

ADOPTED BY THE COMMONWEALTH TRANSPORTATION BOARD JUNE 17, 1999

POLICY AND PROCEDURES

APPLICABILITY OF §46.2-878.2 OF THE CODE OF VIRGINIA

INSTALLATION OF SIGNS ADVISING OF MAXIMUM PENALTY FOR EXCEEDING POSTED MAXIMUM SPEED LIMIT IN CERTAIN RESIDENCE DISTRICTS

PURPOSE

The purpose of this policy and attendant procedures is to provide guidelines for addressing the issue of exceeding the maximum speed limit on local residential streets, collector streets, and minor arterial streets with residential characteristics in certain residence districts and installing signs as prescribed in § [46.2-878.2](#) of the Code of Virginia.

POLICY ON INSTALLATION OF SIGNS IN CERTAIN RESIDENCE DISTRICTS

It is the Commonwealth Transportation Board's policy that the Virginia Department of Transportation (VDOT), upon a formal request from the local governing body, will install signs on local residential streets, collector streets, and minor arterial streets with a posted speed limit of 35 miles per hour or lower advising motorists of a maximum punishment of \$200, in addition to other penalties provided by law, for exceeding the speed limit in certain residence districts.

INTRODUCTION

This policy and attendant procedures identify the specific responsibilities and requirements of VDOT and that of the affected counties and towns in addressing concerns relating to motorists exceeding the speed limit in certain residence districts.

VDOT and the counties and towns are partners in the administration of these processes and procedures. A good working relationship between VDOT and the counties and towns is important for this partnership to function effectively.

DEFINITIONS

"Residence district" as defined in §46.2-100 means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ [15.2-2200](#) et seq.) of Title 15.2.

"Highway as defined in §46.2-100 means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located.

For purposes of this policy a Local Residential Street is a highway built as part of a residential development or a highway where residential development has taken place resulting in a neighborhood or community resembling a residential development. Further, a local residential street must have the residential units facing the street and provide driveway connections or curbside parking for a majority of the residential units.

For purposes of this policy Collector Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets as well as serving traffic movements between residential areas and major roadways.

For purposes of this policy Minor Arterial Streets and Roads are highways exhibiting the residential characteristics listed above for local residential streets. These roads and streets also serve trips of moderate lengths at a somewhat lower level of travel mobility than principal arterials, provide access to geographic areas smaller than those served by the higher system, and provide intra-community continuity.

Note: The definitions of local residential streets, collector streets, and minor arterial streets shown above are for administration of this policy only and do not necessarily apply to any other VDOT policies and programs.

CRITERIA

To qualify for sign installation, a highway shall meet the following criteria:

1. Meet the definition of local residential, collector, or minor arterial street as indicated above.
2. Have a posted speed limit of 35 miles per hour or lower.

COUNTY/TOWN RESPONSIBILITIES

To initiate these procedures, the county or town shall request, by resolution of the local governing body, that VDOT install the appropriate signs as stipulated in §46.2-878.2 of the Code of Virginia. This request shall be submitted to the local VDOT resident engineer in the form of a resolution, along with the following support data.

Support Data Requirements:

1. Identification of the neighborhood and specific highway(s) where the signs are requested to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential, collector, or minor arterial streets as described above.
3. Notification that a speeding problem exists and that the increased penalty has community support.

VDOT RESPONSIBILITIES

It is the responsibility of VDOT to provide, install, and maintain the signs. The following procedures will be observed:

1. The VDOT resident engineer, upon receipt of the adopted resolution and support data, will review the assembly and submit it to the VDOT district administrator.
2. The district administrator will have the signs installed.
3. Sign installation under §46.2-878.2 will take place within 60 days of the date the request is approved.

Note: These procedures assign certain action items to the district administrator. A district administrator has the prerogative to assign any or all of these action items to be handled by the regional traffic engineer.

FUNDING

Signs installed in accordance with this policy will be fully funded from countywide traffic services in the secondary or primary road allocations to the respective counties.

§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns; penalty.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of a county, city, or town, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service. The Commissioner of Highways or any local governing body having jurisdiction over highways shall develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude highways, functionally classified as minor arterials, serving areas that either (i) were built as residential developments or (ii) have grown to resemble residential developments, provided, in either case, (a) such highways are experiencing documented speeding problems and (b) the local governing body requests the application of this section to such highway. Such signs may be installed in any town and shall not require the approval of the county within which such town is located. Any such signs installed in any town shall be paid for by the town requesting the installation of the signs, or out of the county's secondary system construction allocation.

(1996, c. [172](#); 1999, c. [87](#); 2002, c. [882](#); 2004, c. [350](#); 2006, c. [547](#); 2013, cc. [585](#), [646](#).)

Signs

Additional \$200 Fine Sign

The Additional \$200 Fine Sign Program, last amended by the General Assembly in 2006 in § 46.2-878.2 of the *Code of Virginia*, allows a locality to request that VDOT install signs advising motorists of a maximum fine of \$200, in addition to other penalties provided by laws, for exceeding the speed limit.

The sign must be installed on a local residential street, a collector street, or a minor arterial street with residential characteristics. The posted speed limit must be 35 mph or less. The VDOT District Administrator has approval authority for these signs.

It is the responsibility of the county or town to initiate these procedures by requesting, through a resolution of the local governing body, that VDOT install the appropriate signs as stipulated in §46.2-878 of the *Code of Virginia*. This request will be submitted to the Residency Administrator or other designated local VDOT manager along with the following support data.

1. Identification of the neighborhood and specific highway(s) where the signs are to be installed.
2. Confirmation that the highway(s) meet the definitions of local residential, collector or minor arterial streets.
3. Notification that a speeding problem exists and that the increased penalty has community support.

The Residency Administrator or other designated local VDOT manager, upon receipt of the adopted resolution and supporting data, will review the assembly and submit it to the VDOT District Administrator. After VDOT staff reviews the field locations and upon approval of the District Administrator the requested signs will be installed. Sign installation will take place within 60 days of the date the request is approved.

The procedures and requirements for installation of these signs as outlined below are stipulated by the policy adopted by the Commonwealth Transportation Board on June 17, 1999 "Applicability of §46.2-878.2 of the Code of Virginia –Installation of Signs advising of Maximum Penalty for Exceeding Posted Maximum Speed Limit in Certain Residence Districts."

Signs installed in accordance with this program may be fully funded with countywide traffic services funding from the secondary or primary road allocations for the respective counties.

Flashing School signs

When it has been requested by a Local Jurisdiction Board of Supervisors, a Local Jurisdiction School Board, the operating board of a privately operated school, or other similar authority and agreed to in a formal permitting process issued by the Department, flashing school sign may be