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February 1, 2013

Re: Town Road and Bridge Standards

Dear Municipal Officials:

Please find attached the January 2013 State-approved Town Road and Bridge Standards.

This letter includes the following information:

1. Important background
2. A history of the Standards
3. Revisions included in the January 2013 State-approved Standards
4. Adoption and Certification of the State-approved Standards

Background

The state of Vermont encourages municipalities to follow the State-approved Standards for several reasons:

- ✓ Adherence to these Standards increases the likelihood that town roads and bridges will hold up during flooding or heavy rain events, thus saving money for municipalities in the long term and avoiding future repairs associated with poor drainage systems and erosion.
- ✓ When a federally declared disaster occurs, the Federal Emergency Management Agency (FEMA) will use a municipality's duly adopted "codes and standards" when determining eligible repair work under the FEMA Public Assistance program.
- ✓ The State-approved Standards address water quality associated with roadway run-off. Many of the state's rivers, streams, and lakes are affected by stormwater and sediment loading from roadways. The practices described in these standards have been proven to be cost effective in reducing pollution.
- ✓ Municipalities who certify adoption of these Standards benefit from a 10% instead of 20% local match requirement for the total costs of a project funded under the Town Highway Structures and Class 2 Roadway grant programs.
- ✓ Beginning in October 2014, municipalities who certify adoption of the State-approved Standards, as part of a basic set of flood damage mitigation measures, will be eligible to receive a 12.5% instead of 7.5% state share of the FEMA-approved total project cost under the FEMA Public Assistance program.



- ✓ These Standards represent the best technical knowledge of the Agency of Natural Resource and VTrans balanced with practical considerations. They are recommended minimums only. Municipalities *are not required* to adopt the Standards. Several have chosen to adopt more detailed and stringent standards.
- ✓ These Standards are not meant to describe all necessary planning and decision-making associated with transportation infrastructure. Additional information for managing transportation infrastructure is available from the VT Local Roads Program, the Regional Planning Commission that serves your municipality, the Vermont Better Back Roads Program, and the nearest VTrans District technical staff.

History of the VTrans Town Road and Bridge Standards

In the spring of 1999, FEMA adopted a new policy which required municipalities to adopt “codes and standards” prior to a Public Assistance disaster declaration in order for a municipality to be eligible for certain FEMA benefits related to facility upgrades that are not governed by eligible state or federal codes or standards. As a result of that policy change, VTrans and Vermont Emergency Management (VEM) began working with FEMA, regional planning commissions, the Vermont Local Roads program, the Vermont League of Cities and Towns, and ANR on the development of a standard template of minimum codes and standards. By the summer of 1999, towns began adopting road and bridge codes and standards based on the template developed by this group.

Act 110 of the 2009 – 2010 Legislative session modified 19 V.S.A. § 309b to include an incentive program which allowed for increased state share of funding to municipalities receiving grants under the Town Highway Class 2 Roadway and Town Highway Structures grants programs. In order to receive an additional 10% of state funding for projects under each of these grant programs, municipalities need to meet two requirements. The first requirement is to adopt roadway and bridge codes and standards that address water quality and the second requirement is to conduct and update a network infrastructure study.

Up until 2011, the only changes to the original 1999 template included a language modification that *prohibited a municipality from using a fiscal reason as a basis for modifying the standards for a specific project and the requirement for the municipality to submit an annual certification of compliance to VTrans*. Both of these changes were in response to issues associated with FEMA reimbursement. FEMA insists that towns not modify “codes and standards” for fiscal reasons. Also the certification of compliance with the recommended codes and standards was implemented following the series of FEMA declarations in 2008, when a number of municipalities that had adopted codes and standards could not produce a copy of their adoption documents when asked by FEMA.

Act 110 of the 2009-2010 session required that VTrans work with municipal representatives to “revise the Agency’s current recommended town road and bridge standards to include a suite of practical and cost-effective Best Management Practices (BMPs) for the construction, maintenance, and repair of all existing and future town highways in order to address pollution caused by transportation-related stormwater runoff.” Those recommended Standards as represented in the January 2011 version of the Vermont Town



Road and Bridge Standards and all subsequent revisions must be approved by the Secretary of ANR. Additionally, Act 110 amended 19 V.S.A. § 309b(a) & (b) requiring that municipalities submit the annual certification of compliance in order to be eligible for receiving the additional 10% of State funding under the town highway structures and Class 2 roadway grants programs.

Revisions included in the January 2013 State-approved Standards

Act 110 also requires that “Beginning January 15th, 2013 and every four years thereafter, VTrans, in consultation with municipal representatives and with ANR approval, shall review and revise, as appropriate the town road and bridge standards in order to ensure the standards are protective of water quality.” The 2013 revisions meet this requirement. In addition there are revisions to the bridges and culverts section aimed at avoiding future confusion related to FEMA reimbursement. The Standards now clearly state the longstanding requirement that culvert replacements must conform to the State’s Stream Alteration regulatory standards.

Summary of the 2013 revisions to the State-approved Standards:

- Clarification regarding erosion control and roadside ditch construction and maintenance.
- New language describing basic side slope treatments so that these treatments are part of a municipality’s “codes and standards” and eligible for FEMA reimbursement.
- Changes in the bridge and culvert section including the removal of the reference to the Q 25 and a reference to the VTrans hydraulic manual in the appropriate sizing of culverts and instead clarifying that culverts conform to the state’s Stream Alteration Standard, a standard in effect today.
- A statement that the municipality must obtain all applicable state and federal permits for any work subject to the permits.

Adoption and Certification

Class Two Roadway and Town Highway Structures Grants Match Benefit

In order for municipalities to receive an additional 10% state funding (80% for Class 2 Roadway grants and 90% for Town Highway Structures grants) starting with State fiscal year 2015 (July 1, 2014), municipalities must adopt new codes and standards which meet or exceed the minimum requirements of the January 2013 State-approved Standards and must submit an annual certification to VTrans that their adopted codes and standards meet or exceed these minimum requirements. Municipalities have the choice of using either the January 2011 or 2013 versions of the State-approved Standards for projects in fiscal year 2014 (July 1, 2013).

FEMA Reimbursement for Federally Declared Disasters

As stated previously, municipal adoption, certification, and adherence to municipal “codes and standards” can provide a municipality with the necessary FEMA funding during FEMA Public Assistance declarations. Without municipal “codes and standards,” FEMA generally will only provide funding that will rebuild to the conditions in place prior to the disaster if state or federal codes and standards do not apply to the project. *We strongly recommend that municipalities adopt the January 2013 codes and standards as soon as possible in order for municipalities to be covered for the next FEMA declared disaster.*



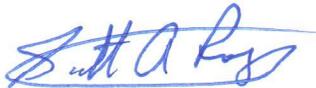
Federally Declared Disaster State Share Benefit

Municipalities must adopt the January 2013 State-approved Standards to be eligible for the 12.5% *state share* of the FEMA-approved total project cost under the FEMA Public Assistance program beginning after October 2014. Municipalities without adopted “codes and standards,” or with adopted “codes and standards” that differ from or that do not meet or exceed the State-approved Standards, will be eligible to receive only a 7.5% state share of the FEMA-approved total project costs.

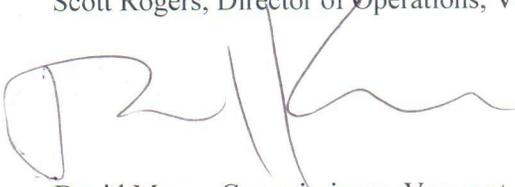
If a municipality decides for whatever reason not to adopt the January 2013 State-approved Standards, it would be prudent to at a minimum adopt the *Culverts and Bridges* portion in the 2013 version and any other elements under the *Roadways* or *Ditches and Slopes* sections such as side slopes and ditching where the municipality would expect reimbursement to this standard under a FEMA-declared emergency. The VTrans Maintenance District personnel are available to work with any municipalities in explaining the options. If the municipality is hesitant to adopt the full State-approved Standards and chooses not to be eligible for the incentives, other options are possible, although the consequences must be carefully considered. Please contact your nearest District Office for assistance and information. (See attached figure 1 Maintenance District map and contact information.)

Our agencies look forward to working with you and providing the assistance needed to manage a municipal transportation network that is safe and flood resilient in the future.

Sincerely,



Scott Rogers, Director of Operations, Vermont Agency of Transportation



David Mears, Commissioner, Vermont Agency of Natural resources Department of Environmental Conservation



Figure 1

