



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

Item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 15, 2019

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Yates
Action: Motion Carried, Unanimously

Title: Highway Naming: Renaming U.S. Route 1 and VA Route 110 in Arlington County from "Jefferson Davis Highway" to "Richmond Highway"

WHEREAS, the Arlington County Board of Supervisors has requested that the portion of Jefferson Davis Highway (U.S. Route 1 and VA Route 110) that lies within the borders of Arlington County be renamed; and

WHEREAS, on June 23, 2018, the Alexandria City Council adopted an ordinance changing the name of U.S. Route 1 within the Alexandria City limits from "Jefferson Davis Highway" to "Richmond Highway", effective January 1, 2019; and

WHEREAS, the portion of U.S. Route 1 located in Fairfax County is also named "Richmond Highway"; and

WHEREAS, the Arlington County Board of Supervisors seeks a name change for the portion of U.S. Route 1 and VA Route 110 located in Arlington to avoid confusion and to promote consistency in the name of U.S. Route 1 in the three jurisdictions, the city of Alexandria and counties of Arlington and Fairfax; and

WHEREAS, § 33.2-213 of the *Code of Virginia* provides that Commonwealth Transportation Board (CTB) shall have the power and duty to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highway; and

WHEREAS, § 33.2-213 of the *Code of Virginia* provides that no name shall be given to any state highway, bridge, interchange, or other transportation facility by the CTB unless and until the CTB receives from the governing body of the locality within which a portion of the facility to be named is located a resolution of that governing body requesting such naming, except in such cases where a private entity has requested the naming; and

WHEREAS, § 33.2-213 of the *Code of Virginia* provides further, that the Virginia Department of Transportation (VDOT) shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the transportation facility so named; and

WHEREAS, while the General Assembly, in Chapter 286 of the 1922 Virginia Acts of Assembly, named U.S. Route 1 “the Jefferson Davis Highway”, the Virginia Attorney General’s Office has opined in an advisory opinion dated March 21, 2019 (AG Opinion) that the CTB “may change the name of those portions of Jefferson Davis Highway located in Arlington County, provided that its Board of Supervisors adopts a resolution requesting the renaming”; and

WHEREAS, in accordance with § 33.2-213 of the *Code of Virginia* and the AG Opinion, Arlington County has requested, by resolution dated April 25, 2019, that the CTB rename the portion of Jefferson Davis Highway located within Arlington County, as “Richmond Highway” or in the alternative, “Richmond Boulevard”; and

WHEREAS, the Arlington County Board of Supervisors has reached out to residents and businesses along Jefferson Davis Highway and held a public hearing seeking public comments regarding the proposed re-naming; and

WHEREAS, renaming the portion of Jefferson Davis Highway located within Arlington County as “Richmond Highway”, rather than “Richmond Boulevard”, would render the name of U.S. Route 1 and VA Route 110 consistent among the three localities and reduce confusion among travelers; and

WHEREAS, Arlington County has agreed to pay VDOT for the costs of producing, placing, and maintaining the signs calling attention to this naming.

NOW THEREFORE BE IT RESOLVED, pursuant to § 33.2-213 of the *Code of Virginia* and the AG Opinion dated March 21, 2019, the CTB hereby renames the section of Jefferson Davis Highway (U.S. Route 1 and VA Route 110) located within Arlington County as “Richmond Highway”; and

BE IT FURTHER RESOLVED, that VDOT is directed to produce, place, and maintain the signs calling attention to this naming, and secure payment from Arlington County for these costs as required by law.

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CTB Decision Brief

Highway Naming: Renaming U.S. Route 1 and VA Route 110 in Arlington County from “Jefferson Davis Highway” to “Richmond Highway”

Issue: Arlington County has requested approval of the Commonwealth Transportation Board (CTB) for the re-naming of U.S. Route 1 and VA Route 110 within the County of Arlington from “Jefferson Davis Highway” to “Richmond Highway” or in the alternative, if the CTB so chooses, to “Richmond Boulevard”.

Facts: The Arlington County Board of Supervisors adopted a resolution on April 25, 2019, requesting that the CTB rename Jefferson Davis Highway within the County of Arlington to “Richmond Highway” or in the alternative, “Richmond Boulevard”. The Alexandria City Council voted on June 23, 2018, to adopt an ordinance changing the name of U.S. Route 1 from “Jefferson Davis Highway” within the Alexandria City limits to “Richmond Highway”, effective January 1, 2019. In addition, the portion of U.S. Route 1 located in Fairfax County is named “Richmond Highway”. The Arlington County Board of Supervisors seeks the name change to avoid confusion and to promote consistency in the name of U.S. Route 1 in the three jurisdictions, the City of Alexandria and the Counties of Arlington and Fairfax.

The General Assembly, in Chapter 286 of the 1922 Virginia Acts of Assembly, named U.S. Route 1 “the Jefferson Davis Highway”. The Virginia Attorney General’s Office stated in an advisory opinion (AG Opinion) on March 21, 2019 that the CTB “may change the name of those portions of Jefferson Davis Highway located in Arlington County, provided that its Board of Supervisors adopts a resolution requesting the renaming.”

Both the Arlington County Board of Supervisors Resolution and the AG Opinion have been attached to this Decision Brief.

Recommendations: The Virginia Department of Transportation (VDOT) advises, that if the CTB deems renaming of Route 1 and VA Route 110 (Jefferson Davis Highway) in Arlington County to be appropriate, the name “Richmond Highway” may be preferable over “Richmond Boulevard” for purposes of consistency.

Action Required by CTB: The *Code of Virginia*, § 33.2-213, requires a majority of the CTB members to approve a resolution naming a highway or bridge, as appropriate. A resolution will be provided for the CTB’s consideration.

Result if Approved: The section of Jefferson Davis Highway within Arlington County will be renamed, as requested by Arlington County. In accordance with § 33.2-213 of the *Code of Virginia*, Arlington County agrees and will be required to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
Fax 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

March 21, 2019

The Honorable Mark H. Levine
Member, Virginia House of Delegates
301 King Street
Alexandria, Virginia 22314

Dear Delegate Levine:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the Code of Virginia.

Issue Presented

You ask whether the Commonwealth Transportation Board has the power to rename those portions of Jefferson Davis Highway located in Arlington County.

Background

You relate that Route 1 was designated a primary road in the state highway system in 1918 and was named "Jefferson Davis Highway" by the General Assembly in 1922. You believe that § 33.2-213 of the Code of Virginia gives the Commonwealth Transportation Board authority to rename those portions of "Jefferson Davis Highway" located in Arlington County if the Board of Supervisors adopts a resolution requesting such a change.

Applicable Law and Discussion

On January 31, 1918, the Virginia General Assembly established the state highway system and designated Route 1 as a primary road therein.¹ On March 17, 1922, the Virginia General Assembly named Route 1 "the Jefferson Davis Highway":

¹ 1918 Va. Acts ch. 10. This portion of Jefferson Davis Highway you reference as being in Arlington County currently is classified by the Virginia Department of Transportation as a primary highway. Additionally, State Route 110 is designated on some maps as Jefferson Davis Highway and is also a primary highway. *See, e.g.*, VA. DEP'T OF TRANSPORTATION, ROUTE INDEX at 1, 13 (rev. 7/1/2013), available at <http://www.virginiadot.org/info/resources/route-index-07012003.pdf>.

Be it enacted by the general assembly of Virginia, [t]hat primary road number one of the State highway system, as established by an act approved January thirty-first, nineteen hundred and eighteen, is hereby designated, and shall hereafter be known as, the Jefferson Davis highway, in honor of the only president of the Confederates [sic] States of America.^[2]

Localities are authorized by statute to name streets, roads, and alleys in their jurisdiction,³ and “[s]uch names shall take precedence over any other designation” except for names of primary highways made by the Commonwealth Transportation Board (CTB) or the General Assembly.⁴ The CTB, established under § 33.2-200, is vested with the authority to “give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways.”⁵ Except in the case of private naming rights, the CTB is not to name a transportation facility unless it receives a request from the governing body of the locality in which a portion of the facility is located.⁶

With regard to the portion of Jefferson Davis Highway in question, the essential question is whether § 33.2-213 gives the CTB power to rename a primary highway originally named by the General Assembly. Section 33.2-213 currently references the renaming of transportation facilities “previously named by . . . the General Assembly” only in the case of renaming a facility by a private entity and, in such event, requires that the new name incorporate the previous name given by the General Assembly.⁷ No similar restriction or other limitation is placed on the CTB in renaming state transportation facilities originally named by the General Assembly at the request of the locality in which a portion of the facility is located.⁸

This was not always the case. For many years prior to 2012, state law expressly excluded from CTB’s renaming authority “such highways, bridges, or interchanges as have been or may hereafter be named by the General Assembly.”⁹ In 2012, however, the General Assembly deleted this language from the statute, as reflected in the following excerpt from the Acts of Assembly:

The Commonwealth Transportation Board shall be vested with the following powers and shall have the following duties:

[. . .]

Naming highways, bridges, ~~and~~ interchanges, *and other transportation facilities*. To give suitable names to state highways, bridges, ~~and~~ interchanges, *and other transportation facilities*, and change the names of any highways, bridges, ~~or~~ interchanges, *or other transportation facilities* forming a part of the systems of state highways, ~~except such~~

² 1922 Va. Acts ch. 286.

³ VA. CODE ANN. § 15.2-2019 (2018).

⁴ *See id.*; VA. CODE ANN. § 33.2-213 (2014).

⁵ VA. CODE ANN. § 33.2-213.

⁶ *Id.* A private entity paying the Virginia Department of Transportation an annual naming rights fee, as established by the Commonwealth Transportation Board, may request the naming of a state transportation facility, in which case no resolution of the governing body is required. *See id.*

⁷ *Id.*

⁸ *See id.*

⁹ *See* VA. CODE ANN. § 33.1-12(4) (2011) (current version, as amended, at § 33.2-213).

~~highways, bridges, or interchanges as have been or may hereafter be named by the General Assembly [. . .]~~^[10]

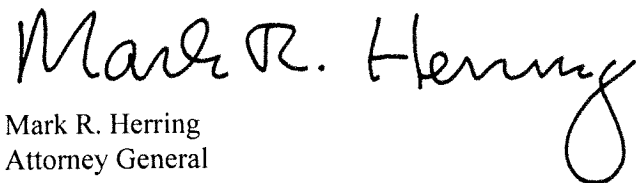
The deletion of this language in 2012 demonstrates a clear legislative intent to empower the CTB to rename transportation facilities that were originally named by the General Assembly.¹¹

Conclusion

Accordingly, it is my opinion that the Commonwealth Transportation Board may change the name of those portions of Jefferson Davis Highway located in Arlington County, provided that its Board of Supervisors adopts a resolution requesting the renaming.

With kindest regards, I am,

Very truly yours,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is written in a cursive style with a large, looping "H" and "R".

Mark R. Herring
Attorney General

¹⁰ 2012 Va. Acts ch. 729; *see also* 2012 Va. Acts. ch. 733 (containing identical amendments).

¹¹ *See* *W. Lewinsville Heights Citizens Ass'n v. Bd. of Supvrs.*, 270 Va. 259, 265, 618 S.E.2d 311, 314 (2005) (“[T]here is a presumption that the General Assembly, in amending a statute, intended to effect a substantive change in the law.”).



KENDRA JACOBS
CLERK TO
THE COUNTY BOARD

ARLINGTON COUNTY, VIRGINIA
OFFICE OF THE COUNTY BOARD

2100 CLARENDON BOULEVARD, SUITE 300
ARLINGTON, VIRGINIA 22201-5406
(703) 228-3130 • FAX (703) 228-7430
E-MAIL: countyboard@arlingtonva.us



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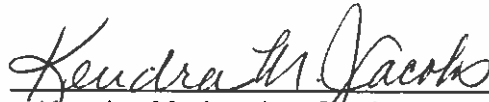
KATIE CRISTOL
ERIK GUTSHALL
MATT DE FERRANTI

CERTIFICATION

I hereby certify that at its April 25, 2019 Recessed Meeting, on a motion by Libby Garvey, Vice Chair, seconded by Erik Gutshall, Member, and carried by a vote of 5 to 0, the voting recorded as follows: Christian Dorsey, Chair - Aye, Libby Garvey, Vice Chair - Aye, Katie Cristol, Member - Aye, Erik Gutshall, Member - Aye, and Matt de Ferranti, Member - Aye, the County Board of Arlington, Virginia, approved the attached **Resolution Requesting the Commonwealth Transportation Board to Change the Name of that Portion of Jefferson Davis Highway Located in Arlington County.**

Given under my hand this 26th day of April 2019.

SEAL



Kendra M. Jacobs, Clerk
Arlington County Board

RESOLUTION
REQUESTING THE COMMONWEALTH TRANSPORTATION BOARD TO
CHANGE THE NAME OF THAT PORTION OF JEFFERSON DAVIS HIGHWAY
LOCATED IN ARLINGTON COUNTY

WHEREAS, the Arlington County Board has long expressed its interest in renaming that portion of Jefferson Davis Highway that lies within the borders of Arlington County; and

WHEREAS, the Arlington County Board, beginning in 2017, participated in the City of Alexandria's Ad Hoc Advisory Group on Renaming Jefferson Davis Highway, established to solicit public feedback and consider potential new names; and

WHEREAS, the Advisory Group, in Fall 2017, after conducting an online survey and holding a public hearing, unanimously recommended "Richmond Highway" as the new name for Jefferson Davis Highway within the boundaries of the City of Alexandria; and

WHEREAS, the Alexandria City Council voted on June 23, 2018, to adopt an ordinance changing the name Jefferson Davis Highway within the Alexandria City limits to "Richmond Highway" effective January 1, 2019; and

WHEREAS, the Arlington County Board committed in its 2019 Legislative Package to explore avenues to rename the portion of Jefferson Davis Highway located within Arlington; and

WHEREAS, the portion of the highway located within Fairfax County is named "Richmond Highway;" and the Arlington County Board seeks the name change to avoid confusion and to promote consistency in the naming of the highway now called "Richmond Highway" in the City of Alexandria and Fairfax County; and

WHEREAS, the Arlington County Board has reached out to residents and businesses along Jefferson Davis Highway within the County to inform them of the County's intent to request that the name of the highway within the County be changed to "Richmond Highway;" and the Arlington County Board held a public hearing seeking public comment on whether to request the Commonwealth Transportation Board to rename Jefferson Davis Highway to "Richmond Highway, or should the Commonwealth Transportation Board elect, "Richmond Boulevard;" and

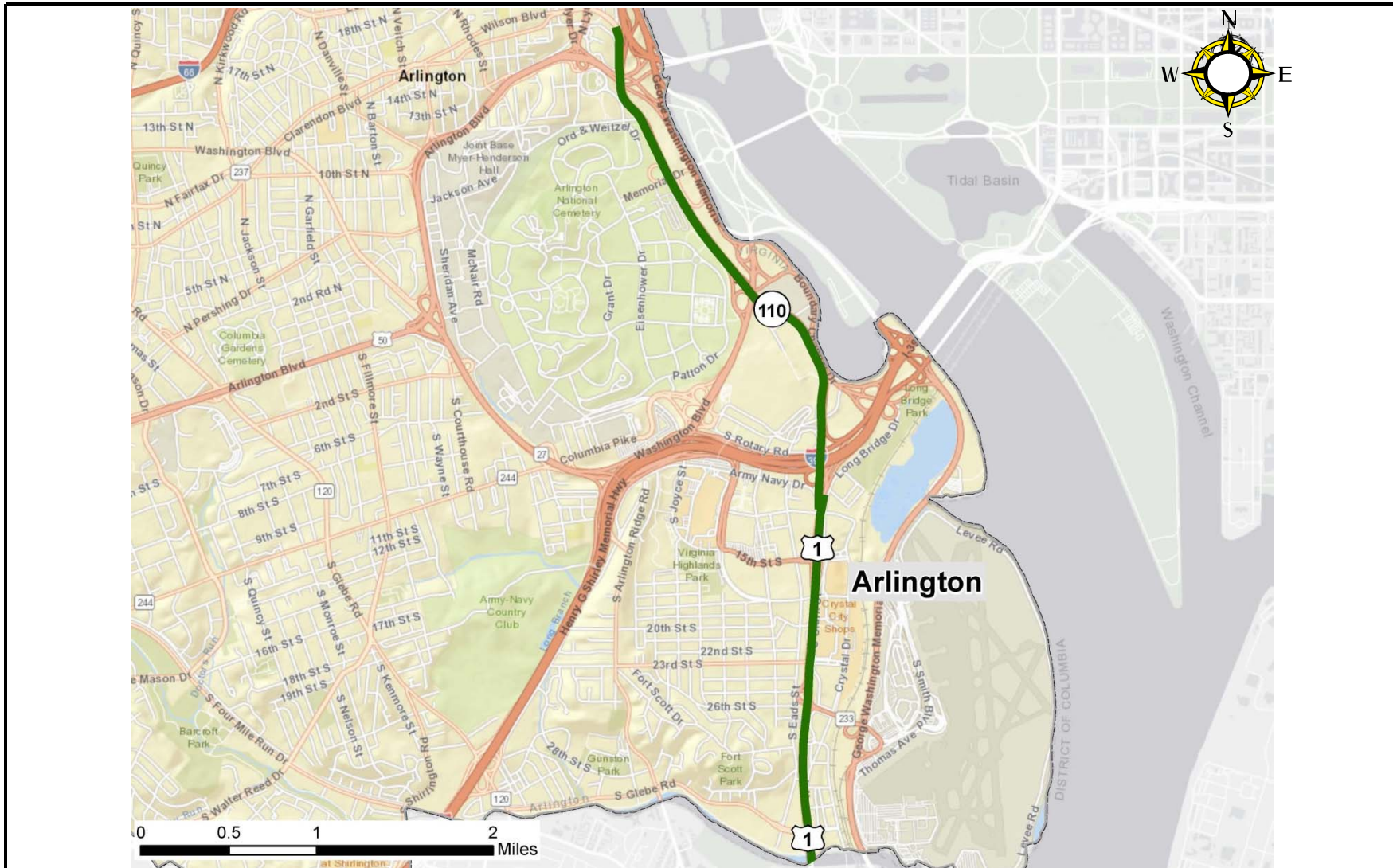
WHEREAS, Section 33.2-213 of the Code of Virginia authorizes the CTB to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways; and

WHEREAS, Section 33.2-213 provides that the Virginia Department of Transportation shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the Commonwealth Transportation Board, and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington County Board, in accordance with 33.2-213, hereby requests the Commonwealth Transportation Board to rename the portion of Jefferson Davis Highway that lies within the boundaries of Arlington County “Richmond Highway,” or, if the Commonwealth Transportation Board so elects, “Richmond Boulevard,” effective no later than October 1, 2019; and


BE IT FURTHER RESOLVED, that the Arlington County Board agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Adopted by the Arlington County Board on April 25, 2019



Maintenance Division
May 15, 2019

Arlington County Proposed Highway Segment Naming: "Richmond Highway"

 Proposed Highway Naming