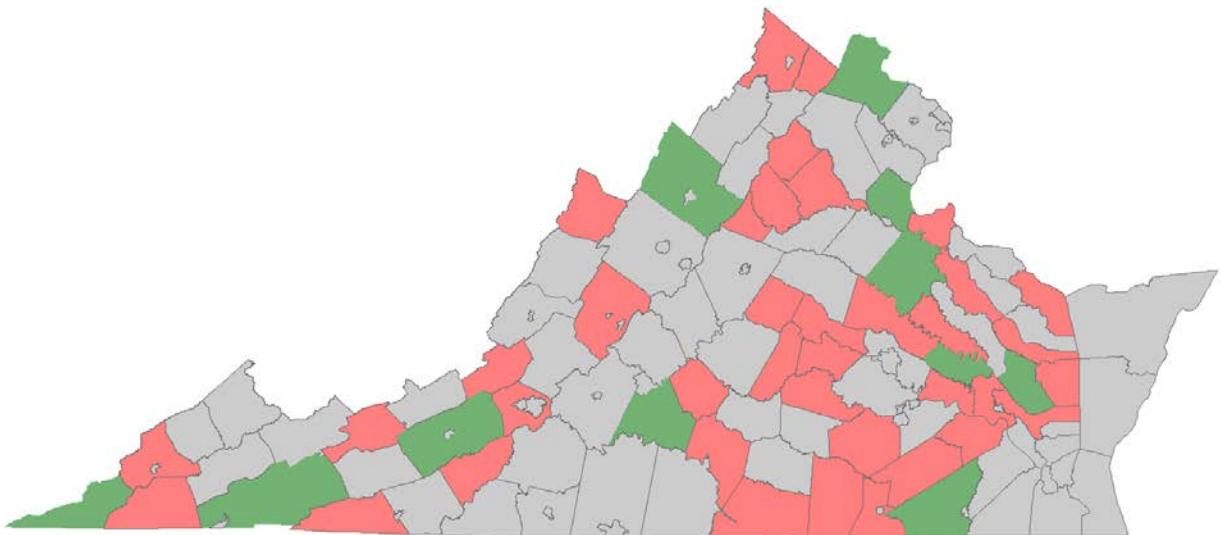
The following counties have seen **no successes**—i.e. private roads upgraded and accepted into the VDOT system—in recent years:

- Amelia County (no successes in at least 10 years)
- Appomattox County (last successful one was approximately 2006)
- Bland County (success 15 years ago)
- Brunswick County (no successes in at least 5 years)
- Charles City County (none in recent years)
- Charlotte County (none in the last decade)
- Clarke County (probably none in the last few decades)
- Craig County (last one approximately 10 years ago)
- Culpeper County (none in last 20 years)
- Cumberland County (one success in the last 17 years)
- Dinwiddie County (none in the last 15 years)
- Essex County (none in the last 3 years)
- Floyd County (no requests in the last 4 years)
- Fluvanna County (no successes in the last 2 years)
- Frederick County (no successes in the last 10 years)
- Goochland County (one success approximately 10 years ago)
- Grayson County (none in the last decade)
- Greene County (none in the last decade)
- Greenville County (none in the last decade)
- Hanover County (none in the last decade)
- Highland County (does not get the subject citizen requests)
- James City County (none in recent years)
- King George County (none in the last decade)
- King William County (none in the last decade)
- Madison County (none in last decade)
- Mathews County (none in recent years)
- Mecklenburg County (none in the last decade)
- Middlesex County (none in recent years)
- Northumberland County (none in recent years)
- Powhatan County (none in recent years)
- Rappahannock County (none in recent years)

- Roanoke County (last success was 15 to 16 years ago)
- Rockbridge County (none in last 20 years)
- Scott County (reports that VDOT residency will not accept any private roads)
- Surry County (no recent successes)
- Sussex County (no recent successes<sup>33</sup>)
- Wise County (no recent successes)
- York County (last two successes were 15 to 20 years ago)

The following counties, however, have seen **a few recent successes** in private roads being accepted into the VDOT system:

- Campbell County (half dozen successes in past decade)
- Caroline County (two successes in past five years)
- Gloucester County (two successes in recent years [2011 and 2013])
- Lee County (two successes in the last 12-14 years)
- Loudoun County (one success in the last decade)
- Montgomery County (one success every 5 years on average)
- New Kent County (one road currently close to acceptance)
- Pulaski County (one road currently half way in the process)
- Rockingham County (VDOT is currently accepting a segment of Rawley Springs Rd)
- Smyth County (has had some success)
- Southampton County (one success in 2015)
- Stafford County (has had some success)
- Washington County (has converted a few roads)



**FIGURE 3 Recent Successes: Counties with Some and Counties with None**

<sup>33</sup> According to VDOT staff, the current Secondary Six-Year Plan (SSYP) includes a rural addition in Sussex County that can proceed following resolution of right-of-way/easement issues.

## **Non-monetary Aid to Citizens**

Several counties provide non-monetary aid to citizens attempting to upgrade private roads:

- Amelia County
  - Provides technical assistance to inquiring citizens
- Caroline County
  - Prepares deed of dedication
- Dinwiddie County
  - Sets up on-site meetings with homeowners and VDOT
- Essex County
  - Contacts VDOT asking the extent of needed improvements
  - Relays needed improvements to the homeowners
- Hanover County
  - Provides advice, cost estimates, and names of contractors
- Mecklenburg County
  - Meets with citizens and VDOT on site
- New Kent County
  - Serves as liaison between citizens and VDOT, putting citizens in contact with the appropriate VDOT staff
- Northumberland County
  - Serves as liaison between citizens and VDOT
  - Advises citizens to ask VDOT for a list of needed improvements
- Patrick County
  - Directs inquiring citizens to their county supervisor
- Prince William County
  - Gives citizens a detailed list of nine steps for getting a private road ready for VDOT acceptance
  - Offers the help of the following departments:
    - Zoning Office
    - Department of Transportation Inspections Office
    - Department of Development Services Office
- Pulaski County
  - Suggests that inquiring citizens talk to their board of supervisors member
- Richmond County
  - Meets on site with VDOT, and gives VDOT checklist of needed improvements to homeowners
- Roanoke County
  - Reviews plans for road improvement; inspects construction



- Shenandoah County
  - Board members receive calls from interested citizens.
- Stafford County
  - Staff suggests that inquiring citizens talk to their board of supervisors member (who, in turn, sometimes contact county staff).
  - Staff asks VDOT what improvements are needed.
- Surry County
  - Tells citizens what it would take to upgrade the subject private road

### **Referring Citizens to VDOT**

Given the difficulties and rarity of private roads being upgraded to VDOT acceptance, instead of providing the aid discussed above (monetary or non-monetary), several counties simply point inquiring citizens to VDOT, sometimes after a brief discussion of the cost to landowners of upgrading:

- Alleghany County
- Appomattox County
- Augusta County
- Charlotte County
- Dickenson County
- Fluvanna County
- King George County
- King William County
- Page County
- Pittsylvania County

## Prioritizing the Usage of Public Funds

Counties with a policy/practice of assisting citizens in upgrading private roads must decide which citizens to help first. Counties can follow the first-come-first-served method, or they can prioritize the subject requests. Some existing methods follow:

- **Franklin County** has a “point factor formula” that gives higher priority to the following:
  - Large number of homes served
  - Higher Density
  - Older age of development
  - Lower per-foot cost of road improvements
  - Greater need for school bus and/or mail service
  - Greater proportion of the property that is already developed
- **Prince Edward County** board ranks the requests.
- **York County** board’s “Dirt Street Improvement Program” policy<sup>34</sup> divides the road length by the number of properties along the road, placing those candidate roads with the lowest values at the top of the list. This calculation favors roads with more landowners per mile.

**Caroline County** staff noted that roads with many houses tend to have more success in being upgraded.

**Montgomery County** staff noted that keeping a prioritized list today of private roads to be upgraded would be useful in the future if more funding is available then.

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<sup>34</sup> <https://www.yorkcounty.gov/DocumentCenter/View/5415>

## **Legislative Initiatives**

Legislative initiatives related to private roads:

- **Nottoway County** reports that the Virginia Department of Emergency Management (VDEM) is interested in legislation<sup>35</sup> to establish a relief fund for private roads damaged by storm events, e.g. culverts washed out.<sup>36</sup>
- **Rappahannock County** floated the idea of legislation that would allow VDOT to accept into its system private roads that meet the standards of VDOT's Rural Rustic Road Program<sup>37</sup> (a program for paving unpaved VDOT roads), e.g.:
  - Minimum 30' right-of-way
  - Less than 18' of pavement if carrying <400 vehicles per day

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<sup>35</sup> Note that VDEM has a legislative liaison (Dillon Taylor, 804-267-7611).

<sup>36</sup> Note that Prince George County reports that—although they have not done so—stormwater fees could be used to help repair private road culverts washed out by storms.

<sup>37</sup>[https://www.virginiadot.org/business/resources/local\\_assistance/Rural\\_Rustic\\_Road\\_Program\\_Manual\\_2014\\_Update\\_-\\_Recodification.pdf](https://www.virginiadot.org/business/resources/local_assistance/Rural_Rustic_Road_Program_Manual_2014_Update_-_Recodification.pdf)

## **Summary**

Across Virginia, citizens often call county offices asking that the maintenance of their private road be taken over by VDOT. The cost to upgrade private roads to VDOT standards usually being significant, HRTPO staff has researched the options available for funding those improvements and for responding to citizen requests.

Funding is available from the following sources:

- VDOT
  - Telecommunication fees
  - Revenue-sharing funds
- County
- Landowners
  - Direct payments
  - Special assessment
  - Sanitary districts

County staff can prevent time being spent by citizens and staff on unsuccessful private-to-public conversion attempts by responding to citizen conversion requests by addressing with them these three difficulties:

- a) private property dedication requirements,
- b) private funding requirements, and
- c) the frequency of success in upgrading private roads.

Although most counties do not contribute county funds to upgrade private roads, many counties provide non-monetary aid to inquiring citizens including:

- Technical assistance
- Deed preparation
- Cost estimates
- Meeting setups

Finally, some counties with a policy/practice of assisting citizens in upgrading private roads have a set method of prioritizing the subject requests.

## **Appendix- Contacts**

The names and email addresses<sup>38</sup> of people contacted for guidance concerning upgrading private roads for VDOT acceptance—mostly county and VDOT staff—are provided below to record the extent of the research effort and to enable the reader to pursue more deeply information attributed to specific counties/organizations in this document.

- Alleghany County, Beth Stull, [bstull@co.alleghany.va.us](mailto:bstull@co.alleghany.va.us)
- Amelia County, Holly Steele, [holly.steele@ameliacova.com](mailto:holly.steele@ameliacova.com)
- Appomattox County, Johnnie Roark, [johnnie.roark@appomattoxcountyva.gov](mailto:johnnie.roark@appomattoxcountyva.gov)
- Augusta County, John Wilkinson, [jwilkinson@co.augusta.va.us](mailto:jwilkinson@co.augusta.va.us)
- Bland County, Rodney Ratliff, [rratliff@bland.org](mailto:rratliff@bland.org)
- Brunswick County, George Morrison, [gmorrison@brunswickco.com](mailto:gmorrison@brunswickco.com)
- Caroline County, Mike Finchum, [mfinchum@co.caroline.va.us](mailto:mfinchum@co.caroline.va.us)
- Carroll County, Ronald Newman, [ronald.newman@carrollcountyva.gov](mailto:ronald.newman@carrollcountyva.gov)
- Charles City County, Gary Mitchell, [gmitchell@co.charles-city.va.us](mailto:gmitchell@co.charles-city.va.us)
- Charlotte County, Monica Elder, [melder@charlottecountyva.gov](mailto:melder@charlottecountyva.gov)
- Clarke County, Jeremy Camp, [jcamp@clarkecounty.gov](mailto:jcamp@clarkecounty.gov)
- Craig County, Dan Collins, [dcollins@craigcountyva.gov](mailto:dcollins@craigcountyva.gov)
- Culpeper County, Neil Drumheller, [ndrumheller@culpepercounty.gov](mailto:ndrumheller@culpepercounty.gov)
- Cumberland County, Stephany Johnson, [sjohnson@cumberlandcounty.virginia.gov](mailto:sjohnson@cumberlandcounty.virginia.gov)
- Dickenson County, Karen Fuller, [kfuller@dickensonva.org](mailto:kfuller@dickensonva.org)
- Dinwiddie County, Mark Bassett, [mbassett@dinwiddieva.us](mailto:mbassett@dinwiddieva.us)
- Essex County, Michael Lombardo, [mlombardo@essex-virginia.org](mailto:mlombardo@essex-virginia.org)
- Floyd County, Karla Turman, [kdturman@floydcova.org](mailto:kdturman@floydcova.org)
- Fluvanna County, Jason Overstreet, [joverstreet@fluvannacounty.org](mailto:joverstreet@fluvannacounty.org)
- Franklin County, Lisa Cooper, [lisa.cooper@franklincountyva.gov](mailto:lisa.cooper@franklincountyva.gov)
- Frederick County, Mark Cheran, [mcheran@fcva.us](mailto:mcheran@fcva.us)
- Giles County, Bryan Reed, [breed@gilescounty.org](mailto:breed@gilescounty.org)
- Gloucester County, Anne Ducey-Ortiz, [aducey@gloucesterva.info](mailto:aducey@gloucesterva.info)
- Goochland County, Tom Coleman, [tc Coleman@goochlandva.us](mailto:tc Coleman@goochlandva.us)
- Grayson County, Mitch Smith, [msmith@graysoncountyva.gov](mailto:msmith@graysoncountyva.gov)
- Greene County, Jim Frydl, [jfrydl@gcva.us](mailto:jfrydl@gcva.us)
- Greenville County, Linwood Pope, [lpope@greenvillecountyva.gov](mailto:lpope@greenvillecountyva.gov)
- Highland County, Joshua Simmons, 540-468-2323 (Building and Zoning)

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<sup>38</sup> Although most persons were contacted via phone, to prevent future unwanted calls (e.g. robocalls), email addresses (usually found on-line) are published herein. Where email addresses were unavailable on-line, non-direct phone numbers are provided.



- Isle of Wight County, Jamie Oliver, [joliver@isleofwightus.net](mailto:joliver@isleofwightus.net)
- James City County, Paul Holt, [paul.holt@jamescitycountyva.gov](mailto:paul.holt@jamescitycountyva.gov)
- King and Queen, Donna Sprouse, [dsprouse@kingandqueenco.net](mailto:dsprouse@kingandqueenco.net)
- King George County, Louis Pancotti, [lpancotti@co.kinggeorge.state.va.us](mailto:lpancotti@co.kinggeorge.state.va.us)
- King William County, Sherry Graham, [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us)
- Lee County, Dane Poe, [ddpoe@leecova.org](mailto:ddpoe@leecova.org)
- Loudoun County, Jim Zeller, [dtci@loudoun.gov](mailto:dtci@loudoun.gov)
- Louisa County, Christian Goodwin, [cgoodwin@louisa.org](mailto:cgoodwin@louisa.org)
- Madison County, Brian Gordon, [bgordon@madisonco.virginia.gov](mailto:bgordon@madisonco.virginia.gov)
- Mathews County, James Knighton, 804-725-4034 (Planning, Zoning, and Wetlands)
- Mecklenburg County, Robert Hendrick, [robert.hendrick@mecklenburgva.com](mailto:robert.hendrick@mecklenburgva.com)
- Middlesex County, Dave Kretz, [d.kretz@co.middlesex.va.us](mailto:d.kretz@co.middlesex.va.us)
- Montgomery County, Emily Gibson, 540-394-2148 (Planning & GIS Services)
- New Kent County, Sheri Adams, [sladams@newkent-va.us](mailto:sladams@newkent-va.us)
- Northumberland County, Philip Marston, [pmarston@co.northumberland.va.us](mailto:pmarston@co.northumberland.va.us)
- Nottoway County, Ted Costin, [tcostin@nottoway.org](mailto:tcostin@nottoway.org)
- Orange County, Joshua Gillespie, [jgillespie@orangecountyva.gov](mailto:jgillespie@orangecountyva.gov)
- Page County, Tracy Clatterbuck, [tclatterbuck@pagecounty.virginia.gov](mailto:tclatterbuck@pagecounty.virginia.gov)
- Patrick County, Teresa McCormick, [tmc@co.patrick.va.us](mailto:tmc@co.patrick.va.us)
- Pittsylvania County, Emily Ragsdale, [emily.ragsdale@pittgov.org](mailto:emily.ragsdale@pittgov.org)
- Powhatan County, Ed Howland, [ehowland@powhatanva.gov](mailto:ehowland@powhatanva.gov)
- Prince Edward County, Robert Love, [rlove@co.prince-edward.va.us](mailto:rlove@co.prince-edward.va.us)
- Prince George County, Jeff Stoke, [jstoke@princegeorgecountyva.gov](mailto:jstoke@princegeorgecountyva.gov)
- Prince William County, Donald Margraf, [dmargraf@pwcgov.org](mailto:dmargraf@pwcgov.org)
- Pulaski County, Elaine Holeton, [eholeton@pulaskicounty.org](mailto:eholeton@pulaskicounty.org)
- Rappahannock County, Garrey Curry, [gwc Curry@rappahannockcountyva.gov](mailto:gwc Curry@rappahannockcountyva.gov)
- Richmond County, Hope Mothershead, [hmothershead@co.richmond.va.us](mailto:hmothershead@co.richmond.va.us)
- Roanoke County, Tarek Moneir, [tmoneir@roanokecountyva.gov](mailto:tmoneir@roanokecountyva.gov)
- Rockbridge County, Chris Slaydon, [cslaydon@rockbridgecountyva.gov](mailto:cslaydon@rockbridgecountyva.gov)
- Rockingham County, Rhonda Cooper, [rcooper@rockinghamcountyva.gov](mailto:rcooper@rockinghamcountyva.gov)
- Scott County, Freda Starnes, [fstarnes@scottcountyva.com](mailto:fstarnes@scottcountyva.com)
- Shenandoah County, Tyler Hinkle, [thinkle@shenandoahcountyva.us](mailto:thinkle@shenandoahcountyva.us)
- Smyth County, Clegg Williams, [zoning@smythcounty.org](mailto:zoning@smythcounty.org)
- Southampton County, Beth Lewis, [blewis@southamptoncounty.org](mailto:blewis@southamptoncounty.org)
- Spotsylvania County, Paul Agnello, [pagnello@spotsylvania.va.us](mailto:pagnello@spotsylvania.va.us)
- Stafford County, Alex Owsiak, [aowsiak@staffordcountyva.gov](mailto:aowsiak@staffordcountyva.gov)
- Surry County, Horace Wade, 757-294-5210
- Sussex County, Beverly Walkup, 434-246-1043

- Tazewell County, Kenneth Dunford, [kdunford@tazewellcounty.org](mailto:kdunford@tazewellcounty.org)
- VACO, Joe Lerch, [jlerch@vaco.org](mailto:jlerch@vaco.org)
- VAMPO, Ann Cundy, [ann@cspdc.org](mailto:ann@cspdc.org)
- VAPDC, David Blount, [dblount@tjpd.org](mailto:dblount@tjpd.org)
- VDOT, Alan Saunders, [alan.saunders@vdot.virginia.gov](mailto:alan.saunders@vdot.virginia.gov)
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- Washington County, Stephen Richardson, [stephenr@washcova.com](mailto:stephenr@washcova.com)
- Wise County, Michael Hatfield, [hatfield\\_m@wisecounty.org](mailto:hatfield_m@wisecounty.org)
- York County, Tim Cross, [tcross@yorkcounty.gov](mailto:tcross@yorkcounty.gov)