

LEGISLATIVE AUTHORITY

PURPOSE

This chapter highlights the various legal and administrative regulations that guide the development of public roadside rest areas. Included in this discussion are issues associated with the commercialization of rest areas, funding and operation, and rest area master planning and design. Legislation and regulations governing the planning, design, and financial elements of public rest areas are cited, along with the results of the survey conducted as part of this synthesis project.

HISTORICAL PERSPECTIVE

Rest areas have been part of the roadside system in the United States since the beginning of the federal-aid highway program. The Federal-Aid Highway Act of 1938 initiated the rest area program by providing federal funds for the construction and maintenance of facilities for public comfort and convenience. It was not until the construction of the IHS, however, that rest area design and development became relatively standardized. Rest areas were initially developed along the IHS primarily because few facilities were available at exits, particularly in rural areas. As traffic grew along the Interstate system, facilities available at exits also increased dramatically. A typical rest area contained spaces for both automobiles and commercial vehicles, with rest areas generally spaced approximately every 50 mi along primary routes.

Under the current federal HOS rules, commercial vehicle drivers participating in interstate commerce are generally permitted to drive up to 10 hours after 8 consecutive hours off duty. A driver is permitted to be on duty up to 15 hours a day, with 10 hours of driving and 5 hours of performing nondriving tasks, after which the driver must take off 8 consecutive hours. The regulations further require that, if a motor carrier does not operate commercial vehicles every day of the week, then its drivers may not drive more than 60 hours over a 7-day period. If the motor carrier does operate commercial vehicles every day of the week, then its drivers may not drive more than 70 hours over an 8-day period. At the end of each time period, drivers are required to take a 24-hour rest break, after which the “HOS clock” restarts. These regulations induce a demand for parking spaces so that drivers who must drive more than 10 hours between their origin and destination (i.e., long-haul drivers) can obtain the required 8 hours of

long-term rest. In other words, these rules typically require drivers of commercial motor vehicles to complete a period of rest while en route to a destination if drivers are unable to return home for the required rest.

Rest areas were not originally and are still not designed to serve as the primary locations for commercial vehicle drivers to obtain required long-term rest. However, many commercial vehicle drivers do use the limited spaces available at these areas for purposes of obtaining such rest. The result is overcrowding at many rest areas, particularly overnight.

COMMERCIAL VEHICLE PARKING LIMITS

A number of states discourage the use of parking areas for long-term rest by limiting the amount of time a vehicle may park at such a facility. Survey respondents were asked to indicate whether their agencies placed a time limit on parking by commercial vehicles at rest areas. In addition, respondents were asked to indicate the extent to which cities and counties in their states restrict parking on local streets. A total of 18 states responding indicated that their agencies did place a time limit on parking by commercial vehicles at rest areas. In 15 of these states, such restrictions applied to all rest areas, whereas in 3 states, such restrictions applied only to selected rest areas. In all 15 states, however, respondents indicated that parking time limits were not very strictly enforced. In addition, states indicated that when subjected to prosecution for exceeding the permitted allotted time period, drivers often face only minor fines and no violation points are added to their licenses. Ostensibly, many states are hesitant to enforce parking limits for fear of sending a tired driver back on the road.

States were asked whether their agencies allow truck parking on ramps at rest areas and/or interchanges. Five respondents indicated that their states allowed trucks to park on ramps in at least some locations. In many of these situations, drivers are not ticketed or sent back on the road as long as they are safely parked off the roadway. For the most part, however, states appear to be more inclined to prohibit parking along ramps.

Survey respondents also were asked about the extent to which cities and counties restrict parking on local streets and whether these restrictions create a problem for commercial vehicle drivers as they search for a place to park. Only six states responding indicated that local parking

restrictions appeared significant enough to be a problem to commercial vehicle drivers.

Six responding states indicated that at least some of their rest areas were closed during the winter. Furthermore, four agencies responding indicated that some rest areas were permanently closed in the last 5 years and not replaced. The most commonly cited reason for these closings was lack of operating or capital funds. Also mentioned were a lack of user demand and the goal of reducing the incidence of crime.

LIMITS TO COMMERCIALIZATION OF REST AREAS

Title 23, Section 752.3 of the Code of Federal Regulations defines a safety rest area as “a roadside facility safely removed from the traveled way with parking and such facilities for the motorist deemed necessary for his rest, relaxation, comfort and information needs.” Current Federal-Aid Highway Law (U.S. Code 23, § 111), however, limits commercialization of rest areas on the IHS.

All agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause proving that the State will not add any point of access to, or exit from, the project in addition to those approved by the Secretary in plans for such project, without the prior approval of the Secretary. Such agreements shall also contain a clause providing that the State will not 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 (14).

As authorized in 23 U.S.C. 111(b) and as provided under Section 752.5, the state may permit the placement of vending machines in existing or new safety rest areas located on the rights-of-way of the Interstate system for the purpose of dispensing such food, drink, or other articles the state determines are appropriate and desirable, except that the dispensing by any means of petroleum products or motor vehicle replacement parts shall not be allowed. Such vending machines shall be operated by the state. Some exemptions exist for these prohibitions for toll roads such as the New York State Thruway Authority and the Pennsylvania Turnpike, because these roads were built before being designated as part of the Interstate system.

The survey results presented in Table 1 indicate that many states are interested in pursuing more expanded commercialization of rest areas. A small number of agencies indicated that they had authority to work with the private sector in the planning, construction, and maintenance of rest areas. For example, the Iowa DOT entered into a public-private partnership to develop and maintain a welcome center along Interstate 35. A private developer was responsible for the maintenance and operation, with the Iowa DOT sharing the costs.

TABLE 1
NUMBER OF STATES WITH AUTHORITY TO PURSUE
SELECTED DEVELOPMENT ACTIVITIES

Activity	No. of States Permitting Activity
Partnership with private sector in planning of rest areas	7
Partnership with private sector in planning of truck parking areas	7
Partnership with private sector in constructing rest areas	6
Partnership with private sector in constructing parking areas	3
Partnership with private sector in constructing of truck parking areas	5
Partnership with private sector in operating and maintaining rest areas	10
Partnership with private sector in maintaining and operating truck parking areas	5

REST AREA FUNDING

Construction and reconstruction of rest areas can be funded using a variety of federal-aid highway funding categories. Rest areas located on the IHS, as well as others located on the NHS, are eligible for funding under the NHS program. All others are eligible under the Surface Transportation Program. Interstate Maintenance funds may be used to construct new rest areas or to reconstruct existing rest areas along the IHS. Funding for all or portions of the planning, development, and reconstruction of rest areas may also be provided under other federal-aid programs, including scenic highway, safety, and transportation enhancement funds.

REST AREA MASTER PLANNING

Public rest areas were never meant to compete with the commercial vehicle parking industry. Legislative restrictions have been placed on the amount of service provided at public rest areas to limit commercialization. Under 752.5 (e) of the Code of Federal regulations, it is recommended that the state maintain a rest area system plan. The section states

This plan should include development priorities to ensure safety rest areas will be constructed first at locations most needed by the motorist. Proposals for safety rest areas or similar facilities on Federal-aid highways in suburban or urban areas shall be special case and must be fully justified before being authorized by the FHWA Regional Administrator (14).

The regulations further suggest that expansion and modernization of older facilities be considered under Section 752.5 (f).

Facilities within newly constructed safety rest areas should meet the forecast needs of the design year. Expansion and modernization of older existing rest areas that do not provide adequate service should be considered (14).

The AASHTO *Guide for Development of Rest Areas on Major Arterials and Freeways* provides guidance on the design and development of rest areas and is an important reference for rest area master planning (15).

A total of 12 agencies reported having developed a statewide master rest area policy, master plan, and/or improvement program for public rest area construction and maintenance. In 1999, the California DOT (Caltrans) developed and approved a plan for improving its rest area system. A new statewide master plan was devised in 2000, which provides for rehabilitation of the existing 88 rest area units and the development, over a specified time, of an additional 88 rest areas. Montana DOT has recently developed a comprehensive plan that addresses the long-term needs of the traveling public, a plan that is guiding the department's rest area policy decisions and priorities (16). The Montana plan represented an update to an earlier master plan completed in 1985. The 1999 update followed a three-part work effort, including

- A field inventory of rest area facilities,
- A survey of rest area users, and
- Plan development.

The result of this process was a long-term (20-year), comprehensive plan to guide the development of Montana's rest areas. This plan includes policies and recommendations to guide rest area location and development, design, operation, maintenance, stakeholder involvement, and environmental considerations.

Kentucky has developed a Rest Area Master Plan that is on track to meet the repair and maintenance needs of its rest area facilities. To expand the available spaces for commercial truck parking, Kentucky has adopted a plan that permits truckers to use weigh stations for long-term parking. Also, Maine is currently in the process of developing a complete plan, which will determine the service needs for commercial vehicle parking and explore alternatives to constructing and maintaining these facilities.

STATE LEGISLATIVE, LEGAL, AND REGULATORY AUTHORITY TO SUPPORT PLANNING, CONSTRUCTING, MAINTAINING, AND OPERATING REST AREAS

Agencies were asked to indicate whether they had the authority under state law to pursue a number of activities related to the planning, constructing, maintaining, and operating of rest area facilities. Of the 24 states responding to the survey, 12 have the authority to construct truck-only rest areas, 13 have the authority to construct roadside truck parking areas, and 10 may establish partnerships with the private sector to maintain or operate rest areas.

SUMMARY

Several states have active and ongoing rest area master planning activities designed to improve services and expand parking availability. Many of these states recognize the need to address the aging infrastructure at the rest areas through reconstruction and redevelopment of existing sites.