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# Review of Nonpublic Funding Options Available to the Virginia Department of Transportation for the Operations and Maintenance of Its Safety Rest Areas and Welcome Centers

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Final Report VCTIR 11-R22

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**Standard Title Page—Report on State Project**

Report No.: VCTIR 11-R22	Report Date: April 2011	No. Pages: 106	Type Report: Final	Project No.: 97089
			Period Covered:	Contract No.:
Title: Review of Nonpublic Funding Options Available to the Virginia Department of Transportation for the Operation and Maintenance of Its Safety Rest Areas and Welcome Centers				Key Words: Safety res areas, commercialization, nonpublic funding
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Sponsoring Agencies' Name and Address: Virginia Department of Transportation 1401 E. Broad Street Richmond, VA 23219				
Abstract:				
<p>During its 2010 Regular Session, the Virginia General Assembly passed House Joint Resolution No. 126 and Senate Joint Resolution No. 99 “[r]equesting the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth’s interstate safety rest areas.” These resolutions were sponsored by Delegate Dave Nutter (7th House District) and Senator Mark Herring (33rd Senate District), respectively. The findings of the review were to be completed by November 30, 2010, and submitted to the Division of Legislative Automated Systems no later than the first day of the 2011 Regular Session of the General Assembly.</p> <p>In 2009, 19 Virginia interstate SRAs were closed with the intent of saving approximately \$9 million per year in costs to the Virginia Department of Transportation (VDOT), but these closures were met with opposition by interstate travelers because of concerns regarding traveler safety, losses of state tourism dollars, and the injury to the Commonwealth’s reputation as a business-friendly state.</p> <p>Federal law prohibits federal-aid highways from offering any type of commerce for “serving motor vehicle users” at SRAs located on the interstate highway system right-of-way unless the establishment was in existence prior to 1960 and is owned by a state (23 U.S.C. § 111). Accordingly, commercial enterprises in Virginia have located off-line at interstate interchanges and are now consistently opposed to efforts to amend directly or interpret innovatively federal code limiting commercial activity at SRAs. Yet the commercialization of SRAs is not the only possible access through federal or state code to nonpublic funding of these facilities.</p> <p>In the last 20 years, incremental changes—essentially “workarounds”—have been introduced to federal law through federal transportation authorizations either allowing charges for specific, limited services meeting national needs through interstate SRAs or providing innovative pilot programs aimed at generating “whole-facility” interstate funding, such as tolling. Although it is true that some nonpublic SRA funding options have appeared and disappeared with successive federal surface transportation programs, there are other avenues to nonpublic funding of SRAs allowable under current federal code, currently extended federal transportation authorization, and current state law.</p> <p>A review of state and federal law governing interstate highway right-of-way, surveys of Virginia interstate rest area users, interviews with industry groups, assessment of current state DOT initiatives for interstate SRA funding, and questionnaires distributed to state DOTs provided the nonpublic funding options presented in this report. These options include the expansion of vending options, indoor advertising, and facility sponsorship, as well as relocated facilities under regional management at scenic/historic locations and commercial facilities on private land adjacent to existing SRAs in the interstate right-of-way. In the long term, modification of the provisions of 23 U.S.C. § 111 or the repeal of 23 U.S.C. § 301 would allow states significantly more flexibility in nonpublic funding options for interstate safety rest areas.</p>				

**FINAL REPORT**

**REVIEW OF NONPUBLIC FUNDING OPTIONS AVAILABLE  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION  
AND MAINTENANCE OF ITS SAFETY REST AREAS AND WELCOME CENTERS**

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Virginia Center for Transportation Innovation and Research  
(A partnership of the Virginia Department of Transportation  
and the University of Virginia since 1948)

Charlottesville, Virginia

April 2011  
VCTIR 11-R22

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## ABSTRACT

During its 2010 Regular Session, the Virginia General Assembly passed House Joint Resolution No. 126 and Senate Joint Resolution No. 99 “[r]equesting the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth’s interstate safety rest areas.” These resolutions were sponsored by Delegate Dave Nutter (7th House District) and Senator Mark Herring (33rd Senate District), respectively. The findings of the review were to be completed by November 30, 2010, and submitted to the Division of Legislative Automated Systems no later than the first day of the 2011 Regular Session of the General Assembly.

In 2009, 19 Virginia interstate SRAs were closed with the intent of saving approximately \$9 million per year in costs to the Virginia Department of Transportation (VDOT), but these closures were met with opposition by interstate travelers because of concerns regarding traveler safety, losses of state tourism dollars, and the injury to the Commonwealth’s reputation as a business-friendly state.

Federal law prohibits federal-aid highways from offering any type of commerce for “serving motor vehicle users” at SRAs located on the interstate highway system right-of-way unless the establishment was in existence prior to 1960 and is owned by a state (23 U.S.C. § 111). Accordingly, commercial enterprises in Virginia have located off-line at interstate interchanges and are now consistently opposed to efforts to amend directly or interpret innovatively federal code limiting commercial activity at SRAs. Yet the commercialization of SRAs is not the only possible access through federal or state code to nonpublic funding of these facilities.

In the last 20 years, incremental changes—essentially “workarounds”—have been introduced to federal law through federal transportation authorizations either allowing charges for specific, limited services meeting national needs through interstate SRAs or providing innovative pilot programs aimed at generating “whole-facility” interstate funding, such as tolling. Although it is true that some nonpublic SRA funding options have appeared and disappeared with successive federal surface transportation programs, there are other avenues to nonpublic funding of SRAs allowable under current federal code, currently extended federal transportation authorization, and current state law.

A review of state and federal law governing interstate highway right-of-way, surveys of Virginia interstate rest area users, interviews with industry groups, assessment of current state DOT initiatives for interstate SRA funding, and questionnaires distributed to state DOTs provided the nonpublic funding options presented in this report. These options include the expansion of vending options, indoor advertising, and facility sponsorship, as well as relocated facilities under regional management at scenic/historic locations and commercial facilities on private land adjacent to existing SRAs in the interstate right-of-way. In the long term, modification of the provisions of 23 U.S.C. § 111 or the repeal of 23 U.S.C. § 301 would allow states significantly more flexibility in nonpublic funding options for interstate safety rest areas.

## **FINAL REPORT**

### **REVIEW OF NONPUBLIC FUNDING OPTIONS AVAILABLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE OPERATION AND MAINTENANCE OF ITS SAFETY REST AREAS AND WELCOME CENTERS**

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## **INTRODUCTION**

Recent budget constraints have caused Virginia to search for permanent and alternative funding of the operation and maintenance of its interstate safety rest areas (SRAs). Of the 42 SRAs in Virginia, 41 are interstate SRAs. The non-interstate SRA has a welcome center, and 10 of the interstate SRAs contain welcome centers. In this report, no distinction is made between those SRAs with welcome centers and those without, and both are referred to as SRAs. In FY 2009, the cost of operating and maintaining the 41 interstate SRAs was just over \$16 million.

In 2009, 19 Virginia interstate SRAs were closed with the intent of saving approximately \$9 million per year in costs to the Virginia Department of Transportation (VDOT), but these closures were met with opposition by interstate travelers because of concerns regarding traveler safety, losses of state tourism dollars, and the Commonwealth's reputation as a business-friendly state. All 19 SRAs were reopened during the spring of 2010 by the use of funds from VDOT's maintenance reserves. According to the American Association of State Highway and Transportation Officials (AASHTO), since 2005, Arizona, Kentucky, Louisiana, Maine, Missouri, and Texas have each closed five or more SRAs because of ongoing funding issues, although some SRAs have recently been reopened (Kane, 2009).

The state of New York still intends to save \$490,000 over FY 2010-2011 by temporarily closing five more interstate SRAs later this year in addition to one closed in June ("New York Closing Rest Areas," 2010). In addition, the Michigan Department of Transportation (DOT) recently announced a cut in hours of operation at 14 welcome centers in response to a 20% budget reduction ("Michigan Reduces Welcome Center Operations to Cover Budget Cut," 2010). Beyond the obvious costs of normal facility maintenance and operations, some of the more common reasons given for these closures include the high capital cost associated with needed building and septic facility replacements and the fact that in many of the more developed settings, the needs of the travelers are being met by nearby urban commercial facilities (Kane, 2009).

Federal law prohibits federal-aid highways from offering any type of commerce for “serving motor vehicle users” at SRAs located on the interstate highway system right-of-way unless the establishment was in existence prior to 1960 and is owned by a state (23 U.S.C. § 111). Congress enacted this law to preserve the scenic beauty of the then-rural interstate system and to encourage commercial development off-line along these corridors. Accordingly, commercial enterprises have located off-line at interstate interchanges and have mounted opposition to all efforts to amend directly or interpret innovatively federal code limiting commercial activity at SRAs. To summarize, given certain conditions, some SRAs in some states can be managed to generate funds for their support but other SRAs in many other states, as they are typically maintained and operated under the current constraints of federal code, are items of net expense in transportation budgets.

Interest in commercializing interstate SRAs has persisted for the last 20 years (Phillips and Perfater, 1991) and has surged in the last 2 years as state transportation revenues declined across the United States. Virginia state leaders mobilized in mid-2009 to push repeal of federal code prohibiting commercialization at interstate SRAs. Then–Virginia Governor Timothy Kaine, then–Secretary of Transportation Pierce Homer, and delegates to the General Assembly of Virginia all solicited members of the U.S. Congress to launch reform (Hunley, 2009) in an effort to stave off imminent closures of Virginia interstate SRAs. Nineteen Virginia interstate SRAs closed, nonetheless, until the following spring. Yet, increased awareness of the uncaptured revenue potential of traditional interstate SRAs continues to motivate legislators across the nation, DOTs, and the American Association of State Highway and Transportation Officials (AASHTO). Also, states are separately continuing to identify innovative funding tracks within federal restrictions to bring larger revenue streams than have been available historically from their interstate SRAs. These efforts are regularly opposed by lobbying from groups that assert that interstate SRA commercialization—to any extent—will detract from sales of businesses located off-line, by force of federal code, at interstate interchanges.

Yet the commercialization of SRAs is not the only possible access through federal code to nonpublic funding of these facilities. In the last 20 years, incremental changes—essentially “workarounds”—have been introduced to federal law through federal transportation authorizations either allowing charges for specific, limited services meeting national needs through interstate SRAs or providing innovative pilot programs aimed at generating “whole-facility” interstate funding, such as tolling. It should be stressed that these provisions were additions to federal code, usually through pilot programs, and required no arduous federal code repeal processes. Several of the workarounds added gradually since 1991 are scheduled for termination in the proposed federal transportation authorization, and another has already been repealed under opposition pressure, so it is possible that in the future the only approach to nonpublic funding of interstate SRAs at the federal level will be repeal or modification of the specific federal code prohibiting SRA commercialization (i.e., 23 U.S.C. § 111). Nevertheless, although this specific federal code has been the focal point of advocates of commercialization for the last 20 years, there are other avenues to nonpublic funding of SRAs under current federal code and currently extended federal transportation authorization.

In 2010, House Joint Resolution No. 126 put forth by Delegate David Nutter (7th House District) and Senate Joint Resolution 99 put forth by Senator Mark Herring (33rd Senate District)

(see Appendix A) requested that “the Virginia Transportation Research Council [now the Virginia Center for Transportation Innovation and Research] . . . study alternatives to the public funding and operation of all or portions of the Commonwealth’s interstate safety rest areas.” The resolutions called for 10 areas of inquiry to be addressed in the study. In discussions with the research team, Delegate Nutter and Senator Herring agreed that some of these areas touched on operational details and requirements that would be specific to individual funding options, and thus were outside the practical scope of this study. Subsequently, at the request of these sponsors, a short work plan was drafted that more clearly defined and narrowed the scope of work to be accomplished by way of the study. This work plan was reviewed and approved by Delegate Nutter and Senator Herring and is provided in Appendix B.

## **PURPOSE AND SCOPE**

This study was conducted in response to House Joint Resolution No. 126 and Senate Joint Resolution No. 99 (see Appendix A) passed during the 2010 Session of the Virginia General Assembly. The resolutions requested that “the Virginia Transportation Research Council . . . study alternatives to the public funding and operation of all or portions of the Commonwealth’s interstate safety rest areas.”

The scope of the study was restricted to alternatives possible under the current regulations (potential near-term options) and those that would be possible only if relevant portions of the federal code were rescinded or revised (potential long-term options). For options in these two groups, the study attempted to identify comparative advantages and impediments to implementation and likely sources of opposition.

In accordance with the previously discussed work plan developed at the request of the sponsors, the study did not investigate or address operational aspects, funding levels, maintenance, hours of operation, or bid-letting pertaining to any specific alternatives.

## **APPROACH**

### **Overview**

The following tasks were undertaken to fulfill the study purpose:

1. Characterize VDOT’s current interstate SRA operations.
2. Assess state departments of transportation (DOTs) for SRA funding initiatives.
3. Review and summarize existing regulatory constraints pertaining to interstate SRAs.

4. Survey users of Virginia's interstate SRAs to determine their perspectives on potential funding alternatives.
5. Interview representatives of affected trade groups to determine their perspectives on potential funding alternatives.

### **Characterization of VDOT's Current Interstate SRA Operations**

Details regarding the size, scope, and basic operations of VDOT's interstate SRA operations were gathered through a review of relevant studies, a review of the *VDOT Safety Rest Area and Welcome Center Master Plan* developed for these assets (Kimley-Horn and Associates, 2009), and meetings with staff in VDOT's Maintenance Division who manage the program.

### **Assessment of State DOTs for SRA Funding Initiatives**

To accomplish this task, two steps were taken. First, relevant transportation research regarding SRAs was reviewed to provide a context and background for SRA funding nationwide, particularly in the last 20 years. The following electronic databases and news sources were included as part of this search: Transportation Research Information Services (TRIS) Online, TRANSPORT 1988-Present, Research In Progress (RiP), Research Needs Statements (RNS), Transportation Research Record Online, Transportation Communications Newsletter, TRISWorld, AASHTO Journal Weekly Transportation Report, AASHTO Daily Transportation Update, and a Google search engine dedicated to state DOT documents.

Second, two surveys were sent to 49 state DOTs asking them to provide information about (1) implemented actions intended to augment revenues for interstate SRAs; (2) planned actions that were prevented by state or federal code or tabled because of organized opposition; and (3) commercial truck policies and accommodations at interstate SRAs. States were contacted through the AASHTO Research Advisory Committee list-serve and asked to return responses to general questions about the number of SRA closures, whether funding shortages played a role in those closures, cost containment strategies, alternative funding solutions being explored (see Appendix C), and current or planned policies governing commercial freight truck parking (Appendix D).

### **Review and Summary of Existing Regulatory Constraints Pertaining to Interstate SRAs**

To determine the limitations regarding nonpublic funding of interstate SRAs, the federal and state codes governing the characteristics and operations of rest areas located in interstate highway rights-of-way were reviewed and summarized. As a part of the statute review, the research team consulted Edward Kussy, a former chief counsel for FHWA, for expert interpretation and a historical perspective of federal regulations pertaining to interstate highways. In consideration of the fact that the United States is currently operating under an extension of the authorization legislation (i.e., the Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users [SAFETEA-LU] that expired in September 2009), the proposed federal authorization (i.e., the Surface Transportation Authorization Act [STAA] of 2009 ([Committee on Transportation and Infrastructure], 2009a) was reviewed for potential changes in federal policy with respect to highway infrastructure funding if relevant to SRA funding in the future.

### **Survey of Users of Virginia’s Interstate SRAs to Determine Their Perspectives on Potential Funding Alternatives**

Users of Virginia’s interstate SRAs were surveyed to determine their perspectives on potential funding alternatives for Virginia’s interstate SRAs. Known methods used by state DOTs and new ideas gathered from the review of approximately 3,600 comment cards collected by VDOT at Virginia’s interstate SRAs from 2008 through the spring of 2010 were integrated into two survey instruments (see Appendices E and F). The survey was administered by Virginia Commonwealth University’s Survey and Evaluation Research Laboratory to travelers at 12 interstate SRAs randomly selected from Virginia’s 42 interstate SRAs.

The selected sites represented each of the regions of the state as defined by the Virginia Transportation Research Council (VTRC) (i.e., North, Southeast, and Southwest) as well as small (550,000 visitors or fewer per year), medium (between 550,001 and 850,000 visitors per year), and large sites (850,000 visitors or more per year) based on estimated 2008 annual visitation numbers.

Prior to administration of the survey, a pilot was conducted to test the efficacy of the survey instrument for measuring SRA user opinion and finalize interviewer instructions. During the pilot it was discovered that the refusal rate for freight truck drivers was nearly 3 times that for other visitors. As a result, a shorter version of the questionnaire was developed specifically for freight truck drivers (see Appendix F). Interviewers were instructed to offer the shorter version of the survey if a potential respondent initially refused the survey and it was established that the refusing visitor was an on-duty freight truck driver.

The surveys were conducted between August 9 and 31, 2010. A team of trained interviewers was sent to each site to conduct the intercept interviews (in which individual interviewers approached visitors at random intervals and requested their participation in the study). To ensure that travelers with diverse schedules were interviewed, the surveys were conducted on every day of the week and at varying times of the day (e.g., morning, afternoon, and evening).

Finally, interviewers were instructed to survey only individuals aged 18 and over and to request that only one individual per vehicle participate. Interviewers approached possible participants and introduced themselves with a standard introduction that explained who they were, on whose behalf they were working (i.e., the Virginia Commonwealth University Survey and Evaluation Research Laboratory), and the purpose of the survey. They then assured possible participants of their anonymity by informing them that no individual identifying information would be collected. All interviews were conducted with a “paper and pencil” questionnaire and

generally completed by the respondent, although in some cases interviewers had to read the survey to the participant.

### **Interviews of Representatives of Affected Trade Groups to Determine Their Perspectives on Potential Funding Alternatives**

Groups anticipated to be interested directly in how interstate SRAs are funded and operated in Virginia were contacted for interviews to obtain their perspectives on potential funding alternatives. Trade groups representing both interstate SRA users (e.g., American Bus Association, Owner Operator Independent Driver Association, Virginia Trucking Association, and American Trucking Association) and interstate interchange businesses (e.g., National Association of Truck Stop Operators, National Association of Convenience Stores, and Virginia Petroleum, Convenience and Grocery Association) were contacted. Some were identified because of their public record in support of current federal statutory limitations on SRAs, and others were recommended by VDOT Maintenance Division staff, and some were specifically included by the sponsors of the legislation directing this study.

The interview process was initiated by a telephone call to each group's point of contact as designated in the *VDOT Safety Rest Area and Welcome Center Master Plan* (Kimley-Horn and Associates, 2009) or as designated on the group's official website. The person was informed of the study and its purpose, his or her participation was requested, and the person was offered an opportunity for a follow-up telephone discussion of his or her responses. A short document describing a wide, high-level range of potential funding options was subsequently sent by e-mail to each group that agreed to participate (see Appendix G). Most interview participants elected to clarify their responses by way of the telephone discussions.

## **RESULTS AND DISCUSSION**

### **Characterization of VDOT's Current Interstate SRA Operations**

Virginia built the first two ramps to off-road parking sites in the interstate right-of-way in 1957 on I-66 eastbound and westbound at Manassas. In their earliest form, these pull-off areas were known as "waysides." Waysides were first fitted with restrooms in 1964 at two other locations, and the last currently active rest area to be equipped with restrooms had them installed in 1993. In addition to restrooms, standard—even typical—amenities in Virginia now include wheelchair accessibility, informative literature, pay telephones, drinking fountains, vending machines, picnic shelters or areas or both, pet areas, trash and recycling receptacles, grills, and benches. Children's playgrounds are occasionally available. Individual SRA development has occurred gradually over time as travel demand was thought to justify upgrades and as revenues came available, rather than being constructed in final "standardized" form at the groundbreaking (Kimley-Horn and Associates, 2009).

VDOT currently maintains 42 SRAs on Virginia’s highways, 41 of which are on the interstate system. VDOT estimated that nearly 32 million visitors used SRAs in 2008 (VDOT, undated). VDOT’s contract costs for maintaining and operating SRAs are only partially offset by vending sales commissions—the only commercial activity permissible under current federal and state law (see Table 1). Estimates of the magnitude of the discrepancy between contract costs and vending commissions per annual visitor are also shown in this table. Overall, interstate SRA contract costs in FY 2009 were about 16 times as large as VDOT vending commissions. With the fraction of sales that ultimately become VDOT commissions taken in account, the last two columns of Table 1 show estimates of how much new revenue and expenditure, respectively, per annual visitor would have been necessary to offset SRA costs in FY 2009 (assuming vending sales are the only source of VDOT revenue at SRAs).

The *VDOT Safety Rest Area and Welcome Center Master Plan* developed for VDOT in 2009 for the period ending 2026 (Kimley-Horn and Associates, 2009) recommended 14 sites for reconstruction or renovation at an approximate cost of \$42 million (see Table 2). The master plan also recommended additional car and truck parking at existing SRAs at a total approximate cost of \$16 million. In addition, the master plan proposed 6 new SRAs at a total cost of approximately \$64 million (Kimley-Horn and Associates, 2009).

## **Assessment of State DOTs for SRA Funding Initiatives**

### **Review of Relevant Research Regarding SRAs**

Federal code (23 U.S.C. § 111) prohibits commercial “establishment[s] for serving motor vehicle users on any highway which has been, or is hereafter, designated as a highway . . . on the Interstate System” unless the establishment is owned by a state and existed in its location prior to January 1, 1960. This statutory prohibition was intended to preserve the scenic beauty of the then-rural interstate system and to encourage commercial development off-line along these corridors. Even so, some interstate SRAs today are busy commercial hubs where picnic tables and scenic views are rare. The reasons are that (1) federal code exempted some early commercial establishments on federal-aid highways, as stated in 23 U.S.C. § 111; and (2) some roads not built with federal aid “carry” interstate segments today so that the facility is exempt from both federal statutes and federal funding.

In 1957, more than 2,100 miles of state-built toll roads in 14 states were grafted into the interstate highway system (FHWA, 2009a). Commercial facilities located as of 1960 on these grafted-in turnpikes were grandfathered in federal code, i.e., exempted from closure by provisions of 23 U.S.C. § 111(a). Therefore, SRA facilities established before 1960 on these grafted portions of state turnpikes were free to develop into large enterprises. All other SRAs on the National Highway System (NHS) in the interstate right-of-way of the federal-aid highway system—including those in Virginia—have always been subject to the limitations on commercialization imposed by 23 U.S.C. § 111 with no exceptions.

**Table 1. Annual SRA Contract Costs Compared to Vending Revenues**

Interstate	No. of Existing SRAs	Annual Visitors per SRA	FY 2009 O&M Costs <sup>1</sup>	FY 2009 Total VDOT Vending Commissions <sup>2</sup>	± [Commissions – Costs]	Additional Vending Commissions per Visitor Required to Offset O&M Costs	Additional Vending Sales per Visitor Required to Offset O&M Costs
I-64	8	6,643,200	\$3,533,560	\$255,668	\$(3,277,892)	\$0.49	\$1.59
I-66	2	1,087,700	\$644,441	-	\$(644,441)	\$0.59	\$1.91
I-77	3	2,653,600	\$1,144,335	\$51,749	\$(1,092,586)	\$0.41	\$1.33
I-81	14	10,103,400	\$5,450,327	\$222,665	\$(5,277,663)	\$0.52	\$1.67
I-85	5	3,088,000	\$1,690,125	\$133,353	\$(1,556,771)	\$0.50	\$1.63
I-95	9	9,147,000	\$3,540,679	\$324,599	\$(3,216,080)	\$0.35	\$1.13
Total	41 <sup>3</sup>	32,722,900	\$16,003,467	\$988,035	\$(15,015,433)	-	-

SRA = safety rest area, O&M = Operations and Maintenance

<sup>1</sup> O&M costs include property management and utility costs and major repairs.

<sup>2</sup> In FY 2009, VDOT vending commissions were approximately 31% of vending sales revenues, based on an agreement with the Virginia Department of the Blind and Vision Impaired.

<sup>3</sup> Additional SRA on Rt. 13 is not considered in the calculations.

**Table 2. Summary of Existing SRA Expansion Recommendations**

Facility Served	No. of Existing SRAs	Total No. of Annual Visitors	Annual Visitors per SRA	No. of Planned Reconstructions or Renovations	Estimated Cost (millions)	No. of Planned Parking Expansion (car)	Estimated Cost (millions)	No. of Planned Parking Expansion (truck)	Estimated Cost (millions)
I-64	8	6,428,000	803,500	2	\$6.8	100	\$1.0	45	\$1.0
I-66	2	1,091,400	545,700			25	\$2.0		
I-77	3	2,587,900	862,633			10	\$0.1	20	\$0.5
I-81	14	9,687,600	691,971	4	\$6.4	125	\$1.5	124	\$4.0
I-85	5	2,985,800	597,160						
I-95	9	8,581,400	953,489	7	\$28.0	190	\$1.7	120	\$4.3
Rt. 13	1	288,400	288,400	1	\$0.5				
Total	42	31,650,500	753,583	14	\$41.7	450	\$6.3	309	\$9.8

Counts and cost estimates are based on data provided in Kimley-Horn and Associates, *VDOT Safety Rest Area and Welcome Center Master Plan*, 2009.

For example, in California, SRAs on I-5 northbound (a federal-aid highway) have the same basic amenities as Virginia interstate SRAs: restrooms, water, picnic tables, a pay phone, handicapped access, and pet areas. Several of these SRAs on I-5 have sanitation stations for recreational vehicles and several have vending machines (California DOT, 2010). Nearer to Virginia, a West Virginia interstate SRA on the federal-aid portion of I-64 provides only car and truck parking, a sanitation station for recreational vehicles, and picnic tables (West Virginia DOT, 2010).

In contrast, the West Virginia Turnpike—built by the state and opened in 1954 and “carrying” 88 miles of I-77 and I-64 today—hosts three travel plazas, a welcome center, a tourist information center, and a basic SRA (such as described above for West Virginia). The Beckley Travel Plaza, in particular, houses professional travel/tourism counselors, a West Virginia Made craft shop, fast food, coffee, ice cream, a convenience grocery, a 24-hour fuel station including a diesel island, automotive accessories, a truckers’ lounge, ATM and FAX services, showers, a vending and game room, motor coach hospitality, and a Sun Room Eating Area. The operations of the Beckley Travel Plaza are leased to Host Marriott Services, long familiar in travel plaza operations on the East Coast and now a leader in Midwest travel plaza management (West Virginia Parkways Authority, 2010).

These examples of the extremes of services and amenities available at interstate SRAs illustrate why some states are more than eager for the liberalization of federal code that presently inhibits commerce at interstate SRAs. Several state DOTs are likely to pursue that eventual goal steadily, but others would like to identify solutions sooner, according to information gathered in the assessment of state DOTs for SRA funding initiatives.

Although states have long been interested in the commercialization of SRAs and have conducted studies on the subject for more than 20 years, earlier studies appear to have underestimated the scope of 23 U.S.C. § 111 and other interstate-related sections of federal code and therefore did not lead to a permanent alteration of traditional SRA funding. Over the last 2 years, however, the funding of SRAs became a public subject of urgent interest when state DOTs faced unexpectedly irate citizens after SRA closures. To keep their SRAs open, state DOTs have tried to develop new approaches within federal code and have reconsidered older ones. Ultimately, the literature review of state DOT initiatives showed that SRA funding ideas thought to require no changes to federal code have emerged along two tracks, the first requiring “small-scale” business changes of limited, practical scope—as well as immediate but limited revenue potential—and the second requiring large-scale physical redesign, relocation, and/or conceptual transformation of SRAs into different entities expected to be capable of self-funding over the long term.

Small-scale nonpublic funding strategies for interstate SRAs that do not appear to exceed current restrictions include the expansion of vending sales; the expansion and enhancement of paid advertising, and solicitation for paid corporate sponsorship of SRAs possibly based on concessionaire management (and possibly through public-private partnership [PPP] agreements), the leasing of space at SRAs for cell tower and solar energy enterprises, and the provision of a wireless Internet connection for travelers in exchange for viewing electronic advertisements prior to connecting to the Internet (see Appendix H). [As used in this report, *advertisement* is any

visual display or brochure promoting an entity (e.g., Virginia Blood Services or McDonald's). *Sponsorship*, a subset of advertisement, describes various arrangements from most prominent advertiser to SRA naming rights.]

As a strategy to find funding for the 13 (of 18) highway rest areas that were closed in the last 3 years, the Arizona legislature has debated options ranging from higher vehicle registration fees benefiting both state parks and rest areas (Harrison, 2010; "Arizona Considers Raising Fees," 2010) to offering highway rest areas to volunteer benefactors to maintain ("Arizona Legislators Seek to Reopen Closed Facilities," 2010). [It should be noted that Arizona found sufficient funding in its stabilizing budget, after months of negative news coverage, to reopen a number of its closed rest areas in the fall of 2010.] More decisively abandoning the quest for additional funding to keep facilities open, the Texas DOT permanently reduced its inventory of rest areas by 10 over recent years in order to focus funds more effectively on remaining sites ("State DOT Leaders Review Options for Commercialization," 2010), and New York is scheduled to close 6 interstate SRAs by the end of 2010 ("New York Closing Rest Areas," 2010). North Carolina also closed 2 rest areas in the expectation that the counties in which they are located will assume their costs and eventually reopen them at no cost to the state (North Carolina Board of Transportation, 2010).

Large-scale strategies that appear to be permissible (i.e., subject to FHWA approval) at present include the commercial development of properties adjacent to (but outside the interstate right-of-way and therefore outside the purview of federal code restricting commercialization) and with pedestrian access to interstate SRAs (known as traveler services rest areas, or TSRAs) (Kress and Dornbusch, 1991; Dornbusch and Associates, 2007) and the replacement of interstate SRAs with regional welcome/tourist centers under PPPs (Masteller, 2003). Each option in the wide range of choices revealed in the state DOT initiatives (see Appendix H for a tabular summary) appears to be compliant with federal code (i.e., subject to FHWA approval), although by being site-specific solutions they are likely to yield smaller revenue streams than a modification of federal restrictions on commercialization of SRAs could provide.

Yet as noted, the literature also shows that states realize that modification of 23 U.S.C. § 111 (SRA commercialization prohibitions) is not the only potentially beneficial amendment of federal code with relevance for nonpublic SRA funding. Two other changes could also deliver sufficient nonpublic revenues for some or all SRAs. First, interstate SRA truck parking with electrification in exchange for user fees is of perennial interest to state DOTs (Hamilton, 1999; PRR, Inc., 2008; Wilbur Smith Associates, 2008). Second, four states have demonstrated interest in interstate tolling to generate funding for entire highway corridors, including SRA facilities, by applying for spaces in interstate tolling pilot programs (FHWA, 2010a). The ultimate "form" of the interstate SRA resulting from any of these changes to federal code (discussed here and later), however, will respond to the strategy undertaken: both modification of § 111 and provision of truck parking at SRAs for a fee would cause SRAs to become wholly or partly "commercialized" through repeal of—or new permissions inserted in—23 U.S.C. § 111; and in the tolling option, current SRAs could remain in Virginia's tradition, simple waysides off the interstate highway.

Because of the range of low-level, relatively quick implementation options under consideration by state DOTs and the fact that three federal code restrictions with implications for nonpublic funding of SRAs are of enduring interest to state policymakers, the research team contacted state DOT personnel in charge of SRAs by means of surveys to gain further insight into how DOTs are actually responding to funding shortages affecting SRAs.

## **State DOT Surveys**

Two surveys of 49 state DOTs were conducted. The first (see Appendix C) was designed to identify funding alternatives employed or explored by state DOTs with the same commercialization restrictions as VDOT. The second (see Appendix D) comprised a closer inquiry into truck parking policies and whether states anticipated any revenue potential in enhanced truck parking facilities (to include electrification for idling reductions). Outlined here are the general observations regarding the results of the two surveys. States' specific responses to the first survey are provided in Appendix I, and those to the second survey are provided in Appendix J.

### *Survey 1*

- Seventeen of 49 states responded: Arizona, California, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Mexico, Ohio, Utah, Washington, West Virginia, and Wisconsin.
- Only 2 of the 17 responding states, i.e., Louisiana and Wisconsin, had SRAs closed because of funding shortages at the time the survey was distributed (August 2010).
- Although most states have considered different funding alternatives, including increased advertising, increased vending, and PPPs, no states are currently applying any type of funding alternative. Most states reported that their major efforts are directed toward cost reductions.
- None of the responding states reported exploration of user fees of any kind at their SRAs.
- Fifteen of the 17 responding states indicated an interest in commercialization, but most are taking a “wait-and-see” approach.

### *Survey 2*

- Nineteen of 49 states responded: Florida, Iowa, Indiana, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, North Dakota, Nebraska, New Jersey, Ohio, Pennsylvania, Texas, Washington, West Virginia, and Wisconsin.
- Fourteen states legally allow “sundown to sunup” (overnight) truck parking; 4 have 2- to 3-hour parking limits but do not enforce them for trucks; 1 state reports a prohibition of overnight parking and reports enforcement of this regulation.

- No states provide electrification for truck idling reduction.
- Most states report that overnight truck lots have some degree of law enforcement provided. This ranges from occasional drive-throughs by Highway Patrol to a security guard presence from 6 P.M. to 6 A.M.
- If they had more space or money, 5 states would add truck parking spaces.
- Truck idling reduction facilities for trucks are of interest to 2 states.

### **Existing Regulatory Constraints Pertaining to Interstate SRAs**

Interstate SRAs look very different across the United States, depending on a state's interstate highway history. After nearly 195 miles of northerly travel along I-95 through Virginia, where interstate SRAs typically offer parking, attractive green space, restrooms, and vending machine food and drinks, the traveler stopping at the Maryland House rest area on I-95 finds choices of fresh pastries, auto repair services, and competitive fuel stations and can get assistance from travel guide services, postal services, and Internet access. Lying nearly 82 miles north of the Virginia-Maryland state line, Maryland House is a busy commercial service plaza located in the highway median in the interstate right-of-way, serving both directions of traffic. Only 14 miles north along I-95 the traveler may stop again at Chesapeake House Welcome Center, a second Maryland rest area with a similar degree of commerce.

These two extraordinary facilities are the only ones of their class in Maryland, and they are under the control of the Maryland Transportation Authority rather than the Maryland DOT. They exist as exceptions under current federal law because the tolled section of highway between Exit 67 and the Maryland-Delaware state line was originally built by the state and continues to be funded by tolls, making it ineligible for federal aid. Christened the John F. Kennedy Memorial Highway in November 1963 (AARoads, 2009), the highway now "carries" I-95. Delaware features Delaware House on a tolled portion of I-95, originally the Delaware Turnpike and built in conjunction with the John F. Kennedy Memorial Highway from 1962 through 1963 (AARoads, 2009). Concurrent with the numerous amenities evident at these commercial interstate service plazas, the Maryland DOT was forced to close one rest area permanently because of funding constraints (Maryland State Highway Administration [SHA], undated).

In Virginia, interstate SRAs were originally simple pull-offs, or waysides, on federally funded interstate highways. Thus, Virginia and similar states are subject to the full restrictions of 23 U.S.C. § 111 and related federal statutes; Virginia is also subject to state laws intended generally to comport with federal law (although some more recent state laws were crafted to allow flexibility from a change in federal code prohibiting interstate tolling should it ever occur). These limiting statutes are enumerated here. In addition, however, federal code contains several programs originating in the federal transportation authorizations since 1991 that are specifically intended to generate long-term highway infrastructure funding and therefore have relevance for interstate SRA funding. These are also discussed here.

The task of identifying feasible sources of nonpublic SRA funding was complicated by the expiration of SAFETEA-LU in September 2009 and the uncertainty about the shape of the next federal authorization, to be enacted possibly in the fall of 2011. The proposed federal transportation authorization, i.e., the STAA of 2009 ([Committee on Transportation and Infrastructure], 2009a), departs substantially from the user fee (i.e., nonpublic) funding concepts preserved and advanced over the last three federal transportation authorizations by emphasizing a need for closer federal oversight of PPPs and highway tolling projects undertaken by states. The possible implications of these elements of the proposed STAA of 2009 are discussed here.

### **Permissible Characteristics of Virginia Interstate SRAs Provided in Federal and State Law**

The basic characteristics and amenities of Virginia SRAs are determined by federal law defining their permissible functions as part of a federal-aid highway and by state law providing specific further limitations and regulations (as well as failing to prohibit others). Given these constraints, Virginia rest area development has been generously responsive to the comfort of travelers, as was implied by the unpopularity of the SRA closures in 2009. It is without doubt that, in accordance with federal law over the last 50 years, Virginia has honored the original purpose of restful motorist waysides by preserving the natural beauty of the areas now known as “interstate safety rest areas.”

#### *United States Code*

Title 23 of the United States Code addresses highways, and Chapter 1 specifically addresses federal-aid highways.

#### **23 U.S.C. § 131. Control of Outdoor Advertising.**

Section 131 addresses restrictions on outdoor signage for the purpose of scenic view preservation along interstate highways, although exceptions are enumerated in extensive detail. Congress established control over outdoor advertisements along the interstate in 1958 with the intent to safeguard “public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty” (23 U.S.C. § 131 (a)). Section 131 also authorizes the state to operate information centers and provide maps, information directories, and advertising pamphlets pertaining to a state’s “places of interest” as well as other information a “State may consider desirable,” subject to FHWA approval (23 U.S.C. § 131(i)). Notwithstanding the exceptions, the sense of Section 131 is twofold: (1) to prevent a gaudy display of advertising billboards lining interstate highways, whose natural beauty was to be guarded, and (2) to encourage states to provide local information at rest areas for the fuller accommodation of travelers. To summarize, preservation of the scenic value of the interstate highway was of significance to the U.S. Congress, yet travelers were to be offered local information that would add enjoyment to their journeys on those highways.

Rest areas are addressed earlier in Section 111 of U.S. Code Title 23, but the purpose of that section is to place limitations on activities that may occur at those locations on interstate highway rights-of-way. Therefore this discussion proceeds to other federal and state regulations determining the characteristics of SRAs before returning to Section 111.

*Code of Federal Regulations*

The Code of Federal Regulations (C.F.R.) provides interpretation of and guidance on implementation of the United States Code.

**23 C.F.R. § 752 Landscape and Roadside Development.**

*23 C.F.R. § 752.2. Policy.*

Section 752.2 interprets U.S.C. Title 23 to require the “preservation of adjacent scenic lands [as] a necessary component of highway development.” Moreover, “the development of travel information centers and systems . . . as an effective method of providing necessary information to the traveling public” is recommended as cited here.

*23 C.F.R. § 752.5. Safety Rest Areas.*

Approved features of a simple SRA are (1) “facilities reasonably necessary for the comfort, convenience, relaxation, and information needs of the motorist,” including “scenic quality,” “accessibility and adaptability,” and utilities and facilities that keep abreast of rising service-level norms over time; (2) “caretaker quarters” if necessary; (3) full “accommodation for the handicapped”; (4) vending machines operated by the state or by a contractor (subject to specific requirements discussed later) for food, drink, and other state- and FHWA-approved articles, strictly excluding petroleum products or vehicle repair parts; (5) access to adjacent public recreational areas if nondisruptive to SRA use; and (6) “[n]o charge to the public . . . for goods and services . . . except for telephone and articles dispensed by vending machines.”

It is worth noting that this guidance specifies (1) that “[t]he scenic quality of the site, its accessibility and adaptability, and the availability of utilities are the prime considerations in the selection of rest area sites” and (2) that rest areas planned for suburban or urban areas “shall be special case and must be fully justified before being authorized by the FHWA.”

*23 C.F.R. § 752.6. Scenic Overlooks.*

“Scenic overlooks may provide facilities equivalent to those provided in safety rest areas.”

*23 C.F.R. § 752.7. Information Centers and Systems.*

In general, (1) the state may transform existing rest areas into state-operated information facilities, may lease the operation of information facilities after state construction, or may lease both construction and operation, and (2) no vendor logos or advertisements may be “legible from the main traveled way,” being restricted to the interior of the building, if one exists. Information of “specific interest” to travelers may be offered within the interstate right-of-way although it is still subject to the outdoor advertisement restrictions in 23 U.S.C. § 131.

*23 C.F.R. § 752.8. Privately Operated Information Centers and Systems.*

Specific permissions granted to the states include the option to “permit privately operated information centers and systems” provided that (1) the state retains title to the center when the lease expires; (2) advertising is limited to “matters relating to and of interest to the traveling public”; (3) all advertisers deemed qualified by the state have equal access “at reasonable rates”; (4) at most, 60% of advertising area is offered for paid advertisement; and (5) advertising space may not be leased to advertisers who practice discrimination by race, color, or national origin. In addition, with respect to the “private operator” the state must enforce adequate cleanliness and sanitation standards, may establish “reasonable rules and regulations . . . in the interests of the public,” and may terminate the lease for failure of the private operator to meet its requirements. This section of the C.F.R. again notes that no charges for “goods and services” other than telephone service and vending machine items may be made to the public.

*23 C.F.R. § 752.11. Federal Participation.*

Finally, the C.F.R. also clarifies the limits to federal funding participation in SRA facilities. Although federal-aid highway funds may be used for “acquisition and development of safety rest areas,” they may not be applied to costs of “assemblage, printing, or distribution of information materials; for temporary or portable information facilities; or for installation, operation, or maintenance of vending machines.”

*Code of Virginia*

Title 33.1 of the *Code of Virginia* provides state law on the subject of highways, bridges, and ferries.

**§ 33.1-217. Establishment of Recreational Waysides.**

Section 217 endorses the establishment of highway waysides.

**§ 33.1-218. Rules and Regulations for Use of Recreational Waysides.**

Section 218 identifies the Commonwealth Transportation Board (CTB) as the rulemaking body for Virginia waysides.

**§ 33.1-219. Such Waysides Part of Interstate, Primary or Secondary System.**

Section 219 categorizes waysides acquired “in the best interest of the operation of the interstate” as “part of the interstate” highway system.

*Virginia Administrative Code*

Title 24 of the Virginia Administrative Code (V.A.C.) provides state agency rules for the nine state agencies governing “Transportation and Motor Vehicles.” VDOT (Agency 30) has one chapter on “Rules and Regulations for the Administration of Waysides and Rest Areas.”

## **Title 24. Transportation and Motor Vehicles.**

### *24 V.A.C. 30-50-10. Waysides and Rest Areas.*

In addition to reserving to the Commonwealth the right to limit parking duration at waysides and rest areas with notification by local postings, item (D) categorically prohibits overnight parking in any state wayside or rest area. Item (M) states: “No person shall offer any article or thing for sale within this area except by permission of the Commonwealth Transportation Board.”

## **Latitude Under Federal and State Law for Commerce at SRAs Located in the Interstate Rights-of-Way**

One section of the U.S.C. governing federal-aid highways, 23 U.S.C. § 111, specifically prevents commerce from occurring freely at most interstate SRAs. Its original intent was to ensure that enterprises at interchanges would receive the business of travelers; the confinement of commerce to interchanges also served the goal discussed previously of preserving the highway corridor from commercial development. In addition to prohibiting most commerce, 23 U.S.C. § 111, specifies the terms and type of vending allowable at interstate SRAs.

### *United States Code*

#### **23 U.S.C. § 111. Agreements Relating to Use of and Access to Rights-of-way— Interstate System.**

As with 36 other states, all of Virginia’s interstate SRAs are subject to 23 U.S.C. § 111, which forbids states to “permit automotive service stations or other commercial establishments for serving motor vehicle users to be constructed or located on the rights-of-way of the Interstate System” unless the establishment existed before January 1, 1960; is state-owned and “operated through concessionaries or otherwise”; and “if all access to, and exits from, such establishment conform to” highway standards set forth in Title 23 (Chapter 1, Federal-Aid Highways).

Vending machines are permitted and operated at Virginia’s interstate SRAs under 23 U.S.C. § 111(b), which states that “such vending machines may only be operated by the State” and that vended items must be approved by the state DOT. Most significant, however, “[i]n permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to” the Randolph-Sheppard Act of 1936 (20 U.S.C. § 107(a)).

#### **20 U.S.C. § 107a(a). Functions Of Secretary; Surveys; Designation of State Licensing Agencies; Qualifications for License; Evaluation of Programs.**

In 1936, the Randolph-Sheppard Act of 1936 (20 U.S.C. § 107(a)) established, as one of the functions of the U.S. Secretary of Education, the designation of the State agency for the blind “to issue licenses to blind persons who are citizens of the United States for the operating of vending facilities on Federal and other property in such State for the vending of newspapers,

periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency, and including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State.”

Since vending was first installed at Virginia interstate SRAs in 1987 (Perfater, 1988) contracts have been procured and managed by the Virginia Department of the Blind and Vision Impaired (DBVI, formerly Virginia Department of the Visually Handicapped) in accordance with the requirement of the Randolph-Sheppard Act of 1936 (20 U.S.C. § 107(a)) that “such income be applied for the benefit of blind licensees . . . .”

#### *Non-Regulatory Supplements to the Code of Federal Regulations*

Non-regulatory supplements facilitate the implementation of federal law by discussion of its intent and purpose in unusual or unanticipated applications.

#### **FHWA-FAPG NS 23 C.F.R. 752-1(d). Non-Regulatory Supplement, 1992.**

This non-regulatory supplement to the C.F.R. clarifies that

the only application the RSA [the Randolph-Sheppard Act of 1936 (20 U.S.C. § 107(a))] has to Title 23 Section 111 is to establish the licensing agency in each State that is to be given priority. With the exception of rest areas on Federal lands, none of the RSA requirements apply to vending machines in Interstate rest area (FHWA, 1992).

Interstate SRAs in Virginia lie in the interstate highway right-of-way on state property (VDOT Maintenance Division, unpublished data).

#### **FHWA-FAPG NS 23 C.F.R. 752-1(e). Non-Regulatory Supplement, 1992.**

“[I]f the designated Randolph-Sheppard Act agency waives its rights in writing, the State highway agency is free to negotiate agreements described in paragraph 1a of this supplement with any organization or corporation.” Those agreements allow second parties under contract to the state to install, operate, and maintain vending machines and require written contracts for all agreements while requiring the state to retain “full responsibility for and control over all activities within the rest area” (FHWA, 1992).

#### *Code of Virginia*

#### **§ 33.1-218. Rules and Regulations for Use of Recreational Waysides.**

In addition to investing SRA rulemaking authority in the CTB as noted earlier, Section 218 defines an active oversight role for the CTB and reserves specific actions governing waysides (including interstate SRAs) to the CTB, “including rules and regulations relating to (a) the time, place and manner of parking of vehicles, (b) activities which may be conducted within such waysides, [and] (c) solicitation and selling within the waysides.”

**§ 33.1-60. Business Enterprises Restricted.**

Consistent with current federal code, § 33.1-60 of the *Code of Virginia* provides that “[n]o commercial establishment or business enterprise shall be constructed or located upon any right-of-way of any limited access highway.”

**§ 33.1-370. Special Provisions Pertaining to Interstate, National Highway System, and Federal-Aid Primary Highways.**

In § 33.1-370:

[t]he Commonwealth Transportation Board is hereby authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas, and to establish information centers at rest areas for the purpose of informing the public of places of interest within the Commonwealth and providing such other information as may be considered desirable.

**§ 51.5-60. Persons with Disabilities. Definitions.**

In Title 51.5 of the *Code of Virginia*, Chapter 12 on the subject of “Persons Who Are Blind and Vision Impaired” clarifies the state’s intent with respect to licensing and permitting of vending machines to benefit the qualified blind population of Virginia. This section specifies that

“vending machine” means a coin or currency operated machine that dispenses articles or services, except that those machines operated by the United States Postal Service for the sale of postage stamps or other postal products and services, machines providing services of a recreational nature, and telephones shall not be considered to be vending machines.

**§ 51.5-100. Operation of Vending Machines at Rest Areas on Interstate Highways.**

Here the partnership between DBVI and VDOT under the Randolph-Sheppard Act of 1936 (20 U.S.C. § 107(a)) as it applies to interstate SRAs is defined:

The Department [DBVI], in cooperation with the Department of Transportation, is authorized to operate vending machines at rest areas on the interstate highways in the Commonwealth and to use the net proceeds from such operations to establish and operate vending stands and other business enterprises as defined in Article 1 (§51.5-60 et seq.) of this chapter and to provide health insurance for blind vendors.

**§ 51.5-79. Operation by Blind Persons.**

According to § 51.5-79, the Commonwealth shall not charge a fee to blind operators of vending machines placed “in or on any buildings, land or other property owned or leased to the Commonwealth other than rights-of-way for interstate highways and property of community colleges.” VDOT currently shares interstate SRA vending machine commissions (about 63% of sales revenues) equally with DBVI. Specifically, in FY 2009, VDOT, DBVI, and vending sales management received roughly 31%, 31%, and 37% of sales revenues, respectively (VDOT Maintenance Division, unpublished data).

## **When Interstate SRAs Impinge on Areas of Historic or Scenic Significance**

States are responsible for the maintenance and operations costs of their interstate SRAs under the provisions of 23 U.S.C. § 116, and federal funds may not generally be used for routine SRA expenses. In 1992, however, Congress directed grant funding out of the Highway Trust Fund toward new activities known as “transportation enhancements (TE) activities” to assist states in making their unique cultural and natural assets accessible to the public by means other than motorized vehicle (e.g., by trail or rail). TE funds may be applied only to specific eligible projects, but tourist services and welcome centers on interstate highways adjacent to historic or scenic sites are on the short list of approved activities (23 U.S.C. § 101(a)(35)). Virginia is uniquely rich in American history as well as natural beauty, and the interstate highways that traverse the state do occasionally impinge on such areas. If notable sites are contiguous to interstate rest areas, certain enhancement projects may qualify for federal grants through the TE program, visitation might respond positively, and traditional vending might yield greater revenues. Longer term and more extensive economic benefit, however, would be obtained from the replacement of a traditional interstate SRA with a regional, commercial facility located off the interstate right-of-way, possibly at an interchange, that is designed deliberately to support and enhance tourism at a scenic or historic site. According to FHWA interpretation, it is possible that federal grants administered through the TE program could play an important funding role in such a project (C. Douwes, unpublished data).

The TE program component of the federal Surface Transportation Program was begun in 1992 and had offered more than \$9 billion to states as of 2009. The purpose of the TE program is to guide funds to improvement of the environment around the transportation system, with a focus on diversification of travel mode choices and the preservation of scenic and historic sites along transportation corridors in order to “improve America’s travel experience” (National Transportation Enhancements Clearinghouse [NTEC], 2010). An NTEC survey of TE programming for FY 1992 through FY 2009 found that TE projects had been typically initiated locally by city or county governments or community organizations, although state DOTs can initiate projects in addition to bearing responsibility for distributing the state’s apportioned TE funding (NTEC, 2010).

Since 1992, TE investment has been consistently led by walking and bicycling projects (56.4% of funds), followed by landscaping and beautification projects (18.3%) and historic preservation and rehabilitation of historic transportation facilities (13.7%). Other categories account for the remaining 12% of programmed funds. As for all federal-aid highway program funds except the Recreational Trails Program, routine maintenance and operations at SRAs are ineligible uses of TE grants and, according to FHWA, TE funds may not be used for “typical highway rest areas” (C. Douwes, unpublished data).

**23 U.S.C. § 133. Surface Transportation Program.  
(d) Allocations of Apportioned Funds (2) For Transportation Enhancement Activities.**

Since 1992, 23 U.S.C. § 133 has provided funding for “transportation enhancement activities” as part of a state’s federal allocation for its Surface Transportation Program. It is unlawful for a state to fund TE activities below a threshold described in federal code (23 U.S.C. § 133(d)(2)), so that funds for TE projects are effectively a mandatory part of a state’s Surface Transportation Program. Yet they may be lawfully transferred to other federal-aid highway programs under the Uniform Transferability Provision (23 U.S.C. § 126) (NTEC, 2010).

**23 U.S.C. § 101. Definitions and Declaration of Policy.  
(a) Definitions (35) Transportation Enhancement Activity.**

Eleven items are specified as eligible TE uses of a state’s surface transportation program funds, among which is “(D) Scenic or historic highway programs (including the provision of tourist and welcome center facilities)” (23 U.S.C. § 101(a)(35)(D)). In 1998, The Transportation Equity Act for the 21st Century (TEA-21) added scenic or historic highway programs, along with several other activities, to eligible TE activities.

*Code of Virginia*

**§ 33.1-223.2:15. Use of Certain Federal "Transportation Enhancement" Grants.**

Under Virginia state law, the CTB “shall, in accordance with federal law and guidelines for projects qualifying as ‘transportation enhancements’ as defined in 23 U.S.C. § 101 (a) (35), take such measures as may appear necessary or convenient to consider projects that will ... address improvements to highway rest areas and welcome centers” using federal TE funds available only for the purposes enumerated in federal code (*Code of Virginia* § 33.1-223.2:15; 23 U.S.C. § 133(d)(2)). In Virginia, the CTB selects TE projects and VDOT’s Local Assistance Division administers TE funds to recipients on a reimbursement basis.

Although 12th in the nation for cumulative available TE funds over FY 1992 through FY 2002, Virginia was 5th highest in the nation over the period FY 2002 through FY 2009 for transfers of TE funds to construction of other NHS-eligible projects under the Uniform Transferability Provision.

Based on data collected by NTEC, from FY 1992 through FY 2009, Virginia obligated 100% of its TE funds but registered the lowest reimbursement rate (62.8% as a percentage of obligated funds) of all states (NTEC, 2010). Perhaps to address this discrepancy, the CTB issued a policy revision in December 2009 to be implemented over the following 2 years that stressed the completion of TE projects as a priority over the initiation of new projects (VDOT, 2010b).

In June 2010, the CTB awarded \$3.5 million in TE grants to facilitate projects between VDOT and other entities in support of Virginia’s commemoration of the 150th Anniversary of

the Civil War (CTB, 2010; VDOT, 2010). These plans currently entail electronic terminals at interstate welcome centers to provide information to visitors about nearby historic battlefields, displayed in the context of Virginia's scenic road map. To maximize an opportunity to boost local tourism-based commerce, information about nearby wineries will also be available.

TE grants have the potential to fund the purchase of easements on properties of extraordinary scenic or historic value with close proximity to interstate highway rest areas, according to FHWA guidance (C. Douwes, unpublished data).

More important in the present context, if a rest area is located on a scenic or historic highway, it may be eligible for enhancement with TE funds into a regionally or privately operated full-service visitor center for the local attraction. Enhanced facilities serving tourists at an extraordinary natural or historical location may be reasonably expected to stimulate a local economy more effectively than a traditional Virginia interstate SRA could. In short, at extraordinary locations, TE funds have the potential to break ground in preparation for regionally owned, regionally managed commercial enterprise visitor centers facilitating new regional economic development and, in one scenario, might enable a nearby traditional interstate SRA to be deemed functionally surplus and thus repurposed to a lower cost use.

The Top-of-Iowa Welcome Center, located at an interchange on I-35 and serving both directions of traffic, is an example of a PPP that provides an official interstate rest area on one level of the facility and retail space and tourist information on the second level. The Iowa DOT contributed to the facility's construction funding and pays a portion of yearly maintenance costs (Masteller, 2003). In Virginia, the combination of this business model with a historic site eligible for TE grants might provide a thoroughly superior replacement facility for a traditional SRA.

### **Tolling of Interstate Highways for Self-Funding of Facilities**

In 1916 when the Federal-Aid Highway Program first emerged, policy was established to deny the use of federal aid for tolled highways and structures. By 1956, it was apparent that some major tolled highways constructed by states were compatible with the developing NHS. Congress subsequently grafted certain of these facilities into the NHS, allowed tolls to continue to fund them, and thereby conserved federal fuel tax revenues for allocations to untolled facilities on the NHS.

*United States Code*

#### **23 U.S.C. § 301. Freedom From Tolls.**

Section 301 of title 23, U.S. Code states that “[e]xcept as provided in section 129 of this title with respect to certain toll bridges and toll tunnels, all highways constructed under the provisions of this title shall be free from tolls of all kinds.” Thus, in 1958, 23 U.S.C. § 301 took effect to prohibit tolling of interstate corridor highways originally built with federal aid (Public Law 85-767, 72 Stat. 912, Aug. 1958).

Over the last 20 years, three federal transportation authorizations have incorporated new programs that provided flexibility in highway funding by loosening the toll-forbidding grip of 23 U.S.C. § 301 in stages. These tentative liberalizations resulted from political and economic shifts that favored more direct user fees (i.e., tolls) to fund rehabilitation and reconstruction of aging (and costly) interstate infrastructure, and more recently even new construction of interstate highways. The most significant single shift in federal law with potential relevance for SRA funding occurred in 1998 in the form of permissions for pilot projects of tolls on interstate facilities for the funding of operations, maintenance, and improvements of those specific facilities, 23 U.S.C. § 301 notwithstanding.

In 1991, the liberalization of rules to permit federal aid for interstate bridges and tunnels that would convert (or revert) to tolls after rehabilitation suggested that there was federal concern about satisfactory funding over time for the NHS if the major funding mechanism remained the motor fuel tax. The two tolling pilot projects affecting interstate highways that were subsequently codified seem to have followed from the same rationale. Their relevance to nonpublic funding of SRAs stems from the fact that no federal statutory language at present specifically prevents SRAs from being considered part of a highway facility and therefore eligible for funding from tolls collected on the facilities on which they are located.

### **23 U.S.C. § 129. Toll Roads, Bridges, Tunnels, and Ferries.**

#### *(a) Basic Program (1) Authorization for Federal Participation.*

In 1991, 23 U.S.C. § 129 was amended to allow federal aid to be used for interstate bridges and tunnels that would convert to toll-funding after rehabilitation or would revert to tolling even after original toll-generated debt payments to lenders had been completed and original tolls had been terminated in accordance with then-prevailing federal code (23 U.S.C.S. § 129). In other words, toll-free bridges and tunnels could be reconstructed or replaced with federal participation and then become toll facilities for future funding. The intent of the federal amendment was to facilitate the “proper operation and maintenance” of bridges and tunnels by facilitating adequate revenue streams; previous law required tolls to be terminated upon final payment of costs to the state (or other public authority) of construction or acquisition (23 U.S.C.S. § 129).

Current requirements in federal code for toll agreements pertaining to bridges and tunnels receiving federal aid for repairs specify prioritized use of toll revenues as follows: “first for debt service, for reasonable return on investment of any private person financing the project, and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation” (23 U.S.C. § 129(a)(3)). Accordingly, under current law (1) the toll rate is set by the toll authority, in compliance with state and local laws and regulations, to recover debt costs; and (2) the state retains the decision whether to terminate tolls when the debt is fully repaid. Current law allows toll revenues in excess of those needed for the payments to be spent for other Title 23 purposes, both highway and transit, if “the State certifies annually that the toll facility is being adequately maintained” (FHWA, 2010c). Under current federal code, FHWA need not review these state decisions.

Although funding of interstate SRAs is not directly linked with tolling of interstate bridges and tunnels, the flexibility added in 1991 to allow federal aid to be used for structure repairs before conversion or reversion to tolls foreshadowed federal awareness that motor fuel tax revenues were trending toward insufficiency relative to the task of maintaining all of the nation's interstate assets in satisfactory condition. Indeed, the two subsequent federal transportation authorizations moved federal code further in the same direction, potentially impacting the funding of interstate SRAs more directly.

*Interstate System Reconstruction and Rehabilitation Pilot Program.*

In 1998, the Interstate System Reconstruction and Rehabilitation Pilot Program (Public Law 105-178) was inserted in 23 U.S.C. § 129, allowing states to initiate tolls on existing federal-aid interstate highways for the narrow purposes given in the program title. Although no federal funds were allocated for the pilot program, Virginia submitted a proposal for I-81 and was awarded one of three program spaces in 2002. In early 2010, the state requested permission from FHWA to shift its tolling authority to I-95 from I-81 for the purpose of offsetting the costs of operations, maintenance, and planned improvements of I-95. As of this date, Virginia awaits a decision by FHWA. Missouri was awarded the second of three slots in the pilot program in 2005 for tolling of I-70.

*Interstate System Construction Toll Pilot Program.*

In 2005, the federal government approved, on a trial basis, the use of tolls for the construction of three interstate facilities in the Interstate System Construction Toll Pilot Program under Section 1604(c) of SAFETEA-LU (Public Law 109-59). The public interest is protected from the outset by project-qualifying requirements such as prior consultation with the relevant metropolitan planning organization, if any, on toll placement and rates. In addition, analysis is required to demonstrate the relative cost-effectiveness of tolls as a funding strategy for construction of any facility submitted for consideration.

Project selection requirements under the program are attentive to both the fiduciary trust and the functional convenience of users: the cost-effectiveness analysis must be reasonable, no traveler groups should be unduly burdened relative to others, toll collection should be automated, and the public toll agency must have demonstrated its capability to operate an interstate toll facility. Contracts may not preclude the state from improving an alternate untolled facility potentially carrying diverted traffic if the improvements serve safety, surface restoration, or congestion-reduction needs, and toll revenues will be used only for debt service, reasonable return on investment, and other facility-specific costs, subject to regular audits transmitted to the U.S. Secretary of Transportation. Of note is the fact that the tolled interstate facility will be ineligible for federally apportioned interstate maintenance funds in the expectation that toll revenues will meet funding need. It is understood that this requirement will incentivize sharper scrutiny and evaluation of highway projects before they are submitted as program candidates.

The program will accept applications until August 10, 2015. As of August 2007, I-73 in South Carolina has occupied one of the three slots (additional states may apply to participate in the I-73 project) and two remain available for different interstate highways (FHWA, 2010b).

**§ 33.1-23.03:10. Tolls for Use of Interstate Highway System Components.**

The *Code of Virginia* addresses tolling of interstate highways in § 33.1-23.03:10 entitled “Tolls for use of Interstate Highway System Components.” Although Virginia terminated tolling on the Richmond Petersburg Turnpike in 1992 coinciding with completion of a free parallel route (and also in compliance with a special requirement regarding the turnpike in 23 U.S.C. § 129), state code proactively authorizes the CTB to “impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate Highway System within the Commonwealth” except I-81, which alone requires advance approval by the General Assembly. Under state law, toll revenues would supply the Transportation Trust Fund with income for allocation by the CTB to “pay or finance all or part of the costs of programs or projects, including without limitation the costs of planning, operation, maintenance and improvements incurred in connection with the toll facility provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility”; repay specific borrowed funds; and pay the CTB’s “reasonable costs and expenses incurred in the administration and management of the Toll Facility” (*Code of Virginia* § 33.1-23.03:10).

Moreover, the *Code of Virginia* affirms the identification of SRAs as being “part” of their host highway systems. In the context of designating the CTB as the rulemaking body for “establish[ing] rules and regulations for the use of recreational waysides including rules and regulations relating to . . . the motoring public” (*Code of Virginia* § 33.1-218), the *Code of Virginia* states: “Such recreational waysides and areas of scenic beauty, when so acquired, established, maintained, and operated shall be deemed to be a part of the interstate, primary or secondary system” (*Code of Virginia* § 33.1-219).

**The Path Ahead in the Proposed Surface Transportation Authorization Act of 2009**

The search for nonpublic funding options for interstate SRAs in Virginia has occurred at an unsettled time with respect to federal transportation policy. SAFETEA-LU expired in September 2009, was extended through December 2010 (Public Law 111-147), and will probably be extended through the second quarter of federal FY 2011 (Orski, 2010). Yet the proposed federal authorization (i.e., the STAA of 2009) has been observed to differ from the previous three authorizations in the elements discussed here (Fischer et al., 2009) and if these main elements are present in the adopted legislation, they could cause a notable shift in the direction and scope of federal transportation policy (Orski, 2010).

In contrast with the three preceding federal transportation authorizations, which trended toward devolution of surface transportation program decision-making to the state level, the proposed STAA of 2009 ([Committee on Transportation and Infrastructure], 2009a) advocates for “transform[ing] the nation’s surface transportation policies by clearly defining the role and specific objectives of the Federal Government in providing resources to States to carry out programs” (Committee on Transportation and Infrastructure, 2009c). The proposed STAA of 2009 stipulates creation of a new (federal) Office of Public Benefit that will “keep . . . Interstates

toll-free except under narrowly defined circumstances” (Committee on Transportation and Infrastructure, 2009b) since “without sufficient public protections, toll projects hold the potential to impose costs on those least able to pay” (Committee on Transportation and Infrastructure, 2009b). Unlike the previous three federal authorizations, the proposed STAA of 2009 regards the tolling of highway infrastructure in a comparatively unfavorable light, as described here, and one might infer that tolled transportation facilities will be an exception rather than the rule. As examples, the Interstate System Reconstruction and Rehabilitation Pilot Program and the Interstate System Construction Toll Pilot Program are among 75 programs to be terminated in the proposed STAA of 2009 (Committee on Transportation and Infrastructure, 2009d).

The Office of Public Benefit will introduce “strengthened public protections” for the purpose of “protect[ing] the integrity of the nation’s surface transportation system and the public interest regarding trade and travel” (Committee on Transportation and Infrastructure, 2009b) and will play a novel federal regulatory function: that of being the “single, centralized source of Federal toll authority” that will “ensure that the utilization of tolls and PPPs enhances the nation’s surface transportation network and provides maximum benefits to the public” (Committee on Transportation and Infrastructure, 2009b).

The proposed STAA of 2009 expresses significant reserve about tolling and PPPs in comparison with the three preceding federal authorizations. To offset the previously discussed social harm perceived to be implicit in tolls, the proposed STAA requires toll revenues to finance “highway and transit transportation projects in the tolled corridor” in order to provide “public protections” deemed necessary if a federal-aid highway is tolled, and it requires unspecified “measures to mitigate the impacts of tolls on low-income travelers” (Committee on Transportation and Infrastructure, 2009b). An alternative view is that such extra requirements could routinely cause proposed toll facilities to fail to qualify for implementation if investment-grade traffic and revenue reports project less travel demand than necessary to generate toll revenues sufficient to fund transit projects as well as operations of the tolled facility.

Discussion in the proposed STAA of 2009 explicitly links the concepts of PPPs and federal-aid highway tolls as two trends that need closer scrutiny in the future (Committee on Transportation and Infrastructure, 2009b). The proposed STAA places them both under the federal oversight of the Office of Public Benefit (Committee on Transportation and Infrastructure, 2009b). One measure that will be taken to protect the public interest in the PPP process will be to require “transparency” in PPP negotiations (Committee on Transportation and Infrastructure, 2009b), a condition that might not be practicable until a late phase in contract bidding when failure to win a contract could cause significant cost disincentives to private parties and discourage private sector pursuit of PPPs in the future (Fischer et al., 2009).

Although incomplete in disregarding the mechanism by which surface transportation funding would be generated during its tenure, the proposed STAA of 2009 states that “the financing mechanism for the [federal transportation] programs is in crisis” and describes the need for Congress to “establish a sound and sustainable revenue stream” (Committee on Transportation and Infrastructure, 2009c). In fact, the funding mechanism will remain an urgent and unsolved crisis (Committee on Infrastructure and Transportation, 2009c; Miller Center of Public Affairs [Miller Center], 2010; Fischer et al., 2009) as long as current federal

transportation obligations are met through necessity by transfers to the federal Highway Trust Fund from the General Fund (Public Law 110-318; Public Law 111-46), as has been the case for the last two federal fiscal years.

In late 2010, a near doubling of the federal motor fuel tax was proposed (“Oberstar Seeks White House Support for 15-Cent Gas-Tax Hike,” 2010), a suggestion that is more than likely to generate enthusiastic dissent from those who (1) advocate user fees such as tolls or vehicle-miles-traveled charges to allocate highway user revenues efficiently, and (2) advocate for a new federal transportation program of reduced and focused scope that better fits available highway user revenues (Miller Center, 2010). In any case, if the latitude gradually allowed in toll applications over the last 20 years is curtailed in the next federal transportation authorization and other modifications to federal code are not made, the challenge of interstate SRA funding will need to revert to the smaller scale solutions noted earlier.

To summarize, if the PPP and toll-related elements in the proposed STAA of 2009 remain in the framework of the next federal transportation authorization, a new and larger federal regulatory role may develop than has existed in the recent past in matters that could broadly impact interstate highway funding options and consequently could limit options for nonpublic funding of SRAs. In the meantime, AASHTO has reported that the National Governors Association urged Senate leadership to “preserve . . . state authority to pursue public/private partnership opportunities in [the] upcoming reauthorization of federal surface transportation policy” (“Governors Urge Senate Committees Not to Restrict States’ Use of PPPs,” 2010). Similarly, two former U.S. Secretaries of Transportation presented a report to the current administration in support of PPPs as a means of leveraging scarce public funds in the transportation sector (Miller Center, 2010), in contrast with the restraint of PPPs recommended by the proposed STAA of 2009.

### **Option Closed: A Recent Repeal of Federal Code**

Effort was taken in the SAFETEA-LU legislation of 2005 to offer programs to relieve the shortage in commercial truck parking being reported nationwide. Had the unique truck idling reduction program that became public law in 2005 not been repealed, it would have constituted the first permission granted in federal code since the NHS was created for a state to charge for a service provided specifically for a motor vehicle user at a rest area located in the interstate right-of-way.

*23 U.S.C. § 111. Agreements Relating to Use of and Access to Rights-of-way—Interstate System (d) Idling Reduction Facilities In Interstate Rights-of-way.*

Specifically, from 2005 until 2008, short-lived federal law given in 23 U.S.C. § 111(d) allowed expansion of truck idling reduction facilities and equipment in interstate SRAs for the “exclusive purpose” of reducing the idling of trucks in parking lots located in federal-aid highway rest areas. This law was novel because it allowed a state to charge fees for parking equipped with a power source for engine idling reduction (23 U.S.C. § 111(d)(1)(A)). Opposition mobilized over the measure’s perceived potential to position the state to profit from interstate truck business while causing losses to off-line truck stops. Yet 23 U.S.C. § 111(d) was

a considered response to reported parking needs of the commercial road freight industry. Arguably, it struck a good compromise between the safety needs of the public for rested commercial truck drivers and truck drivers' needs for parking during federally mandated rest periods (Federal Motor Carrier Safety Administration, undated) *because* of the allowed charge. But as states prepared parking studies (Wilbur Smith Associates, 2008; PRR, Inc., 2008) to support applications for federal funding for the provisions of 23 U.S.C. 111(d), the law was repealed in 2008, when trade groups opposed to the amendment prevailed.

The specificity of this pilot program, i.e., permission for the state to offer truck parking equipped with engine idling reduction facilities with the notable prerogative to “charge a fee . . . for the use of those parking spaces actively providing power to a truck to reduce idling,” seems to have been intended to ease apprehensions that the new policy would undermine the general business of private off-line truck stops. It is possible, however, that the 50-year tradition of “free” interstate rest areas might have been difficult to change quickly, resulting in states providing these specialized truck facilities free of charge. Ironically, this “free” outcome could indeed have resulted in unfair “competition” pitting the state against truck stops, as predicted by trade groups, as well as adding yet more uncompensated costs to SRA budgets.

Regardless of whether any states would have immediately imposed charges to cover the costs of truck parking with electrification, a 2008 truck parking study for Washington State found that about 67% of truck drivers were not willing to pay anything for parking to satisfy their 10-hour federal rest period requirement (49 C.F.R. Part 395); 26% were willing to pay \$1 to \$9; and 5% were willing to pay \$10 to \$19 (PRR, Inc., 2008). It can be surmised from these survey data that SRAs that charged fees for electrified truck parking would not necessarily have diverted much business from private truck stops with richer offerings, at least in the state of Washington. The five amenities most requested in the survey responses were “easy access to the Interstate, rest rooms, paved lots, separate truck parking, and lighting” (Washington State DOT, 2008).

A VTRC study performed in 2004 concluded that the truck parking shortage would grow rapidly on certain interstate routes in Virginia (Garber and Wang, 2004). Specifically, the researchers concluded that there would be a 40% shortage of commercial truck parking on I-95 between 2003 and 2010 if no new parking were provided and truck traffic grew by 5% (Garber and Wang, 2004). A 2006 SRA survey by George Mason University students (cited in Kimley-Horn and Associates, 2009) found deficient truck parking at seven Virginia interstate SRAs; the students projected that truck parking would be deficient in 17 SRAs by 2025. In 2009, the *VDOT Safety Rest Area and Welcome Center Master Plan* recommended the addition of 289 truck parking spaces at existing locations as a high priority (Kimley-Horn and Associates, 2009), i.e., to be achieved within 3 years, based on AASHTO parking demand formula guidelines (AASHTO, 2001).

Federal code still contains a pilot program addressing the national truck parking shortage in 23 U.S.C. § 137, “Truck Parking Facilities.” The program is for eligible projects augmenting truck parking facilities, with no permission given to the state to impose user charges. The program consists of a grant of federal funds (up to 100% of cost, under 23 U.S.C. § 120(c)) directly to the state and, depending on the project, indirectly to private interests. Eligible

projects include (1) construction of new SRAs that include truck parking, (2) construction of new truck parking next to existing private truck stops or service plazas, (3) facilitation of truck parking at inspection/weigh stations and commuter lots, (4) application of intelligent transportation systems to make private and public parking availability known to drivers in real time, (5) construction of turnouts on the NHS specifically for trucks, (6) improvement of the all-season utility of existing public truck parking, and (7) improvement of the design of interstate interchanges to add accessibility to private truck parking off-line.

Projects undertaken by a state in this pilot program, which, as noted, lacks permissions for user fees, are likely to increase that state's budget obligations since routine expenses of preserving the capital improvements and maintaining the facilities provided by the federal grants will probably remain a state responsibility under 23 U.S.C. § 116. As with all federal transportation grants to states, these funds provide financing of truck parking project initiation and imply a new budget expense line item rather than a means of funding them forward. Although the original pilot program expired in 2009 with SAFETEA-LU, House Resolution 2156 ("H.R. 2156," 2009) was submitted in April of 2009 to renew the federal grants from 2010 through 2015. The bill was referred to the Committee on Transportation and Infrastructure ("H.R. 2156," 2009).

The 2009 closures of 19 interstate SRAs in Virginia were accompanied by liberalization of 2-hour truck parking rules at all SRAs that remained open, although "overnight" ("dusk to dawn") parking was then and still remains prohibited (CTB, 2009b). As shown in Table 2, the *VDOT Safety Rest Area and Welcome Center Master Plan* (Kimley-Horn and Associates, 2009) calls for the addition of 309 truck parking spaces at existing facilities at a cost of \$9.8 million, or an estimated average cost of \$31,700 per space.

### **Collective Actions to Create SRA Funding Options**

States have individually pursued courses of action in the last 2 years that are both similar and different, some more plausibly beneficial than others. Considering the narrowest solution to interstate SRA funding, that of modifying 23 U.S.C. § 111, Virginia's CTB formally resolved on March 19, 2009, to request then-Governor Kaine "to solicit the Virginia Congressional delegation to amend 23 U.S.C. § 111 so that VDOT can effectively achieve the [Commonwealth Transportation] Board's intent pertaining to commercialization of Virginia's interstate rest areas" (CTB, 2009a), and the Governor and his administration did take action. The Georgia State Senate passed a resolution in March 2010 "urging the Georgia Department of Transportation to ask the Federal Highway Administration to allow retail development at its rest stops" with the intent of harnessing private sector dollars to fund them ("Arizona Legislators Seek to Reopen Closed Facilities," 2010). Also in 2010, the Governor of Arizona appealed personally to the U.S. Secretary of Transportation to rescind federal code on interstate SRA commercialization ("Arizona Legislators Seek to Reopen Closed Facilities," 2010).

Collective action to repeal federal code on commercialization has been urged by AASHTO for nearly 20 years, most recently featuring the topic at a roundtable discussion at its spring 2010 meeting ("State DOT Leaders Review Options for Commercialization," 2010). AASHTO has publicly supported rest area commercialization since 1990 when it published the

findings of its Task Force on the Commercialization of Interstate Highway Rest Areas, a prescient report in which the action items centered on repeal of commercialization restrictions in 23 U.S.C. § 111 (cited in Phillips and Perfater, 1991). Another AASHTO survey administered in May 2010 determined that 28 of 35 responding state DOTs desire a change in federal law “to allow more flexibility in leasing rest areas” (“State DOT Leaders Review Options for Commercialization,” 2010).

The reinstatement in federal code of truck idling reduction parking facilities in exchange for a user fee, as discussed earlier, might also be a productive pursuit for collective action by states, given states’ compelling interest in highway safety. Need for additional truck parking has not abated since repeal of 23 U.S.C. § 111(d), as shown in a June 2009 report by the American Trucking Association, a national trade group representing truck drivers. In the Executive Summary of the report, the association’s Safety Task Force recommended “creation of more long-term truck parking as well as smarter parking in places where there is an identified shortage of parking.” Their recommendations were based on the assertion “that traffic crashes are caused overwhelmingly by human error. Further, *the most effective safety initiatives and countermeasures are likely to be those that assist in improving driver performance and behavior* (emphasis added).” Finally, “[t]he entire community, from motor carriers and shippers, to law enforcement, to the motoring public, the judiciary, and policy and lawmakers, must work in concert to make our highways safe” (American Trucking Association, 2009).

Some collective actions have been more systemic in scope, with participants mindful that “America’s federal transportation programs suffer from the absence of steady, adequate funding and consistent, logical planning” (Miller Center, 2010). In fact, it is evident from current and planned rest area closures that self-contained programs such as interstate rest areas are considered first for funding cuts relative to other transportation system programs. Looking ahead to the potential impact of future federal transportation legislation, the National Governors Association, as noted earlier, formally addressed key U.S. Senate committees to request that they continue to ensure that states have relative autonomy in PPP agreements without any interference by the federal government, asserting that “[s]tates have been careful and prudent in their analysis, negotiation, and oversight of public/private partnerships to ensure adequate protections of the public interest” (“Governors Urge Senate Committees Not to Restrict States’ Use of PPPs,” 2010).

Broader goals requiring collective action to address the transportation funding crisis were identified and addressed in a report comprising the conclusions of the inaugural David R. Goode National Transportation Policy Conference entitled “Beyond Stimulus: Toward a New Transportation Agenda for America,” held by the Miller Center of Public Affairs in September 2009 at the University of Virginia (Miller Center, 2010). The report was jointly presented in September 2010 to the President of the United States by two former U.S. Secretaries of Transportation. The report puts forward “a comprehensive set of proposals for the reauthorization of America’s transportation programs” that directly addresses the long-recognized “need for reform.” Two recommendations that must be effected in order to realize the “payoffs” are that (1) “Congress must address the immediate crisis in transportation funding,” and (2) “future funding mechanisms should not depend primarily on fossil-fuel consumption . . . to keep up with transportation investment needs.” With regard to funding, in fact, the report supports and advances the findings of the National Surface Transportation Infrastructure Financing

Commission authorized under SAFETEA-LU in its conclusion that “[t]he ‘strong’ option for raising revenue at the state or local level, among those evaluated for this analysis, was facility-level tolling and pricing” (Miller Center, 2010).

In October 2010, AASHTO hosted a seminar at its annual meeting that addressed the introduction of the tolling concept “in areas unaccustomed to the practice,” covering topics from project planning to public relations (“Tolling Session Focuses on Shaping Public Perception, Expanding Revenue,” 2010). The Pennsylvania Secretary of Transportation “discussed how PennDOT’s tough revenue challenges could be alleviated by tolling if the practice were to gain support from the motoring public” (“Tolling Session Focuses on Shaping Public Perception, Expanding Revenue,” 2010). A representative of a market research enterprise discussed its findings that tolling projects must be “marketed” to the public to earn its support—that is, the benefits of tolling must be identified as clearly as the monetary costs—and recommended that states deliberately educate the public on tolling projects under consideration (“Tolling Session Focuses on Shaping Public Perception, Expanding Revenue,” 2010). The final panelist of five speakers “concluded by asserting Congress should allow states to choose whether to toll their interstates” on the grounds that “[s]tates own the interstates; states will need to rebuild and maintain the interstates,” and therefore states “need to be leading the argument in Congress to say, ‘take away the restrictions’” (“State Experts Discuss Revenue,” 2010; “Tolling Session Focuses on Shaping Public Perception, Expanding Revenue,” 2010). As with the federal restrictions on commercialization at interstate SRAs, collective action to relax federal restrictions on tolling of interstate highways seems to be gaining momentum.

Every attempt to repeal the federal limit on SRA commercialization has faced formidable opposition; the federal pilot program for truck idling reduction facilities in exchange for fees was repealed in its third year; and the interstate highway tolling pilot programs developed over the three preceding federal authorizations are slated for termination in the proposed STAA of 2009. When considered together, the lack of clarity with regard to new revenue mechanisms to supplement flagging Highway Trust Fund fuel tax revenues has given states sufficient justification, as shown in the assessment of state DOT SRA funding initiatives in this report, individually to pursue revenue-generating opportunities currently allowed by federal code and to act collectively to (1) ensure the availability of PPPs as a finance-leveraging tool for states; (2) work for repeal of federal code prohibiting commerce at interstate SRAs and tolling of interstate highways; and/or (3) work for reinstatement of federal code allowing truck parking electrification facilities in exchange for fees (i.e., partial commercialization) at interstate SRAs.

### **Perspectives of Users of Virginia’s Interstate SRAs Regarding Potential Funding Alternatives**

As stated previously, the survey administered to 603 interstate SRA users (including approximately 100 identified freight truck drivers) in Virginia (see Appendices E and F) asked a series of questions that covered three primary areas of potential funding: commercialization, user fees, and fee-based expanded truck facilities. Figure 1 shows the degree of support expressed by survey respondents to individual questions in each of these areas. The percentages of respondents that are “very likely” and “somewhat likely” to support specific funding concepts

are displayed as the total percentage supporting the funding concept (and shown above the x-axis). The percentages of respondents that were “somewhat unlikely” and “not likely at all” to support specific funding concepts are displayed as the total percentage not supporting the funding concept (and are shown below the x-axis). The percentages of respondents who were “neutral” for each question are not represented graphically because doing so would not facilitate the contrast between the percentage of respondents likely to support and the percentage not likely to support each funding proposal. Questions 1 through 7 proposed options related to commercialization of SRAs; questions 8 through 11 proposed options based on user fees; and questions 12 through 15 proposed options related to enhanced truck parking facilities. Additional discussion on the specific results for the three funding areas is given here.

## **Commercialization**

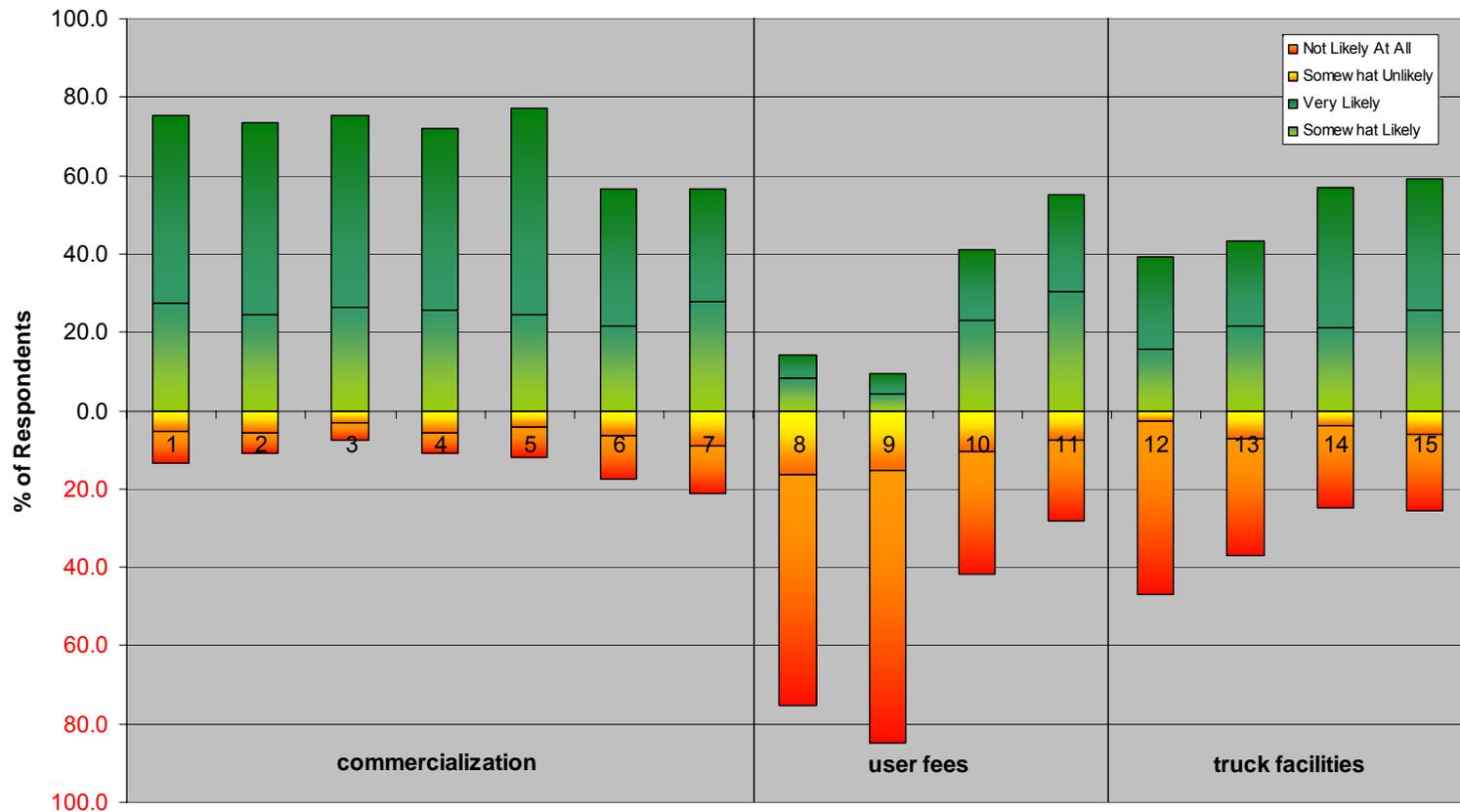
In general, all respondents were much more supportive of the idea of VDOT raising money for SRAs through commercialization (approximately 70% very likely or somewhat likely to support this concept) than of any other means of raising funds. Approximately 13% of all respondents were opposed to funding by means of SRA commercialization. Although generally supportive of all products listed in the survey, all respondents were most supportive of selling fuel at SRAs, with more than 77% indicating they would be at least somewhat likely to support this option and 53% responding “very likely.”

## **User Fees**

All respondents were much less supportive of VDOT raising money by way of charging some type of user fee (i.e., vehicle entrance/exit, restroom, and parking), with approximately 58% indicating they were somewhat unlikely or not likely at all to support this funding concept. All respondents were least supportive of charging a fee for each vehicle entering the SRA (nearly 59% not likely at all to support this) and charging a fee for using the restroom at the SRA (70% not likely at all to support this funding method). A general question on charging for overnight parking was evenly split, with 41% of all respondents being at least somewhat likely to support this and 42% at least somewhat unlikely to support this funding option.

## **Expanded Truck Facilities**

Approximately 50% of freight truck driver respondents were at least somewhat likely to support the concept of VDOT raising money for SRAs by charging for use of expanded truck facilities (including registered overnight parking and fee-based electrification / idle reduction facilities). Approximately one-third of freight truck driver respondents was at least somewhat unlikely to support this general funding concept. Approximately 43% of truck driver respondents were at least somewhat likely to support VDOT charging for use of electrification / idle reduction truck parking facilities, and 37% were at least somewhat unlikely to support this specific funding concept. Approximately 39% (24% very likely to support) of truck driver respondents were at least somewhat likely to support VDOT charging a fee for registered overnight parking, and 47% were at least somewhat unlikely to support this funding option.



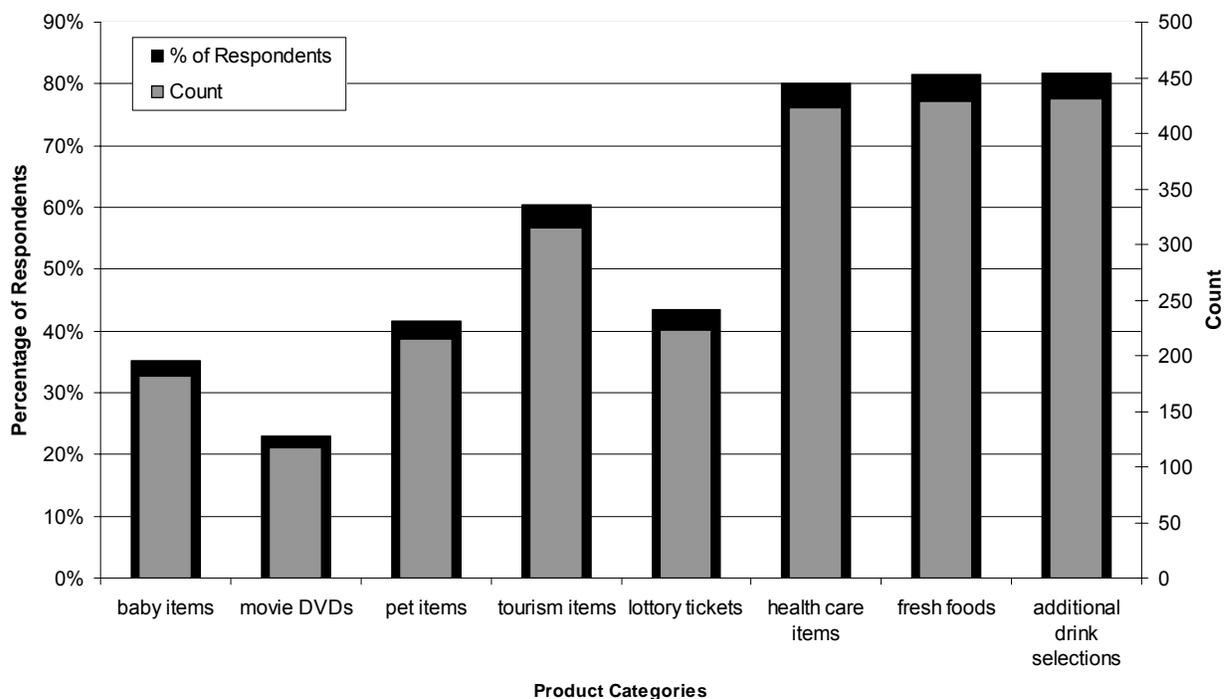
**Figure 1. Results of Survey Indicating Likelihood of Support for Various Funding Methods for Virginia Interstate SRA Facilities (represents 603 users, including approximately 100 identified freight truck drivers).** Three potential funding areas were presented in the survey: commercialization (i.e., renting space to businesses); user fees (i.e., charging a fee for various services); and fee-based expanded truck facilities. The numbers 1-15 in the figure refer to the following funding methods: 1 = renting space for serving fast food, restaurant meals, and other types of prepared food; 2 = renting space for local produce to be sold (i.e., farmers markets); 3 = renting space for Virginia brand products to be sold (e.g., peanuts); 4 = renting space for tourism services (e.g., hotel reservations); 5 = renting space for selling gas/diesel fuel; 6 = renting space for selling electricity through electric vehicle charging stations; 7 = renting space to businesses that do minor vehicle repairs or sell vehicle parts; 8 = fee to each vehicle using rest area; 9 = fee to use restroom; 10 = fee to park overnight; 11 = fee for electric power hook-up; 12 = fee for registered overnight parking for trucks; 13 = fee for electrification / idle reduction facilities for trucks; 14 = fee for showers for truck drivers; 15 = fee for minor vehicle maintenance (water, air, automated vehicle wash, etc.). Respondents could indicate 1 of 5 responses regarding their likely support of the method: *Very Likely*, *Somewhat Likely*, *Neutral*, *Somewhat Unlikely*, *Not Likely at All*. The percentages responding *Very Likely* or *Somewhat Likely* are shown as the total percentage likely to support the funding method (above the x-axis). The percentages responding *Somewhat Unlikely* or *Not Likely at All* are shown as the total percentage not likely to support the funding method (below the x-axis). The percentage responding *Neutral* is not shown as the intention was to show the contrast in the percentages that would likely support vs. likely not support each funding method.

These responses are significant as the lack of adequate truck parking is an issue that was repeatedly mentioned both on the comment cards VDOT collects at SRAs on a regular basis and in the comment portion of the survey administered as a part of this study.

### Potential for Increased Vending

The survey also asked visitors about the range of their vending expenditures during the current visit (i.e., 0, less than \$3, and more than \$3). Forty-six percent of respondents spent nothing at vending machines, approximately 33% spent less than \$3, and about 21% spent at least \$3 during the current visit. To explore possible expanded offerings with the goal of increasing vending commission revenues for VDOT, respondents were offered eight “new” categories of items, i.e., categories not currently offered at Virginia interstate SRAs, shown in Figure 2. Eighty percent of survey respondents reported that they “would consider buying” health care items (e.g., pain relievers, toothpaste), fresh foods (e.g., sandwiches, ice cream, fruit), and additional drink selections (nonalcoholic). This suggests that there may be a sizable demand for new product lines that can be vended through machines. Tourist items, pet items, and baby items (at 60%, 40%, and 35% “would consider buying,” respectively) also drew positive responses from the rest area users.

Of the group that spent nothing in vending machines during their visit, almost 74% reported interest in buying additional drink selections, nearly 71% reported interest in fresh foods, and 70% reported interest in health care items. Forty-six percent of these particular respondents also reported interest in tourist items, 31% reported interest in pet items, and 29%



**Figure 2. Percentage of Survey Respondents Indicating They Would Consider Purchasing New Products If Offered at Virginia SRA Vending Machines**

reported interest in baby items. Expanded vending incorporating these new product lines might hold great nonpublic funding potential, considering the small increment in additional vending sales per annual visitor required to cover SRA contract costs as previously shown in Table 2.

### **Perspectives of Representatives of Affected Trade Groups Regarding Potential Funding Alternatives**

Table 3 lists the 15 trade groups contacted for interviews. For the 12 responding groups, the likelihood of their support for various interstate SRA funding options is also provided.

The options provided in the interview questions (see Appendix G) were derived from the assessment of other state DOT initiatives for SRA funding performed in the course of this research. Options could be grouped into those that do not require changes to federal code and those that do require changes to federal code. Table 3 is a compilation of responses to these options by trade group.

### **Funding Options Available Under Current Federal Law**

#### *Expanded Vending*

Expanded vending was favored by about one-half of trade group respondents; two trade groups reported neutrality regarding this option on the grounds that the sales of their constituents might be adversely affected.

#### *Expanded Advertising*

Expanded advertising was the most favored option among those provided. Five trade groups were very likely to support this option, and three were somewhat likely to support this option.

#### *SRA Sponsorship*

All but two responding trade groups favored this SRA funding option. The Virginia Hospitality and Travel Association is somewhat unlikely to support this option on the grounds that sponsorship could confer competitive advantage on a sponsor over their members that are currently advertising through SRA brochure services.

#### *Service Plazas Adjacent to Interstate Rights-of-Way*

The Virginia Tourism Corporation favored this SRA funding option, and the National Association of Truck Stop Operators and the National Association of Convenience Stores did not. All other trade groups fell within these extremes.

**Table 3. Likelihood of Trade Groups Supporting General SRA Funding Options**

<b>Name of Trade Group</b>	<b>Expanded Vending</b>	<b>Expanded Advertising</b>	<b>Sponsorship</b>	<b>Adjacent Private Service Plazas</b>	<b>Relocated to Locally Operated Welcome Centers</b>	<b>Loosen/Change Federal Restrictions</b>	<b>Toll Interstates</b>	<b>Fee-Based Truck Parking And Electrification</b>
National Association of Truck Stop Operators	●●●	●●●●●	●●●●●	●	●●●	●	●	●
National Association of Convenience Stores	●●●	●●●●	●●●●	●	●●●	●	●●	●●
Virginia Trucking Association	●●●●●	●●●●●	●●●●●	●●●	●●●●	●●●	●	●●
Virginia Tourism Corporation	●●●●●	●●●●●	●●●●●	●●●●●	●●●●●	●●●●	●●●	●●●●
Virginia Hospitality and Travel Association	●●●●	●●●●	●●	●●	●●●●	●●●	●●	●●
American Trucking Association	●●●●●	●●●●●	●●●●●	●●	●●●	●●	●	●●
American Bus Association	●●●●●	●●●●●	●●●●	●●●●	●●●●	●●●●●	●	●●●●
American Automobile Association	●●●●	●●●●	●●●	●●●●	●●●●	●●●●	●	●●
Virginia Petroleum, Convenience and Grocery Association	●	●●	●●	●	●●	●	●●	●●
Owner Operator Independent Drivers Association	●●●●●	●●●	●●●	●●●●	●●●	●●●●●	●	●●
Virginia Association of Counties	●●●●	●●	●●	●●	●●●●	●●	●●●	●●●
Virginia Motorcoach Association	●●●●●	NR	NR	●●	NR	●●●●●	NR	●
Virginia Chamber of Commerce	NR	NR	NR	NR	NR	NR	NR	NR
Department for the Blind and Vision Impaired	NR	NR	NR	NR	NR	NR	NR	NR
Northern Virginia Transportation Alliance	NR	NR	NR	NR	NR	NR	NR	NR

●●●●● = very likely to support.  
 ●●●● = somewhat likely to support.  
 ●●● = neutral.  
 ●● = somewhat unlikely to support.  
 ● = not at all likely to support.  
 NR = No Response.

### *Partnerships Between VDOT and Regional Entities*

This option entails the possible relocation of SRAs and their enhancement into regional welcome centers with greater potential for regional economic development than traditional SRAs can provide in the interstate right-of-way. All but one of the responding trade groups were neutral or at least somewhat likely to support this option.

### **Funding Options Requiring Changes to Federal Law**

#### *Lifting of Restrictions on Commercial Activity at SRAs*

The American Bus Association was likely to support commercialization of SRAs, and the National Association of Truck Stop Operators and the National Association of Convenience Stores were unlikely to support this option. All other trade groups fell within these extremes.

#### *Tolling of Interstate Highways*

No trade group reported a likelihood to support this funding option. The Virginia Tourism Corporation reported neutrality on the option, whereas all other responding trade groups were unlikely or very unlikely to support it.

#### *Fee-Based Truck Parking Expansion in Interstate Right-of-Way*

The Virginia Tourism Corporation and the American Bus Association reported that they would likely support expanded and enhanced truck parking facilities at SRAs. The National Association of Truck Stop Operators reported they would be unlikely to support expanded truck parking at SRAs. In general, six of eight trade groups were unlikely to some degree to support this option.

## **CONCLUSIONS**

- *There appear to be near-term methods for increasing nonpublic revenues at interstate SRAs under current federal law, some of which may require FHWA approval. These include expansion of vending options, indoor advertising, facility sponsorship, relocated facilities under regional management at scenic/historic locations, and commercial facilities on private land adjacent to existing SRAs in the interstate right-of-way.*
- *Long-term methods for nonpublic funding of SRAs require changes to federal code. A modification of the provisions of 23 U.S.C. § 111 or the repeal of 23 U.S.C. § 301 would allow states more flexibility in nonpublic funding options.*
- *The majority (approximately 70%) of the Virginia interstate SRA user survey respondents in this study are at least somewhat likely to support commercialization of Virginia's interstate SRAs. Approximately 30% of respondents are at least somewhat likely to support charging fees for use of Virginia's interstate SRA facilities (out of 579 surveys administered).*

- *The results of the survey of users of Virginia’s interstate SRAs indicate that the product selection at SRA vending machines can be augmented to have increased appeal to travelers. Only 54% of the travelers surveyed purchased any vended product, yet more than 80% of respondents were interested in purchasing products that are not currently available.*
- *Expanded indoor advertising was at least somewhat likely to be supported by 8 of the 12 trade groups responding to the interview questions as a means for VDOT to generate nonpublic funds for SRAs. This option was very likely to be supported by 5 of the 8 groups supporting it.*
- *SRA sponsorship is at least somewhat likely to be supported by 6 of the 12 of the responding trade groups. Trade groups that expressed reservations over sponsorship were concerned with competition between members of their trade group that are potential sponsors.*
- *VDOT’s interstate SRA infrastructure, operations, and maintenance expenses are high relative to current vending commissions. Parts of VDOT’s interstate SRA infrastructure (i.e., water/septic systems) are approaching the end of their service lives and will require replacement in the foreseeable future.*
- *To fully offset only interstate SRA operations and maintenance costs (based on FY 2009 data), estimated additional annual VDOT vending commissions of about \$0.48 per visitor per interstate SRA would be required. Based on VDOT’s current vending agreements, this increase in commissions per visitor translates into an average increase in annual vending sales per visitor per interstate SRA of \$1.54.*
- *The federal regulatory framework of the NHS places substantial constraints on SRAs in interstate rights-of-way on federal-aid highways. 23 U.S.C. § 116 prohibits federal funding of routine maintenance of SRAs on federal-aid highways and 23 U.S.C. § 111 prohibits commercialization serving motor vehicle users at SRAs in the interstate rights-of-way. On the other hand, 23 U.S.C. § 111(b) allows limited vending sales at interstate SRAs. Tolling of interstate highways is prohibited under 23 U.S.C. § 301, whereas 23 U.S.C. § 129 allows limited applications of tolling, including two programs allowing pilot tolling projects for interstate highway facilities.*

**RECOMMENDATIONS FOR CONSIDERATION SHOULD THE COMMONWEALTH  
DECIDE TO PURSUE FUNDING OF INTERSTATE SRAS WITH NONPUBLIC  
REVENUE STREAMS**

If the Commonwealth of Virginia decides that SRAs can and should in principle be funded with nonpublic revenue streams, two actions should be taken concurrently: (1) pursue changes in existing federal law and regulations, and (2) undertake the state-level, revenue-generating options for increasing nonpublic revenue described in this report.

## **Pursue Changes in Existing Federal Law and Regulations**

To the extent that Virginia desires more flexibility in managing its interstate SRAs to maximize revenues, the Commonwealth should join with other states and AASHTO to continue to work for changes to those sections of federal law and regulations that currently restrict (1) commercialization of interstate SRAs; (2) fee-based, electrified truck parking facilities at interstate SRAs; and (3) tolling of interstate highways.

Each section of federal code discussed in this report bears on the funding of interstate SRAs in a unique way. The economic success of commercialization at an interstate SRA could be expected to be sensitive to both the location and the footprint of a facility as it presently exists. Fee-based electrified truck parking facilities would constitute a “partial” commercialization of interstate SRAs that advances the Commonwealth’s compelling interest in the safety of all highway users by aiding and supporting (1) compliance of commercial vehicle operators with federal code regarding hours of operation and (2) enforcement of interstate shoulder and ramp parking regulations. Tolling of an interstate highway could provide funding for the facility as a whole, thereby avoiding the issue of commercialization of SRAs.

Changes to federal code and regulations in any of the three areas delineated will take collective action with other states and AASHTO as well as time, and therefore the development of a long-term strategy or strategies to accomplish such change should begin immediately to take advantage of the high interest in the issue across the nation.

## **Undertake State-Level, Revenue-Generating Options for Increasing Nonpublic Revenue at Interstate SRAs**

Strategies at the state level should be pursued concurrently with collective action to modify federal code. Small-scale options that VDOT should explore for immediate implementation include expanded vending, advertising, and sponsorship of SRAs. Large-scale options that VDOT should explore for eventual implementation include the transfer of interstate SRAs to regional (e.g., county) management in historic or scenic areas and commercial development on private land adjacent to interstate SRAs.

### **Small-scale Options**

Federal code does permit vending sales at interstate SRAs as well as the leasing of information centers to contractors. Since vending sales and advertising/sponsorship revenues will reflect value added, travelers, taxpayers and local communities are all likely to benefit economically from specialized SRA business management focused on revenue maximization in comparison with current practices. The results of this research indicate that among visitors to Virginia’s interstate SRAs, there is considerable latent demand for expanded vended products, although it is possible that some interstate SRAs in Virginia have little additional revenue potential because of their location or space limitations. Therefore, it is recommended that VDOT identify and lease selected interstate SRAs to management enterprises that would focus on

generating maximum revenues through vending, advertisement, and/or sponsorships to offset the costs of the facilities.

VDOT should also authorize renegotiations of advertising agreements to maximize its return on paid advertisement at interstate SRAs. Some interstate SRAs can provide invaluable exposure of local or statewide businesses and attractions to travelers, yet VDOT's income from advertising has been negligible. The Commonwealth is most likely to maximize revenue earned from interior advertising, however, by returning commensurate value to business customers through modern, attractive displays with current information via user-friendly technology that reflects the capabilities and needs of travelers and tourists.

In contracting out the management and transformation of interstate SRAs into a self-funding program, VDOT would distance itself from ancillary business activities that could diminish its effectiveness in its primary mission to plan, deliver, operate, and maintain a safe transportation system. As nearby states add features of value to travelers and advertisers to augment basic interstate SRA services with the goal of self-funding, VDOT would benefit from tapping the same traveler base by meeting the rising service norms for interstate travelers and tourists as described in the review of relevant research regarding SRAs in the full report.

### **Large-scale Options**

Two large-scale options emerged from the review of DOT initiatives in other states. The first is the TSRA, in which private property adjacent to an SRA located in the interstate right-of-way with exclusively pedestrian access to the SRA is developed commercially. Pursuing approval from FHWA of TSRAs appears prudent and should include the identification of locations where such an arrangement seems economically and logistically viable.

The second consists of transferring the function of an interstate SRA from VDOT to a regionally or privately managed information center, located most likely at an interchange—but in all cases outside the interstate right-of-way—that can serve travelers and tourists without the type of commercial restrictions presently applied to interstate SRAs. Federal TE funds may provide a means for offsetting some of the costs of an eligible project related to a scenic or historic attraction, subject to FHWA approval. In the absence of a project eligible for such funds, however, potential local economic growth could nevertheless justify directing interstate travelers and tourists to full-service off-line information centers and away from simple interstate SRAs with services restricted to brochures and vending. VDOT should be authorized to explore this option fully in the near future.

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**APPENDIX A**

**HOUSE JOINT RESOLUTION NO. 126 AND SENATE JOINT RESOLUTION NO. 99**



*Requesting the Virginia Transportation Research Council to study alternatives to the public funding and operation of all or portions of the Commonwealth's interstate safety rest areas.  
Report.*

Agreed to by the House of Delegates, February 1, 2010  
Agreed to by the Senate, March 2, 2010

WHEREAS, in 2009 the Commonwealth closed 19 interstate safety rest areas in order to save money; and

WHEREAS, the safety rest areas are a vital safety feature for trucks and travelers in the Commonwealth; and

WHEREAS, an estimated 44 million visitors use the safety rest areas annually; and

WHEREAS, the safety rest areas represent a significant marketing outlet for tourism businesses, supporting jobs and small businesses in rural areas; and

WHEREAS, the safety rest areas play a significant role in presenting the Commonwealth as a tourism and business destination; and

WHEREAS, the closure of the 19 safety rest areas harms the Commonwealth's business-friendly environment; and

WHEREAS, the \$8.6 million in proposed savings is more than outweighed by the cost of lost tourism business, lost jobs, harmed perception of the Commonwealth as a business-friendly state, and potential lost lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Transportation Research Council be requested to study alternatives to the public funding and operation of all or portions of the Commonwealth's interstate safety rest areas.

In conducting its study, the Virginia Transportation Research Council shall:

1. Study the Commonwealth's safety rest areas and how they compare with other states' facilities, funding, and management, especially those states similarly situated to Virginia economically and demographically;
2. Study the innovative approaches taken in other states to fund their rest areas, with special attention to new innovations in technology, management, and financing;
3. Identify the impediments to alternatives to public funding and operation, including legislative, institutional, structural, and legal issues as well as possible areas of opposition, and recommend ways to overcome these barriers;

4. Research and identify institutional, procedural, and legislative options for managing a transition from state ownership of the safety rest areas;
5. Research and identify initial capitalization and operating funding needs and identify options for the bid-letting process;
6. Recommend operational requirements, including management, hours of operation, and maintenance of the safety rest areas;
7. Develop a preference study to survey constituent groups and travelers to identify the features and requirements that will meet the goals of safety, cleanliness, attractiveness, hours of operation, and marketing opportunities for Virginia businesses;
8. Recommend administrative oversight and liaison responsibilities and review procedures for grievances and complaints;
9. Examine existing studies of future traffic growth and highway use and Virginia Department of Transportation plans to identify opportunities, needs, and requirements for future development of additional safety rest areas in the Commonwealth; and
10. Examine all facets of alternatives to public funding and operation, including, but not limited to, commercialization, public-private partnerships, "adoption" by localities, and the impact of privatization on existing Virginia businesses that provide services to the traveling public.

Technical assistance for this study shall be provided to the Virginia Transportation Research Council by the Virginia Department of Transportation. All agencies of the Commonwealth shall provide assistance to the Virginia Transportation Research Council for this study, upon request. The Joint Legislative Audit and Review Commission shall provide oversight to the study as needed.

The Virginia Transportation Research Council shall complete its meetings by November 30, 2010, and shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2011 Regular Session of the General Assembly. The executive summary shall state whether the Virginia Transportation Research Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**APPENDIX B**

**WORK STUDY APPROACH IN RESPONSE TO HOUSE JOINT RESOLUTION  
NO. 126**



## **WORK STUDY APPROACH IN RESPONSE TO HOUSE JOINT RESOLUTION NO. 126**

### **BACKGROUND FACTS**

- The Virginia Department of Transportation (VDOT) closed 19 of its 42 safety rest areas (SRAs) in the summer of 2009 as a result of funding shortages.
- By April 15, 2010, all closed SRAs were reopened using approximately \$3 million in temporary funding from VDOT's maintenance reserve fund.
- House Joint Resolution No. 126 of the 2010 General Assembly tasks the Virginia Transportation Research Council (VTRC) with investigating alternatives to public funding and operation of all or portions of the Commonwealth's interstate SRAs.
- Commercialized rest areas (service plazas) are operated in 13 states where currently toll-financed highways were built prior to the development of the Interstate Highway System (IHS) and were subsequently designated as IHS facilities.
- In contrast, Virginia interstate highways are subject to Section 111 of Title 23 of the United States Code (23 U.S.C. §111) which prohibits the location and operation of "commercial establishments for serving motor vehicle users" at interstate SRAs built after January 1, 1960. Virginia's first interstate SRAs were built in 1964.
- Numerous states are examining alternative funding options within the constraints of 23 U.S.C. §111. These include California, Georgia, Minnesota, New Jersey, Oregon, and Pennsylvania.
- The American Association of State Highway and Transportation Officials (AASHTO) has been, and continues to be, an advocate for federal statutory changes allowing for commercialization of interstate SRAs.
- Seven states (Arizona, Kentucky, Louisiana, Missouri, Maine, Texas, and Virginia) have recently closed more than five rest areas for budget reasons.

### **PROBLEM**

Similar to many other states, recent budget constraints have caused the state of Virginia to search for permanent and alternative funding of the operation and maintenance of its interstate SRAs. The closures of 19 rest areas in 2009 were intended to save approximately \$9 million per year, but these closures were met with significant opposition due to concerns related to traveler safety, state tourism, and the Commonwealth's image as a business-friendly state. All 19 rest areas were reopened during the spring of 2010 using funding from VDOT's maintenance reserve.

Individual states and AASHTO continue to press for changes to the current federal regulations prohibiting commercialization at interstate SRA facilities and other states continue to pursue innovative funding tracks within federal restrictions. However, near-term funding solutions for Virginia's interstate SRAs will need to be found within current federal regulatory constraints.

## **PURPOSE & SCOPE**

As directed in House Joint Resolution No. 126 of the 2010 General Assembly, the purpose of this investigation by the VTRC is to identify alternatives to public funding and operation of all or portions of the Commonwealth's interstate SRAs.

Efforts to repeal sections of Title 23 that restrict commercialization of SRAs are ongoing and have public support, but they are unlikely to succeed soon due to trade group opposition. Therefore, this study will distinguish funding alternatives that are possible within 23 U.S.C. §111 from those that are possible only if relevant portions of 23 U.S.C. §111 are rescinded or revised.

Because public funding of SRAs will persist as long as 23 U.S.C. §111 is intact, funding concepts proposed here for near-term implementation will consist of augmentation of current revenue streams through innovative management of SRAs, addition of services or facilities at SRAs in exchange for fees, and leasing of SRA management to other state or government-related agencies in exchange for payment. For options in these groups, the study will attempt to identify comparative advantages as well as impediments to implementation and likely sources of opposition.

The liberalization of 23 U.S.C. §111 with respect to commercialization of interstate SRAs would present decision-makers with a broad array of funding options. This study will also present a summary of options that have been rejected specifically because of conflict with federal code.

This study will exclude discussion of operational aspects, funding levels, maintenance, hours of operation, and bid-letting pertaining to any specific options.

## **APPROACH**

The following tasks will be undertaken by the research team in order to fulfill the study purpose:

### **Task 1: Review and Summarize Applicable Regulations Pertaining to SRAs**

In order to convey the limitations imposed on this research, the research team will summarize the predominant federal and state codes governing operations at rest area facilities located in interstate highway rights-of-way. As a part of the regulatory review, the team will consult former Federal Highway Administration chief counsel, Mr. Edward Kussy. It is expected that Mr. Kussy can provide (1) expert historical and current interpretation of federal regulations pertaining to interstate highways and (2) examples of state departments of transportation (DOT) attempts over the last 25 years to integrate revenue-generating activities with interstate highway SRA operations.

## Task 2: Scan of State DOTs and AASHTO

All state DOTs will be polled for (1) implemented actions intended to augment revenues required to operate interstate highway SRAs and (2) planned actions that were prevented by state or federal code or tabled due to organized opposition. It is anticipated that responses will reflect DOT concepts ranging from budget reallocations to activities generating user fees from patrons of rest areas. Several documents have been identified that discuss in depth the actions considered by state DOTs in recent years to address SRA funding. In addition, because this funding has become a more urgent and widespread problem since the national economy slowed in 2007, it is anticipated that new concepts will be forthcoming during the study period. The DOTs will also be polled on cost-cutting or revenue-containment measures enacted to prevent closures of interstate SRAs.

This study will also track the progress of AASHTO's ongoing efforts to relax federal commerce restrictions at SRAs on interstate highways as currently required by federal law.

## Task 3: Survey Safety Rest Area Users

It is well-documented that both passenger car and truck operators are supportive of VDOT's efforts to operate all 42 of its SRAs. Users of SRAs will be queried to obtain their ideas and suggestions regarding alternatives for paying for the operation and maintenance of SRAs. Known methods that have been explored by DOTs as well as suggestions received from users will then be integrated into a survey instrument to be administered to SRA users that will seek a ranking of identified funding alternatives.

## Task 4: Interview Trade Groups

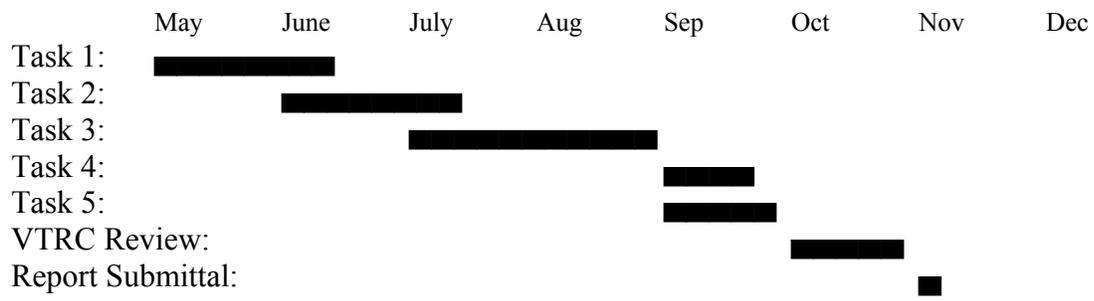
Several trade organizations are openly opposed to and have successfully prevented any changes in the current regulations in the interest of businesses currently located at or near interstate highway interchanges. Given that the members of these trade groups also benefit from the continued operation of SRAs (e.g., the National Association of Truck Stop Operators (NATSO) is supportive of the truck parking provided at SRAs), the research team would like to foster cooperation between VDOT and these organizations on new funding mechanisms for SRAs. At a minimum, specific groups to be interviewed would include:

- NATSO
- National Association of Convenience Stores (NACS)
- Owner Operator Independent Drivers Association (OOIDA)

## Task 5: Final Report Development

### **PROJECT SCHEDULE**

The project schedule outlined below is an estimate of the time allotted for each task to facilitate completion of the study by November 1, 2010.



**APPENDIX C**

**STATE DOT SAFETY REST AREA FUNDING SURVEY**



## **STATE DOT SAFETY REST AREA FUNDING SURVEY**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages?
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA?
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities?

If so, what?

- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA?

What avenues have you explored along these lines and what were the results?

- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition?



**APPENDIX D**

**STATE DOT COMMERCIAL TRUCK PARKING POLICY SURVEY**



## STATE DOT COMMERCIAL TRUCK PARKING POLICY SURVEY

The Virginia General Assembly has requested that the Virginia Transportation Research Council (VTRC) examine prospects for the nonpublic funding of **interstate safety rest areas (SRA)**. As part of this effort, VTRC is polling other state DOTs for the most current information available about their SRA operations.

We ask that you please respond to the following questions:

1. Does your state allow “overnight” (i.e., sundown to sunup) truck parking at **interstate SRA**?
2. If yes:
  - Is there a charge for overnight parking?
  - What driver amenities are available, if any?
  - Is electrification available for truck idling reduction?
  - Are vehicles documented or registered to aid in compliance with Federal Motor Carrier Safety Hours of Service?
  - Is law enforcement provided?
3. If no:
  - What truck parking time limits does your state impose on **interstate SRA**?
  - Is your state interested in implementing an “overnight” truck parking program at interstate SRA?  
Why or why not?
  - Would your state offer overnight truck parking at interstate SRA at no cost or for fees?
  - Did your state implement motor vehicle idling reduction facilities in interstate rights-of-way [23 U.S.C. 111 (d)] at any time between 2005 (enactment in federal code) and 2008 (repeal of section (d))?



**APPENDIX E**

**INTERSTATE SAFETY REST AREA AND WELCOME CENTER SURVEY**





## INTERSTATE SAFETY REST AREA AND WELCOME CENTER SURVEY

Virginia is looking for new ways to pay for its interstate safety rest areas and welcome centers. We'd like your opinions. We do ask that only one person from your vehicle answer this survey.

How likely would you be to support Virginia raising money for safety rest areas and welcome centers by renting space to businesses ...	Very Likely	Somewhat Likely	Neutral	Somewhat Unlikely	Not Likely at all
1. For serving fast food, restaurant meals, and other types of prepared food	<input type="checkbox"/>				
2. For local produce to be sold (i.e., farmers markets)	<input type="checkbox"/>				
3. For Virginia brand products to be sold (e.g., peanuts)	<input type="checkbox"/>				
4. For tourism services (e.g., hotel reservations)	<input type="checkbox"/>				

5. Are there any other businesses that would serve *travelers* that you would support space being rented to at safety rest areas and welcome centers?

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How likely would you be to support Virginia raising money for safety rest areas and welcome centers by renting space to businesses ...	Very Likely	Somewhat Likely	Neutral	Somewhat Unlikely	Not Likely at all
6. For selling gas/diesel fuel	<input type="checkbox"/>				
7. For selling electricity through electric vehicle charging stations	<input type="checkbox"/>				
8. That do minor vehicle repairs or sell vehicle parts	<input type="checkbox"/>				

9. Are there any other businesses that would serve *vehicles* that you would support space being rented to at rest areas?

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How likely would you be to support Virginia raising money for safety rest areas and welcome centers by ...	Very Likely	Somewhat Likely	Neutral	Somewhat Unlikely	Not Likely at all
10. Charging a fee to each vehicle using the rest area	<input type="checkbox"/>				
11. Charging a fee to use the restroom	<input type="checkbox"/>				
12. Charging a fee to park overnight	<input type="checkbox"/>				
13. Charging a fee for an electric power hook-up	<input type="checkbox"/>				

14. Are there any other *charges* that you would support at safety rest areas and welcome centers?

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15. How much money have you spent or will you spend at vending machines at this safety rest area (and welcome center if applicable) today?

- \$ 0     
  less than \$3     
  \$3 or more     
  No vending machines available

Survey and Evaluation Research Laboratory, Virginia Commonwealth University

For each of the following goods, please indicate which items you would consider buying from a vending machine at a safety rest area and welcome center ...		
16. Baby items	<input type="checkbox"/> Yes	<input type="checkbox"/> No
17. Movie DVDs	<input type="checkbox"/> Yes	<input type="checkbox"/> No
18. Pet items	<input type="checkbox"/> Yes	<input type="checkbox"/> No
19. Tourism items/souvenirs	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20. Lotto tickets	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21. Over-the-counter health care items such as band-aids, pain reliever, toothpaste, and feminine products	<input type="checkbox"/> Yes	<input type="checkbox"/> No
22. Fresh foods such as sandwiches, ice cream, or fruit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
23. Additional non-alcoholic drink choices	<input type="checkbox"/> Yes	<input type="checkbox"/> No

24. Is there anything else that you would like to see sold in vending machines at safety rest areas and welcome centers?

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Finally, just a few questions that will help us classify your answers:

25. What is your current age? \_\_ \_\_

26. What type of trip are you on today?

Work Related Trip    Vacation, In VA    Vacation, Not In VA    Day Trip    Regular Daily Driving

27. What is your gender?

Male    Female

28. Are you traveling today with children?

Yes    No

29. Are you a Virginia resident?

Yes    No

**IF you have any additional suggestions for how to pay for Virginia's interstate safety rest areas and welcome centers, please write them here:**

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How likely would you be to support Virginia raising money for safety rest areas and welcome centers by ...	Very Likely	Somewhat Likely	Neutral	Somewhat Unlikely	Not Likely at all
30. Charging a fee for registered overnight parking for trucks	<input type="checkbox"/>				
31. Charging a fee for electrification/idle-reduction facilities for trucks	<input type="checkbox"/>				
32. Charging a fee for showers for truck drivers	<input type="checkbox"/>				
33. Charging a fee for minor vehicle maintenance (water, air, automated vehicle wash, etc.)	<input type="checkbox"/>				

34. Are there any other *goods or services for freight trucks (and their drivers)* that you would support at safety rest areas and welcome centers?

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**THANK YOU VERY MUCH FOR YOUR TIME and DRIVE SAFELY!**

**APPENDIX F**

**INTERSTATE SAFETY REST AREA AND WELCOME CENTER SURVEY:  
FREIGHT TRUCK DRIVERS ONLY**





## INTERSTATE SAFETY REST AREA AND WELCOME CENTER SURVEY

### FREIGHT TRUCK DRIVERS ONLY

Virginia is looking for new ways to pay for its interstate safety rest areas and welcome centers. We'd like your opinions. We do ask that only one person from your vehicle answer this survey.

How likely would you be to support Virginia raising money for safety rest areas and welcome centers by ...	Very Likely	Somewhat Likely	Neutral	Somewhat Unlikely	Not Likely at all
35. Charging a fee for registered overnight parking for trucks	<input type="checkbox"/>				
36. Charging a fee for electrification/idle-reduction facilities for trucks	<input type="checkbox"/>				
37. Charging a fee for showers for truck drivers	<input type="checkbox"/>				
38. Charging a fee for minor vehicle maintenance (water, air, automated vehicle wash, etc.)	<input type="checkbox"/>				
39. Renting space to businesses for serving fast food, restaurant meals, and other types of prepared food	<input type="checkbox"/>				
40. Renting space to businesses for selling gas/diesel fuel	<input type="checkbox"/>				
41. Charging a fee to use the restroom	<input type="checkbox"/>				

42. Would you consider buying fresh foods such as sandwiches, ice cream, or fruit from a vending machine at a safety rest area and welcome center?  Yes  No

43. Are there any other *goods or services for freight trucks (and their drivers)* that you would support at safety rest areas and welcome centers?

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**THANK YOU VERY MUCH FOR YOUR TIME and DRIVE SAFELY!**



**APPENDIX G**  
**TRADE GROUP INTERVIEW QUESTIONS**



## TRADE GROUP QUESTIONS

### BACKGROUND

Recent budget constraints have caused the state of Virginia to study alternatives to the public funding of all or portions of its interstate Safety Rest Areas (SRAs) and Welcome Centers. House Joint Resolution No.126 of the 2010 General Assembly tasks the Virginia Transportation Research Council (VTRC) to conduct that study. One of the key tasks in this research effort is to contact trade groups with an interest in this initiative to identify potential impacts on members of their organizations and to determine feasible paths to achieve self-funding of interstate rest areas that serve all Virginia motorists.

### I. POTENTIAL SHORT-TERM FUNDING OPTIONS

Listed below are possible changes to SRA configurations or services that VDOT currently provides. We ask that you indicate how likely it is that your trade group would support each of these changes: (1) very likely (2) somewhat likely (3) neutral (4) somewhat unlikely (5) not likely at all.

- A. \_\_\_expanded vending
- B. \_\_\_expanded advertising
- C. \_\_\_sponsorship (e.g., selling of naming rights or acknowledgement of sponsors at SRAs and through other public media in exchange for SRA funding)
- D. \_\_\_development of privately-owned and operated service plazas adjacent to existing SRAs (but outside the interstate rights-of-way) with pedestrian access from the SRA
- E. \_\_\_establishment of partnerships between VDOT and regional entities through relocated and regionally-focused and managed welcome centers
- F. \_\_\_other (please specify)

Please expand on your responses to (A) through (F), especially those that you answered with (1)—very likely or (5)—not likely at all.

## II. POTENTIAL LONG-TERM FUNDING OPTIONS

Long-term funding options are being discussed by state DOTs across the country. Some of the most common are listed below. Although any of these options would advance the goal of self-funding for interstate rest areas, all would require federal statutory changes. Please indicate how likely it is that your organization would support these changes: (1) very likely (2) somewhat likely (3) neutral (4) somewhat unlikely (5) not likely at all.

- A. \_\_\_\_ the loosening of federal and state restrictions on commercial activity at interstate SRAs
- B. \_\_\_\_ the tolling of interstate highways, including those originally built with federal funds as part of the National Highway System
- C. \_\_\_\_ state-operated or public-private partnership truck parking expansion to allow for overnight parking, idling reduction facilities, and driver amenities *for a user fee*
- D. \_\_\_\_ other (please specify)

Please expand on your responses to (A) through (D), especially those that you answered with (1)—very likely or (5)—not likely at all.

## III. OPTIONS PROPOSED BY YOUR TRADE GROUP

To ensure that VDOT's SRAs are always available and open to the traveling public, what nonpublic funding sources *not listed above* would your trade group recommend that VDOT consider?

**APPENDIX H**  
**OPTIONS FOR SRA FUNDING**



**STATE INITIATIVES RELEVANT TO SRA FUNDING**

<b>State</b>	<b>Programs/Actions</b>	<b>Fees</b>	<b>Interstate Tolling</b>
Arizona	HB 2645 (2010)—allows Arizona Department of Transportation (DOT) to make agreements with counties, cities, towns, private entities for maintenance/improvement of rest areas <sup>1</sup> ; passed in Committee on Transportation and Infrastructure <sup>2</sup>	Surcharge on vehicle registration fees <sup>3</sup>	
California	Traveler services rest areas (TSRAs)—commercial rest areas sited outside controlled access rights-of-way with pedestrian access <sup>4</sup> Sale of digital billboard advertising on highways—concept stage <sup>5</sup>		
Florida	Sale of digital billboard advertising on highways—concept stage <sup>5</sup>		
Georgia	SR 822 (2010)—urges Georgia DOT to press Federal Highway Administration (FHWA) for permission to lease rest areas to retail market <sup>6</sup> Private partnership for SRA / Welcome Center management (advertising and sponsorship sales) <sup>7</sup> Commercial sponsorship for wireless Internet access in exchange for viewing Internet ads before service <sup>8</sup>		
Iowa	Top-of-Iowa Welcome Center: public-private partnership (PPP) with commercial store at interchange <sup>9</sup>		
Minnesota	Rest area partnerships (including a 2002 National Scenic Byways grant for the most recent rest area project) <sup>10</sup> ; sponsorship programs under development <sup>11</sup>		
Missouri			Awarded 1 of 3 slots in Interstate System Reconstruction and Rehabilitation Pilot Program for I-70 in 2005 <sup>12</sup>

<sup>1</sup> [http://www.azleg.gov/legtext/49leg/2r/summary/h hb2645\\_02-08-10\\_ti.doc.htm](http://www.azleg.gov/legtext/49leg/2r/summary/h hb2645_02-08-10_ti.doc.htm); <http://www.azleg.gov/legtext/49leg/2r/bills/hb2645h.htm>. Accessed 11/23/2010.

<sup>2</sup> [http://www.azleg.gov/legtext/49leg/2r/comm\\_min/house/021110ti.doc.htm](http://www.azleg.gov/legtext/49leg/2r/comm_min/house/021110ti.doc.htm). Accessed 11/23/2010.

<sup>3</sup> <http://www.stateline.org/live/printable/story?contentId=471391>. Accessed 11/23/2010.

<sup>4</sup> Kress, E.N., and Dornbusch, D.M. Commercialization of Rest Areas in California. In *Transportation Research Record: Journal of the Transportation Research Board, No. 1326*. Transportation Research Board of the National Academies, Washington, DC, 1991, pp. 1-5. Also Dornbusch Associates, *Task A Report: Background/History of Caltrans' Activities to Develop Public/Private Partnerships at SRAs in California, Contract No: 65A0240*. California Department of Transportation, 2007. [http://www.dot.ca.gov/hq/LandArch/srra/docs/Public\\_Private\\_SRRR\\_Partnership\\_Opportunities.pdf](http://www.dot.ca.gov/hq/LandArch/srra/docs/Public_Private_SRRR_Partnership_Opportunities.pdf). Accessed October 29, 2010.

<sup>5</sup> [http://www.pittsburghlive.com/x/pittsburghtrib/news/s\\_688887.html](http://www.pittsburghlive.com/x/pittsburghtrib/news/s_688887.html). Accessed 11/23/2010.

<sup>6</sup> <http://www.timesfreepress.com/news/2010/mar/10/retailers-eyed-to-help-fund-rest-stops/>. Accessed 11/23/2010.

<sup>7</sup> <http://atlanta.bizjournals.com/atlanta/stories/2010/07/12/daily64.html>. Accessed 11/23/2010.

<sup>8</sup> <http://www.aashtojournal.org/Pages/041610georgia.aspx>. Accessed 11/23/2010.

<sup>9</sup> Mastellar, M. *Iowa's New Interstate Rest Areas*, Iowa DOT, 2003. <http://www.ctre.iastate.edu/pubs/midcon2003/MastellerRest.pdf>. Accessed 11/23/2010.

<sup>10</sup> [http://www.dot.state.mn.us/d2/newsrels/07/04/09\\_CL\\_welcome\\_center.html](http://www.dot.state.mn.us/d2/newsrels/07/04/09_CL_welcome_center.html) ; <http://www.dot.state.mn.us/restareas/partnerships/partnerships.html>. Accessed 11/23/2010.

<sup>11</sup> R. Williams, personal communication, 4/5/10.

<sup>12</sup> [http://www.ops.fhwa.dot.gov/tolling\\_pricing/interstate\\_rr.htm](http://www.ops.fhwa.dot.gov/tolling_pricing/interstate_rr.htm). Accessed 11/23/2010.

**STATE INITIATIVES RELEVANT TO SRA FUNDING (CONTINUED)**

<b>State</b>	<b>Programs/Actions</b>	<b>Fees</b>	<b>Interstate Tolling</b>
North Carolina	2010 General Assembly authorized 2 pilot projects for subcontracting of visitor centers to private and not-for-profit entities (operations still subject to 23 U.S.C. § 111); closed 2 rest areas pending takeover by counties <sup>13</sup>		Post, Buckley, Schuh, and Jernigan, Inc. (PBS&J) conducting a 2-year Corridor Plan & Finance Study into needs of I-95 between Virginia and South Carolina borders <sup>14,15</sup>
Ohio	Sales of interior advertising at SRAs—concept stage <sup>16</sup>		
Oregon	Oregon Solar Highway initiative including solar power plant at SRA on I-5 <sup>17</sup>		
New Jersey	Retailing of turnpike rest area naming rights—concept stage <sup>18</sup> PPP restaurant enterprises—concept stage <sup>19</sup>		
Pennsylvania	Sale of digital billboard advertising on highways—concept stage <sup>5</sup>		Applied for place in ISRRPP for I-80; application rejected by FHWA in 2010 <sup>20</sup>
South Carolina	Subcontract welcome centers to not-for-profit concessionaires (e.g., Chamber of Commerce)—concept stage <sup>21</sup>		Awarded 1 of 3 slots in Interstate System Construction Toll Pilot Program for I-73 in 2007 <sup>22</sup>
Virginia			Awarded 1 of 3 slots in ISRRPP for I-81 in 2003 <sup>12</sup> ; applied to shift authority to I-95 from I-81 in 2010 <sup>23</sup> ; FHWA decision pending

<sup>13</sup> [http://www.ncdot.org/download/about/board/sei/meetingMinutes/2010\\_01-02\\_Minutes.pdf](http://www.ncdot.org/download/about/board/sei/meetingMinutes/2010_01-02_Minutes.pdf). Accessed 11/23/2010.

<sup>14</sup> <http://www.businessweek.com/ap/financialnews/D9FVTKE80.htm>. Accessed 11/23/2010.

<sup>15</sup> <http://www.tollroadsnews.com/node/4677>. Accessed 11/23/2010.

<sup>16</sup> Farkas, K. Ohio transportation officials working hard to find new revenue for roadside rest areas. The Plain Dealer. Cleveland.com 6/13/10.

<http://blog.cleveland.com/metro//print.html>. Accessed 6/15/10.

<sup>17</sup> [http://www.oregon.gov/ODOT/HWY/OIPP/inn\\_solarhighway.shtml](http://www.oregon.gov/ODOT/HWY/OIPP/inn_solarhighway.shtml). Accessed 11/23/2010.

<sup>18</sup> [http://www.northjersey.com/news/032710\\_reststops.html](http://www.northjersey.com/news/032710_reststops.html). Accessed 11/23/2010.

<sup>19</sup> [http://www.northjersey.com/news/080510\\_New\\_Jersey\\_wants\\_to\\_add\\_restaurants\\_to\\_interstate\\_rest\\_areas.html](http://www.northjersey.com/news/080510_New_Jersey_wants_to_add_restaurants_to_interstate_rest_areas.html). Accessed 11/23/2010.

<sup>20</sup> Nussbaum, P., Tolls for I-80 rejected –again. Philly.com. 4/6/2010. Accessed 4/7/2010;

<http://www.paturnpike.com/I80/pdf/Interstate%2080%20Letter%20to%20Rendell1.pdf>. Accessed 11/23/2010.

<sup>21</sup> <http://www.thesunnews.com/2010/10/30/1781960/region-provides-welcome-guidance.html>. Accessed 11/23/2010.

<sup>22</sup> [http://www.ops.fhwa.dot.gov/tolling\\_pricing/interstate\\_constr.htm](http://www.ops.fhwa.dot.gov/tolling_pricing/interstate_constr.htm). Accessed 11/23/2010.

<sup>23</sup> VDOT, unpublished data.

**APPENDIX I**

**RESPONSES TO STATE DOT SAFETY REST AREA SURVEY**



## **Arkansas**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? It would be considered. What avenues have you explored along these lines and what were the results? None
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None

## **California (response 1)**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? Currently there are no plans to supplement revenues supporting operations at SRA.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No Caltrans policy prohibits charging fees at SRA or vista points.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? Sections of SRA and vista points can be adopted by volunteers for litter removal.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? No actions were considered.

## **California (response 2)**

- (1) Does your DOT currently have closed interstate safety rest areas(SRA) as a result of funding shortages? No
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? We have looked into a number of revenue generating ideas, but have not found a way to accomplish anything as of this time.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? Yes. We have found the Oasis program to be the best possible model for developing NEW commercialized SRRA's since the trucking industry has blessed it. We have tried unsuccessfully over the years to change our State Statutes to allow a pilot program to commercialize existing rest areas, but have been unsuccessful in gaining support. California, Oregon and Washington recently, through SEP-15, tried to develop an alternative fuel network on Interstate 5 at rest areas from Mexico to Canada. NATSO has killed that effort. The State agency responsible for the Blind Vending Program were building their opposition to it as well. They have voiced concern with the current language that allows a pilot of up to 6 locations for developing NEW partnered facilities.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? We were approached by a company who wanted to place digital advertising within our rest area core areas in exchange for some compensation (to be negotiated). Concerns regarding sole sourcing caused the project to spiral out of control and the vendor withdrew their interest. In regards to developing new partnered facilities off-line, we have tried unsuccessfully for 25 years to develop one. Generally speaking, the public sector has not been able to move at a speed acceptable to potential private partners, or the funding falls through due to State budget issues. In the early 2000's, we almost had an agreement with a truck stop operator to add a very large number of FREE truck parking spaces to his facility if we could come up with the money to purchase the then farm land. Unfortunately California's economy was tanking, so we could not get the money to fund the project. In the years since, much of the area has been converted to residential developments.

#### **Florida (response 1)**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? No. If so, what?

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? If it is allowed by FHWA we would investigate this option. What avenues have you explored along these lines and what were the results? None, FHWA does not allow it.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? We have not considered other actions.

## **Florida (response 2)**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? We've started using asset management contracts (multi-facility, full-service, along entire corridor) to try to 'fix' costs. Not really to reduce/supplement costs, but to reduce variability of costs.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? Yes, we are considering 'piloting' a couple RA sites that are 'off-system' – located on a state road at an interchange.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? n/a.

## **Idaho**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? None at this time.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? ITD continues to fund maintenance and operation of Rest Areas with operating funds.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? ITD has not engaged in any discussion regarding the commercialization of interstate Rest Areas.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None

## **Illinois**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? Our state recently passed a capital bill. Although nothing specific was identified for SRA's, we do have funding for the maintenance and repairs.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? Yes, we have had discussions with our local FHWA Division office. Due to current law they cannot be converted without federal changes and possible federal dollar reimbursement.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? Privatization is the main one. Advertising is another one as well as vending. Advertising is prohibited by federal law and we must use blind vendors under federal and state law as well.

## **Iowa**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None to date.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? We have not really explored commercialization of SRA. We did a private / public partnership some years ago that allowed salesmanship, but legislation has since been past prohibiting us from pursuing those. Although commercialization might help with operational costs, it would also bring another set of problems to rest area administrators.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None

## **Kentucky**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? No actions to supplement revenues to this point.
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? No. If so, what? None.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? There is some interest. What avenues have you explored along these lines and what were the results? None to this point.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? No other actions have been considered to financially support the Safety Rest Areas.

## **Louisiana**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? Yes, Louisiana has closed 23 of 34 rest areas. Ten of those were closed for budget reason as was one new rest area.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? We would be interested but have not discussed anything specific
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None

## **Mississippi**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? Included in the Budget

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? No. If so, what?

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? Not to my knowledge. What avenues have you explored along these lines and what were the results? None.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition?

## **Missouri**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? MoDOT has reduced the number of rest areas in the past few years but it is part of a long range plan to do so, it just happened to coincide with budget issues. The plan developed in 2000 with several revisions including one occurring now, looks at locations and spacing. The original spacing based on a recommendation from the start of the rest area program (1960's) was 60 miles. We feel with the improvement of travel today, the distance can be greater than this resulting in fewer rest areas.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? MoDOT continues to monitor the services at the rest areas and maintain at the current level without any direct actions to supplement revenues.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No, MoDOT has not considered this.

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? MoDOT considered this option in 2000 with a request to the FHWA. Other states have also requested permission to privatize interstate rest areas but to no avail. A survey from Montana in 1998 asked if private business should be allowed to develop at rest areas and the response was 66.3% against this action. MoDOT is not opposed to exploring this option but realize there would likely be stiff opposition from private industry with claims of unfair competition and preferential treatment due to the dedicated ramps in and out of a rest area. Not only is there Federal regulations against this action but Missouri also has a state statute (226.790) prohibiting the Commission from this action.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? MoDOT has not explored anything other than the privatization issue.

## Montana

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? MDT does not currently have any interstate rest areas closed due to funding shortages.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? In response to substantial public demand for adequate, safe, clean rest stops the Montana Transportation Commission has directed the MDT to develop an asset management approach to allocate funding via set-aside, according to a prioritization plan developed and managed by a committee of affected stakeholders within MDT (Planning, Engineering, Construction, Facilities, Maintenance, Environmental). The Federal Highway Administration (FHWA), Montana Division and the Montana Department of Environmental Quality (MT DEQ) are active participants in the plan as well.

A substantial effort was undertaken to develop a baseline status for all rest areas, assess the work required to maintain or replace the facilities, and prioritize the work to be accomplished. The Rest Area Prioritization Plan is now actively managed to modify priorities and sustain forward project delivery momentum using the rest area set-aside funds.

In addition, rest area research is an on-going priority. Currently MDT is contracting with the Western Transportation Institute (WTI) to develop new rest area usage statistics in order to improve the estimation methodology for rest area demand, sizing, etc. These data and analysis will provide MDT an improved rest area project delivery mechanism for efficient use of limited funding.

With regard to Facility Maintenance, MDT has experimented with both contracted services for janitorial and light service, as well as state employees serving the same function at other facilities in order to determine. The balance of quality and service is a delicate one, often predicated on each individual contractor.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No rest area fee structure has been considered or developed to this point.

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? While MDT has not evaluated, nor are we currently evaluating, rest area usage commercialization as a source of funding, the MDT is actively monitoring recent efforts by other states who are seeking either to change law, or have an exception granted to do so.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? MDT continues to be challenged with the placement of facilities in close proximity to areas which may be negatively affected by rest area source water demands and waste water treatment. Resolution to these challenges are being actively pursued on a case-by-case basis, predominantly within existing

right-of-way, again promoting the most efficient use of past investment and future financial stewardship.

Occasionally, MDT also encounters public opposition to site selection, though a work-around or agreement is often reached in order that a rest area project may proceed with associated impact mitigation.

### **New Mexico**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None to date
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? We explored a partnership with Dept of Tourism and one Native American Tribe, but federal regulations prohibited the project.
- (5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None

### **Ohio**

- (1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.
- (2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? We have looked into on site advertising, but have not implemented anything yet..
- (3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No.
- (4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? Possibly. We have researched the issue several times over the years. But, the Randolph-Shepperd act prevents us from having any vending competition at rest areas. Also, Federal Legislation does not allow for these types of activities on the highway ROW property. We looked at developing property outside the highway ROW, but that did not work out.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? None.

## **Washington**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None. Maintenance funding for SRAs are still provided with current maintenance budget.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? No. If so, what?

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? Potentially, but it is currently not an initiative. What avenues have you explored along these lines and what were the results? We have only explored commercialization for electric vehicle charging and alternative fueling. The results are that it is prohibited to charge a fee to the public for use of services at the rest areas, so there was no incentive for the private companies. Currently we are exploring the potential to provide limited electric vehicle charging at rest areas with no charge to the public. The main purpose of these initiatives is not for revenue generation to help with budget gaps.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? No other actions have been considered.

## **Utah**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No, UDOT has not closed any of its SRAs as a result of funding shortages.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? UDOT spends fixed amount of its maintenance budget for a contractor to maintain these facilities. There has not yet been a need or action to supplement this amount.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? No, UDOT has not considered charging fees for its publicly funded SRAs.

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? UDOT has several rest stops that are maintained through a public-private partnership. UDOT provides signage directing motorists to services located off state right-of-way. This is similar to the national Oasis program.

UDOT also supports the AASHTO Highway Subcommittee on Maintenance Resolution requesting AASHTO to support a revision to existing federal law that would allow commercialization or privatization of SRAs along the NHS.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? Other than existing federal rules, the expected opposition to nonpublic SRAs in Utah may come from disadvantaged nonprofit groups (that are allowed to operate vending machines at SRAs) and truck stop businesses.

### **West Virginia Department of Transportation**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? No, the only ones closed are those that are being demolished for new construction.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? None.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? No

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? We would definitely be interested but have not looked into it since it is currently prohibited.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition?

### **Wisconsin**

(1) Does your DOT currently have closed interstate safety rest areas (SRA) as a result of funding shortages? Yes, Wisconsin has permanently closed one Interstate SRA on IH-94 by Hudson, WI.

(2) What actions has your state taken to supplement revenues supporting maintenance and operations at SRA? With the limited maintenance budget, Wisconsin has taken the cost cutting approach. We have held SRA costs by across-the-board cuts, reduced services, reducing staffing hours and deferring larger scale maintenance and repairs.

(3) Have you considered charging user fees of any sort (access to parking lot, restrooms, exit fee, etc.) for the use of SRA facilities? If so, what? NO! It is our opinion that the American public expectation of such SRA facility usage is without charge, even in tollway service plazas. The traveling public would have a negative reaction to and vehemently oppose any sort of usage fee structure.

(4) Even though it is now prohibited, is your state interested in commercializing interstate SRA? What avenues have you explored along these lines and what were the results? We are interested in the concept of commercializing interstate SRA but have not actively pursued it as it is prohibited. We are currently pursuing SRA travel literature distribution contracts with private vendors.

(5) What other actions considered by your DOT to financially support SRA have been prevented by state or federal code and/or organized opposition? Public/private partnerships, commercial products/services and commercial advertising.

Please contact me if you have any further questions.



**APPENDIX J**

**RESPONSES TO STATE DOT COMMERCIAL TRUCK PARKING POLICY SURVEY**



## RESPONSES TO STATE DOT COMMERCIAL TRUCK PARKING POLICY SURVEY

### 1. Does your state allow “overnight” (i.e., sundown to sunup) truck parking at interstate SRA?

- Florida: Yes, we also provide parking at our interstate weighing-in-motion facilities
- Iowa: Yes
- Indiana: Yes
- Kansas: Yes
- Louisiana: No, there is a recommended two-hour parking limit for all vehicles but it is not enforced
- Maryland: The Motor Carrier Division of the Maryland State Highway Administration has long been keenly aware of the need to maximize truck parking opportunities, especially at night. Those options have included public rest areas, private truck stops, truck weigh and inspection stations (TWIS) and commuter park & ride lots. All of these available truck parking locations have been included in our Maryland Truckers’ Map and Maryland Motor Carrier Handbook. Recently, the park and ride locations have been deleted owing to some geometric concerns and the potential for conflict with commuters. Overnight truck parking at our public rest areas is not time restricted, so that additional answers to question #2 are provided and answers to question #3 are not applicable. Truck parking at our larger TWIS is permitted whenever the station is closed.
- Minnesota: Yes, Minnesota state law allows commercial motor vehicle operators subject to hours of service regulations under 49 CFR 395, to stop and park continuously, for a period of up to ten hours as necessary to comply with the hours of service regulations, at any Mn/DOT safety rest area or travel information center that has parking stalls designed to accommodate a commercial motor vehicle. In addition, later this year the department expects to research opportunities for public/public and public/private partnership facilities. Such facilities could supplement the Minnesota Rest Area System.
- Missouri: Yes
- Mississippi: No, we do not allow overnight parking or camping in any of our Welcome Centers or Rest Areas. Motorists are allowed to sleep in their vehicles at our Welcome Centers or Rest Areas as long as it is for a reasonable period of time. We do not keep people from parking for a reasonable time, but as you can imagine we cannot allow the Welcome Centers or Rest Areas to be used as a camp ground. There is not enough parking spaces to do this and accommodate the traveling public.
- Montana: Yes
- North Dakota: Yes
- Nebraska: Parking is limited to 10 hours, but not necessarily “overnight” parking.
- New Jersey: Yes
- Ohio: Ohio has a three hour time limit, however, we do not chase anyone out of the rest area. We do request that they sign in on the register.
- Pennsylvania: SRA posted rules limit parking to two hours. However, we do not use law enforcement to move overnight trucks.

Texas: Yes  
 Washington: YES – There is a 8 hour limit but it is not enforced due to increase of rest period to 10 hours.  
 West Virginia: Yes  
 Wisconsin: Yes

**2. If yes:  
 Is there a charge for overnight parking?**

Florida: No  
 Iowa: No  
 Indiana: No  
 Kansas: No  
 Louisiana: No, the FHWA does not allow commercial activities on Federal ROW.  
 Maryland: There are no charges for truck parking at any of our facilities.  
 Minnesota: No charge.  
 Missouri: No, at some of the truck stops there is an overnight charge for electrification. At this point in time, truck drivers in Missouri are not cited for parking on off- or on-ramps along our Interstates.  
 Mississippi: No  
 Montana: No  
 North Dakota: No  
 Nebraska: No  
 New Jersey: No  
 Ohio: --  
 Pennsylvania: --  
 Texas: No  
 Washington: No  
 West Virginia: No  
 Wisconsin: No

**What driver amenities are available, if any?**

Florida: Restrooms and vending machines  
 Iowa: Rest rooms, vending, information kiosks, free wireless internet, maps  
 Indiana: Restrooms, vending machines, water fountain  
 Kansas: Toilets and Sinks  
 Louisiana: Rest-rooms and vending machines  
 Maryland: Most of the public rest areas have rest rooms and vending machines. Some have only spot-a pots.  
 Minnesota: Restroom facilities, snack & beverage vending, pay phones, picnic areas, play areas, highway maps and walking trails are offered.  
 Missouri: Rest Areas have rest rooms with indoor plumbing and electricity but not electrification for idling reduction. They also have vending machines. Designated Truck Stop Areas do not have rest rooms or indoor plumbing.

Privately owned and operated truck stops have amenities such as idling reduction electrification, showers, rest rooms, etc.

Mississippi: Rest rooms and Dump Station  
Montana: None other than standard rest stop services – weather announcements, toilets, walking paths, cultural/historical information..  
North Dakota: Nothing other than rest area convenience  
Nebraska: Restrooms  
New Jersey: Trash bins, outdoor picnic area, PortaJohns, and Tourist information  
Ohio: --  
Pennsylvania: --  
Texas: None  
Washington: Restrooms; vending  
West Virginia: NOTHING SPECIAL, RESTROOMS, VENDING MACHINES  
Wisconsin: Restrooms, vending machines, telephones, weather and travel information

**Is electrification available for truck idling reduction?**

Florida: No  
Iowa: No  
Indiana: No  
Kansas: No  
Louisiana: No  
Maryland: No  
Minnesota: No  
Missouri: No  
Mississippi: No  
Montana: No  
ND: No  
NE: No  
North Dakota: No  
Ohio: --  
Pennsylvania: --  
Texas: No  
Washington: No  
West Virginia: No  
Wisconsin: No

**Are vehicles documented or registered to aid in compliance with Federal Motor Carrier Safety Hours of Service?**

Florida: No  
Iowa: --  
Indiana: No  
Kansas: No  
Louisiana: No  
Maryland: No

Minnesota: No  
 Montana: Yes, we expect that they are registered, but we do not require overnight trucks to check in and provide their current hours of service.  
 Mississippi: No  
 Montana: No  
 North Dakota: No  
 Nebraska: No  
 New Jersey: No  
 Ohio: --  
 Pennsylvania: --  
 Texas: No  
 Washington: No  
 West Virginia: No  
 Wisconsin: No

**Is law enforcement provided?**

Florida: Nighttime security  
 Iowa: No  
 Indiana: Only if one chooses to enter the rest park during the night  
 Kansas: Not 24 hour, only occasional Visit by Hiway Patrol  
 Louisiana: Yes, there are security guards from 6 PM to 6 AM  
 Maryland: Roving enforcement patrols provide periodic surveillance of rest areas and truck weigh and inspections stations throughout the night.  
 Minnesota: No  
 Missouri: The Highway Patrol or local Sheriff's department patrols the rest area as necessary.  
 Mississippi: Yes  
 Montana: None other than standard highway patrol on the highway mainline.  
 North Dakota: No  
 Nebraska: No  
 New Jersey: No  
 Ohio: --  
 Pennsylvania: --  
 Texas: No  
 Washington: YES by Washington State Patrol  
 West Virginia: No  
 Wisconsin: Not specifically. Normal State Patrol periodic drive-through.

**3. If no:**

**What truck parking time limits does your state impose on interstate SRA?**

Florida: --  
 Iowa: Staying at an interstate rest area for more than 24 hrs is prohibited.  
 Indiana: --  
 Kansas: --

Louisiana: Recommended two-hour parking for all vehicles; however, it is not enforced  
Maryland: --  
Minnesota: --  
Missouri: --  
Mississippi: We do not allow overnight parking or camping in any of our Welcome Centers or Rest Areas. Motorists are allowed to sleep in their vehicles at our Welcome Centers or Rest Areas as long as it is for a reasonable period of time. We do not keep people from parking for a reasonable time, but as you can imagine we cannot allow the Welcome Centers or Rest Areas to be used as a camp ground. There is not enough parking spaces to do this and accommodate the traveling public.

Montana:  
North Dakota: None  
Nebraska: 10 hours  
New Jersey: --  
Ohio: Three hours  
Pennsylvania: SRA posted rules limit parking to two hours.  
Texas: 24 HOUR LIMIT  
Washington: --  
West Virginia: 6 HOURS; HOWEVER, ONLY ENFORCED IF THERE IS A PROBLEM  
Wisconsin: --

**Is your state interested in implementing an “overnight” truck parking program at interstate SRA? Why or why not?**

Florida: --  
Iowa: Not familiar with the “overnight” truck parking program  
Indiana: --  
Kansas: --  
Louisiana: No, we do not have any significant problem with parking as it is  
Maryland: --  
Minnesota: --  
Montana: --  
Mississippi: Not to my knowledge.  
Montana:  
North Dakota: If funding was available we would increase parking spaces available.  
Nebraska: NO. Do not have available space.  
New Jersey: --  
Ohio: Unofficially, we already have that. Trucks are parked on the ramps and even into the auto lots on many evenings.  
Pennsylvania: No, the money is not available.  
Texas: No. OVERNIGHT PARKING IS ALREADY ALLOWED.  
Washington: --  
West Virginia: No. INSUFFICIENT SPACE  
Wisconsin: --

**Would your state offer overnight truck parking at interstate SRA at no cost or for fees?**

Florida: --  
Iowa: No cost.  
Indiana: --  
Kansas: --  
Louisiana: The FHWA does not allow commercial activities on interstate ROW and we do not propose use state ROW to compete with private enterprise  
Maryland: --  
Minnesota: --  
Missouri: --  
Mississippi: --  
Montana: --  
North Dakota: Current practice.  
Nebraska: NA already allow 10 hour parking.  
New Jersey: --  
Ohio: The fee concept has not been discussed.  
Pennsylvania: Parking would be at no cost.  
Texas: OVERNIGHT PARKING IS ALREADY ALLOWED  
Washington: --  
West Virginia: NO COST IF ROOM WAS AVAILABLE.  
Wisconsin: --

**Did your state implement motor vehicle idling reduction facilities in interstate rights-of-way [23 U.S.C. 111 (d)] at any time between 2005 (enactment in federal code) and 2008 (repeal of section (d))?**

Florida: --  
Iowa: No  
Indiana: --  
Kansas: --  
Louisiana: No  
Maryland: --  
Minnesota: --  
Missouri: --  
Mississippi: No  
Montana: --  
North Dakota: No  
Nebraska: No  
New Jersey: --  
Ohio: We are in the process of attempting to develop the first location of this type as a pilot project.  
Pennsylvania: Unknown.  
Texas: NO  
Washington: NO There is no anti-idling regulation in the Washington State Code. It has been considered by the state legislature.

West Virginia: NO  
Wisconsin: --